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

June 5, 2017 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2017-13

Submitted By:

_____
Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. **Special Recognition - Sgt. Chris Burke**
B. **Special Recognition - Carl Uchytil**
C. **Proclamation - Juneau Pride**

IV. APPROVAL OF MINUTES

A. **May 15, 2017 Regular Assembly Meeting 2017-11**
B. **May 19, 2017 Special Assembly Meeting 2017-12**

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 2017-11 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.

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:

Operation Mill Rate by Service Area	**Millage**
Roaded Service Area	2.30
Fire Service Area	0.36
Areawide	6.70
Operating Total	**9.36**
Debt Service	**1.30**
Total	**10.66**

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

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.

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.

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.

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.

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.

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.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. **Lands in Trust**

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

A. Mayor's Report

B. Committee and Liaison Reports

C. Presiding Officer Reports

XIII. ASSEMBLY COMMENTS AND QUESTIONS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

A. **CLIA Litigation**

XVI. ADJOURNMENT

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 - May 15, 2017

MEETING NO. 2017-11: 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 5:00 p.m. by Mayor Ken Koelsch.

I. FLAG SALUTE

II. ROLL CALL

Assembly Present: Mary Becker (arrived at 5:35 p.m.), Maria Gladziszewski, Norton Gregory, Loren Jones (arrived at 5:20 p.m.), 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; Rob Steedle, Community Development Director; Teri Camery, Senior Planner; Carl Uchytil, Port Director; Patty Wahto, Airport Manager; Bob Bartholomew, Finance Director; Roger Healy, Engineering and Public Works Director; Dallas Hargrave, HRRM Director; Greg Chaney, Lands and Resources Manager; Mark Miller, School Superintendent.

III. SPECIAL ORDER OF BUSINESS

A. Proclamation - USS O'Kane

Mayor Koelsch joined Port Director Carl Uchytil in presenting a proclamation declaring Monday, May 15, 2017 as USS O'Kane Day to Navy Chief Casey Christian, present on behalf of the USS O'Kane. Mayor Koelsch welcomed the vessel, its Captain and crew to Juneau and thanked the crew for its volunteer service to the community while in port.

IV. APPROVAL OF MINUTES

A. April 24, 2017 Regular Assembly Meeting 2017-08

Hearing no objection, the minutes of the April 24, 2017 Regular Assembly Meeting 2017-08 were approved.

B. April 26, 2017 Special Assembly Meeting 2017-09

Hearing no objection, the minutes of the April 26, 2017 Special Assembly Meeting 2017-09 were approved.

C. May 3, 2017 Special Assembly Meeting 2017-10

Hearing no objection, the minutes of the May 3, 2017 Special Assembly Meeting 2017-10 were approved.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

VII. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

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

1. Ordinances for Introduction

a. Ordinance 2017-01 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 introduced and set for public hearing at the next regular Assembly meeting.

b. 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, Airport Board meeting. The Assembly Finance Committee referred this request for approval to the full Assembly at the AFC meeting on April 19, 2017.

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

c. 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 will be provided by the General Fund's Fund Balance.

Though Park 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 the AFC meeting on April 19, 2017.

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

d. 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 (PWFC) forwarded this request to the full Assembly at its May 1, 2017, regular meeting.

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

2. Resolutions

a. Resolution 2794 - A Resolution De-Appropriating $499,954.54 from the Salmon Creek Secondary Disinfection Capital Improvement Project, Loan Funding from the Alaska Department of Environmental Conservation.

The CBJ is de-appropriating the loan funding it did not use for the Salmon Creek Disinfection project: $499,954.54. The project was funded by legislative and ADEC grants and local funding; therefore it did not require use of this loan funding.

The original loan amount was for $5.27 million. Resolution 2746 de-appropriated $4,700,000 which left $570K of loan funds available. Only $70,045.46 of this loan was needed, thus we are now de-appropriating $499,954.54.

The Public Works and Facilities Committee approved this de-appropriation at its November 21, 2016, meeting.

The City Manager recommends the resolution be adopted.

b. Resolution 2798 - A Resolution Ratifying the Economic Terms Tentative Agreement Between the City and Borough and the Marine Engineers Beneficial Association, and Applying those Terms to Non-represented Employees.

This resolution would provide Assembly ratification of the economic terms reopener tentative agreement negotiated between the City and Borough of Juneau and the Marine Engineers Beneficial Association (MEBA) for fiscal year 2018, and would apply those same terms to non-represented employees of the CBJ.

The agreement includes the economic modification of a $950 lump sum payment in fiscal year 2018. The total cost of this provision for MEBA members and non-represented employees is projected to be approximately $489,600.

The City Manager recommends this resolution be adopted.

3. Liquor License

a. Liquor License #673 Transfer of Beverage Dispensary License & Applicaton for a Restaurant Designation Permit

Beverage Dispensary Liquor License #673 Transfer & Application for a Restaurant Designation Permit
Transfer FROM: James A. Holdings Company, LLC d/b/a James A. Holdings Company, LLC, Location: No Premises
Transfer TO: Juneau's Waterfront Restaurants, LLC d/b/a Pier 49 Seafood Station, Location: 406 S. Franklin Street.

The above liquor license transfer is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community

Development departments have reviewed the above transfer and found the business to be in compliance with CBJ Code.

In the event the Assembly does protest this transfer, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action will expire as of June 6, 2017.

The City Manager recommends the Assembly waive its right to protest this liquor license transfer and approve the application for a Restaurant Designation Permit.

4. Other Items for consent

   a. Standard Marijuana Cultivation Facility License #11384 Green Elephant LLC

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

   CBJ received notice of the following marijuana license application:

   Standard Marijuana Cultivation Facility License #11384
   Green Elephant, LLC ,
   Location: 8420 Airport Blvd, Building B, Juneau, AK 99801

   CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed this application for compliance with CBJ laws and regulations and recommends that the Assembly waive its right to protest the issuance of this license.

   As to CDD's recommendation, although Green Elephant does not yet have a local license and has not yet applied for or received a building permit for this location, CDD recommends allowing the applicant to move forward to obtain the state license. However Green Elephant will not be allowed to operate at this location until the city license has been issued.

   Due to the large quantity of documents associated with each marijuana license, your packets have been limited to the following documents:
   - State of Alaska Alcohol & Marijuana Control Office (AMCO) Notice to Local Governing Body
   - AMCO Marijuana online application forms (redacted)
   - Form MJ-01: Marijuana Establishment Operating Plan
   - Form MJ-02: Premises Diagram
   - Form MJ-08: Local Government Notice Affidavit

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

The City Manager recommends the Assembly waive its right to protest the issuance of this marijuana license to Green Elephant, LLC.

5. Transfers

a. Transfer T-986 Transfers $65,000 from One Capital Improvement Project to Provide Funding for One Capital Improvement Project.

This transfer of $65,000 of water utility funds will provide the necessary funds to repair the water main in Engineers Cutoff adjacent to Fritz Cove Road. This segment of water main has been repaired numerous times with the most recent repair being in the middle of April. This water main is in imminent danger of catastrophic failure and needs to be replaced this construction season.

The SCADA Upgrades Project is also an important project to the water utility; however preventing a catastrophic water main failure is a higher priority and the SCADA Upgrades CIP will still have adequate funding to continue forward.

The Assembly Public Works and Facilities Committee reviewed this request on May 1, 2017, and forwarded it to the Assembly for adoption.

The City Manager recommends this transfer be approved.

b. Transfer T-987 Transfers $270,000 from Five Capital Improvement Projects to Provide Funding for One Ongoing Capital Improvement Project.

This transfer of $270,000 of sales tax funds will provide the Seawalk - Bridge to Gold Creek project with the necessary funding for the construction of the pump room. This funding will enable the whale statue and fountainworks to be completed.

The Montana Creek Bike Trail, P&R Department Review, LCB Mining Museum Ped. Bridge, and Fish Creek Improvements projects are complete and the transfers will close out these CIPs. The Parks & Playground CIP provides funding for priority park and playground projects annually. These funds will be transferred into the Bridge Park CIP, P41-090.
Transfer from:

Project	**Transfer Amount**
P46-047 Montana Creek Bike Trail	$8,932
P46-099 P&R Department Review	$25,521
P46-070 LCB Mining Museum Ped. Bridge	$16,402
P41-027 Fish Creek Improvements	$40,288

P41-059 Parks & Playground Improvement	$178,857
Total Transfer Amount	**$270,000**

The Public Works and Facilities Committee (PWFC) forwarded this request at its May 1, 2017, regular meeting.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

A. Ordinance 2017-07 An Ordinance Appropriating Funds from the Treasury for FY18 School District Operations

This ordinance would appropriate to the School District an FY18 operating budget of $87,267,200. This is an overall increase in the budget of $1.70 million from the FY17 Amended Budget. The School District's operating budget is:

· General Operations	$72,020,700
· Special Revenue (pupil transportation, food service, etc.)	7,164,400
· Other	8,082,100
Total Budget	$87,267,200

The FY18 school budget is supported with a combination of funding sources that includes local funding of $26,935,900. This consists of: $26,010,200 for general operations and $925,700 for programs and activities outside of the CAP.

These programs and activities include: $740,700 for student activities, $50,000 for pupil transportation, $40,000 for food service, and $95,000 for Community Schools. The $26 million in general operations support is an increase of $1 million over FY17. The other program and activities funding is unchanged.

The original ordinance was introduced at the April 5, 2017, Special Assembly meeting and referred to the Assembly Finance Committee for deliberation. On April 26, 2017, a Special Assembly meeting was held to hear public comment and for the Assembly to state, by motion, the amount of local funding to be provided to the School District.

The Assembly Finance Committee moved the ordinance at its May 10, 2017, meeting. The charter requires adoption by May 31, 2017.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gladziszewski, to adopt Ordinance 2017-07. Hearing no objection, it was so

ordered.

B. Ordinance 2017-09 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of a Portion of USS 1568 TR B, Locally Known as Honsinger Pond, from Rural Reserve to Industrial.

On January 24, 2017, the Planning Commission approved the forwarding of an ordinance to the Assembly rezoning 23 acres of an 83 acre lot, locally known as the Honsinger Pond, from Rural Reserve to Industrial, with the following condition:

> Prior to a zone change from Rural Reserve to Industrial, the property owner shall obtain and develop legal access to the subject parcel from Maplesden Way or an alternate access approved by the CBJ Community Development Department Director, in conformance with CBJ Code 49.15.424.

The Commission determined this condition was necessary because the Alaska Department of Transportation and Public Facilities will not approve use of the current access (a driveway on Yandukin Drive).

After the Commission voted to recommend the rezone, the applicant verified the boundaries of the proposed rezone area with an engineering firm. The applicant has since explained that the 23 acres originally identified in the application was based on a rough approximation. When the applicant verified final boundaries with the engineering firm, the firm noted that the original boundaries extended into the Yandukin/Egan Drive right-of-way, and therefore adjustments were necessary. The revised estimation is 26.21 acres. The Community Development Department notes that this change would not alter the analysis and findings in the AME20160007 staff report.

The City Manager recommends this ordinance be adopted.

Mr. Watt noted an substitute ordinance version (b), provided by the city attorney and distributed at the meeting, which added a section 3 as follows: "Condition. The zone changes is subject to the following condition: Prior to a zone change from Rural Reserve to Industrial, the property owner shall obtain and develop legal access to the subject parcel from Maplesden Way or an alternate access approved by the CBJ Community Development Department Director, in conformance with CBJ Code 49.15.424."

Loren Jones joined the meeting via teleconference.

Public Comment:

Gerald Grant supported the use of the property for use as an off-road vehicle park.

Stuart Cohen said is issue had been before the Assembly before and people feel that the decision has been made on this issue. The property owner bought the parcel hoping to change the zoning laws in place to make the property more profitable, and this change is only to benefit one person. He disagreed with changing the law when it was not for the public good.

Mary Becker joined the meeting via teleconference.

Susan Erben said she is a member of the Lemon Creek Planning group. She said this property is important bird habitat and the view shed is important to the community. She distributed testimony from Pat O'Brien, who was unable to attend the meeting. She said Ms. O'Brien has maintained a mailing list of 164 people to inform them of issues, including this rezoning ordinance. She read from Ms. O'Brien's letter, which opposed the rezoning of this parcel.

Tom Chapple spoke about how his property in Indian Cove is in a similar situation to the property under consideration, in that he owns the beach in front of his home, but he would not consider preventing the public use of the beach. This property to be rezoned has been enjoyed by the public for years. If this ordinance is passed it is a huge financial windfall to the owner and a detriment to the public.

Frank Bergstrom said he lives across the road from the property and supported the rezoning to allow a former gravel pit to become industrial and felt the change was an economic asset to the community.

Sue Randall objected to the rezone and said that a development can look different on paper than in reality. She likened the situation to the Spuhn Island cell tower situation which she objected to and still considers to be a problem. She said the sound of a moto-cross park would be magnified across the water and would have detrimental impacts.

Keith Imel said Mr. Bicknell owns the property and pays property tax, and as the owner he has the right to develop the property. The airport was allowed to develop wetlands and similarly, it does not make sense to prohibit the private sector from development. There are plenty of foot and bike trails, but motorized trails are not available and he said seem to be treated as a "second class." He spoke about the existing noise of the airport.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2017-09 (b).

Mr. Nankervis acknowledged the number of emails received on the issue and the testimony. This ordinance outlines a different rezone with different findings in a different request than was previously heard regarding this property. He said that adjacent zoning was recently increased from D-5 to D-18 to promote housing development. He said he enjoys the view and his concern is that this is private property. There is a conditional use permit process that is required to obtain permission to develop a moto-cross park on the property.

Ms. Weldon said her cousin is married to Spike Bicknell and she had spoke with the city attorney, and determined that she did not have a conflict on the issue.

Ms. White read from Title 49, Article II, and said the rural reserve description states that following resource extraction lands should be developed accordingly. A large part of the property will be moved into a land trust. She spoke about the taxes Mr. Bicknell has paid on this property in excess of $100,000 over the years. A private investor is considering developing an off-road vehicle park that the city has been unable to develop. She supported the

motion.

Mr. Jones said a rezone is not permission to do any development and a landowner is not required to state a use for the property. He said the Table of Permissible Uses outlines that both RR and Industrial zoning allow the use of a moto-cross park. The concern from the Airport Board is that industrial uses are different from RR uses and any development the owner proposes will need to be considered for airspace incursions. The airport is in negotiations with the owner and the city and state regarding access onto Maplesden. He said he would oppose the ordinance because the proposed use could be done in the current zoning district.

Mr. Gregory said he would vote yes on this rezone request as it conforms to the land use plan and was approved by the Planning Commission. Many people are excited about the rezone and its future potential and the Assembly has identified a need for industrial land.

Ms. Gladziszewski said she supported the concerns in testimony about the quality of life and the beauty of the area. She understands the need for industrial land. This call made by the Planning Commission is clear based on the code and complies with rationale, careful development. She supports the ordinance because it is good planning for the community.

Mr. Kiehl appreciates the debate and said he struggled with this issue. The current zoning allows a permit to be granted for a moto-cross park, and he understands that the rezone is not about any specific plan but the future use of a piece of land. There are more things that are not allowed in Industrial than in RR, including housing, daycare, and other needed items. He spoke about balancing community values and needs. He opposed the rezoning ordinance and spoke about the importance of the view shed.

Ms. White said CBJ is the largest landowner and has thousands of acres set aside for recreation and preservation.

Roll call:
Aye: Becker, Gladziszewski, Gregory, Nankervis, Weldon, White, Koelsch
Nay: Jones, Kiehl
Motion passed, 7 ayes, 2 nays.

C. Ordinance 2017-10 An Ordinance Authorizing the Sale of Foreclosed Property Located at 15860 Glacier Highway by Public Auction.

This ordinance addresses the final step in the foreclosure process of real property located at 15860 Glacier Highway. The back property taxes owed on the property total $16,356.10 and are from tax years 2014, 2015, and 2016.

State law provides that tax-foreclosed property conveyed to a municipality and not required for a public purpose may be sold. This ordinance would establish that the property is not needed for a public purpose, and authorizes the manager to dispose of it by public outcry auction held in accordance with CBJ 53.09.230.

A version (b) has also been included in the packet for your consideration. Version (b)

authorizes a secondary method of sale in the event the property is not successfully disposed of via outcry auction.

The City Manager recommends this ordinance be adopted.

Public Comment:

Carmen Lorenz, owner of the property, acknowledged that she owed the city money and said that she intends to pay. Her husband died, then she had an accident and was in the hospital, and she failed to pay 2015 and 2016 taxes. She has a plan for repayment. The property has been in her family for 30 years. It is important to carry on her husband's legacy. She will pay $500 a month and is attempting to obtain a loan. She will have no issue regarding paying the property tax when her retirement benefits start this year.

Mr. Gregory asked if the CBJ has already foreclosed on this property and how a repayment would work. Mr. Watt said that CBJ has foreclosed and Ms. Lorenz has a right to repurchase before the property is sold. The longer the taxes are unpaid, the more penalty and interest accrues. There is an effective date of the ordinance and if you adopt, there will be no sale of the property until the ordinance is effective.

Mr. Kiehl asked Ms. Lorenz how long it might take to obtain a loan. She said she is working with Alaska Legal Services and she anticipated the ability to pay by August 1.

Mr. Bartholomew said that the prior owner has a right to repurchase up to the point of disposal. CBJ would move quickly to sell the property in order to limit liability. He was not familiar with any type of payment plan being allowed in this type of situation, and the ordinance would likely be effective before such a payment was made but there was discretion in establishing the date of sale.

Mr. Gregory asked if there was a way to have the staff handle this type of issue rather than such matters coming before the Assembly. Mr. Bartholomew said there has been significant notice. Another issue is that the property is currently occupied and CBJ does not have complete control regarding activity on the property, so there is liability.

Mr. Watt said this is an unusual case for Juneau and staff has investigated the process in Anchorage and Fairbanks. Generally there, the properties are sold as is, where is and the municipality does not generally intervene further.

Mr. Kiehl asked when the date of redemption period expired. Mr. Bartholomew said the one year redemption period ended a month ago. We have done notice and outreach through the entire process over a fifteen month period. There is still an ongoing right up until disposal through state law for the owner to purchase the property for the amount due.

Mr. Nankervis asked about a payment plan for a foreclosed property. Mr. Bartholomew said he could not speak to a payment plan and staff would set a minimum price on the property and if the price was not obtained, would return the matter to the Assembly. Mr. Watt said an outcry auction with a minimum sale price was anticipated and any funds received above the taxes and costs due would be returned to Ms. Lorenz.

Ms. Gladziszewski asked how the owner was contacted. Ms. Lorenz said the foreclosure was recent and spoke about the contacts she has made with the city. She said there have been annual notices regarding the taxes and approximately 3 notices regarding the foreclosure.

Mr. Kiehl asked if staff had found any public purpose for this property, such as the homebuild program. Mr. Watt said Lands staff reached out and discussed the property with the homebuild program and they determined it was not a good parcel for this program. BRH looked at the parcel and found the site lacking for their needs. Mr. Chaney, Mr. Steedle and Mr. Watt have had contact with the property owner.

Mr. Gregory expressed concern that the building was occupied. He asked if Ms. Lorenz might have trouble obtaining a loan on the property if in was owned by CBJ. Ms. Lorenz said she was seeking a renovation loan, and did not think CBJ ownership would be an issue. Her son and daughter-in-law were living there, along with her and she would be homeless if not living there. In an auction she would not get the full value of the property. She said she was willing to sign legal documents holding her to an agreement.

Mr. Watt said the interest is solely in recouping taxes and penalties owned and he did write a letter for Ms. Lorenz to assist with obtaining a loan. He recognizes that this is a family home and also acknowledges the need to collect taxes owed. We need a time certain for repayment of taxes. The Assembly could amend the effective date of the ordinance.

Ms. White said the final judgement and decree of foreclosure was done in March 2, 2016 and thought a similar document was filed in 2013. Mr. Bartholomew said he had no information on a 2013 foreclosure and Ms. Lorenz said taxes were paid in 2013 and no previous foreclosure procedures had been initiated. There was no foreclosure notice in 2014 or 2015 - not until 2016.

Ms. Gladziszewski asked if there was a way to remove the foreclosure of the property in lieu of a payment plan. Mr. Watt said that avenue existed but the time was past. It is currently city property subject to the code, with the exception is that the owner has the right of repurchase up to the date of the sale.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2017-10(b).

MOTION, by Kiehl, to amend Ordinance 2017-10(b) to change the effective date to August 2, 2017.

Mr. Nankervis objected. He said there has been ample opportunity to address this. With the current situation of people living in the building, this is a concern.

Mr. Gregory objected. He said there are people living in the building without a lease, he has concerns about the condition of the building, and there were ample opportunities to bring the situation current.

Mr. Kiehl spoke in support of his motion and said his interest was the final opportunity for redemption.

Ms. Weldon asked if eviction processes have been started. Mr. Watt said no. Ms. Weldon asked if that process could start. Mr. Watt said yes.

Roll call:
Aye: Gladziszewski, Jones, Kiehl, Weldon, White, Koelsch
Nay: Becker, Gregory, Nankervis
Motion passed, 6 ayes, 3 nays.

Hearing no objection, Ordinance 2017-10(b) was adopted as amended.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A. Regulation Amending 05 CBJAC 15 Dockage Charges, Reservation Charge Policy, and Loading Permit Fees

The Docks & Harbors Board held a public hearing at its April 27, 2017 regular board meeting to make changes to three regulations.

05 CBJAC 15.030 (Dockage Charges) acknowledges the removal of the Marine Park Lightering Float and incorporates two new moorage facilities resulting from the new cruise ship docks project - Port Field Office (PFO) Float and Inside Cruise Ship Terminal (ICT).

05 CBJAC 15.035 (Reservation Charge Policy) establishes guidance for optimizing Intermediate Vessel Float and Statter Harbor moorage through a formal reservation policy.

05 CBJAC 15.080 (Loading Permit Fees) incrementally raises the fees associated with coach, bus and taxis using the Docks & Harbors downtown managed "A" and "B" Zone permits. The fees would be raised over the next two years and then indexed to the Anchorage CPI beginning in 2025.

The proposed regulations were vetted through the Docks & Harbors committees and publicly advertised for a minimum of 21 days prior to the board hearing and action. There were no comments received during the public notice period or at the public hearing.

The City Manager recommends the Assembly adopt the proposed regulations changes.

Public Comment:

None.

Assembly Action:

MOTION, by Nankervis, to allow the proposed regulation changes to become effective without being taken up for Assembly consideration.

