

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA**  
**For Thursday, July 28th, 2022**

Zoom Meeting: <https://bit.ly/3A8GfiF>

Meeting ID: 868 8433 0268

Passcode: 132356

Call In: (253)215-8782

- I. **Call to Order** (5:00 p.m. via Zoom)
- II. **Roll** (Lacey Derr, Paul Grant, David Larkin, Matthew Leither, Mark Ridgway, Annette Smith, Debbie Hart, James Becker and Don Etheridge)
- III. **Approval of Agenda**  
  
**MOTION: TO APPROVE THE AGENDA AS PRESENTED.**
- IV. **Election of Docks & Harbor Board Chair, Vice-Chair and other such officers as the Board shall deem necessary.**
- V. **Approval of June 30th Board minutes**
- VI. **Special Order of Business**
- VII. **Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total time).
- VIII. **Consent Agenda –**
  - A. Public Requests for Consent Agenda Changes
  - B. Board Members Requests for Consent Agenda Changes
  - C. Items for Action

1. Clean Vessel Act (CVA) – Amending Cooperative Agreement with ADFG  
Presentation by Port Engineer

RECOMMENATION: TO AMEND EXISTING COOPERATIVE AGREEMENT WITH ADFG TO RECEIVE AN ADDITIONAL \$9,562.63 IN CLEAN VESSEL ACT GRANT FUNDING FOR THE STATTER HARBOR PUMP OUT PROJECT.

2. Resolution 2997 in Support of Juneau District Heating  
Presentation by Port Director

RECOMMENDATION: FOR THE ASSEMBLY TO ADOPT RESOLUTION 2997 SUPPORTING THE OPERATIONAL NEEDS OF THE JUNEAU DISTRICT HEATING PROPOSAL IN THE DOWNTOWN VICINITY.

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
**For Thursday, July 28th, 2022**

**MOTION: TO APPROVE THE CONSENT AGENDA AS PRESENTED**

**IX. New Business**

1. Proposed Change to 85.02.063 – Docks & Harbors Land Management Plan  
Presentation by the Port Director

Board Questions

Public Comment

Board Discussion/Action

**MOTION: TO DIRECT STAFF TO COMMENCE PUBLIC NOTICE FOR PROPOSED ORDINANCE CHANGES; AND TO SET THE DATE OF AUGUST 25TH FOR PUBLIC HEARING.**

2. Omnibus Regulations Changes  
Presentation by the Port Director

Board Questions

Public Comment

Board Discussion/Action

**MOTION: TO DIRECT STAFF TO COMMENCE 21-DAY PUBLIC NOTICE PERIOD FOR PROPOSED REGULATION CHANGES; AND TO SET THE DATE OF AUGUST 25<sup>TH</sup> FOR PUBLIC HEARING.**

3. An Ordinance Amending Prohibited Acts within the Boat Harbor Related to Dogs and Other Domestic Animals.  
Presentation by the Port Director

Board Questions

Public Comment

Board Discussion/Action

**MOTION: TO DIRECT STAFF TO COMMENCE PUBLIC NOTICE FOR PROPOSED ORDINANCE CHANGES; AND TO SET THE DATE OF AUGUST 25<sup>TH</sup> FOR PUBLIC HEARING.**

4. An Ordinance Amending Boat Harbor Regulations Relating to Vessel Identification  
Presentation by the Port Director

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
**For Thursday, July 28th, 2022**

Board Questions

Public Comment

Board Discussion/Action

**MOTION: TO DIRECT STAFF TO COMMENCE PUBLIC NOTICE FOR PROPOSED ORDINANCE CHANGES; AND TO SET THE DATE OF AUGUST 25<sup>TH</sup> FOR PUBLIC HEARING.**

~~5. Hansen Gress Building Improvement Challenges  
—Presentation by the Port Director~~

~~Board Questions~~

~~Public Comment~~

~~Board Discussion/Action~~

~~**MOTION: TBD**~~

**X. Items for Information/Discussion**

1. Open Meetings Act - Primer  
Presentation by the CBJ Attorney Ben Brown

Board Discussion/Public Comment

2. Aurora Harbor Phase III – Proposed Layout  
Presentation by the Port Engineer

Board Discussion/Public Comment

3. Proposed Condominiums on Auke Bay Harbor Road  
Presentation by the Port Director

Board Discussion/Public Comment

4. Dock Electrification Study - Update  
Presentation by the Port Engineer

Board Discussion/Public Comment

5. Statter Harbor Phase IIIC – Plan Update  
Presentation by the Port Engineer

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
**For Thursday, July 28th, 2022**

Board Discussion/Public Comment

6. Appointment of Liaisons & Committees  
Lead by the Board Chair

Board Discussion/Public Comment

**XI. Committee and Member Reports**

1. Operations/Planning Committee Meeting- Wednesday, July 20th, 2022
2. Member Reports
3. Assembly Lands Committee Liaison Report
4. Auke Bay Neighborhood Association Liaison Report
5. South Douglas/West Juneau Liaison Report

**XII. Port Engineer's Report**

**XIII. Harbormaster's Report**

**XIV. Port Director's Report**

**XV. Assembly Liaison Report**

**XVI. Board Administrative Matters**

- a. Finance Sub-Committee Meeting – Wednesday, August 10th, and 24th, 2022
- b. Ops/Planning Committee Meeting – Wednesday, August 17th, 2022
- c. Board Meeting – Thursday, August 25th, 2022

**XVII. Adjournment**

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR BOARD MEETING MINUTES**  
**For Thursday, June 30th, 2022**

**I. Call to Order** Mr. Etheridge called the Regular Board meeting to order on Thursday, June 30<sup>th</sup> @ 5:00 p.m. in CBJ Room 224 and via Zoom.

**II. Roll** – The following members attended in person or via Zoom. Lacey Derr, Paul Grant, Mark Ridgway, Annette Smith, Bob Wostmann, James Becker and Don Etheridge.

**Also in attendance** – Carl Uchtyl – Port Director, Erich Schaal – Port Engineer, Matthew Creswell – Harbormaster, Teena Larson – Administrative Officer, Tyler Gress-Hansen-Gress representative, and Benjamin Brown – CBJ attorney.

**Absent** - David Larkin, and Matthew Leither

**III. Approval of Agenda**

Mr. Uchtyl advised James Bibb will be substituting for Shannon Crossley representing NorthWind Architects.

**MOTION By Ms. Derr: TO APPROVE THE AGENDA AS PRESENTED.**

Motion passed with no objections.

**IV. Approval of May 26<sup>th</sup>, 2022 Board minutes; and June 8<sup>th</sup> Special Board minutes.**

Hearing no objection, the May 26<sup>th</sup> Board minutes and the June 8<sup>th</sup> Special Board minutes were approved as presented.

**V. Public Participation on Non-Agenda Items** – No public participation.

**VI. Special Order of Business** – Mr. Etheridge thanked Mr. Wostmann for his service on the Board. He was presented a plaque.

Mr. Wostmann expressed his gratitude.

**VII. Unfinished Business** - None

**VIII. New Business**

1. Hansen-Gress Building Improvement Challenges

Mr. Uchtyl said the Operations-Planning Committee recommended selling property owned by CBJ, but leased to Hansen-Gress, in order to allow improvements to the old Juneau Electronics building. Board member Paul Grant sent an email expressing some concerns about possible violations. Tonight NorthWind Architects can provide more details and provide answers to questions from the Operations Committee.

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
**For Thursday, June 30th, 2022**

Mr. Brown added there is some legal criteria pertaining to possible land sales under Title 85 of the CBJ code