Mr. Uchytil explained how the reservation charge worked as a pre-pay of a day's moorage that would be lost if the vessel was a "no-show."

Hearing no objection, it was so ordered.

B. Regulation Amending 20 CBJAC 40 Commercial Passenger Vehicles (Pedicabs)

The current Commercial Passenger Vehicle (CPV) regulations only have insurance requirements for Class A and Class B vehicles. This regulation change would provide appropriate insurance requirements to include all classes of commercial passenger vehicles. An additional change would reduce the inspection fee for Class C vehicles from $50.00 per vehicle to $25.00 per vehicle. The current vehicle inspection fee for Class A and B (taxis, tour vans, limos, etc) vehicles is $50.00 per vehicle. The inspection of a Class C vehicle (pedicab) involves much less time than a motor vehicle; therefore the rate was reduced.
The public notice was posted at the public libraries and online, published in the Juneau Empire, and sent out to all holders of Certificates of Public Convenience & Necessity. Six public comments were received regarding this change and were reviewed by the agency. No revisions to the recommended changes came as a result of the public comment.

The City Manager recommends the Assembly adopt the proposed regulations changes.

Public Comment:

William Quayle said the insurance was corrected accordingly, and the operator fee was reduced, but the $1500 certificate fee was not changed and he said this was too high for this type of business. He said that Sitka only charged $450. He urged the Assembly to send this regulation back and separate this regulation from taxis and buses. He also wants to be able to operate at night, year round. His bike can only carry three passengers and he said this was a justification for a lower certificate fee. He said he would not pay $1500.

Mr. Nankervis asked Mr. Quayle if he had read the proposed regulations and he said he had and he supported the draft, but he asked the Assembly return the regulations to JPD to finish the work.

James Holcumb said he owns four pedi-cabs, he waded through the maze of regulations, was successfully doing business, and said he was having difficulty finding drivers. He is having no problems meeting the payment requirements with just two cabs and he does not want to get "cross-wise" with the taxi drivers who knows that he has paid the same rate as the cab drivers for the parking spaces that they all use. He spoke about a checklist that was reviewed by Cycle Alaska for inspection.

Mr. Nankervis asked if he had read the proposed regulations and if the changes made were adequate. He said yes. He has made a conscious decision to run his business despite the cost of insurance.

Assembly Action:

MOTION, by Nankervis, to allow to take affect without taking them up for Assembly consideration. Hearing no objection, it was so ordered.

C. Authorization for the Manager to Enter into a Negotiated Fair Market Value Sale of Lot 2, Renninger Subdivision

The Lands Office received an application from the Alaska Housing Development Corporation (AHDC) to purchase Lot 2, Renninger Subdivision. The AHDC is a local not-for-profit corporation, which has developed, owns and manages 136 affordable rental units on three sites in the same Lemon Creek neighborhood as Lot 2. Their goal is to develop Lot 2 along with the development of Lots 6 & 7 in the Renninger Subdivision.

The Lands Committee provided a motion of support for this direct negotiation at its May 1, 2017, meeting. As established in CBJ§53.09.260(a), staff recommends that this proposal be pursued by direct negotiation with the original proposers because of the direct correlation with Assembly housing goals.

The City Manager requests a motion of support to enter into direct negotiations for the disposal of Lot 2, Renninger Subdivision with The Alaska Housing Development Corporation at fair market value.

Public Comment:

None.

Assembly Action:

MOTION, by Gregory, to authorize the manager to enter into direct negotiations for the disposal of Lot 2, Renninger Subdivision, with the Alaska Housing Development Corporation at fair market value.

Mr. Jones asked and the location and identity of Lot 2 was clarified.

Hearing no objection, it was so ordered.

D. Protest Recommendation for Liquor License Renewal #2175 Midnight Ninja Ventures Inc. d/b/a Lupo

Staff from the Finance, Fire, Police, Engineering/Public Works and Community Development departments have reviewed the above liquor license renewal. The Finance Department is recommending protest of the renewal **based on a balance owing as of May 5, 2017 of $40,362.28 due to outstanding sales tax, liquor tax, penalties and**

interest from the fourth quarter 2016 and first quarter 2017 returns.

Normally, the licenses recommended for protest would be heard initially by the Assembly Human Resources Committee; however, the May 15 HRC meeting was cancelled and the 60-day comment period for Assembly action on this license will expire as of May 27, 2017 so this is coming to the Assembly directly for action.

CBJ Code 20.25.025 provides the business the right to an informal hearing before the Assembly if they choose to do so and this would be that opportunity should they choose to request an informal hearing. A copy of the letter dated May 5, 2017 notifying the licensee of their right to a hearing before the Assembly is included in your packet.

The City Manager recommends the Assembly protest the renewal of the liquor license #2175 due to the outstanding balances owing as outlined in the May 5, 2017 letter contained in your packet.

Public Comment:

Travis Smith spoke on behalf of his business. They did not have the cash on hand to pay the taxes. They performed a remodel of the restaurant that was more costly than anticipated and had lower business than anticipated and he said he chose to pay his staff over remitting the taxes. He believed if they could not use the beer and wine license, they would not be able to pay the tax down. He has a payment plan in place and believed that he could knock down half the debt by end of summer, and continue to pay 15 employees and operate.

Mr. Gregory asked if he was aware the tax was not his money to spend and Mr. Smith said yes.

Mr. Kiehl asked if there was a confession of judgement. Mr. Bartholomew said that the staff was close to having an official agreement signed, pending two out of state owners signing. The anticipated payment rate is to take several years and Mr. Smith hopes to pay sooner. Taking this approach would be similar to an agreement that had been made with two other business operations by the Assembly. Staff does its best to protect the sales tax and he thought the signed agreement would address this and if there is failure to meet the agreement, staff would recommend protest at the mid-year renewal.

Ms. Gladziszewski said her concern is that there is no signed agreement and discussed the timeline for comments from the Assembly.

Assembly Action:

MOTION, by Gladziszewski, to protest the renewal of liquor license #2175, Midnight Ninja Ventures Inc. d/b/a Lupo, due to outstanding balances owed to CBJ, unless a confession of judgment is signed by May 24.

Ms. Weldon asked if this business has any other assets other than the liquor license. Mr. Smith said no, banks will not loan on restaurant equipment or on liquor licenses.

Hearing no objection, it was so ordered.

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch noted that a fundraiser for Project Playground was on-going at Centennial Hall and he knew people were eager to attend.

B. Committee and Liaison Reports

Mr. Kiehl noted that there was no Finance Committee meeting on Wednesday, May 17.

C. Presiding Officer Reports

None.

XIIIASSEMBLY COMMENTS AND QUESTIONS

Mr. Jones said the state collects aviation fuel tax from all airports and the funds go to state coffers. Commissioner Lukin has said 45% is used for improvement of the state's rural airport system. $55,000 per year was collected from the Juneau airport. Previously, the state had matching funds for airport improvements and they have stopped issuing those grants. Mr. Jones was interested in seeking a return of $55,000 to the local airport and this requires a legislative change. Hearing no objection, Mr. Jones was given permission to work with the manager and lobbyist on a strategy to change the state statute to allow the fuel taxes collected in Juneau to return to the Juneau airport.

Ms. White passed on to Mayor Koelsch a decorative paddle presented to the City and Borough of Juneau at the recent totem pole raising ceremony at Gastineau Elementary.

Ms. Gladziszewski noted the removal of bushes from the Douglas Bridge to the sub port property and Mr. Watt confirmed that action was taken by a contractor working for the Docks and Harbors department.

XIV.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XV. EXECUTIVE SESSION

A. Executive Session: CLIA Litigation

The Assembly discussed the need for an executive session, the timing, and hearing no objection, agreed to hold a special meeting on Friday, May 19, 2017 at 9 a.m., to enter into executive session for the purpose of discussing the CLIAA lawsuit.

XVI.ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 7:35 p.m.

Signed:_____ Signed:_____

Laurie Sica, Municipal Clerk Kendell D. Koelsch, Mayor

SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - May 19, 2017

MEETING NO. 2017-12: The Special Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 9:00 a.m. by Mayor Ken Koelsch.

I. CALL TO ORDER / ROLL CALL

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

Assembly Absent: Jerry Nankervis

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director.

II. AGENDA TOPICS

None.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

IV. EXECUTIVE SESSION

A. CLIA Litigation Update

MOTION, by Kiehl, to enter into executive session to discuss the Cruise Line International Association of Alaska (CLIAA) lawsuit with the attorney and staff.

Hearing no objection, the Assembly entered into executive session at 9:05 a.m. and returned to regular session at 10:55 a.m.

Upon returning to regular session, Mr. Kiehl said that the Assembly received information from, and provided direction to, the municipal manager and attorney.

V. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 11:00 a.m.

Signed:_____ Signed:_____
Laurie Sica, Municipal Clerk Kendell D. Koelsch, Mayor

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

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

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

49.70.1220 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 in addition to the underlying zoning regulations. An alternative development permit does not exempt a developer from obtaining all other required permits.

49.70.1230 Alternative Development Procedure.

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

(b) *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.

(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.

...

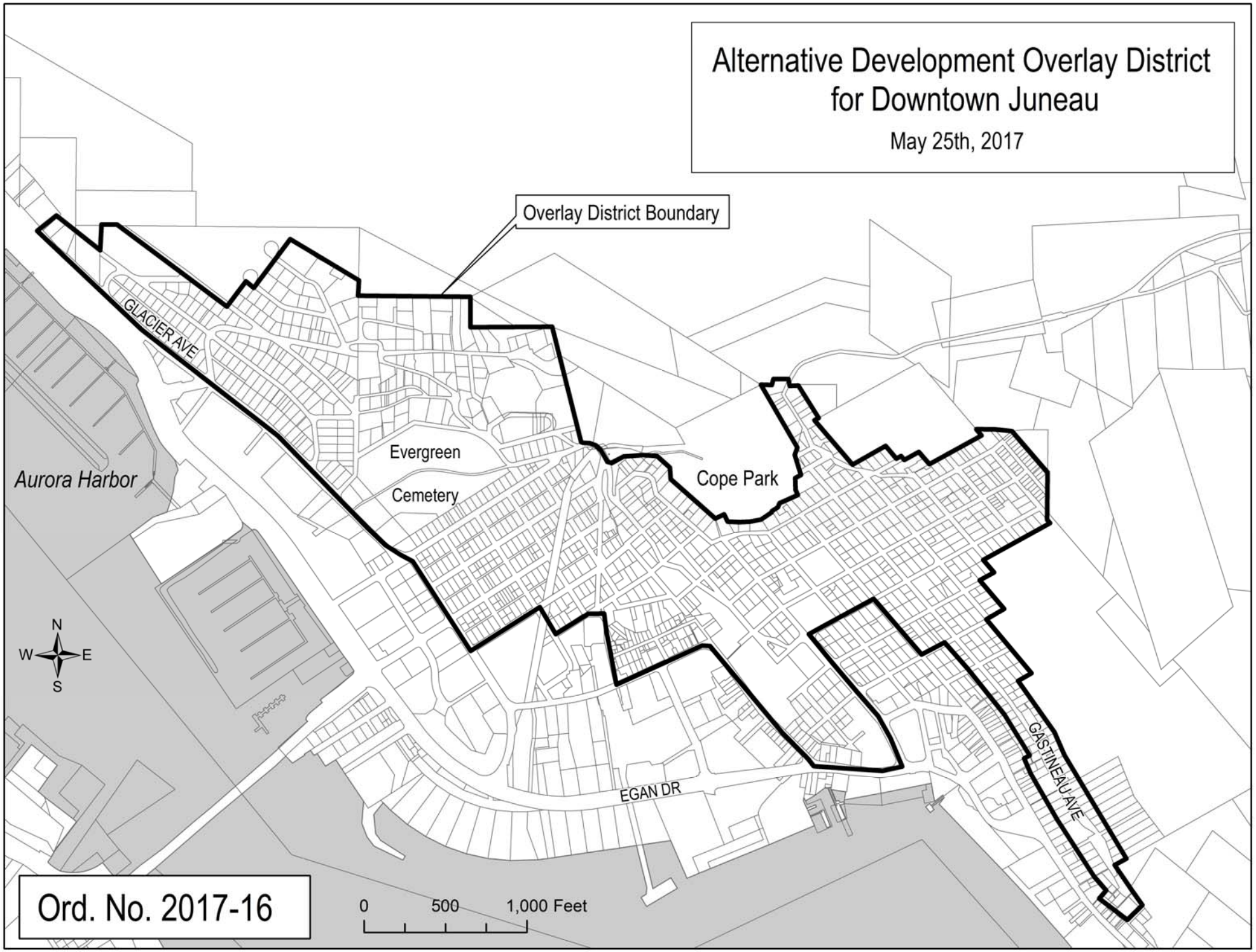
Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2017.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Laurie J. Sica, Municipal Clerk


Alternative Development Overlay District
for Downtown Juneau
May 25th, 2017
Overlay District Boundary
GLACIER AVE
Evergreen
Cemetery
Cope Park
Aurora Harbor
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Ord. No. 2017-16
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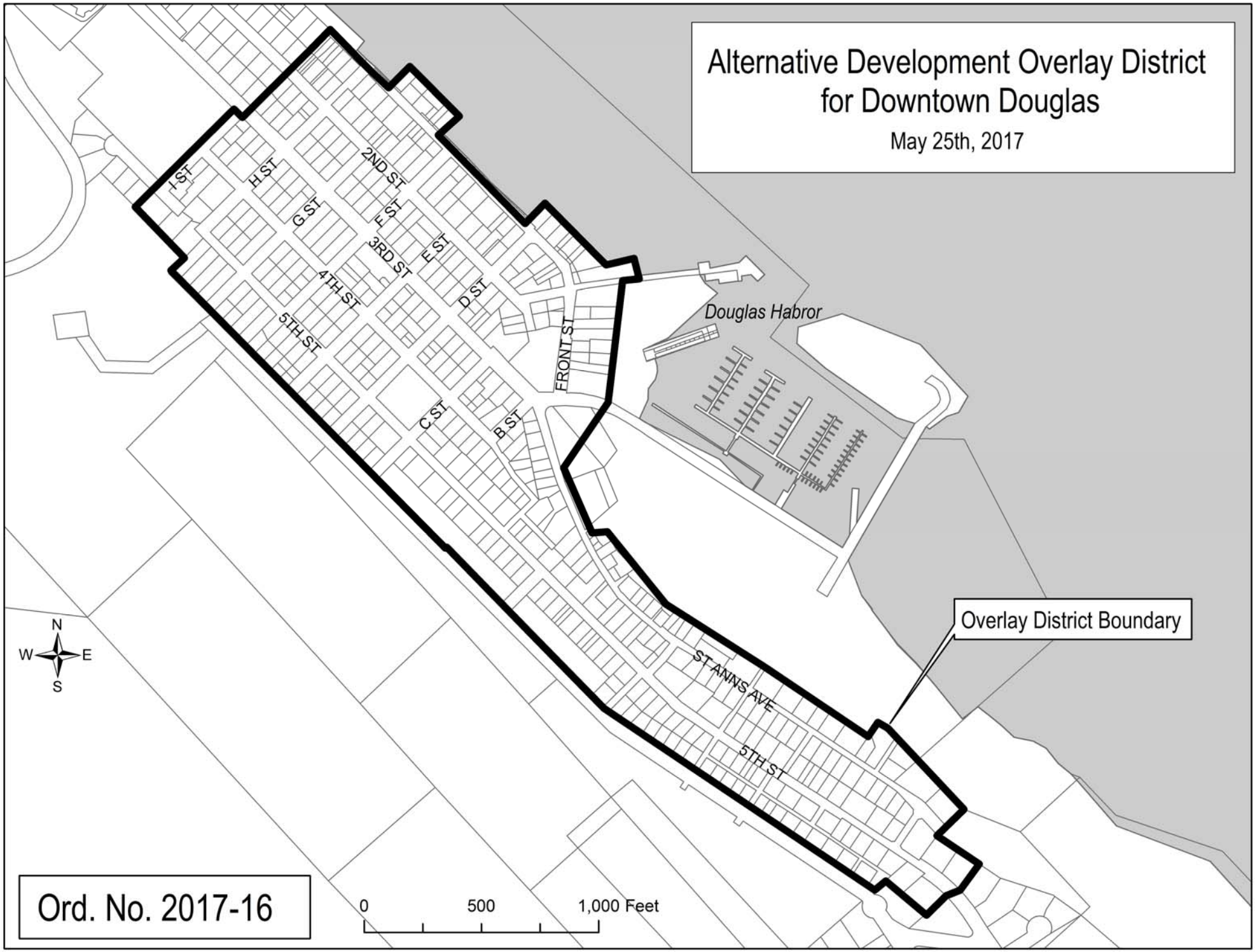
Alternative Development Overlay District
for Downtown Douglas
May 25th, 2017
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CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(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

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

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).

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

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 PROVISTION 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

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.

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

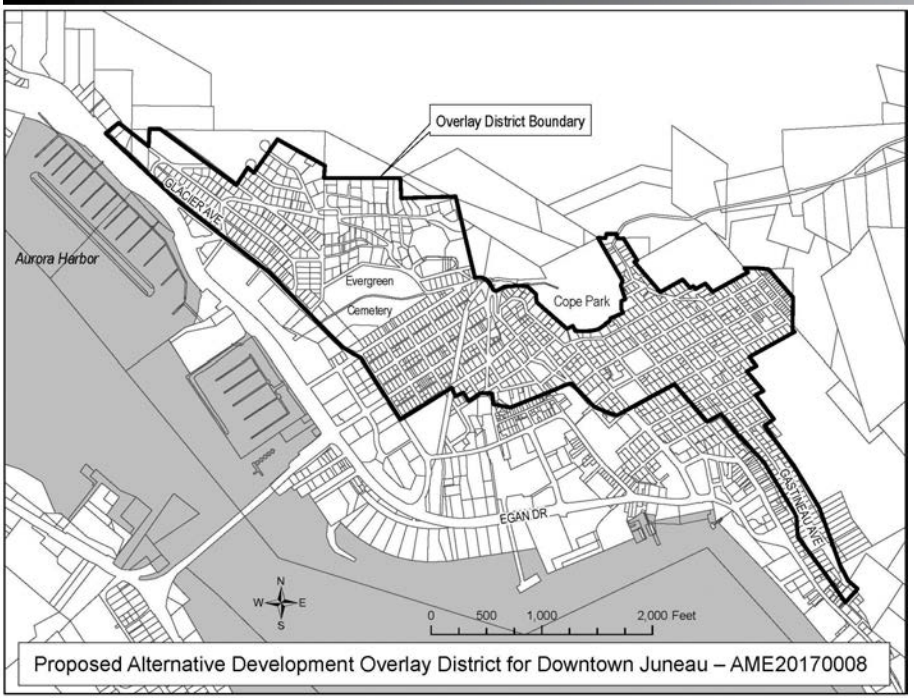
AME2017 0008 DOWNTOWN JUNEAU STAFF RECOMMENDATION

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



Proposed Alternative Development Overlay District for Downtown Juneau – AME20170008

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.

CITY AND BOROUGH OF JUNEAU

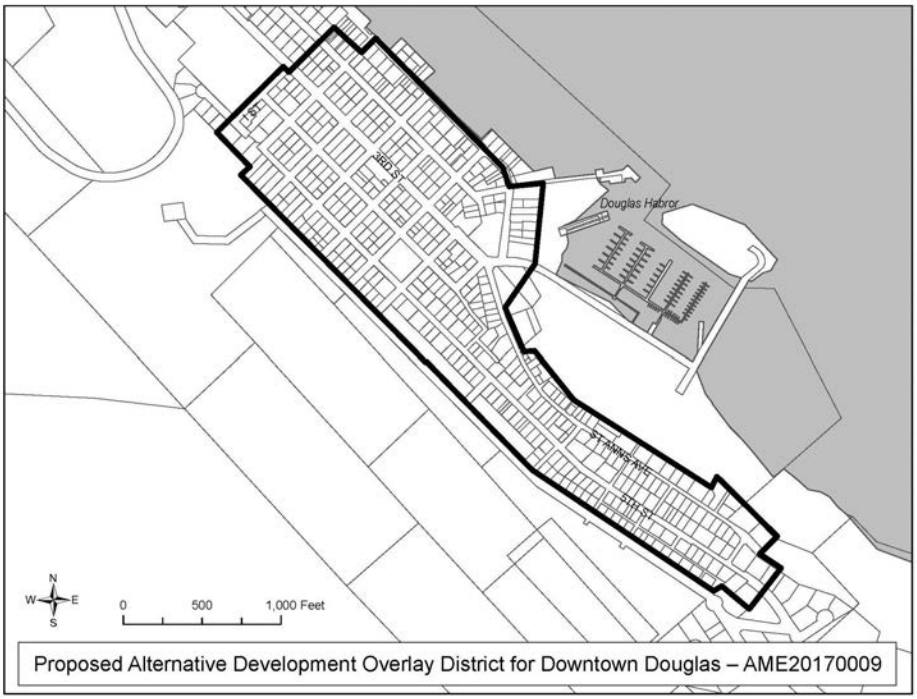
If you have questions, please contact Jill Maclean at jill.maclean@juneau.org or (907) 586-0756.

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

Attachment A - Public Notice

Date notice was printed: May 11, 2017

NOTICE OF PUBLIC HEARING



Proposed Alternative Development Overlay District for Downtown Douglas – AME20170009

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.

CITY AND BOROUGH OF JUNEAU

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

Attachment A - Public Notice

Date notice was printed: May 11, 2017

(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:

(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.

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:

(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 section 3E.1 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.

3F. Board of adjustment determinations; standards. Even if the board of adjustment adopts the director's determinations pursuant to subsection 3E of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:

(1) Materially endanger the public health or safety;

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

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

Section 4. Alternative development permit. 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 an accessory structure for any parking space.

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

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

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

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

(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 Douglas 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 36 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.

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(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.

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(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

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(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 section 3E.1 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.

3F. Board of adjustment determinations; standards. Even if the board of adjustment adopts the director's determinations pursuant to subsection 3E 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

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Section 4. Alternative development permit. 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

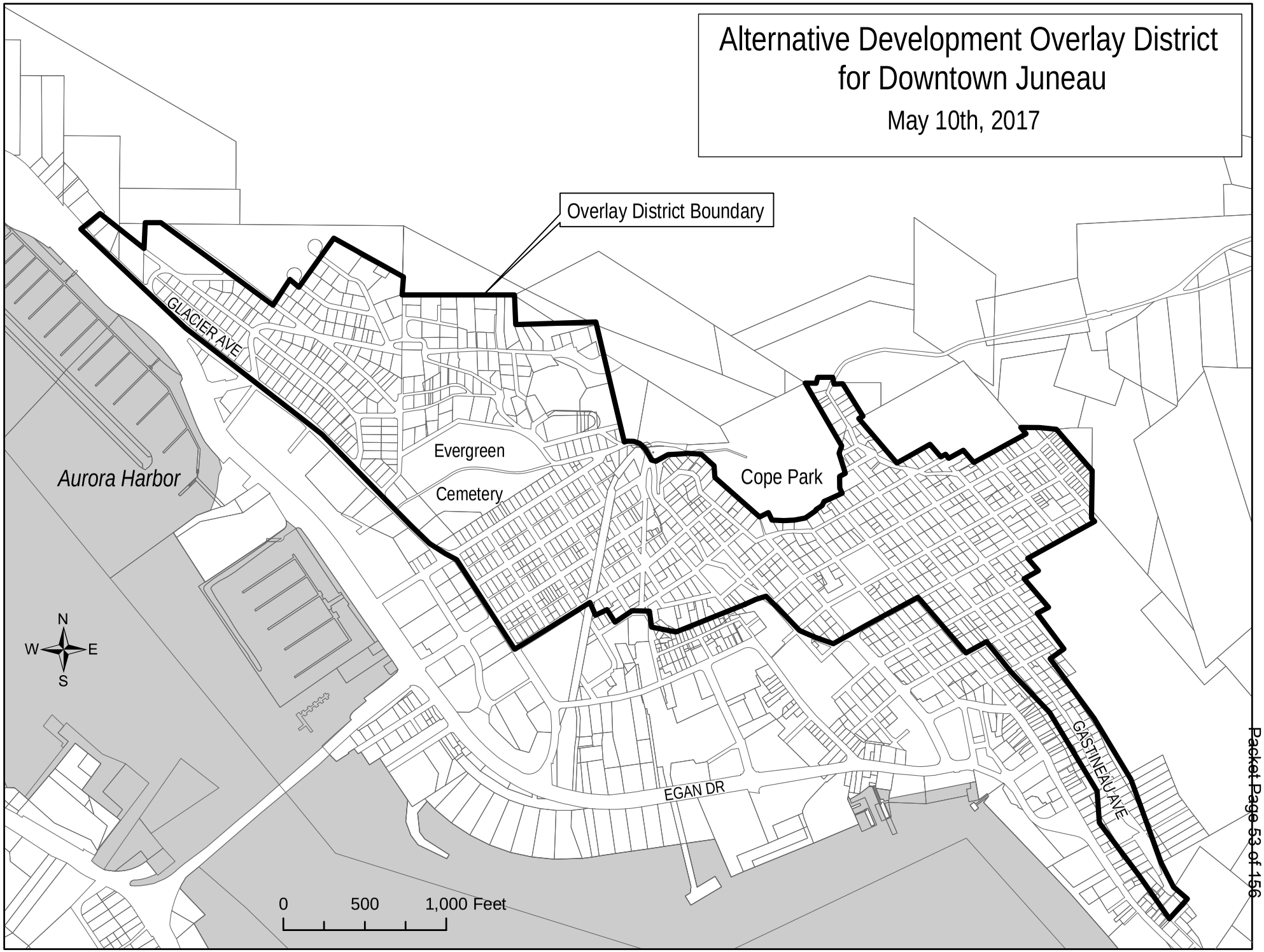
buildings. The term residential building includes an accessory structure for any parking space.

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

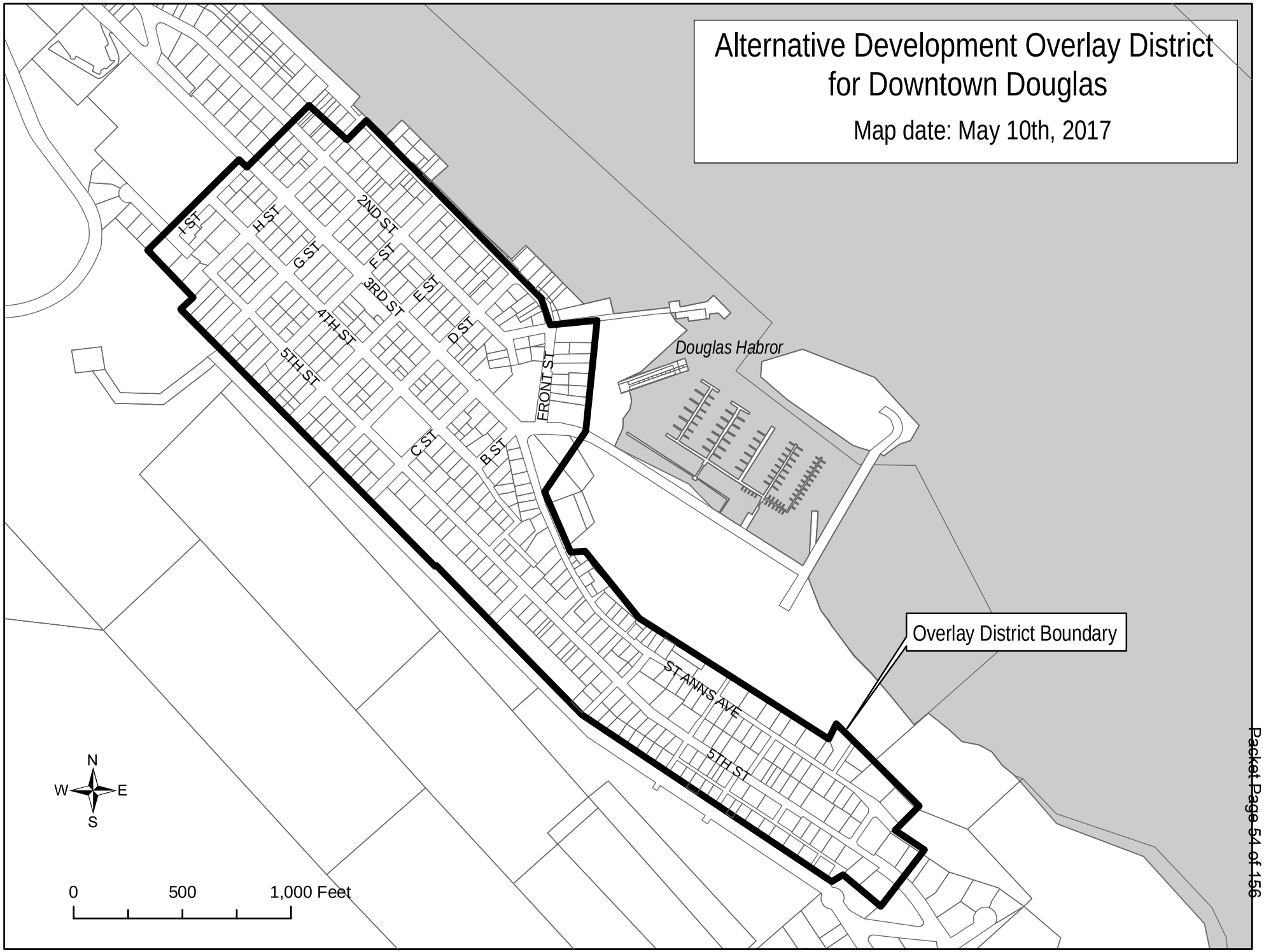
4F. Lot Coverage. Residential lots within the overlay shall not exceed 75% lot coverage.

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

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



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.

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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.

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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

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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.

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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.

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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

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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

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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 be 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.

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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.

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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.

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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.

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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.

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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.

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Presented by: The City Manager
Introduced: April 5, 2017
Drafted by: Engineering & Public Works Department

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

WHEREAS, the CBJ Capital Improvement Program is a plan for capital improvement projects proposed for the next six fiscal years; and

WHEREAS, the Assembly has reviewed the Capital Improvement Program for Fiscal Year 2018 through Fiscal Year 2023, and has determined the capital improvement project priorities for Fiscal Year 2018.

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

Section 1. Capital Improvement Program.

(a) Attachment A, entitled "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2018 - 2023," dated June 1, 2017, is adopted as the Capital Improvement Program for the City and Borough.

(b) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2018 - 2023," are pending capital improvement projects to be undertaken in FY18:

FISCAL YEAR 2018
GENERAL GOVERNMENT FUNDING IMPROVEMENTS

DEPARTMENT	PROJECT	FY18 BUDGET
School District	School District Deferred Maintenance	$ 600,000
	General Government Funding Improvements Total	**$ 600,000**

FISCAL YEAR 2018
GENERAL SALES TAX IMPROVEMENTS

DEPARTMENT	PROJECT	FY18 BUDGET
		~~$ 200,000~~
Manager's Office	INFOR / LAWSON & OTHER MIS Software Updates	**$ 250,000**
Eaglecrest	Deferred Maintenance /Mountain Operations Improvements	210,000
		~~250,000~~
Parks & Recreation	Park & Playground Deferred Maintenance and Repairs	**200,000**
Parks & Recreation	Sports Field Resurfacing & Repairs	190,000
Parks & Recreation	Treadwell Arena Parking Lot Lighting	50,000
Parks & Recreation	Kax Trail Repairs	100,000
	General Sales Tax Improvements Total	**$ 1,000,000**

FISCAL YEAR 2018
AREAWIDE SALES TAX PRIORITIES

DEPARTMENT	PROJECT	FY18 BUDGET
Manager's Office	**IT Software Updates & Upgrades**	**200,000**
		~~1,000,000~~
Manager's Office	Vehicle and Equipment Wash Bays	**950,000**
Manager's Office	Capitol Plaza Planning	25,000
Building Maint. - Fire	DT Fire Station Roof Replacement	300,000
Parks & Recreation	Kax Trail Repairs	100,000
Parks & Recreation	Hut to Hut	50,000
Street Maintenance	Pavement Management	725,000
		~~250,000~~
Street Maintenance	Sidewalk & Stairway Repairs	**150,000**
		~~1,000,000~~
Street Maintenance	McGinnis Subdivision Improvements - Ph 3	**975,000**
Street Maintenance	Downtown Street Improvements (Front,Franklin,Dt core) PH 2	1,100,000
Street Maintenance	Shaune Drive Improvements - Anka to Barrow	800,000
Street Maintenance	Birch Lane Improvements Mendenhall to Julep Ph 1	1,500,000
Street Maintenance	Calhoun Ave Improvements - Main to Gold Ck (Design)	100,000
		~~200,000~~
Street Maintenance	Areawide Drainage Improvements	**150,000**
Street Maintenance	Douglas Side Streets (D and E Streets)	800,000
Capital Transit	Bus Shelters /Interim Valley Transit Center Improvements	150,000
Capital Transit	Valley Public Transit Transfer Station	300,000
Engineering	**Areawide EV Charging Stations**	**25,000**
Engineering	Stephen Richards / Riverside Intersection DOT Match	100,000
	Areawide Sales Tax Priorities Total	**$ 8,500,000**

FISCAL YEAR 2018
TEMPORARY 1% SALES TAX PRIORITIES
Voter Approved Sales Tax 10/01/13 - 09/30/18

DEPARTMENT	PROJECT	FY18 BUDGET	
Airport	SREF Match	$ 200,000	
Manager's Office	Bonded Debt Service	2,755,000	*

Manager's Office	Budget Reserve	1,050,000	*
Mayor and Assembly	**Willoughby Arts Center**	**250,000**	
~~**Hospital**~~	~~**Child & Adolescent Mental Health Facility**~~	~~**3,125,000**~~	
Parks & Recreation	Deferred Building Maintenance	1,300,000	
Parks & Recreation	Twin Lake Park and ADA repairs	70,000	
		~~**$ 8,500,000**~~	
	Temporary 1% Sales Tax Priorities Total	**$ 5,625,000**	

FISCAL YEAR 2018
MARINE PASSENGER FEE PRIORITIES ~~(draft - out for public comment)~~

DEPARTMENT	PROJECT	FY18 BUDGET
Harbors	Visitor Information Kiosk Replacement - Design	$ 25,000
Harbors	Cruise Ship Uplands Staging Area	100,000
Harbors	Downtown Restrooms - Partial Funding to Locate/Design	75,000
Engineering	Downtown Street Improvements	1,000,000
		~~1,200,000~~
Engineering	Waterfront Seawalk	**577,780**
Wastewater Utility	Real Time Cruise Ship Wastewater Discharge Monitoring	50,000
		~~2,450,000~~
	Marine Passenger Fee Priorities Total	**$ 1,827,780**

FISCAL YEAR 2018
STATE MARINE PASSENGER FEE PRIORITIES

DEPARTMENT	PROJECT	FY18 BUDGET
		~~4,000,000~~
Harbors ~~Finance~~	Auke Bay Passenger For Hire Facility	**$ 4,600,000**
		~~$ 4,000,000~~
	State Marine Passenger Fee Priorities Total	**$ 4,600,000**

FISCAL YEAR 2018
WATER ENTERPRISE FUND

DEPARTMENT	PROJECT	FY18 BUDGET
Water Utility	Douglas Highway Water - (Cordova-David)	$ 2,200,000
Water Utility	Calhoun (8th to Gold Creek) Water Replacement	150,000
Water Utility	SCADA (Supervisory Control and Data Acquisition)	100,000
Water Utility	McGinnis Subdivision Utility Adjustments	20,000
Water Utility	Pavement Management Utility Adjustments	20,000
Water Utility	Shaune Drive - Anka to Barrow - Utility Adjustments	10,000
	Water Enterprise Fund Total	**$2,500,000**

FISCAL YEAR 2018
WASTEWATER ENTERPRISE FUND

DEPARTMENT	PROJECT	FY18 BUDGET
Wastewater Utility	MWWTP Belt Filter Press Replacement	$ 2,000,000
Wastewater Utility	MWWTP Odor Control	1,350,000
Wastewater Utility	JDTP New Vactor Dump	500,000
Wastewater Utility	MWWTP Roof Repair	250,000
Wastewater Utility	Calhoun (8th to Gold Creek) Sewer Replacement	50,000
Wastewater Utility	Pavement Management Utility Adjustments	20,000
Wastewater Utility	McGinnis Subdivision Utility Adjustments	20,000
Wastewater Utility	SCADA (Supervisory Control and Data Acquisition)	100,000
Wastewater Utility	Birch Lane Sewer Replacement	175,000
Wastewater Utility	Douglas Side Streets 2017 (D and E Streets)	175,000
Wastewater Utility	DT Street Improvements - First Street Sewer	100,000
Wastewater Utility	Shaune Drive Sewer Improvements - Anka to Barrow	75,000
	Wastewater Enterprise Fund Total	**$ 4,815,000**

FISCAL YEAR 2018
DOCKS AND HARBORS ENTERPRISE FUND

DEPARTMENT	PROJECT		
Docks & Harbors	Statter Harbor Breakwater Safety Improvements	$	333,000
Docks & Harbors	Taku Harbor Deferred Maintenance		200,000
	Docks and Harbors Enterprise Fund Total	**$**	**533,000**

FISCAL YEAR 2018
LANDS FUND

DEPARTMENT	PROJECT		
Lands	Stabler Quarry Infrastructure and Expansion	$	685,000
	LANDS Fund Total	**$**	**685,000**

~~**$ 29,778,000**~~
~~**$ 26,280,780**~~
ORDINANCE 2017-07 CAPITAL PROJECTS FUNDING TOTAL **$ 26,880,780**

ORDINANCE 2017-07 OPERATIONS PROJECTS FUNDING TOTAL **$ 3,805,000** *

(c) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2018-2023," are capital improvement projects identified as priorities proposed to be undertaken beginning in FY18, but are dependent on other unsecured funding sources. As the sources are secured, the funds will be appropriated:

FISCAL YEAR 2018
HOSPITAL UNSCHEDULED FUNDING

DEPARTMENT	PROJECT	
Hospital	**Municipal Road Replacement (North)**	**$ 200,000**
Hospital	**Parking Ramp (200 places)**	**1,000,000**
Hospital	**Remodel Emergency Department**	**600,000**
Hospital	**Detox Bay at Rainforest Recovery Center**	**600,000**
~~Hospital~~	~~Child and Adolescent Mental Health Unit~~	~~20,000,000~~
Hospital	**Operating Room Renovation**	**$ 3,500,000**
~~Hospital~~	~~Operating Room Renovation~~	~~$ 20,000,000~~
Hospital	**Information Services Facility with Generator**	**1,000,000**
~~Hospital~~	~~Information Services Facility with Generator~~	~~3,000,000~~
~~Hospital~~	~~Maintenance Building for Equipment~~	~~750,000~~
Hospital	**RRC and BOPS Replacement**	**1,000,000**
~~Hospital~~	~~RRC and BOPS Replacement~~	~~10,000,000~~
~~Hospital~~	~~Parking~~	~~5,000,000~~
Hospital	**Remodel Laboratory (5000 sq. ft.)**	**250,000**
~~Hospital~~	~~Remodel Laboratory (5000 sq. ft.)~~	~~4,000,000~~
~~Hospital~~	~~Oxygen Tank (Bulk) Storage~~	~~500,000~~
~~Hospital~~	~~Relocate and Remodel Biomed, Dietary, Laundry, Mat'ls Mgmt~~	~~2,500,000~~
~~Hospital~~	~~Pharmacy Remodel to Comply with UPC 500~~	~~400,000~~
~~Hospital~~	~~Roof for Medical Arts Building~~	~~250,000~~
	~~**66,400,000**~~	
	HOSPITAL Unscheduled Funding Total	**$ 8,150,000**

FISCAL YEAR 2018
AIRPORT UNSCHEDULED FUNDING

DEPARTMENT	PROJECT		
Airport	RSA (Ph 12) Construct Aprons, Fencing	$	10,800,000

Airport	Design Taxiway A and E-1 Rehab	1,280,000
Airport	Float Pond Improvements So Rd/ Inlet Valve/ Bank Stabiliz	500,000
Airport	Passenger Boarding Bridge Gate 2	2,000,000
Airport	Terminal Camera Surveillance System Design and Install	200,000
Airport	Exit Lane Improvements Design and Install	400,000
Airport	26 MALSR	3,750,000
Airport	Space Reconfig (old dining rm/kitn) Tenants & Admin	250,000
Airport	First Floor Men's Room Reno	40,000
Airport	Terminal East End Doors / Vestibule	75,000
	AIRPORT Unscheduled Funding Total	**$ 19,295,000**

UNSCHEDULED FUNDING REQUESTS

DEPARTMENT	**PROJECT**	
	(State Priority Requests)	
Transit	Valley Public Transit Transfer Station	$ 4,000,000
Docks & Harbors	ADFG Grant - Amalga Harbor Fish Cleaning Float	300,000
	Unscheduled Funding Requests Total	**$ 4,300,000**

Section 2. Fiscal Year 2018 Budget. It is the intent of the Assembly that the capital improvement project budget allocations as set forth in the FY18 pending Capital Improvements List in Section 1(b), above, not already appropriated, shall become a part of the City and Borough's Fiscal Year 2018 Budget.

Section 3. State and Federal Funding. To the extent that a proposed CIP project, as set forth in Section 1(c), above, includes state funding, federal funding, or both, the amount of funding for that project is an estimate only, and is subject to appropriation contingent upon final funding being secured. It is the intent of the Assembly that once funding is secured, these items will be brought back to the Assembly for appropriation.

Section 4. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this ___ day of _____, 2017.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: April 5, 2017
Drafted by: Finance

Ordinance of the City and Borough of Juneau

Serial No. 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.

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

Section 2. Rates of Levy. The following are the rates of levy on taxable property within the City and Borough of Juneau for the Calendar Year beginning January 1, 2017, based upon the proposed budget for Fiscal Year 2018 beginning July 1, 2017.

Operation Mill Rate by Service Area	**Millage**
Roaded Service Area	2.30
Fire Service Area	0.36
Areawide	~~6.60~~6.70
Operating Total	**~~9.26~~9.36**
Debt Service	**~~1.40~~1.30**
Total	**10.66**

Section 3. Effective Date. This ordinance shall be effective immediately upon adoption.

Adopted this __ day of _____, 2017.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: April 5, 2017
Drafted by: Finance

Ordinance of the City and Borough of Juneau

Serial No. 2017-06(b)

An Ordinance Appropriating Funds from the Treasury for FY18 City and Borough Operations

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

Section 2. Estimated Funding Sources. The following amounts are the estimated funding sources for the City and Borough of Juneau, excluding the Juneau School District, for the fiscal year beginning July 1, 2017, and ending June 30, 2018. It is anticipated that these estimated funding sources will meet the appropriations set forth in Section 3 of this ordinance.

ESTIMATED REVENUE:		
State Support	~~$ 20,773,700~~	**$ 20,776,200**
Federal Support	2,434,900	
Taxes	~~99,062,600~~	**99,032,600**
Charges for Services	~~122,268,000~~	**122,291,200**
Licenses, Permits, Fees	10,452,000	
Fines and Forfeitures	432,300	
Rentals and Leases	4,354,300	
Investment & Interest Income	2,791,200	
Sales	954,800	
Other Revenue	~~396,600~~	**401,300**
Total Estimated Revenue	~~**263,920,400**~~	**263,920,800**
General Governmental Fund Balance Decrease	~~1,012,500~~	**(98,900)**
All Other Funds Fund Balance Decrease	~~6,405,900~~	**4,516,200**
Support From Other Funds	~~69,164,200~~	**66,792,600**
Total Estimated Funding Sources	~~**340,503,000**~~	**335,130,700**

Section 3. Appropriation. The following amounts are hereby appropriated for the fiscal year beginning July 1, 2017, and ending June 30, 2018.

APPROPRIATION:		
General Governmental Funds:		
Mayor and Assembly	~~$ 5,453,600~~	**$ 5,301,100**
City Manager	1,935,100	
City Clerk	415,200	
Human Resources	614,500	
Management Information Systems	2,681,800	
Capital City Fire	~~4,087,000~~	**4,088,700**
Capital City Rescue	~~4,363,200~~	**4,352,700**
Capital Transit	8,625,500	
Community Development	~~3,001,100~~	**2,909,200**
General Engineering	~~604,000~~	**544,000**
Finance	~~5,564,800~~	**5,477,200**
Law	2,172,500	
Libraries	~~3,050,900~~	**3,055,600**
Parks and Recreation:		
Building Maintenance	2,551,100	
Parks and Landscape	~~1,781,900~~	**1,768,000**
Recreation	~~5,671,100~~	**5,540,000**
Visitor Services	1,099,000	
Police	~~14,665,400~~	**14,598,300**
Streets	~~5,276,800~~	**5,278,500**
Unallocated Budget Reduction	~~(500,000)~~	**-**
Support To Other Funds:		
School District	26,935,900	
Debt Service	56,300	
All Other Funds	900,000	
Interdepartmental Charges	(6,134,400)	
Capital Projects Indirect Cost Allocation	(524,300)	
Total	**~~94,348,000~~**	**94,241,500**
Special Revenue Funds:		
Sales Tax	923,100	
Hotel Tax	25,500	
Tobacco Excise Tax	31,200	
Downtown Parking	542,200	
Eaglecrest	2,772,000	
Lands	1,110,900	
Library Minor Contributions	45,000	
Marine Passenger Fee	5,500	
Port Development	5,500	
Support To Other Funds	~~59,981,800~~	**57,610,200**
Total	**~~65,442,700~~**	**63,071,100**

Debt Service Funds	**21,382,900**	
Special Assessment Funds:		
Special Assessment	122,700	
Support To Other Funds	288,800	
Total	**411,500**	
Jensen-Olson Arboretum	**89,300**	
Enterprise:		
Juneau International Airport	7,064,000	
Bartlett Regional Hospital	~~90,577,700~~	**90,572,800**
Boat Harbors	3,671,200	
Docks	1,629,300	
Water	4,039,500	
Wastewater	11,052,800	
Waste Management	1,614,400	
Support To Other Funds	7,848,000	
Interdepartmental Charges	(11,000)	
Total	~~**127,485,900**~~	**127,481,000**
Internal Service Funds:		
Equipment Acquisition	3,750,500	
Fleet Maintenance	2,142,400	
Risk Management	22,969,400	
Interdepartmental Charges	(26,480,600)	
Total	**2,381,700**	
Capital Projects:		
Capital Projects	~~26,807,100~~	**24,083,200**
CIP Engineering	~~2,153,900~~	**1,988,500**
Total	~~**28,961,000**~~	**26,071,700**
Total Appropriation	~~**340,503,000**~~	**335,130,700**

Section 4. Effective Date. This ordinance shall be effective immediately upon adoption.

Adopted this __ day of _____, 2017.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Laurie J. Sica, Municipal Clerk

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-01

An Ordinance Amending the Building Regulations Code.

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. The following sections of Chapter 19.01 Administrative Code, are amended to read:

19.01.105.1.5 Fire code permits required.

No person shall engage in the maintenance, storage, use or handling of any of the following materials or activities in the City and Borough or cause the same to be done without first obtaining a separate permit as specified in IFC Section 105, Permits, from the fire chief; provided, the fire chief may issue a single permit for a group of activities at a single location. Note that not all of the permits identified in IFC 105.6 and IFC 105.7 are required.

. . .

19.01.105.1.5.11 Flammable and combustible liquids shall be subject to the permit requirements of IFC Section 105.7.7~~105.7.6~~, items 1 and 2 when modifying a pipeline, tank, tank vehicle, or other flammable or combustible liquids equipment.

. . .

19.01.105.2.1 Exempt building work.

A building permit shall not be required for the work described in subsections 1 through 15 of this section if only the provisions of the exempted code apply. Unless otherwise exempted, a permit shall be obtained for work associated with the exempt uses under subsections 1

through 15 of this section if any of the provisions of the plumbing, electrical, mechanical or fire codes apply:

1. One-story detached accessory buildings regulated under the residential code and used as tool and storage sheds, greenhouses, gazebos, saunas, hot tub enclosures, playhouses and similar uses, provided the floor area does not exceed 200~~120~~ square feet (18.58 m) ~~11.15 m~~ the building is not used for habitation, and no utilities are provided;

2. Fences as well as sign support structures and similar free-standing structures not over seven feet ~~six feet~~ (2134 mm ~~1,829 mm~~) high other than fences required for protection of swimming pools and hot tubs which are regulated by IRC Appendix AG105 or IBC Section 3109;

. . .

11. Swings, and other playground equipment except as required under IBC 424 ~~IBC 402.11~~;

. . .

16. Temporary event booths in place for no more than 72 hours, for the sole purpose of a sale or event and no utilities provided. (Fire Permits are still required.)

19.01.105.2.7.1 Ordinary maintenance and replacement work.

Permits shall not be required and shall not be issued for ordinary maintenance, repair or direct replacement work in a building or structure for work of a value of $15,000.00 ~~$7,500.00~~ or less unless 1. electrical service equipment or electrical circuits are replaced or modified or 2. the structural system is modified or 3. the means of egress is altered or 4. Fuel appliances are replaced or installed. Individual structural elements may be directly replaced without a permit, however, replacement of structures requires a permit.

Permits may be issued for major remodels and/or renovation work that includes exempt finish work listed under 19.01.105.2.1 Exempt building work, item 7, if the work also includes other non-exempt work, and the valuation of all the work is greater than$100,000.00. ~~$50,000.00~~

. . .

19.01.108.2 Schedule of building permit fees.

The fee for each building permit shall be as set forth in section 19.01.108.8.

The fees for temporary structures will be based on the valuation of single wide pre-manufactured buildings.

19.01.108.3 Building permit valuations.

. . .

The building official may use the building valuation data provided by the model building code agency to assist in determining the value of the construction for which a permit is sought. The floor area used in conjunction with building valuation data shall mean the total area of all floors, measured from the interior ~~exterior~~ face, interior ~~outside~~ dimensions or interior ~~exterior~~ column line of a building, including basements, mezzanines and balconies, but not including unexcavated areas. The valuation shall be based on the highest type of construction to which the proposed structure most nearly conforms, as determined by the building official.

. . .

19.01.202 Definitions.

. . .

Cabin means a structure which is inhabited only occasionally for noncommercial hunting, fishing, or other recreational purposes, is without available public utility services, and is located outside of the urban service area ~~Service Area 9~~.

. . .

Section 3. Amendment of Chapter. The following sections of Chapter 19.03 Building Code, are amended to read:

19.03.010 International Building Code (IBC) adopted.

For the purpose of regulating the erection, site construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures or portions thereof in the City and Borough, there

is adopted by reference, as the building code of the City and Borough, that certain compilation of rules and regulations prepared by the International Code Council, a nationally recognized technical trade organization, which compilation is entitled "International Building Code, 2012 ~~2009~~ Edition," (IBC) and one copy which has been filed in the office of the municipal clerk of the City and Borough, or places designated by the municipal clerk for public use, inspection and examination, and which compilation is made a part of this chapter as if fully set forth in this section, subject only to the enumerated additions, deletions and changes in this chapter.

19.03.305.2 Day care.

At the end of the paragraph, add ~~*Insert* the words~~ "including children related to the staff," ~~between the words "age," and "shall" and add the following exception.~~

~~"Exception. Family child care homes (R-3) operating between the hours of 6:00 a.m. and 10:00 p.m. *may* accommodate a total of 12 children of any age without conforming to the requirements of this regulation (E occupancy) except for smoke detectors and alarms as described in Subsection 907.2.11, carbon monoxide detectors and alarms as specified in 19.03.422, means of egress requirements of Section 1003, including emergency escape and rescue openings as required by Section 1029, in napping or sleeping rooms, and fire extinguisher requirements as described in the International Fire Code." (SFM)~~

19.03.308.3~~19.03.308.2~~ Group I-1.

Add a new paragraph between the first and second paragraphs to read:

"Facilities within this occupancy classification that have occupants needing physical assistance to respond in emergency situations must comply with 19.03.426." (SFM)

19.03.308.4 ~~19.03.308.3~~ Group I-2.

Change the last sentence to read:

"A facility such as the above with five or fewer persons, including persons related to the staff, shall be classified as a Group R-3" (SFM)

19.03.308.4.1 ~~19.03.308.3.1~~ Child care facility.

Revise to read:

"A child care facility that provides care on a 24-hour basis to more than five children two and one-half years of age or less, including children related to the staff, shall be classified as Group I-2." (SFM)

19.03.308.6 ~~19.03.308.5~~ Group I-4; day care facilities.

Amend the second sentence to read:

"A facility such as the above with five or fewer persons, including persons related to the staff, shall be classified as a Group R-3." (SFM)

19.03.308.6.1 ~~19.03.308.5.1~~ Adult care facility.

Delete the exception. (SFM)

19.03.310.1 Residential Group R.

Add the following after the first sentence:

"For facilities within this occupancy classification that have occupants needing physical assistance to respond in emergency situations, see Section 19.03.427 ~~19.03.426~~." (SFM)

19.03.310.5 ~~19.03.310.1~~ Residential Group: R-3.

Add the following paragraph to the end of this section:

"Owner occupied bed and breakfast facilities or boarding houses that are within a single-family home and do not contain more than five guest rooms are permitted to comply with the International Residential Code in accordance with CBJ 19.01.101.4.2."

19.03.310.6 ~~19.03.310.1~~ Residential group R; R-4.

Add a sentence to the end of the first paragraph to read as follows:

"Foster Homes: Once a provider take in six or more (non-related) children, the occupancy is defined as an R-4, otherwise the occupancy if R-3." (SFM)

19.03.406.3.4 ~~19.03.406.1.4~~ Motor-vehicle-related occupancies; private garages and carports; separation.

Revise paragraph 1 by deleting the words "½ inch (12.7 mm) gypsum board " and replacing it with " 5/8 inch (15.88 mm) Type X gypsum board". (SFM)

19.03.425 ~~19.03.424~~ Special security requirements for elevated buildings.

Add a new section to read as follows:

"All elevated buildings with the lower floor level above grade and open on the sides must be fenced around the building exterior or have skirting below the exterior walls to prevent unauthorized access, if the building is higher than two foot to the underside of floor framing.

Exceptions:

1. Normally unoccupied buildings;

2. Buildings with F, H, S, and U occupancies."

3. All occupancies within an industrial area that is secured and there is no public access. (SFM)

19.03.426 ~~19.03.425~~ Carbon monoxide detectors and alarms.

Add a new section to read as follows:

426.1 ~~*425.1*~~ *Carbon Monoxide Detectors and Alarms.* The provisions of this section shall apply to Groups I-1, I-2, and all R occupancies. At least one carbon monoxide detector or alarm shall be installed on each floor level. If a floor level contains bedrooms or sleeping rooms, at least one detector shall be located in the immediate vicinity of the sleeping area, outside of the bedrooms or sleeping rooms. Carbon monoxide detectors and alarms

shall be installed in accordance with their listing. The alarm shall be clearly audible in all sleeping rooms, even if the intervening doors are closed.

Exceptions:

1. Carbon monoxide detectors and alarms are not required in dwelling units and structures that have all of the following

   A. no combustion appliances

   B. no attached garage, and

   C. no vehicle parking within 25 feet of any direct air intake opening.

2. Carbon monoxide detectors and alarms are not required if all combustion equipment is located within a mechanical room separated from the rest of the building by construction capable of resisting the passage of smoke. If the structure has an attached and enclosed parking garage, the garage shall be ventilated by an approved automatic carbon monoxide exhaust system designed in accordance with the 2012 ~~2009~~ I.M.C.

426.2 ~~*425.2*~~ *Interconnection.* In new construction, all carbon monoxide detectors and alarms located within a single dwelling unit shall be interconnected in such a manner that actuation of one alarm shall activate all of the alarms within the individual dwelling unit.

426.3 ~~*425.3*~~ *Power source.* In new construction, carbon monoxide detectors and alarms shall receive their primary power from the building wiring if the wiring is served from a commercial source, and shall be equipped with a battery backup. Wiring shall be permanent and without a disconnecting switch other than was is required for overcurrent protection. In existing construction, carbon monoxide detectors and alarms may be powered by battery or a cord-and-plug with battery back-up.

~~19.03.426~~ 19.03.427 Occupants needing physical assistance.

Add ~~a~~ new sections ~~section~~ to read as follows:

427.1 ~~*426.1*~~ Applicability. The provisions of this section apply to all Groups I-1 and R-4 occupancies where the occupants need physical assistance from staff or others to respond to emergencies.

427.2 ~~*426.2*~~ Definitions. In this section:

. . .

427.3 ~~*426.3*~~ *Fire Drills And Evacuation Capability Determination.* The initial determination of evacuation capability will be determined by a fire drill conducted by a fire code official or by an employee of the Department of Health and Social Services responsible for licensing the facility. Changes to the evacuation capability will be made by a fire code official, based on a record of fire drills conducted by the facility staff. The drills will be conducted six times a year on a bimonthly basis, with at least two drills conducted during the night when residents are sleeping. Records must indicate the time taken to reach a point of safety, date and time of the drill, location of simulated fire origin, escape paths used, and comments relating to residents who resisted or failed to participate in the drills.

~~*426.4*~~ *427.4 Evacuation Capability and Fire Protection Requirements.* Fire protection requirements of a facility under this section are as follows:

~~*426.4.1*~~ *427.4.1 Prompt Evacuation Capability.* Evacuation capability of three minutes or less indicates prompt evacuation capability. In facilities maintaining prompt evacuation capability, the requirements of the code for Groups I-1 or R-4 occupancies must be followed.

~~*426.4.2*~~ *427.4.2 Slow Evacuation Capability.* Evacuation capability of more than three but less than 14 minutes indicates slow evacuation capability. In facilities maintaining slow evacuation capability, the facility must be protected by (a) an automatic smoke detection system, using addressable smoke detectors, designed and installed in accordance with the provisions of this code and N.F.P.A. 72-2007; and (b) an automatic sprinkler system, with quick-response or residential sprinklers, installed in accordance with section 903.3.1.2 (N.F.P.A. 13R-2007 "Sprinkler Systems") or 903.3.1.3 "N.F.P.A. 13D-2007 (Sprinkler Systems)".

~~*426.4.3*~~ *427.4.3 Impractical Evacuation Capability.* Evacuation capability of 14 minutes or more indicates impractical evacuation capability. In facilities maintaining impractical evacuation capability, the facility must be protected by (a) the protections for a facility with slow evacuation capability under Section 423.4.2; (b) one-half hour fire-resistive construction throughout the facility; and (c) direct egress from sleeping rooms for occupants needing evacuation assistance either (I) to the exterior at grade level, to an exterior porch or landing via a three feet six inch wide door; or (ii) if the sleeping rooms are separated from the rest of the building by smoke partitions installed in accordance with Section 710, by egress windows conforming to the provisions of Section 1029." (SFM)

19.03.428 ~~**19.03.427**~~ **Unfinished space.**

Add a new section to read as follows:

428.1 ~~*427.1*~~ *Unfinished space.* R occupancies containing unfinished space equal to or greater than 70 square feet accessed by a person-door and/or open doorway, other than garages and crawlspaces, shall be finished to habitable space standards excepting finish materials.

Exceptions:

1. Habitable space elements are not required for spaces accessed only by a 22-inch (559mm) × 30-inch (762mm) access hatch or only by a pull-down attic stair.

2. Habitable space elements are not required if a deed restriction is approved by the building official limiting the uses of the unfinished space to storage only and a copy of that recorded deed restriction is submitted to the building official.

3. Finish material is not exempted where foam products are exposed to the room.

19.03.Table 509 ~~**19.03.Table 508.2.5**~~ **Incidental uses** ~~**accessory occupancies.**~~

Revise by changing the wording in the first block under the left column to read:

"Furnace rooms in E, I and R-1, R-2 and R-4 occupancies regardless of Btu input, and furnace rooms of all other occupancies where the largest piece of fuel fired equipment is over 400,000 Btu per hour input." (SFM partial)

19.03.Table 602 Fire-resistance rating requirements for exterior walls based on fire separation distance.

Add footnote i ~~h~~. to read:

Combination shops related to an educational facility shall be considered an F-1 occupancy and shall be separated from the E occupancy according to this table. (SFM)

19.03.718.4.2 ~~**19.03.717.4.2**~~ **Concealed spaces; draft-stopping in attics; Groups R-1 and R-2.**

Add a third ~~second~~ sentence to read as follows:

"The intervening space between any two draft stops or walls shall be designed for adequate cross ventilation in accordance with Section 1203.2." (SFM)

~~Amend Exception 3 to read as follows:~~

~~"3. Draftstopping in attic spaces of Group R-1 and R-2 occupancies that do not exceed four stories in height may be installed so that the area between draft stops that extends from the ceiling to the roof does not exceed 3,000 square feet, and the greatest horizontal dimension does not exceed 60 feet. Such draft stops do not have to be located directly above or in line with walls separating tenant spaces, unless part of construction dictated by other provisions of this code. Adequate cross ventilation shall be provided in accordance with Section 1203.2." (SFM)~~

19.03.903.2.8 Automatic sprinkler systems; Group R.

Delete entire existing section and subsections 903.2.8.1, 903.2.8.2 and 902.2.8.3 and replace with:

"903.2.8 An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout buildings containing Group R occupancies in this section." (SFM)

~~Delete and add the following:~~

~~"Group R. An automatic sprinkler system must be installed in all Group R occupancies except as required in 19.03.903.2.8.1 through 19.03.903.2.8.2" (SFM)~~

19.03.903.2.8.1 Group R-1~~.; Health clinics with transient quarters; rental cabins.~~

Add a new subsection as follows:

"An automatic sprinkler system shall be provided throughout all buildings that contain an R-1 occupancy.

Exceptions:

1. Five or fewer rental cabins.
2. Rental cabins without potable water.
3. Health clinics with transient quarters may utilize an NFPA 13R sprinkler system throughout the building.

4. Health clinics may utilize an NFPA 13D sprinkler system in the sleeping unit only, if the sleeping unit is separated from the building with a two hour fire barrier." (SFM)

~~Health clinics with transient quarters may utilize a 13R sprinkler system throughout the building. A fire barrier may be utilized to separate the building and utilize a 13D. In addition, rental cabins with potable water with stays less than 30 days will be considered R-1 occupancies and will be required to comply with this section.(SFM)~~

19.03.903.2.8.2 Group R-2.

Add a new subsection to read:

An automatic sprinkler system shall be provided throughout all buildings that contain an R-2 occupancy.

Exceptions:

1. Buildings that are no more than two stories in height, including basements and contain four or fewer dwelling units.
2. Buildings that are no more than two stories in height, including basements and contain 16 or fewer sleeping rooms.

For the purpose of this section, fire walls may be used to create up to three separate attached buildings. Any additional buildings must be physically separated in accordance with Table 602. (SFM)

~~"An automatic sprinkler system or a residential sprinkler system installed in accordance with Section 903.3.1.2 must be provided through all buildings with a Group R-2 fire area that are more than two stories in height, including basements, or that have more than four dwelling units or 16 sleeping rooms."(SFM)~~

19.03.903.2.11.1 Automatic sprinkler systems; ~~all occupancies except Groups R-3 and U; stories and basements without openings.~~ Specific building areas and hazards; stories without openings.

In the first sentence, delete the words: "where the floor area exceeds 1,500 square feet (139.4 m^2) and".

19.03.907.2.3 Fire alarm and detection systems; Group E.

Add a second paragraph to read as follows:

"Rooms used for sleeping or napping purposes within a day care use of a Group E occupancy must be provided with smoke alarms that comply with the requirements of section 907.2.11.2." (SFM)

~~Delete exception 3. (SFM)~~

19.03.1009.4 ~~19.03.1009.1~~ Stairways; stairway width.

Add the following exception~~s~~:

~~"5. Ladders used only to attend equipment are exempt from the requirements of section 1009."(SFM)~~

5.~~6.~~ Private Stairways, ~~as defined in 19.03.1002~~ may be 32 inches wide."

19.03.1009.7.2 ~~19.03.1009.4~~ Stairways; stair treads and risers.

Delete Exception 5 and add the following:

5. Private Stairways~~, as defined in 19.03.1002,~~ shall have stair riser heights of eight inches maximum and stair tread depths of nine inches minimum."

19.03.1009.8 ~~19.03.1009.5~~ Stairway landings.

Add the following exception:

"~~3.~~ Landings are not required at the top or bottom of stairways accessing non-habitable building equipment rooms."

19.03.1009.9.1~~19.03.1009.6.1~~ Stairway construction; stairway walking surface.

Change the second exception to read as follows:

~~"Exception":~~

In Group R-3 ~~F, H, R-3, S~~ and U occupancies, other than areas of parking structures accessible to the public, openings in treads and landings shall not be prohibited provided a sphere with a diameter of 1 1/8 inches (29 mm) cannot pass through the opening.

19.03.1009.9.2 ~~19.03.1009.6.2~~ Stairway construction; outdoor conditions.

Add the following sentence:

"In occupancies other than Group R-3 and Group U occupancies that are accessory to Group R-3 occupancies, surfaces and landings which are part of exterior stairs in climates with snow or ice shall be designed to minimize the accumulation of the snow or ice." ~~(SFM)~~

19.03.1010.8.2 ~~19.03.1010.7.2~~ Ramp construction; outdoor conditions.

Add the following sentence:

"In occupancies other than Group R-3 and Group U occupancies that are accessory to Group R-3 occupancies, surfaces and landings that are part of exterior ramps in climates with snow or ice shall be designed to minimize the accumulation of the snow or ice." ~~(SFM)~~

19.03.1015.2.2 Three or more exits or exit access doorways.

Add the following exception:

"Exception: Where access to three or more exits is required, the separation distance of the third exit door or exit access doorway shall not be less than one-third of the length of the maximum overall diagonal dimension of the area served." ~~(SFM)~~

19.03.1018.1 Corridors; construction.

At the end of the paragraph add:

" R ~~R-2~~ occupancies shall be permitted to have a one hour rated corridor without a sprinkler system when the corridor:

~~1.~~ ~~serves any occupant load greater than 10.~~

~~2.~~ 1. serves less than four dwelling units or 16 sleeping rooms; and

~~3.~~ 2. is less than three stories in height.

19.03.1021.2 ~~19.03.1021.1~~ Number of exits and exit configuration; Exits from stories.

Add an exception to read:

Exception 8~~6~~. Basements or the first level below the first story in all occupancies except R-3, used exclusively for the service of the building may have access to only one exit. Any other use of the basement or first level below the first story must have at least two exits arranged in accordance with Section 1015.2. For purposes of this exception, storage rooms, laundry rooms, maintenance offices and similar uses may not be considered as providing service to the building." (SFM)

19.03.1029.1 Emergency escape and rescue; general.

In the second sentence after "...sleeping rooms...", add the following:

"or other habitable room of 70 square feet or more and not used for cooking, eating or living room uses".

and delete exceptions 1 and 3 ~~1, 2, 3, 4, and 7~~ (SFM, deletions only)

19.03.1029.6 Replacement emergency escape and rescue windows.

Add a new subsection and new exceptions as follows:

"1026.6 Replacement emergency escape and rescue windows. Replacement windows for emergency escape and rescue shall meet full egress dimensions per IBC Sections 1029.1 ~~1026.1~~ through 1029.3 ~~1026.3~~ where rough openings allow.

Exceptions:

1. Where the existing rough opening does not allow for full emergency escape and rescue per IBC Sections 1029.1 ~~1026.1~~ through 1029.3~~1026.3~~, replacement windows shall have a minimum opening of 20 inches clear width, 22 inches clear minimum height, four square feet minimum of net opening and a finished sill height of not more than 48 inches to a permanent walkable surface. If the existing rough opening cannot accommodate these dimensions, the rough opening shall be enlarged or a new opening created to allow installation of a full emergency escape and rescue window per IBC Sections 1029.1 ~~1026.1~~ through 1029.3 ~~1026.3~~.

2. Where the rough opening is not required to be enlarged to meet the minimum clear width, height, or area, then the finished sill height restriction may be met with the installation of one or more permanently affixed steps. These steps shall extend the full width of the window and meet the current codes rise/run requirements so the top step is no greater than 44 inches to the top of the sill."

19.03.1607.9.3 ~~19.03.1607.8.3~~ Live loads; Geophysical hazard and snow impact loads.

Add a new subsection as follows:

"1607.9.3 ~~1607.8.3~~ Geophysical hazard and snow impact loads. Impact loads shall be considered in the design and construction of any structure where impact loads may occur such as in moderate and severe geophysical hazard zones referred to in CBJ19.04.301.9 or snow shedding from upper roofs."

19.03.1607.12.2.1 ~~19.03.1607.11.2.1~~ Roof Loads; Ordinary roof, awnings, and canopies. ~~Flat, pitched and curved roofs~~.

Delete the second paragraph. ~~last two sentences beginning with "In structures such as."~~

19.03.1805.1 Dampproofing and waterproofing; general. ~~where required.~~

Delete the first paragraph and add the following:

"1805.1 Where required. Walls or portions thereof that retain earth and enclose interior spaces and floors below grade shall be waterproofed and dampproofed in accordance with this section. All crawlspace walls below exterior grade shall be dampproofed."

19.03.2901.1 Plumbing systems; general; scope.

Delete the section and add the following:

"2901.1 Scope. The provisions of this chapter and the Uniform Plumbing Code adopted at section 19.06.1.010 and section 1210 of the IBC shall govern the installation, alterations, repairs, additions, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and/or appurtenances, and where connected to a water or sewage and all aspects of a medical gas system. All references to the International Plumbing Code shall mean corresponding references in the Uniform Plumbing Code."

19.03.2902.6 ~~19.03.2902.5~~ Plumbing systems; unoccupied storage occupancies.

Add a new section as follows:

~~*2902.5*~~ *"2902.6 Unoccupied storage occupancies.* Plumbing fixtures shall not be required in buildings which are primarily S occupancies where there are no employees and no owner operated business' such as mini-storage units, and private storage condominiums."

19.03.3401.7 ~~19.03.3401.6~~ Existing structures; general; fire hazard in existing non-high rise structures.

Add a new subsection as follows:

"Section 3401.7 ~~3401.4~~ Fire hazard. An existing building, regardless of occupancy, that exceeds the areas and heights allowed by Chapter 5 of this code or that does not conform to the requirements of Section 704, Fire resistive rated construction, Exterior walls, and in the building official's opinion presents a serious fire threat to adjacent property, will be required to have installed an approved automatic sprinkler system, fire walls, a combination of both, or other approved means intended to reduce the fire threat."

19.03.3410.1 Moved structures.

Delete section and add the following:

"3410.1 ~~3408.1~~ Buildings, structures and their building service equipment moved into or within the jurisdiction shall comply with the provisions of the International Existing Building Code."

19.03.3411.1 Accessibility for existing buildings; scope.

Add an ~~a second~~ exception as follows:

"1 ~~2~~. For existing R-3 buildings in residential zoned neighborhoods, disabled access requirements are not required for converting an R-3 to a mixed-use, R-3 and commercial-use building, as long as the owner of the commercial use both lives and works in the building. Presence of employees or public use does not reinstate disabled access requirements for this type of Home Occupation R-3 mixed use. Disabled access for the commercial use is required when the Home Occupation's commercial use is an E occupancy."

~~Exception: Disabled access for the commercial use is required when the Home Occupation's commercial use is an E occupancy."~~

Section 3. Amendment of Chapter. Chapter 19.03 Building Code, is amended by deleting the following sections:

19.03.310.2	Definitions.
19.03.502.1	Definitions.
19.03.603.1.3	Combustible material in Type I and II construction: electrical.
19.03.705.2	Fire walls; projections.
19.03.804.4.1	Combustible materials in Type I and II construction; minimum critical radiant flux.
19.03.903.3.1.1.2	Automatic sprinkler systems; Elevator hoistways and machine rooms.
19.03.903.3.1.1.3	Automatic sprinkler systems; Inspectors test valve.

19.03.907.1.2	Fire alarm and detection systems; Fire alarm shop drawings.
19.03.907.2.4	Fire alarm and detection systems; Group F.
19.03.907.2.6.1	Fire alarm and detection systems; Group I-1.
19.03.907.2.7	Fire alarm and detection system; Group M.
19.03.907.2.8.1	Fire alarm and detection system; Group R-1; manual fire alarm system.
19.03.907.2.9.1	Fire alarm and detection system; Group R-2; manual fire alarm system.
19.03.907.2.10.1	Fire alarm and detection system; Group R-4; manual fire alarm system.
19.03.1002	Definition of "private stairway."

Section 4. Amendment of Chapter. Chapter 19.03 Building Code, is amended by adding the following sections:

19.03.305.2.4 Family child care homes.

Add a new section to read: Section 305.2.4 Family Child Care Homes. Family child care homes occupied as their primary residence (Group R-3) operating between the hours of 6:00 a.m. and 10:00 p.m. may accommodate a total of 12 children of any age without conforming to the requirements of this regulation for Group E occupancy, except for fire extinguishers as required by Section 906, smoke alarms as required by Section 907.211.2, carbon monoxide alarms as required by Section 908, means of egress requirements of Section 1003, and emergency escape and rescue openings, as required by *International Fire Code*, including children related to the staff. All stories that are not at grade plane shall have access to two exits. (SFM)

19.03.903.2.8.3 Group R-4.

Add a new subsection to read:

"An automatic sprinkler system shall be provided throughout all buildings that contain an R-4 occupancy."

19.03.903.5 Automatic Sprinkler Systems; Testing and maintenance.

Revise by adding a new sentence at the end of the paragraph to read: "A copy of the acceptance test certificate must be forwarded to the Division of Fire and Life Safety or the deferred authority having jurisdiction by the firm conducting the test within 30 days of the completion of installation."

19.03.903.6 Automatic sprinkler systems; Existing buildings; Group E.

Add a new section as follows:

"An approved automatic fire extinguishing system must be installed in Group E occupancy in accordance with Section 903.2.3, as revised, whenever alterations, or additions are made to an existing structure containing a Group E occupancy."

19.03.904.1 Alternative automatic fire-extinguishing systems; General.

Add a new sentence at the end of the paragraph to read: "A copy of the acceptance test certificate must be forwarded to the Division of Fire and Life Safety or the deferred authority having jurisdiction by the firm conducing the test within 30 days of the completion of the installation."

19.03.904.12 Alternative automatic fire-extinguishing systems; Water mist systems.

Add a new section as follows:

"Water-mist fire-extinguishing systems shall be installed, maintained, periodically inspected and tested in accordance with NFPA 750 and their listing."

19.03.907.2.11.3 Fire alarm and detection systems; Interconnection.

Add a new paragraph to read: "If more than 12 smoke alarms are interconnected the interconnecting means must be supervised in accordance with NFPA 72."

19.03.909.18 Acceptance tests.

Add a new sentence at the end of paragraph to read: "A copy of the acceptance test certificate must be forwarded to the Division of Fire and Life Safety or the deferred authority having jurisdiction by the firm conducting the test within 30 days of the completion of the installation."

19.03.2902.2.1 Plumbing systems; Separate facilities; Family or assisted-use toilet facilities serving as separate facilities.

In the first sentence after "family/assisted-use" add "/unisex."

Section 5. Amendment of Section. Section 19.03.202 Definitions, is amended by adding the following definitions in alphabetical order:

Bed and Breakfast means an owner-occupied dwelling with not more than one dwelling unit and not more than five guest rooms used for lodging for compensation on a transient basis.

Grade Plane means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six feet from the building, between the building and a point six feet from the building. When fill or other construction is placed above the original ground level of a site, that fill or other construction shall not be considered in determining the grade plane of the building unless that fill extends at least 20 feet from the wall with no more than a uniform slope of two percent when either of the following two conditions exist:

1. The fill or construction is adjacent to an exterior wall of a building or

2. The fill was placed within the last five years and is excavated so that exterior walls are constructed below the finished grade of the fill.

Stairways, Private means stairways within commercial occupancies serving one tenant only and not used by the public.

Section 6. Amendment of Section. Section 19.03.202 Definitions, is amended to read:

19.03.202 Definitions.

. . .

"Building, existing, is a building that:

(A) was erected before December 5, 1956; or

(B) was erected before ~~June 9, 2014~~ new adoption date and complies with the building code regulations in effect at the time of construction." (SFM)

. . .

Section 7. Amendment of Chapter. The following sections of Chapter 19.04 Residential Code, are amended to read:

19.04.R010.1 Adoption of residential code.

For the purpose of regulating the erection, construction, prefabrication, enlargement, alteration, repair, replacement, removal, demolition, conversion, occupancy, equipment, use, location and maintenance of all detached one- and two-family dwellings including up to five guestrooms and multiple single-family dwellings (townhouses), not more than three stories in height with a separate means of egress, and their accessory structures located within the City and Borough, there is adopted by reference as the residential code of the City and Borough that compilation of rules and regulations prepared and, published by the International Code Council, a nationally recognized technical trade organization, which compilation is entitled "International Residential Code, 2012 ~~2006~~ Edition", and one copy which has been filed in the office of the municipal clerk of the City and Borough or in such place designated by the municipal clerk for public use, inspection and examination and which compilation is made a part of this chapter as if fully set forth in this section, subject only to the enumerated additions, deletions and changes in this chapter.

19.04.R010.2 Other codes applicable to one- and two-family dwellings.

In addition to the requirements of this chapter, one- and two-family dwellings shall comply with all other applicable codes of the City and Borough including the following codes as modified in Title 19 and where applicable:

Title 19.01, Building Codes Administrative Code;

Title 19.02, Board of Appeals;

Title 19.12, Excavation and Grading Code;

2012 ~~2006~~ IPMC, Property Maintenance Code;

2012 ~~2006~~ IEBC, Existing Building Code;

2012 ~~2006~~ IBC Chapter 32, Encroachments into the Public Right-of-Way;

2012 ~~2006~~ UPC, Uniform Plumbing Code and Title 19.06, Plumbing Code;

2012 ~~2006~~ IFC, International Fire Code, in particular, Section 503, Fire Department Access and Appendix D, Fire Apparatus Access Roads.

19.04.R302.1.1 ~~19.04.R302.2~~ Fire-Resistant Construction; Exterior walls. ~~Exterior wall location; location on property.~~

Add a new subsection to read as follows:

"302.1.1 ~~R302.2~~ Location on Property. Buildings must adjoin or have access to a permanent public way or yard on not less than one side. Required yards must be permanently maintained.

19.04.R303.9 ~~19.04.R303.8~~ Required heating.

Add the following to the first sentence:

" . . . without involving the combustion of a solid fuel."

19.04.R307.1 Toilet, bath, and shower spaces; space required.

On Figure R307.1 Minimum Fixture Clearances delete "21 in." clearance on water closets and water bidet and replace with the following:

"(24 in."

Delete both "30 in. min." on Shower figure and replace with the following:

"See 2012 ~~2006~~ Uniform Plumbing Code Section 411.7 for shower dimension requirements."

19.04.R310.6 ~~19.04.R310.1.6~~ Replacement of existing nonconforming windows required for emergency escape and rescue.

Add a new subsection and new exception as follows:

" *R310.6 Replacement of existing nonconforming windows required for emergency escape and rescue.* Replacement windows for emergency escape and rescue shall meet the dimensions of this subsection. Where the existing rough opening does not allow for replacement window dimensional requirements of this subsection the rough opening shall be enlarged and the replacement window shall meet the full emergency escape and rescue openings per IRC Section R310.1 through R310.5.

R310.6.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 4 square feet (0.372 m2).

R310.6.2 Minimum opening height. The minimum net clear opening height shall be 22 inches (559 mm).

R310.6.3 Minimum opening width. The minimum net clear opening width shall be 20 inches (508 mm).

R310.6.4 Minimum sill height. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 48 inches (1118 mm) above the floor.

Exception: Installation of one or more permanently affixed steps extending the full width of the window opening constructed to the current adopted International Residential codes rise and run requirements so the top step is no greater than 44 inches to the top of the sill."

19.04.R311.9 ~~19.04.R311.7~~ Ladders.

Add a *new* subsection to read:

" *R311.7 Ladders.* Stairs or ladders used only to attend equipment or to access unoccupied spaces are exempt from the requirements of this section.

Sleeping and other lofts or similar separate spaces of not over 250 square feet and not containing *primary* kitchens or bathrooms may be accessed by alternating tread stair

with handrails on each side. Alternating tread stairs are defined in IBC Section 202 ~~1009.9~~."

19.04.R314.3 ~~19.04.R313.2~~ Smoke alarms; location ~~Alarms and detectors~~.

Add the following item:

"4. In any habitable room equal to or greater than 70 square feet and not used for cooking, eating, living room or other dedicated, non-sleeping uses."

19.04.R315 ~~19.04.R313.4~~ Carbon monoxide ~~detectors and~~ alarms.

~~Add a new section to read as follows:~~

~~" *R313.4.1 Carbon Monoxide Detectors and Alarms.* The provisions of this section shall apply to all dwelling units and guest rooms. At least one carbon monoxide detector or alarm shall be installed on each floor level. If a floor level contains bedrooms or sleeping rooms, at least one detector shall be located in the immediate vicinity of the sleeping area, outside of the bedrooms or sleeping rooms. Carbon monoxide detectors and alarms shall be installed in accordance with their listing. The alarm shall be clearly audible in all sleeping rooms, even if the intervening doors are closed.~~

R315.1 Carbon monoxide alarms.

Exceptions:

1. Carbon monoxide detectors and alarms are not required in dwelling units and structures that have no combustion appliances, attached garage, or other vehicle parking within 25 feet of any direct opening.

2. Carbon monoxide detectors and alarms are not required if all combustion equipment is located within a mechanical room separated from the rest of the building by construction capable of resisting the passage of smoke. If the structure has an attached and enclosed parking garage, the garage shall be ventilated by an approved automatic carbon monoxide exhaust system designed in accordance with the 2006 I.M.C.

R315.4.1 ~~R313.4.2~~ Interconnection. In new construction, all carbon monoxide detectors and alarms located within a single dwelling unit shall be interconnected in such a

manner that actuation of one alarm shall activate all of the alarms within the individual dwelling unit.

R315.4.2 ~~*R313.4.3*~~ *Power source.* In new construction, carbon monoxide detectors and alarms shall receive their primary power from the building wiring if the wiring is served from a commercial source, and shall be equipped with a battery backup. Wiring shall be permanent and without a disconnecting switch other than what is required for overcurrent protection. In existing construction, carbon monoxide detectors and alarms may be powered by battery or a cord-and-plug with battery backup." (SFM)

19.04.R317.1 ~~**19.04.R319.1**~~ **Protection of wood and wood based products against decay; location required.**

In item 2, delete remainder of sentence after "exterior foundation walls".

19.04.R320 ~~**19.04.R322**~~ **Accessibility.**

Delete this section in its entirety.

19.04.R322.1.7 ~~**19.04.R324.1.6**~~ **Protection of water supply and sanitary sewage systems.**

Delete the following from the second sentence:

"...in accordance with the plumbing provisions of this code and Chapter 3 of the International Private Sewage Disposal Code."

19.04.322.1.9 ~~**19.04.R324.1.8**~~ **Flood-resistant construction; general; manufactured** ~~**housing**~~ **homes.**

Delete the last sentence and replace with the following:

"Manufactured homes shall not be placed in identified flood ways."

19.04.322.2.1 ~~19.04.R324.2.1~~ Flood-resistant construction; flood hazard areas (including A Zones); elevation requirements.

Replace item 2 with the following:

"2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet (mm) on the FIRM. Where elevation is unspecified on FIRM or from another authoritative source, the elevation may be determined by reasonable local judgment based on historical data, high water marks, photographs of past flooding, or other similar or relevant data. Failure to elevate construction at least 2 feet (610 mm) above grade in these areas may result in higher insurance rates."

19.04.R322.3.2 ~~19.04.R324.3.2~~ Flood-resistant construction; coastal high-hazard areas (including V Zones); elevation requirements.

Replace requirement number 3 with the following:

"3. The use of fill for structural support of buildings within V Zones may be allowed only when certified by an engineer licensed to practice in the State of Alaska that the fill, foundation and structure attached thereto is adequately anchored to resist floatation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on any and all building structural components. The use of fill for structural support shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the proposed fill is subject to scour or erosion from wave-velocity flow conditions. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrent interval)."

Replace requirement number 4 and its exception with the following:

"4. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R324.3.4 and R324.3.5."

19.04.R401.3 Foundations; drainage.

Delete the last sentence and add the following:

"The grade away from foundation walls shall be a minimum of two percent positive grade within the first five feet."

And, in the exception, change "six inches (152 mm) of fall within ten feet (3,048 mm)" to read "two percent slope within five feet (1,524 mm)."

~~And, in the exception, change, change "5 percent" to read "2 percent" in the first sentence.~~

19.04.R404.1 Concrete and masonry foundation walls.

Add the following paragraph to section R404.1:

"Concrete and masonry foundation walls may be designed per City and Borough "Standard CBJ Foundations" handout dated January 2016 ~~July 1, 2005~~ and available in the office of the building official."

19.04.R502.15 Conventional light-frame construction; floor joists; vapor retarder.

Add the following subsection:

" *R502.15 Vapor retarder.* Under floor spaces and crawlspaces shall have a vapor retarder that is a minimum of 6 mil thick (0.15 mm) class 1 polyethylene film installed such that all edges are lapped a minimum of 6 inches (152 mm) and sealed with a permanent compatible sealing compound or adhesive. Such vapor retarder shall extend vertically up the foundation wall a minimum of 6 inches (152 mm) and be attached and sealed with a permanent compatible sealing compound or adhesive to the foundation wall. Vapor retarder shall not be attached to wood other than pressure preservative treated wood. Vapor retarder is to be contoured so as to avoid damage from walking upon it. All penetrations of vapor retarder shall be well sealed. Comparable substitutions of materials and or installation methods may be used as approved by the building official."

19.04.R703.2 Water resistive barrier ~~Weather-resistant sheathing paper~~.

Delete exception 2.

19.04.R802.11.1 Roof tie-down; uplift resistance.

Add the following sentence to the second paragraph:

"Uplift ties ~~Such ties~~ shall be spaced no farther than 48 inches apart."

19.04.N1101.1 Energy efficiency; general; scope.

Add the following sentence:

"This chapter of the IRC contains several references to the International Energy Conservation Code (IECC). The IECC is not adopted by the CBJ and is used herein as a reference only. A copy of the IECC is kept at the Juneau Permit Center and may be reviewed there or a copy may be obtained from the International Code Council."

~~And number the existing exception as "1."~~

And add the following exceptions:

~~"2.~~ 1. Cabins as defined in 19.01.202.

~~3. Remodeling.~~

~~4. Minor additions.~~

2.~~5.~~ Restoration and rehabilitation work on a dwelling designated as a historic building under Title 19.01.202, Historic Buildings, where adherence to the thermal code would substantially detract from significant historic features of the building."

19.04.N1101.10 ~~19.04.N1101.2~~ Climate Zones ~~Compliance.~~.

Delete this section in its entirety and replace with the following:

"For the purpose of this chapter the City and Borough of Juneau shall be classified as being located in Climate Zone 6."

19.04.N1102.2.8 ~~19.04.N1102.2.6~~ Energy efficiency; building thermal envelope; basement walls.

Add the following sentence at the end of the paragraph:

"Insulation installed on the exterior of basement walls shall be of waterproof materials."

19.04.N1102.10 ~~19.04.N1102.2.8~~ Energy efficiency; building thermal envelope; crawl space walls.

In the first sentence, delete the words "when the crawl space is not vented to outside."

And add the following as the last sentence:

"Any openings provided for ventilation or access shall be capable of being positively closed to prevent winter air infiltration. The closure shall provide nominal R-10 minimum thermal performance. Insulation installed on the exterior of crawlspace walls shall be of waterproof materials."

19.04.N1103.3 ~~19.04.N1103.7~~ Energy efficiency; Mechanical system ~~piping insulation.~~

Add the following subsection:

" *N1103.7* Piping *insulation.* All piping subject to damage from freezing shall be protected from freezing."

19.04.N1106 ~~19.04.N1104~~ Energy efficiency; special standards.

Add a new IRC section as follows:

" *N1104 Special standards.* Unusual housing designs such as earth shelters or domes, or designs using solar energy as a principal heat source may be approved by the building official even though not in compliance with IRC Sections N1101-N1103 if the applicant makes a clear showing based on accepted engineering standards that it is not feasible to apply IRC Sections N1101-N1103 and that the structure is as thermally efficient as those which do comply with those sections."

19.04.M1601.4.1 ~~19.04.M1601.3.1~~ Duct construction; Installation; Joints, seams, and connections ~~Duct construction; joints and seams~~.

Add the following as the last sentence:

"No cloth tape, mesh or similar tapes are allowed. The use of foil tape is approved."

19.04.G2415.12 ~~19.04.G2415.9~~ Minimum burial depth.

Add the following sentences to the end of the paragraph:

"Plastic and copper gas piping shall have at least 18 inches of earth cover or other equivalent protection. Warning tape shall be installed six inches above pipe for entire length of pipe."

19.04.Part VII ~~7~~ Plumbing.

Delete IRC Part VII ~~7~~, Chapters 25 through 32, and refer to Title 19.06 for adoption of the Uniform Plumbing Code.

Section 8. Amendment of Chapter. Chapter 19.04 Residential Code, is amended by the deletion of the following sections:

19.04.R303.3	Kitchens, bathrooms, and laundry rooms.
19.04.R309.1	Garage; opening protection.
19.04.R313	Smoke alarms.
19.04.R318.1	Moisture vapor retarders; moisture control.
19.04.R324.3.3	Flood-resistant construction; Coastal high-hazard areas (including V Zones); foundations.
19.04.R403.1.4.1	Frost protection.
19.04.R404.5	Retaining walls.
19.04.R407.2	Steel column protection.
19.04.Figure R602.7.2	Typical wood structural panel box header construction.

19.04.Table R602.7.2	Maximum spans for wood structural panel box headers.
19.04.Table N1102.1	Insulation and fenestration requirements by component. [a]
19.04.Table N1102.1.2	Equivalent *U*-Factors
19.04.N1103.2.1	Energy efficiency; systems; ducts; insulation.
19.04.G2406.4	Appliance location; liquefied petroleum gas facilities.
19.04.G2415.4	Piping through foundation wall.
19.04.G2420.5	Equipment shutoff valve.
19.04.E3305.4	Equipment location and clearances; location of clear spaces.
19.04.E3306.3	Minimum size of conductors.
19.04.E3504.2.1	Overhead service-drop and service conductor installation; vertical clearances; above roofs.
19.04.E3504.4	Overhead service-drop and service conductor installation; means of attachment.
19.04.E3504.5	Overhead service-drop and service conductor installation; service masts as supports.
19.04.R602.7	Headers.
19.04.E3603.2	Required branch circuits; kitchen and dining room area receptacles.
19.04.E3702.1	Above-ground installation requirements; installation and support requirements.

Section 9. Amendment of Chapter. Chapter 19.04 Residential Code, is amended by the addition of the following sections:

19.04.R302.2 Fire-Resistant Construction; Townhouses.

Change the Exception to read: "A common 2 hour fire-resistance-rated wall assembly is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall

be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4."

19.04.R602.10 Wall bracing

Delete Section 602.10 of the 2012 International Residential Code and refer to Section 602.10 of the 2006 International Residential Code.

19.04.R602.11 Wall anchorage.

Delete Section 602.11 of the 2012 International Residential Code and refer to Section 602.11 of the 2006 International Residential Code.

19.04.Part VIII Electrical

Delete IRC Part VIII, Chapters 34 through 41, and refer to Title 19.08 for adoption of the National Electrical Code.

Section 10. Amendment of Chapter. The following sections of Chapter 19.05 Existing Building Code, are amended to read:

19.05.010 International Existing Building Code (IEBC) adopted.

For the purpose of providing an alternative method of regulating the enlargement, alteration, repair, moving, conversion, occupancy, and use of existing buildings and structures or portions thereof in the City and Borough, there is adopted by reference, as the existing Building Code of the City and Borough, that certain compilation of rules and regulations prepared by the International Code Council, a nationally recognized technical trade organization, which compilation is entitled "International Existing Building Code, 2012 ~~2009~~ Edition," (IEBC) and one copy which has been filed in the office of the municipal clerk of the City and Borough, or places designated by the municipal clerk for public use, inspection and examination, and which compilation is made a part of this chapter as if fully set forth in this section, subject only to the enumerated additions, deletions and changes in this chapter.

19.05.202 Definitions.

Delete the definition of "Existing Building" and add the following:

"Existing Building is a building that:

(A) was erected before December 5, 1956; or

(B) was erected before Insert Ordinance Adoption Date ~~June 19, 2014~~ and complies with the building code regulations in effect at the time of construction."

. . .

19.05.702.4 ~~19.05.602.4~~ Alterations - level 1; materials and methods.

Delete reference to "International Energy Conservation Code"

19.05.707 ~~19.05.607~~ Alterations-level 1; energy conservation.

Delete this section in its entirety.

19.05.810.1 ~~19.05.710.1~~ Alterations - level 2; plumbing; minimum fixtures.

Delete reference to "International Plumbing Code" and replace with "International Building Code" or "International Residential Code" as applicable.

19.05.811 ~~19.05.711~~ Alterations - level 2; energy conservation.

Delete this section in its entirety.

19.05.908 ~~19.05.808~~ Alterations - level 3; energy conservation.

Delete this section in its entirety.

19.05.1010.1 ~~19.05.910.1~~ Change of occupancy; plumbing; increased demand.

Delete reference to "International Plumbing Code" and replace with "International Building Code" or "International Residential Code" or "Uniform Plumbing Code" as applicable.

19.05.1012.8 ~~19.05.912.8~~ Change of occupancy; change of occupancy classification; accessibility.

Add an exception as follows:

For existing R-3 buildings in residential zoned neighborhoods, disabled access requirements are not required for converting an R-3 to a mixed-use, R-3 and commercial-use building, as long as the owner of the commercial use both lives and works in the building. Presence of employees or public use does not reinstate disabled access requirements for this type of Home Occupation R-3 mixed use. This exception does not apply when Home Occupation is combined with an E occupancy serving more than 12 children.

19.05.1401.2 ~~19.05.1301.2~~ Performance compliance methods; applicability.

Delete the phrase starting with "[Date to be inserted by the jurisdiction?" and insert the following: "the date specified in the definition of Existing Building in section 202, Definitions."

Section 11. Amendment of Chapter. The following sections of Chapter 19.06 Plumbing Code, are amended to read:

19.06.1.010 Uniform Plumbing Code (UPC) adopted.

For the purpose of regulating the erection, construction, reconstruction, addition, enlargement, conversion, equipment, use and maintenance of all plumbing within and without all buildings and structures or portions thereof within the City and Borough, there is adopted by reference as the plumbing code of the City and Borough, that certain compilation of rules and regulations prepared and published by the International Association of Plumbing and Mechanical Officials, a nationally recognized technical trade organization, which compilation is entitled "Uniform Plumbing Code, 2012 ~~2009~~ Edition," (UPC) and one copy which has been filed in the office of the municipal clerk of the City and Borough or at such places as designated by the municipal clerk, for public use, inspection and examination and which compilation is made a part of this

chapter as if fully set forth in this section, subject only to the enumerated additions, deletions and changes in this chapter.

19.06.1.312.1 ~~19.06.1.313.1~~ Protection of piping, materials, and structures.

Add the following sentence to the end of the paragraph:

"Sleeve to have an internal diameter 2″ larger than the pipe the sleeve is protecting when penetrating a foundation wall. Pipe to be centered in sleeve to allow 1" of annular space around the pipe."

19.06.1.312.7 ~~19.06.1.313.7~~ Protection of piping, materials and structures.

Delete remainder of sentence after Table 14-1.

19.06.1.422.0 ~~19.06.1.412.0~~ Minimum number of required fixtures.

Delete section and refer to IBC Section 2902.1, Table 2902.1, Minimum Number of Plumbing Facilities except that for assembly areas containing auditoriums, convention halls, stadiums, and casinos, the ratios of fixtures shall be as follows:

1. the number of water closets required for females are changed to provide
    a. four water closets for 1—50 females;
    b. six water closets for 51—100 females;
    c. 10 water closets for 101—200 females;
    d. 14 water closets for 201—400 females; and
    e. one additional water closet for each 100 females over 400 females; and
2. the number of lavatories required for females and males are changed to
    a. one lavatory for each water closet up to four water closets; and

b. one additional lavatory for each two additional water closets beyond four water closets. (DOL)

19.06.1.504.1.3 ~~19.06.1.505.1.3~~ Water heater requirements; location.

Add a new paragraph as follows:

"Installation of gas water heaters in crawl spaces is prohibited."

19.06.1.507.5 ~~19.06.1.508.5~~ Relief valve discharge.

Delete section 508.5.

19.06.1.603.1 ~~19.06.1.603.0~~ Cross-connection control; General.

Add the following to the end of the first sentence:

". . . and with provisions of section 19.06.2."

19.06.1.Table 604.1~~19.06.1.Table 6-4.~~

Delete "Asbestos-Cement" from the table.

19.06.1.604.2 Materials; Copper Tube.

Delete the exception.

19.06.1.609.3(2) ~~19.06.1.609.3.2~~ Installation; Under Concrete Slab.

Add the following as the first sentence:

"Copper pipe and tubing shall be protected from direct contact with concrete or cinder blocks by a minimum of 0.025 inch (0.64mm) approved sheathing or wrapping ."

19.06.1.701.1(2) ~~19.06.1.701.1.2~~ Drainage Piping. ~~Sanitary drainage; materials.~~

Delete the words "Chapter 15 "Firestop Protection and replace with the words "the building code".

19.06.1.701.1(7) ~~19.06.1.701.1.7~~ Drainage Piping. ~~Sanitary drainage; materials.~~

Add a new exception as follows:

"701.1.7 ABS, ~~and~~ PVC, and cast iron shall not be used underground where it passes underneath the foundation within one foot of building walls or footings unless adequately sleeved with schedule 40 steel ~~cast iron~~ or ductile iron with a minimum one inch annular space to a point two feet on each side of the wall or footing."

19.06.1.710.3(3) ~~19.06.1.710.3.3~~ Sanitary drainage; drainage of fixtures located below the next upstream manhole or below the main sewer level; Sewage Ejector Pumps.

Delete the words "three (3) inches (80 mm)" and replace with the words "two (2) inches (50mm"."

19.06.1.903.1(2) ~~19.06.1.903.1.2~~ Vents; materials; Applicable Standards.

Delete reference to "Chapter 15 Firestop Protection " and replace with "the Building Code."

19.06.1.1002.2 ~~19.06.1.TABLE 10-1~~ Horizontal lengths of trap arms.

Add footnote ** after the words "Horizontal Lengths ~~Distance~~ of Trap Arm" and below Table 1002.2 ~~Table 10-1~~ add the following:

"** Trap arms for residential floor drains may be extended beyond the limits of Table 1002.2 ~~Table 10-1~~ to where they pass under the nearest wall before installing the required vent."

19.06.1.1101.5.1 Subsoil drains; Discharge.

Add the following to the beginning of the paragraph:

"When required by the administrative authority..."

19.06.1.1101.11.2.2(b) ~~19.06.1.1101.11.2.2.2~~ Combined systems.

Delete this section in its entirety.

19.06.1.Chapter 12 Fuel gas piping.

In addition to the fuel gas pipe sizing requirements in this chapter, the fuel gas pipe sizing methods in the International Fuel Gas Code shall be considered acceptable methods of sizing fuel gas piping.

19.06.1.Chapter 15 Firestop protection.

Delete UPC Chapter 15 in its entirety. Refer to Chapter 7 of the International Building Code.

19.06.1.Chapter 16 Gray water systems.

Delete UPC Chapter 16 in its entirety.

APPENDICES

If a specific appendix is not listed as adopted it is deleted.

19.06.1.UPC Appendix C Alternate plumbing systems.

UPC Appendix C is adopted.

Section 12. Amendment of Chapter. The following sections of Chapter 19.06 Plumbing Code, are deleted in their entirety.

19.06.1.1101.5.6 Subsoil drains.

19.06.1.UPC Appendix L Alternate plumbing systems.

Section 13. Amendment of Chapter. The following sections of Chapter 19.07 Mechanical Code, are amended to read:

19.07.010 International ~~m~~Mechanical ~~e~~Code (IMC) adopted.

For the purpose of regulating the erection, installation, alterations, repair, relocation, replacement, addition to, use, design, quality of materials, location and maintenance of heating, ventilating, cooling and refrigeration systems, incinerators, and other miscellaneous heat-producing appliances within and without all buildings and structures and portions thereof within the City and Borough, there is adopted by reference as the mechanical code of the City and Borough that compilation of rules and regulations prepared and published by the International Code Council, a nationally recognized technical trade organization, which compilation is entitled "International Mechanical Code, 2012 ~~2009~~ Edition," (IMC) and one copy which has been filed in the office of the municipal clerk of the City and Borough or at such other places designated by the municipal clerk, for public use, inspection and examination and which compilation is made a part of this chapter as if fully set forth in this section, subject only to the enumerated additions, deletions and changes in this chapter.

19.07.Table 304.8 ~~19.07.Table 304.7~~ Standard installation clearances, in inches for certain unlisted heat-producing appliances.

Insert table as follows: (SFM)

Table 304.8 ~~304.7~~ Standard Installation Clearances, In Inches For Certain Unlisted Heat-Producing Appliances

Appliances	Fuel	Above Top of Casing or Appliance	From Top and Sides of Warm-air Bonnet or Plenum	From Front (1)	From Back (6)	From Sides (6)
Residential – Type						
Furnaces - Floor For mounting on Combustible floors.	Solid	18(2)	18(2)	48	18	18
	Automatic Oil or comb. Gas-oil	36		12	12	12
Room Heaters(3) Circulating type.	Oil or Solid	36		24	12	12
Radiant or Other type.	Oil or Solid	36		36	36	36
Fireplace stove	Solid	48(4)		54	48(4)	48(4)
Incinerators Domestic types		36(5)		48	36	36
Commercial - Type Low Heat Appliances						
Unit Heaters Floor mounted any size.	All fuels	18		48	18	18
Other low-heat Industrial Appliances. Floor mounted or suspended.	All fuels	18	18	48	18	18
Commercial Industrial - Type Medium Heat Appliances						
Incinerators All sizes.		48		96	36	36

Footnotes:

(1) The minimum dimension shall be that necessary for servicing the appliance, including access for cleaning and normal care, tube removal, and similar items.

(2) The dimension may be six inches (152mm) for an automatically stoker-fired forced-warm-air furnace equipped with 250 degree Fahrenheit limit control and with barometric draft control operated by draft intensity and permanently set to limit draft to a maximum intensity of 0.13-inch water gauge (32Pa).

(3) Approved appliances must be installed on non-combustible floors and may be installed on protected combustible floors. Heating appliances approved for installation on protected combustible flooring shall be so constructed that flame and hot gases do not come in contact with the appliance base. Protection for combustible floors shall consist of four inch (102mm) hollow masonry covered with sheet metal at least 0.021 inch (0.5mm) thick (No. 24 manufacturer's standard gauge). Masonry must be permanently fastened in place in an approved manner with the ends unsealed and joints matched so as to provide free circulation of air through the masonry. Floor protection shall extend 12 inches (305mm) at the sides and rear of the appliance, except that at least 18 inches (457mm) shall be required on the appliance-opening side or sides measured horizontally from the edges of the opening.

(4) The 48-inch (1219mm) clearance may be reduced to 36 inches (914mm) when protection equivalent to that provided by items 1 through 6 of Table 304.8 (see below) is applied to the combustible construction.

(5) Clearance above the charging door must be at least 48 inches (1219mm).

(6) If the appliance is encased in brick, the 18-inch (457mm) clearance above and at sides and rear may be reduced to 12 inches (305mm).

19.07.Table 304.9 ~~19.07.Table 304.8~~ Clearances, in inches with specified forms of protection.

Insert the following table: (SFM)

Table 304.9 ~~304.8~~ Clearances, in inches with specified forms of protection. (1,2)

TYPE OF PROTECTION	Where the standard clearance in Table 304.8 ~~304.7~~ with no protection is											
Applied to the Combustible Material Unless Otherwise Specified and Covering All Surfaces within the Distance Specified as the Required Clearance with No Protection (Thicknesses Are Minimum)		36 Inches			18 Inches			12 Inches			6 Inches	
		(× 25.4 for mm)										
(× 25.4 for mm)		Above	Sides And Rear	Chimney or Vent Connector	Above	Sides and Rear	Chimney or Vent Connector	Above	Sides and Rear	Chimney or Vent Connector	Above	Sides and Rear	Chimney or Vent Connector
1.	¼″ in insulating mill board spaced out 1″ (3)	30	18	30	15	9	1 2	9	6	6	3	2	3
2.	0.013″ (No. 28 manufacturer's standard gage) steel sheet on ¼″ insulating millboard	24	18	24	12	9	12	9	6	4	3	2	2
3.	0.013″ (No. 28 manufacturer's standard gage) steel sheet spaced out	18	12	18	9	6	9	6	4	4	2	2	2

	1″ (3)												
4.	0.013″ (No. 28 manufacturer's standard gage) steel sheet on 1/8 ″ insulating mill board spaced out 1″ (3)	18	12	18	9	6	9	6	4	4	2	2	2
5.	1½″ insulating cement covering on heating appliance	18	12	36	9	6	18	6	4	9	2	1	6
6.	¼″ insulating millboard on 1″ mineral fiber batts reinforced with wire mesh or equivalent	18	12	18	6	6	6	4	4	4	2	2	2

1. For appliances complying with Sections 304.2 and 304.3.

2. Except for the protection described in Item 5, all clearances shall be measured from the outer surface of the appliance to the combustible material, disregarding any intervening protection applied to the combustible material.

3. Spacers shall be of noncombustible material.

NOTE: Insulating millboard is a factory-made product formed of noncombustible materials, normally fibers, and having a thermal conductivity of I Btu -inch per square foot per degree Fahrenheit [1.73W/(m K)] or less.

19.07.304.13 ~~19.07.304.12~~ Installation; aircraft servicing and storage areas.

Add a new subsection as follows:

"304.13 ~~304.12~~ Aircraft servicing and storage areas. Overhead heaters installed in aircraft storage or servicing areas shall be at least ten feet (3048 mm) above or away from the upper surface of wings or engine enclosures of the tallest aircraft which may be housed in the hangar."

19.07.501.3 ~~19.07.501.2~~ Exhaust discharge.

Delete the exceptions and add the following to the second sentence:

"unless it is part of an engineered ventilation system."

19.07.504.1 Clothes dryer exhaust; installation.

Delete the exception and add the following sentence:

"Condensing (ductless) clothes dryers shall not be used."

19.07.603.1 Duct construction and installation; general.

Add the following sentence:

"Bathroom, laundry room and kitchen room exhaust ducting and HRV ducting may be of smooth plastic, or smooth metal ~~or flexible metal~~. Ducting included as a part of a listed appliance may also be used as listed with that appliance."

19.07.604.1 Duct systems; insulation; general.

Delete the words "and the International Energy Conservation Code." (SFM)

Add to the end of the paragraph:

All supply and return air ducts and plenums shall be insulated with a minimum of R-5 insulation when located in unconditioned spaces and with a minimum of R-8 insulation

when located outside the building envelope. When located within a building envelope assembly, the duct or plenum shall be separated from the building exterior or unconditioned or exempt spaces by a minimum of R-8 insulation.

Exceptions:

1. When located within equipment.

2. When the design temperature difference between the interior and exterior of the duct or plenum does not exceed 15°F (8°C).

~~3. When located within the under floor crawlspace of a one or two family dwelling unit."~~

19.07.929.1 ~~19.07.928.1~~ Unvented room heaters.

Add a new section as follows:

19.07.928.1 Unvented Room Heaters. Unvented room heaters shall not be used."

19.07.1105.3 Machinery room, general requirements; Refrigerant detector.

Add a second sentence to read as follows:

"Refrigerant detectors shall alarm both inside and outside the machinery room."

Section 14. Amendment of Chapter. The following sections of Chapter 19.07 Mechanical Code, are deleted in their entirety.

19.07.601.4 Contamination prevention.

19.07.709.1 Combustion air; opening obstructions; general.

19.07.1105.6.2 Refrigeration; makeup air.

Section 15. Amendment of Chapter. The following sections of Chapter 19.09 Fuel Gas Code, are amended to read:

19.09.010 International Fuel Gas Code (IFGC) adopted.

For the purpose of regulating the installation, alterations, repair, relocation, replacement, addition to, use, design, quality of materials, location and maintenance of fuel gas piping systems, fuel gas utilization equipment and related accessories within and without all buildings and structures and portions thereof within the City and Borough, there is adopted by reference as the Mechanical Code of the City and Borough that compilation of rules and regulations prepared and published by the International Code Council, a nationally recognized technical trade organization, which compilation is entitled "International Fuel Gas Code, 2012 ~~2009~~ Edition," and one copy which has been filed in the office of the clerk of the City and Borough or at such other places designated by the clerk, for public use, inspection and examination and which compilation is made a part of this chapter as if fully set forth in this section, subject only to the following enumerated additions, deletions and changes.

19.09.101.2 Administration, general, scope.

Add an Exception as follows:

"2. As an alternative to the provisions of this code, fuel gas piping systems and fuel gas water heaters shall be permitted to comply with the appropriate provisions of the 2012 Uniform Plumbing Code."

19.09.202 General definitions.

Add the following definitions:

"ICC Electrical Code shall mean appropriate corresponding references in the 2014 National Electrical Code adopted at CBJ 19.08.010."

19.09.305.13 ~~19.09.305.9~~ Installation; aircraft servicing and storage areas.

Add a new section as follows:

305.9 Aircraft Servicing and Storage Areas. Overhead heaters installed in aircraft storage or servicing areas shall be at least 10 feet (3048 mm) above or away from the upper surface of wings or engine enclosures of the tallest aircraft which may be housed in the hangar.

19.09.404.20 ~~19.09.404.18~~ Piping system installation; frost heave.

Add a new subsection as follows:

404.20 ~~404.18~~ Frost heave. At all points where fuel gas piping enters or leaves the ground there shall be installed, above ground, a connection capable of absorbing relative motion due to frost heave action. Such connectors shall be of a type approved by the building official and installed in such a manner to absorb a 6-inch (152 mm) displacement in any direction. A wire braided kink-proof flexible connection with woven jacket and oil proof synthetic tube and cover and neoprene liner may be used. Supporting wire shall run the full length of hose. Hose-to-pipe connectors are to be of the removable metal compression type.

Temperature range shall be -40 degrees F (-40c) to +250 degrees F (121c). (Aeroquip #1503 medium-pressure single-wire braid hose equipped with non-swivel male pipe fittings is an example of a suitable connector.)

19.09.404.21 ~~19.09.404.19~~ Piping system installation; flex connectors.

Add a new subsection as follows:

404.21 Flex connectors. Flex connectors listed for outdoor use may be used between meter and house main. No flex connector may pass through any wall, partition, panel or other barrier. Solid fittings shall be used on each end."

19.09.404.22 ~~19.09.404.20~~ Piping system installation; mobile homes.

Add a new subsection as follows:

404.22 ~~404.20~~ Mobile homes. Pounds to inches water-column regulators serving mobile homes and connected to copper tubing shall be attached directly to the inlet connection on the exterior of the mobile home, and shall not be located under the mobile home. An approved gas valve shall be installed immediately preceding the regulator."

Section 16. Amendment of Chapter. Chapter 19.09 Fuel Gas Code, is amended by repealing the following sections in their entirety:

19.09.404.4 Piping through foundation wall.

Section 17. Amendment of Chapter. The following sections of Chapter 19.10 Fire Code, are amended to read:

19.10.010 International Fire Code (IFC) adopted.

For the purpose of regulating the storage, handling and use of hazardous substances, materials and devices and other conditions hazardous to life or property in the use or occupancy of buildings or premises or portions thereof in the City and Borough, there is adopted by reference as the fire code of the City and Borough that certain compilation of rules and regulations jointly prepared and published by the International Code Council, a nationally recognized professional and trade organization, which compilation is entitled "International Fire Code, 2012~~2009~~ Edition," (IFC) and once copy which has been filed in the office of the municipal clerk of the City and Borough or such other places as designated by the municipal clerk for public use, inspection and examination and which compilation is made a part of this chapter as if fully set forth in this section, subject only to the enumerated additions, deletions and changes in this chapter.

…

19.10.202 Definitions.

The first sentence of the definition of "Airport" is revised to delete the words "with an overall length greater than 39 feet (11887 mm) and an overall exterior fuselage width greater than 6.6 feet (2012 mm)". (SFM)

. . .

And add an exception under the definition "Educational Group E, Day care" to read:

"Exception. Family child care homes (Group R-3) operating between the hours of 6:00 a.m. and 10:00 p.m. may accommodate a total of 12 children of any age without conforming to the requirements of this regulation (E occupancy) except for smoke detectors and alarms as described in Subsection 907.2.10; carbon monoxide detectors and alarms as specified in 19.03.425~~19.03.422~~; means of egress requirements of Section 1003, including emergency escape and rescue openings, as required by Section 1029~~1025~~, in napping or sleeping rooms; and portable fire extinguisher requirements as described in Section 906." (SFM)

Add a new paragraph between the first and second paragraphs of the definition of "Institutional Group I-1" in "Occupancy Classification" to read:

"A facility in this occupancy classification that has occupants who need physical assistance to respond in emergency situations must comply with the International Fire Code, Section ~~19.03.423~~ 405." (SFM)

. . .

Add a new paragraph to the definition for R-4 in "Residential Group R" of "Occupancy Classification between the first and second paragraphs to read: "Facilities within this occupancy classification that have occupants needing physical assistance to respond in emergency situations must comply with the International Fire Code, Section 405." ~~11.~~

And add the following definitions ~~definition~~:

"Service is the annual test, maintenance or service defined and required by applicable fire protection system maintenance standards set out in Table 901.6.1." (SFM)

"STAIRWAYS, PRIVATE" are stairways within commercial occupancies serving one tenant only and not used by the public."

19.10.308.1 ~~19.10.308.3~~ Open flame.

Delete IFC Section 308.1 ~~308.3~~ and add the following:

"*308.1 ~~308.3~~ Open flame.* The use of open flame in connection with a public meeting or gathering for the purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purposes in assembly or educational occupancies shall be done in consultation with the fire department." (SFM)

19.10.501.3 Fire service features; general; construction documents.

Add a second paragraph to read:

"The fire chief of the registered department may require fire apparatus access roads, premises identification, key boxes, fire protection water supplies, fire protection and utility equipment identification and access, and emergency responder radio coverage in accordance with this chapter. Documentation shall be provided indicating that the fire chief has been involved in discussion regarding fire apparatus access roads, premises identification, key boxes, fire protection water supplies, fire protection and utility equipment identification and access, and emergency responder radio coverage.";

19.10.507.3 Fire flow.

Delete IFC Section 507.3 and add the following:

"508.3 Water supplies for the fire flow requirements for buildings or portions of buildings and facilities shall be calculated using the provisions of Appendix ~~Chapter~~ B and Table B105.1."

19.10.703.2.3.1 Door operation; operation.

Add a new subsection as follows:

" *703.2.3.1 Operation.* Fire assemblies shall not be obstructed or otherwise impaired from their proper operation at any time. When two or more self-closing fire assemblies within a building have been documented as having been obstructed or impaired during three or more inspections, the fire code official may order the installation of automatic closing devices meeting the requirements of Subsection 1008.1.9.9 and item 5 ~~715.4.7.3~~ of the IBC." (SFM)

19.10.901.4.7 ~~19.10.901.4.5~~ Fire protection systems; installation; marking of fire protection equipment and fire hydrants.

Add a new subsection as follows:

" *901.4.5 Marking of fire protection equipment and fire hydrants.* Fire Department connection devices for building sprinkler systems in new and existing buildings shall be identified by the installation of approved reflective markers or signs installed above the device in an unobstructed location at approximately 7 feet above grade."

19.10.903.2.3 Automatic sprinkler systems; Group E.

Delete IFC Section 903.2.3 ~~903.2.2~~, and add the following:

"903.2.3 ~~903.2.2~~ Group E. An automatic sprinkler system shall be provided throughout all buildings in Group E occupancies and for every portion of educational buildings below the level of exit discharge. The use of a firewall does not constitute a separate building for the purposes of this section.

Exception: Buildings with E occupancies having an occupant load of 49 or less.

Day care uses that are licensed to care for more than 5 persons between the hours of 10:00 p.m. and 6:00 a.m. shall be equipped with an automatic sprinkler system designed and installed in accordance with Subsection 903.3.1.3, or an approved equivalent system." (SFM)

19.10.903.2.8 Automatic sprinkler systems; Group R.

Revise 903.2.8 as follows:

An automatic sprinkler system must be installed in Group R occupancies except as required in 903.2.8.1 through 903.2.8.4 ~~903.2.8.2~~.

19.10.903.2.8.3 ~~19.10.903.2.8.1~~ Automatic sprinkler systems; Group R-1.

Add a new subsection as follows:

Health Clinics with Transient Quarters may utilize a 13D sprinkler system throughout the building; a fire barrier can be utilized to separate the building and utilize a 13R. In addition, a rental cabin with potable water with stays less than 30 days will be considered R-1 and will be required to follow this section.

19.10.903.2.8.4 ~~19.10.903.2.8.2~~ Automatic sprinkler systems; Group R-2.

A new subsection as follows:

An automatic sprinkler system or a residential sprinkler system installed in accordance with Section 903.3.1.2 must be provided throughout all buildings with a Group R-2 fire area that are more than two stories in height, including basements, or that have more than four dwelling units or 16 sleeping rooms.";

19.10.903.2.11.3 Automatic sprinkler systems; Buildings 55 feet or more in height.

Delete subsection 903.2.11.3~~903.2.10.3~~, and the Exceptions and add the following:

"903.2.11.3 ~~903.2.10.3~~ Buildings over three stories or more than 35 feet in height. An automatic fire sprinkler system shall be installed throughout all buildings more than three stories in height or where any portion is more than 35 feet above or below fire department vehicle access. This requirement shall not affect the sprinkler substitutions in IBC Chapter 5, General Building Heights and Areas and IBC Chapter 7, Fire Resistance-Rated Construction."

19.10.903.6.1 ~~19.10.903.6.2~~ Automatic sprinkler systems; existing buildings; educational occupancies.

Add a new subsection as follows:

"*903.6.1 ~~903.6.2~~ Educational occupancies.* An approved automatic fire extinguishing system shall be installed in an E Occupancy in accordance with Section 903.2.2, as revised, whenever alterations, repairs or additions are made to an existing structure containing an E Occupancy." (SFM)

19.10.907.2.3 Fire alarm and detection systems; Group E.

Add a second paragraph as follows:

"Rooms used for sleeping or napping purposes within a day care use of a Group E occupancy must be provided with smoke alarms that comply with the requirements of section 907.2.12.2 ~~907.2.11.2~~." (SFM)

And delete exception 3. (SFM)

19.10.1009.4 ~~19.10.1009.1~~ Stairway width.

Add the following exception:

"5. Private Stairways, as defined in Chapter 2 ~~19.10.1002.1~~, may be 32 inches wide."

19.10.1009.7.2 ~~19.10.1009.3~~ Stairways; stair treads and risers; Riser height and tread depth.

Add the following:

"8~~6~~. Private Stairways, as defined in Chapter 2, ~~19.10.1002.1~~ shall have stair riser heights of 8 inches maximum and stair tread depths of 9 inches minimum."

19.10.1009.8 ~~19.10.1009.5~~ Stairway landings.

Add the following exception:

"2~~3~~. Landings are not required at the top or bottom of stairways accessing non-habitable building equipment rooms."

19.10.1009.9.2 ~~19.10.1009.6.2~~ Stairway construction; outdoor conditions.

Insert ", snow or ice" after the word "water". (SFM)

19.101009.13 ~~19.10.1009.10~~ Alternating tread devices.

Insert the following to the last line of the first paragraph between the words "in area" and the words "and for access to unoccupied roofs."

"; in buildings covered by the IRC and Group R-3 sleeping and other lofts or similar separate spaces of not over 250 square feet and not containing kitchens"

19.10.1010.8.2 ~~19.10.1010.7.2~~ Ramp construction; outdoor conditions.

Insert ", snow or ice" after the word "water". (SFM)

19.10.3201.2 ~~19.10.2301.2~~ High-piled combustible storage; permits.

Delete IFC Section 2301.2 and replace with the following:

"A permit shall be required as set forth in 19.01.108.15.1."

19.10.5001.5 ~~19.10.2701.5~~ Hazardous materials - general provisions; permits.

Add a new paragraph at the end of the subsection as follows:

"For purposes of storage and transport of hazardous materials at, through or near marine facilities, NFPA 307-1995, Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves, shall apply."

19.10.5601.1.3 ~~19.10.3301.1.3~~ Explosives and fireworks; general; fireworks.

~~Delete Section 3301.1.3 Fireworks.~~

~~Replace with the following sentence:~~

~~"Notwithstanding any other provision of the CBJ Code, the sale, or offer for sale, of fireworks, as defined in Alaska Statute 18.72.100 as it may be amended from time to time, is prohibited; violation of this section is a Class B misdemeanor."~~

Section 5601.1.3 is revised, with the exceptions remaining, to read: "The storage, use, and handling of fireworks is prohibited except as allowed in this section and AS 18.72."; (SFM)

19.10.5608.2 ~~19.10.3308.2~~ Firework display ~~displays~~; permit application.

Delete and add the following:

" *Permit application.* A license or permit must be obtained from the State Fire Marshal's office to conduct fireworks activities as described in Section 105.6 of the IFC including:

(1) a Wholesaler's License, as described in AS 18.72, to sell, or possess for sale, 1.4G or 1.3G fireworks at wholesale;

(2) a Retailer's Permit, as described in AS 18.72, for each location where the applicant intends to sell, or possess for sale, 1.4G fireworks at retail;

(3) a Pyrotechnic Operator's Permit to conduct a fireworks display or non-routine testing of 1.3G fireworks, or to possess fireworks for display or non-routine testing of 1.3G fireworks;

(4) a Fireworks Event Permit for each event involving public or private display of any amount of 1.3G fireworks or 250 gross pounds (113.4 kg) of salable fireworks; or

(5) an Annual Permit for routine testing of 1.3G fireworks.

A permit under (5) of this subsection may be obtained from the State Fire Marshal's office or, on a form approved by the State Fire Marshal, from the fire chief.

An applicant for a Fireworks Event Permit under item (4) of this subsection or for testing under item (5) of this subsection must hold a valid Pyrotechnic Operator's Permit under item (3) of this subsection." (SFM, partial)

19.10.5608.2.3 ~~19.10.3308.2.3~~ Fireworks display; permit application; delivery of fireworks.

Add a new subsection as follows:

"*5608.2.3. ~~3308.2.3~~ Delivery of fireworks.* The delivery of fireworks to locations within this jurisdiction is prohibited unless the vendor first obtains a license or permit from the state fire marshal and operates in a manner consistent with AS 18.72 and this section."

19.10.5608.6.1 ~~19.10.3308.6.1~~ Fireworks display; installation of mortars; mortar construction.

Add a new subsection to read:

"*5608.6.1 ~~3308.6.1~~ Mortar construction.* Mortars must be constructed of, paper, high density plastic pipe, or metal other than cast iron." (SFM)

19.10.5701.4 ~~19.10.3401.4~~ Flammable and combustible liquids; permits.

Delete subsection 5701.4, ~~3401.4~~ Permits.

19.10.5703.4 ~~19.10.3404.2.10~~ Flammable and combustible liquids; storage; ~~drainage and diking~~ spill control and secondary containment.

Add the following sentence to the end of the paragraph:

"Dikes shall be constructed as per NFPA Standard 30, Section 2-3.4.3"

19.10.5704.2.13.1.4 ~~19.10.3404.2.13.1.4~~ Flammable and combustible liquids; tanks abandoned in place.

Delete item 5;

And add the following to the end of item 3:

"such as sand or concrete."

19.10.5704.3.5.1 ~~19.10.3404.3.5.1~~ Flammable and combustible liquids; storage; basement storage.

Delete IFC Section 5704.3.5.1 ~~3404.3.5.1~~ in its entirety.

19.10.5801.3 ~~19.10.3501.3~~ Flammable gases; general; plan review.

Add a new subsection to read:

"*5801.3 ~~3501.3~~ Plan Review.* Where a single container or the aggregate capacity of all containers at a site is over 500-gallon (1892.7 L) water capacity, the installer shall submit plans for review before installation in accordance with 13 AAC 50.027." (SFM)

19.10.6101.2 ~~19.10.3801.2~~ Liquefied petroleum gases; permits.

Delete IFC subsection 6101.2 ~~3801.2~~ in its entirety.

19.10.Chapter 80 ~~19.10.Chapter 47~~ Referenced standards; NFPA.

In IFC Chapter ~~47~~ 80, NFPA, add the following standards to those listed and delete listings for other years editions of the same standards:

~~NFPA 10-2007, 12-2000, 12A-1997, 13-2007, 13D-2007, 13R-2007, 14-2007, 20-2007, 36-2001, 37-2002, 53-1999, 59-2001, 72-2007, 75-1999, 77-2000, 79-1997, 86C-1999, 86D-1999, 96-2008, 99B-2002, 262-1999, 312-2000, 410-1999, 415-1997, 423-1999, 720-2006.~~ NFPA 10, 2010, NFPA 13, 2010, NFPA 13D, 2010, NFPA 13R, 2010, NFPA 14, 2010, NFPA 72, 2010, NFPA 750, 2010. (SFM partial)

Section 18. Amendment of Chapter. The following sections of Chapter 19.10 Fire Code, are deleted in their entirety:

19.10.401.3 Emergency responder notification.

19.10.903.2.11.1 Automatic sprinkler systems; stories and basements without openings.

19.10.1013.3 Guards; opening limitations.

19.10.1021.2 Number of exits and continuity; single exits.

19.10.1102.1 Aviation facilities; definitions. 19.10.Section 202; Definitions; airport.

19.10.1103.5 Aviation facilities; dispensing of flammable and combustible liquids.

19.10.1105.8 Portable fire extinguishers; reporting use.

19.10.1106.1 Aircraft motor vehicle fuel-dispensing facilities.

19.10.2211.2.3 Repair garages; drainage and disposal of liquids and oil-soaked waste.

19.10.3301.1.6 Explosives and fireworks; scope; transportation.

19.10.3301.2 Explosives and fireworks; permit required.

19.10.3302.1 Definitions; Fireworks; fireworks 1.4G.

19.10.Appendix E Hazard categories.

19.10.Appendix F Hazard ranking.

19.10.Appendix G Cryogenic fluids - weight and volume equivalents.

Section 19. Amendment of Chapter. The following sections of Chapter 19.11 Property Maintenance Code, are amended to read:

19.11.202 Definitions; general definitions.

Add the following definitions:

"Existing Building is a building that:

(A) was erected before December 5, 1956; or

(B) was erected before Insert Ordinance Adoption Date ~~June 19, 2014~~ and complies with the building code regulations in effect at the time of construction."

. . .

19.11 Appendix A Boarding Standard

~~New section.~~

Adopted in its entirety.

Section 20. 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: May 15, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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. Appropriate. There is appropriated to the Manager the sum of $43,900 as funding for the Airport Fiscal Year 2017 operating budget.

Section 3. Source of Funds.

Airport Fund's Fund Balance	$ 43,900

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: May 15, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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. Appropriate. There is appropriated to the Manager the sum of $180,000 as funding for the Parks and Recreation program Fiscal Year 2017 operating budget.

Section 3. Source of Funds.

General Fund's Fund Balance	$ 180,000

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: 5/15/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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. Appropriate. There is appropriated to the Manager the sum of $250,000 as partial funding for the Bridge Park Capital Improvement Project.

Section 3. Source of Funds.

Donation from The Whale Project	$ 250,000

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. 2793(b)

A Resolution Authorizing the Sale, Possession, and Consumption of Alcoholic Beverages Within the Eaglecrest Ski Area and Repealing Resolution 477.

WHEREAS, CBJ 20.25.080(c) and (d) authorize the assembly to regulate the consumption of alcoholic beverages in certain public places by resolution; and

WHEREAS, the assembly, by Resolution 477 adopted August 11, 1977, authorized the possession and consumption of alcoholic beverages at the Eaglecrest Day Lodge when the facility is being leased to private parties; and

WHEREAS, since the adoption of Resolution 477, the Eaglecrest Ski Area now has additional facilities that may be leased to private parties; and

WHEREAS, the Eaglecrest Board of Directors has requested that the assembly authorize the sale of alcoholic beverages at Eaglecrest by an authorized, licensed vendor during the ski season.

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

Section 1. Alcoholic beverages may be possessed and consumed in the facilities operated by the municipality at the Eaglecrest Ski Area when any such facility is being leased by private parties, except during those times alcohol is being sold by a licensed vendor in accordance with Section 2. Private parties wishing to serve alcoholic beverages at their private events must sign a use agreement, on a form approved by the Risk Manager and Municipal Attorney, containing the following essential terms and conditions:

A. Liquor liability insurance must be secured, kept and maintained for the duration of the event in an amount deemed reasonable by the City and Borough of Juneau Risk Manager. The City and Borough of Juneau must be named as an additional insured on the policy for the duration of the event.

B. An indemnification provision approved by the Municipal Attorney.

Section 2. During the ski season when the Eaglecrest facilities are open to the public, beer, wine, alcoholic ciders, and other similar malt beverages may be sold, possessed, and consumed on licensed premises within the Eaglecrest Ski Area as authorized by the

State of Alaska in connection with a valid liquor license. The sale, possession, and consumption of distilled spirits is strictly prohibited. Authorized sales must be made by a licensed vendor holding a valid liquor license issued by the State of Alaska under contract with the City and Borough of Juneau. The contract shall be on a form approved by the Risk Manager and Municipal Attorney.

Section 3. The sale, possession, and consumption of ***beer, wine, alcoholic ciders, and other similar malt beverages*** at special events (such as the Slush Cup and High Gravity Games) is allowed as approved on a case by case basis by the Eaglecrest Board of Directors. The sale of alcohol at such events shall be made by a licensed vendor in accordance with a use agreement or permit, on a form approved by the Risk Manager and Municipal Attorney.

Section 4. The Eaglecrest Board of Directors may approve, on a case by case basis, the sale, possession, and consumption of ***beer, wine, alcoholic ciders, and other similar malt beverages*** in connection with a valid permit issued under City and Borough of Juneau Code of Regulations, Title 11, Chapter 7. The permit agreement must contain the following essential terms and conditions:

A. Liquor liability insurance must be secured, kept and maintained for the duration of the event in an amount deemed reasonable by the City and Borough of Juneau Risk Manager. The City and Borough of Juneau must be named as an additional insured on the policy for the duration of the event.

B. An indemnification provision approved by the Municipal Attorney.

C. Authorized sales must be made by a licensed vendor holding a valid liquor license issued by the State of Alaska

Section 5. Repeal of Resolution. *Resolution 477 is repealed in its entirety.*

Section 6. 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

[CBJ Letterhead]

June 2, 2017

Bureau of Indian Affairs
Alaska Regional Office
3601 C Street, Suite 1100
Anchorage, AK 99503
Attn: Cyril J. Andrews, Jr., Regional Realty Officer

RE: City and Borough of Juneau's Comment to Fee-to-Trust Applications of CCTHITA: Lot 15, Block 5, U.S. Survey 4694; Lots 6, 7, 8, 9, 10, 11, and 15, Block 4, U.S. Survey 4694

The City and Borough of Juneau ("CBJ") provides this comment to the above-referenced fee-to-trust applications of CCTHITA ("T&H"). Pursuant to 25 CFR 151.11 and 25 CFR 151.10, this comment addresses the potential acquisition's "impacts on regulatory jurisdiction, real property taxes and special assessments," the impact on the municipality "resulting from the removal of the land from the tax rolls," and any "jurisdictional problems and potential conflicts of land use which may arise."

In an attempt to mitigate the foreseeable impacts, T&H and the CBJ intend to enter into an intergovernmental agreement by September 1, 2017. The main terms of the agreement were tentatively settled upon at a joint meeting between the parties on May 31, 2017, and are being memorialized in a Letter of Intent while the parties work out a more formal intergovernmental agreement.

I. Property Tax

With respect to the eight parcels currently under review, three are tax exempt because of their affiliation to a larger, tax exempt property held by T&H. The CBJ collects property tax from the other five parcels. The total amount of property tax assessed on the subject lots for property tax year 2016 was $1471.08.

T&H has agreed that it will remit a Payment In Lieu of Taxes for the services T&H wishes the CBJ to continue to provide to the subject lots. While a PILT formula is negotiated, T&H will pay the same amount as property taxes currently paid.

II. Regulatory, Jurisdictional, and Land Use Impacts

As the local governing body, the City and Borough of Juneau has a responsibility to adopt and enforce regulations that care for the health, safety, and welfare of its residents. The ability to uniformly and consistently regulate would be made more challenging if the subject lots were to

move into trust status, simply because of the lots' location and the resulting "checkerboard pattern" of ownership. The eight subject lots are located in the CBJ's downtown commercial core area. There are two privately owned, unrestricted lots in Block 4 (where eight of the subject lots are located) and eight privately owned, unrestricted lots in Block 5 (where one of the subject lots is located).

A. Land Use and Zoning

The purpose of zoning is to allow the regulatory authority the ability to protect the rights of property owners while promoting the general welfare of the community. With a land use code such as the CBJ's, land is divided into categories according to use, thus allowing the CBJ to encourage compatible uses within a particular geographic area and to allow what might otherwise be incompatible uses within that same area with the use of tools such as the CBJ's conditional use permits.

The proposed trust property is in an area zoned for high density mixed uses – commercial and residential. The more intensive land uses allowed in the subject zoning district require a case by case analysis and evaluation under the conditional use permit process. This process allows the CBJ's Planning Commission to authorize seemingly incompatible uses and development by thoroughly considering the impacts and addressing them.

That ability to manage uses and minimize disputes between neighboring property owners can be lost when land goes into trust and there are multiple land use authorities regulating virtually the same area.

T&H's application states that at least seven of the eight parcels are used for parking and that T&H intends to continue to use them for that purpose. T&H has provided copies of a ground lease agreement for these seven lots between the Andrew Hope Building Condominium Association (closely affiliated with T&H) and T&H as a sovereign entity, wherein the condominium association promises to use the lots for parking purposes only. However, the lease also provides that the use can change with the landlord's (T&H's) consent.

T&H has shared that it is a condition of their bank loan that the subject lots remain tax exempt. The CBJ notes that if taken into trust, the parcels will remain tax exempt regardless of their use. The CBJ is not aware of any prohibition or restriction on the use of Lot 15, Block 5.

The parties have agreed that the intergovernmental agreement between them will specify that the eight subject lots will continue to be used as parking (or some other use that is no more intense than the current use) for the next thirteen years. With respect to the management of uses, the parties agreed they are mutually committed to regulate zoning and land use in the subject area in such a way as to minimize adverse impacts on neighboring properties. The parties envision putting in place a process similar to the CBJ's conditional use process that takes into account adverse impacts and authorizes the regulatory authority to impose conditions designed to minimize such impacts.

B. Fire and Emergency Medical Services

The CBJ currently provides fire service on an areawide basis. In order to minimize risk fire risks (and to help ensure the safety of its firefighters) CBJ Code requires buildings to comply with the CBJ Fire Code. (The CBJ has a deferral from the State of Alaska allowing the CBJ to enforce its fire code in lieu of the State's.)

T&H has asked that the CBJ continue to provide fire and emergency medical services on the subject lots. The parties have agreed that the CBJ Fire and Building Codes will apply on the subject lots until such time as T&H adopts the relevant CBJ code sections by reference (or code that is more stringent), and that the CBJ Fire Marshal will be given the authority to conduct annual inspections of any structures on the subject properties.

C. Health and Safety Codes

The CBJ has adopted a number of regulations designed to protect the general health, safety, and welfare of its residents and to minimize disputes between neighboring properties. These regulations address things like nuisances (including creating and maintaining bear attraction nuisances), health and sanitation provisions (litter, second hand smoke regulations), noise, junked vehicles, and various building and construction codes (the CBJ has adopted the international building, residential, plumbing, mechanical, electrical, fuel gas, fire, property maintenance, and excavation and grading codes, as amended by the State of Alaska and CBJ).

Without one regulatory authority, the rights of neighboring property owners and the ability to address disputes when they arise, is lessened.

T&H has stated that it is the Tribe's intent that much if not all of the same health and safety issues currently addressed by CBJ code continue to be regulated on the subject lots. With respect to bear attraction nuisances and junked vehicles, T&H intends to adopt its own code sections similar to the CBJ's. In the meantime, CBJ code will continue to apply and be enforced by the CBJ (until and unless T&H appoints its own enforcement agent.) Similarly, T&H intends to adopt by reference CBJ building, residential, plumbing, mechanical, electrical, fuel gas, fire, property maintenance, and excavation and grading codes.

Additionally, the CBJ understands that T&H will be reviewing the remaining health and safety codes identified above and will notify the CBJ which provisions it would like enforced on the subject lots.

D. Water, Sewer, and Drainage

The CBJ provides potable water service, sanitary sewer collection service, and storm drainage within the CBJ. The CBJ has adopted a number of ordinances regulating the provision of these utilities (*see* CBJ Titles 75, 49, 36, and 19). The purpose of these code sections is to protect public health and safety, to mitigate impacts on the CBJ's water, sewer, and drainage infrastructure, and to minimize the risk of environmental harm through the introduction of pollutants into the stormwater drainage system.

With respect to the proposed trust property, there are utility lines outside the right of way on three of the subject lots. (Placing the infrastructure outside of the right of way was necessary at the time of construction due to the narrowness of the right of way.) This infrastructure includes valves, pipes, cleanouts, and other necessary appurtenances. The CBJ also provides stormwater infrastructure for all eight parcels.

Under CBJ code, the CBJ has the right to enter private property for the purpose of operating, maintaining, repairing, and reconstruction of the utilities, and to enforce its regulations prohibiting pollutants from being introduced into the stormwater system.

As T&H intends to continue receiving CBJ water and sewer service, it has agreed to grant the CBJ a utility easement to access the utility infrastructure on the subject lots. (It may be that federal approval will be necessary to maintain the easement if the lots are taken into trust.) Additionally, T&H will be adopting code provisions prohibiting the introduction of unauthorized materials into the stormwater drainage system. In the meantime, the parties have agreed that CBJ code will be enforceable on the subject lots.

E. Protective Custody (AS 47.37)

Under Alaska's Uniform Alcoholism and Treatment Act (AS 47.37), law enforcement and members of a municipal emergency services patrol may temporarily take intoxicated and incapacitated persons who are on public property into protective custody. The parties have agreed that the intergovernmental agreement will authorize the CBJ to continue to provide this service on the subject lots.

F. Criminal Law Enforcement

Criminal law jurisdiction with respect to the proposed trust property is complicated. Alaska is a Public Law 280 state. Though unquestionably the State would have concurrent jurisdiction with the tribe over the subject lots, whether the CBJ would, absent agreement by T&H, is less clear. In the City and Borough of Juneau, the vast majority of misdemeanors are charged under CBJ code, not state law, and prosecuted by the CBJ Law Department, not the District Attorney's Office (due to a lack of resources). We can find no authority advising whether criminal prohibitory acts (as opposed to regulated, civil acts) are enforceable by a local government independent of any agreement from the tribe in PL 280 states. We believe the answer would be "yes," for the same reason the state is afforded concurrent jurisdiction.

Given the compact geographic area of the subject lots, and their close proximity to privately owned and native allotment properties (on which CBJ law is enforceable), the inability to enforce and prosecute CBJ code on the trust lots would present significant enforcement issues.

The CBJ and T&H have agreed, however, that CBJ law will continue to be enforced on the subject lots by the Juneau Police Department and prosecuted by the CBJ. It was agreed that the intergovernmental agreement will allow for hot pursuit, investigative authority, extradition, and any other provisions necessary to allow the police to seamlessly enforce CBJ code in the subject area. The agreement will further recognize that should T&H adopt its own penal code or provide

its own enforcement agents, the parties will renegotiate the agreement to allow for cross-deputization, mutual aid, and emergency back up between the two entities.

In closing, though there are significant regulatory and jurisdictional impacts that would arise from the subject lots being taken into trust, T&H and the CBJ have attempted to mitigate some of the foreseeable impacts with the envisioned intergovernmental agreement.

DRAFT

THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of Law

Office of the Attorney General
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
Main: 907-269-5100
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June 5, 2017

Via Email, Certified Mail & Hand Delivery

Lynn Polacca, Acting Regional Director
Bureau of Indian Affairs
Alaska Region
3601 C. Street, Ste. 1100
Anchorage, Alaska 99503-5947

Re: State of Alaska's Comments on the Central Council's (Non-Gaming) Trust Land Acquisition

Dear Acting Regional Director Polacca:

Thank you for the opportunity to offer comments on three of the applications of the Central Council Tlingit and Haida Indian Tribes of Alaska (Central Council) to place lands into trust. These three applications involve land totaling less than one-fifth of an acre used for parking in downtown Juneau, Alaska. The properties are close to Central Council's tribal administration building and a number of other properties owned by the Tribe or tribal members.

Considered in isolation, BIA's acquisition of these parcels in trust does not appear to raise significant concerns for the State. However, these parking lots are only a portion of a larger area that is the subject of a fourth pending trust application and Central Council's proposed, but not yet approved, Tribal Consolidation Area Plan for Juneau Indian Village. Both the BIA and Central Council have declined to share this fourth pending trust application with the State. BIA's piecemeal processing of applications for contiguous parcels impedes the State's ability to fully evaluate the proposed acquisitions. Moreover, BIA's process for providing notice and information to the State, the City, and the public pose unnecessary hurdles for substantive review and input. Consequently, after careful consideration, the State requests that all four trust applications be considered at the same time, and that all four trust applications be evaluated by the same standard.

A. BIA's piecemeal processing of trust applications for contiguous parcels prevents a full and fair evaluation of the proposed acquisitions.

In addition to the applications that are the subject of BIA's April 3, 2017 notices,[1] Central Council has at least one additional application to take nearby and adjacent lands into trust. On July 14, 2016, Central Council's Executive Council passed an updated resolution authorizing the submission of requests to take lands into trust.[2] This resolution encompassed the parking lots that are the subject of BIA's current notices, as well as dozens of additional lots.[3] Central Council's resolution states that the additional lands that are the subject of its fourth application "ha[ve] been used for the past two decades for tribal program and administrative offices."[4] While Central Council's resolution asked the Secretary to proclaim all of these lands as Central Council's "initial reservation," we note that this request is not mentioned in the three pending applications. Based on discussions with both Central Council and the BIA, we understand that that Central Council has submitted that fourth application and it is currently under review. As noted above, both BIA and Central Council refused to provide a copy of the fourth application to the State.

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1 Bureau of Indian Affairs, Notice of (Non-Gaming) Land Acquisition Application, Lot 15, Block 5 (April 3, 2017); Bureau of Indian Affairs, Notice of (Non-Gaming) Land Acquisition Application, Lots 7, 8, 9, 10, 11 and 15, Block 4 (April 3, 2017); Bureau of Indian Affairs, Notice of (Non-Gaming) Land Acquisition Application, Lot 6 Block 4 (April 3, 2017). The lot and block numbers for these lands are all taken from United States Survey 4694.

2 Executive Council of the Central Council Tlingit and Haida Indian Tribes of Alaska, Authorization of the Submission of a Fee-to-Trust and Reservation Proclamation Application (Resolution EC/16-42) (July 14, 2016). A copy of this resolution is enclosed with this letter as Attachment A. Also attached, as Attachment B, is a map showing the Juneau Indian Village as well as the lots subject to Central Council's four land-into-trust applications.

3 The resolution covers Lots 3 and 7 of Block 2; Lots 2, 3, 4, 5, 6, 10W, 11W, 12, 13, 14, 15, 16, 17, 18 and 19 of Block 3; Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13E, 13W, 14, 15, and 17 of Block 4; and Lots 9 and 15 of Block 5 of United States Survey 4694.

4 Resolution EC/16-42 at 2.

1. The impacts of BIA acquiring the parking lot parcels may vary in nature and scope when considered in the context of the broader area.

The issues and impacts arising from a trust acquisition of land with buildings, with different uses, and as part of a broader plan may be very different from those arising from an acquisition of only the parking lots.[5] Although our understanding from conversations with Central Council is that these areas will continue to be used as parking lots and that no gaming will occur, the proposed uses and potential changes to adjacent lots included in the fourth application could also change the character of the proposed uses of the parking lots. By processing the three parking lot applications separately, the BIA effectively prevents the State from fully evaluating the impacts of the acquisitions because impacts may not be evident (or significant enough to provide a basis for commenting) until considered in the context of (and cumulatively in) the larger area and long-term plan.

This is the State's opportunity to comment on the "potential impacts on regulatory jurisdiction, real property taxes and special assessments" in accordance with 25 C.F.R. § 151.11(d). However, the State cannot offer meaningful comments on the impacts associated with the trust acquisition of parking lots without knowing the details of the application to take into trust the additional lands associated with those parking lots. Central Council's fourth application may raise concern regarding, among other things, criminal jurisdiction, alcohol and marijuana regulation, environmental matters, taxes, and gaming. As part of a contiguous area, those concerns would apply to the parking lot parcels as much as to the additional lands included in the fourth application. But, without the opportunity to review the fourth application and the associated supporting material, the State cannot evaluate or provide informed comments about those potential impacts.[6]

2. The piecemeal process may allow the later-acquired parcels to be processed under a different standard that gives less weight to state and local concerns.

The State believes that all applications from tribes in Alaska without reservations must be evaluated under the off reservation criteria in the Department's regulations as

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[5] 25 C.F.R. § 151.11(d).

[6] The State is committed to proactively addressing impacts on regulatory jurisdiction, if any, and looks forward to ensuring that these are addressed in an agreement with the Central Council.

described in the Department's final rule.[7] The State is concerned, however, because the regulations do not reflect the Department's previous commitment to evaluate all trust parcels in Alaska under the off reservation criteria. Thus for this application, BIA's process is problematic because Central Council could argue that a lower standard applies to subsequent applications—giving less weight to concerns raised by state and local governments. The parking lot parcels will be processed under regulations for off-reservation acquisitions, which require that the BIA "give greater weight to the concerns raised" by state and local governments the further a parcel is from the tribe's reservation.[8] But, if BIA takes these parking lots into trust first, applications for nearby parcels processed later may arguably be evaluated under regulations for on-reservation trust acquisitions. Under those regulations, concerns raised by state and local governments would not be given as much weight.[9] This is not reasonable. Rather, greater weight should be given to more serious concerns. These applications for neighboring parcels are all part of the same plan for a tribal consolidation area. These applications should all be evaluated under the same standard in 25 C.F.R. § 151.11 and in a manner that fairly evaluates any impacts that may arise from that overarching plan.

B. BIA needs to improve its process for providing notice and materials to affected governments.

BIA circulated notice of these trust applications by mail and did not provide the associated applications until requested and after some delay. We certainly appreciate that the land-into-trust process is new to everyone in Alaska, including the BIA's regional office. We also appreciate that BIA granted our request for an extension to the comment period. However, much unnecessary delay and effort could be avoided in the future by simply providing notice and the associated application materials electronically.[10]

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7 Dep't of the Interior, Land Acquisitions in the State of Alaska, 79 Fed. Reg. 76888 (Dec. 23, 2014).

8 25 C.F.R. § 151.11(b), (d).

9 25 C.F.R. § 151.10.

10 Our observation lines up with guidance in the BIA's Fee to Trust Handbook at page 18: "5. In consultation with the applicant, consider the option of posting the application on a website to make it easily accessible to the public (with confidential information redacted)."

C. Conclusion

The lack of information about the proposed tribal consolidation area and the parcels included in a fourth application already under BIA review prevents the State from providing fully informed comments on the potential impacts on regulatory jurisdiction, real property taxes and special assessments. All four trust applications should be considered at the same time, under the same standard in 25 C.F.R. § 151.11 for off-reservation acquisitions, so that greater weight will be given to the concerns raised by state and local governments. This approach will allow the State to have more complete information about the proposed tribal consolidation area and to more fully evaluate any potential impacts. In turn, the impacts and perspective offered by the State will assist BIA reach a more reasoned and informed decision.

Sincerely,

Jahna Lindemuth
Attorney General

cc: Central Council Tlingit and Haida Indian Tribes of Alaska (with enclosures/via email)
City and Borough of Juneau (with enclosures/via email)

Encls.: Executive Council of the Central Council Tlingit and Haida Indian Tribes of Alaska, Authorization of the Submission of a Fee-to-Trust and Reservation Proclamation Application (Resolution EC/16-42) (July 14, 2016).
Map of Juneau Indian Village

CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
Edward K. Thomas Building
9097 Glacier Highway • Juneau, Alaska 99801

Executive Council of the Central Council
TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

Resolution EC/ 16-42

Title: Authorization of the Submission of a Fee-to-Trust and Reservation Proclamation Application (Block 2, Lots 3, and 7; Block 3, Lots 2, 3, 4, 5, 6, 10W, 11W, 12, 13, 14, 15, 16, 17, 18, and 19; Block 4, Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, E and W 13, 14, 15, and 17; Block 5, Lots 9 and 15)

WHEREAS, the Central Council of Tlingit and Haida Indian Tribes of Alaska (the "Central Council") is a federally recognized Indian tribal government, as confirmed by Section 8 of the Act of June 19, 1935 (49 Stat. 388), as amended by the Act of August 19, 1965 (79 Stat. 543); and

WHEREAS, pursuant to Public Law 103-454, title II, Section 203 (108 Stat. 4792; 25 U.S.C 1212), the United States re-affirmed and re-acknowledged that the Central Council is a federally recognized Indian tribe; and

WHEREAS, Section 5 of the Indian Reorganization Act of 1934 authorizes the Secretary of the U.S. Department of the Interior ("Interior") to acquire land and hold it in trust for an Indian tribe (25 U.S.C. 465); and

WHEREAS, Section 5 was made applicable to Indian tribes in Alaska by the 1936 amendments to the Indian Reorganization Act of 1934 (25 U.S.C. 473(a)); and

WHEREAS, pursuant to 25 U.S.C. 465 and other statutory authority, 25 C.F.R. 151 sets forth the implementing regulations for the acquisition of land in trust for Indian tribes and individuals by the United States; and

WHEREAS, 25 C.F.R. 151.1 previously contained a phrase purporting to exclude tribes in Alaska from the implementing regulations regarding the acquisition of land in trust ("[t]hese regulations do not cover the acquisition of land in trust status in the State of Alaska"); and

WHEREAS, the Secretary of the Interior announced, pursuant to a formal rulemaking, that on January 21, 2015 the phrase in 25 C.F.R. 151.1 purporting to exclude tribes in Alaska from the implementing regulations regarding the acquisition of land in trust has been struck from the regulations; and

WHEREAS, the 1994 statutory amendments to the Indian Reorganization Act, codified at 25 U.S.C. 476(g), provide that "any regulation … that classifies, enhances, or diminishes the privileges and immunities available to a federally recognized Indian tribe relative to the privileges and immunities available to other federally recognized tribes…shall have no force or effect"; and

WHEREAS, the statute requires that the United States treat an application by the Central Council to have its land held in trust by the United States in the same manner as the United States treats the

applications of all other federally-recognized Indian tribes, pursuant to 25 U.S.C. 473(a) and 25 U.S.C. 476(g); and

WHEREAS, the Central Council seeks to enjoy the same opportunities, privileges, and immunities enjoyed by other Indian tribes, including land owned or purchased by Central Council to be placed in trust for the benefit of Central Council by the United States; and

WHEREAS, a priority of Central Council is to restore the federal protections to land previously lost to Central Council or its tribal members and to preserve and to expand the Native land base in Alaska that now enjoys federal protections against alienation, taxation and other threat of loss, in order to maximize tribal government resources and tribal eligibility for federal services and programs, and foster a tax-advantaged and thriving local economy in Alaska for its tribal members; and

WHEREAS, Article VII, Section 1 of the Constitution of the Central Council empowers the governing body of Central Council to purchase, take by gift, convey, dispose, or exchange real property of the Central Council; and

WHEREAS, the Central Council owns in fee simple, without non-federal encumbrance, the following "Property" --

1. Lots 3 and 7 of Block 2;
2. Lots 2, 3, 4, 5, 6, 10W, 11W, 12, 13, 14, 15, 16, 17, 18, and 19 of Block 3;
3. Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, East and West portions of Lot 13, 14, 15, and 17 of Block 4,
4. Lots 9 and 15 of Block 5 as shown on the Juneau Indian Village Lot Status map, U.S. Survey 4694 (Juneau Recording District, First Judicial District, State of Alaska) ; and

WHEREAS, the Property is located wholly within the historically Indian neighborhood known since time immemorial as the "Juneau Indian Village", which is a historical and cultural use area of Central Council and its tribal members; and

WHEREAS, the Property is surrounded by and contiguous to land the Central Council holds in fee and lands held in federally restricted status by individual tribal members of Central Council; and

WHEREAS, for several decades the United States has accorded the Property a federal restriction against alienation and taxation as a Native townsite allotment; and

WHEREAS, neither State nor local government has assessed real estate taxes upon the Property; and

WHEREAS, the Property has been used for the past two decades for tribal program and administrative offices and a parking area for employees and guests of Central Council who work and/or do business in the adjacent tribal offices and/or utilize programs and activities administered by Central Council; and

WHEREAS, the Central Council seeks to continue, without any change in use, to utilize the Property for the purpose of providing tribal administration, program and governmental activities, including a parking area for employees and guests of tribal offices and programs and activities; and

WHEREAS, the Central Council seeks to have the Property proclaimed to be an Indian reservation of the Central Council in order to help re-establish the land status of the Property and to support the requests of Central Council for state or federal funding and for tax-advantaged financing on the Property, and to support the provision by Central Council of residential housing, tribal administration, and other tribal government activities on the Property; and

WHEREAS, some portions of the Property are the subject of several pending fee to trust applications submitted by Central Council since 2009, and the Central Council now wishes to combine those pending fee-to-trust land acquisition applications with more recently acquired portions of the Property into one simultaneous application for trust and reservation status in order to facilitate expedited and orderly consideration of its request without further delay pursuant to the new Bureau of Indian Affairs ("BIA") procedures announced June 30, 2016 and released in the revised BIA Fee-to-Trust Handbook;

NOW THEREFORE BE IT RESOLVED, that Central Council requests that the Secretary of the Interior accept and hold in trust, for the benefit of Central Council,

1. Lots 3 and 7 of Block 2;
2. Lots 2, 3, 4, 5, 6,10W, 11W, 12, 13, 14, 15, 16, 17, 18, and 19 of Block 3;
3. Lots 1,2,3, 4, 6, 7, 8, 9, 10, 11, 12, East and West portions of Lot 13, 14, 15, and 17 of Block 4;
4. Lots 9 and 15 of Block 5 as shown on the Juneau Indian Village Lot Status map, U.S. Survey 4694 (Juneau Recording District, First Judicial District, State of Alaska) ; and

BE IT FURTHER RESOLVED, that Central Council requests that the Secretary of the Interior issue a proclamation proclaiming the Property to be the initial reservation of Central Council pursuant to 25 U.S.C. 467 and related authorities; and

BE IT FURTHER RESOLVED, that the Executive Council of the Central Council authorizes its President, Richard J. Peterson, or Corrine Garza, Chief Operating Officer to take any and all actions on behalf of Central Council to complete the transfer of the Property from fee into trust on behalf of, and as the reservation of, Central Council, including the submission of a simultaneous fee-to-trust and reservation proclamation application for the purpose of transferring the Property to the United States to be held in trust for, and as the reservation of, the Central Council.

ADOPTED this 14th day of July 2016, by the Executive Council of Central Council of Tlingit and Haida Indian Tribes of Alaska by a vote of 6 yeas, 0 nays, 0 abstentions, and 0 absences.

CERTIFY

President Richard J. Peterson

ATTEST

Tribal Secretary Ralph Wolfe

Detail view of selected parcels within USS 4694

Parcels included within Resolution EC/16-42

Current Applications

USS 4694

Survey Boundary

Generalized depiction of survey boundaries from digital GIS records.
All source documents remain official record.

Alaska
Department of Natural Resources

Division of Mining, Land & Water
Resource Assessment & Development Section

Feet
0 25 50 100 150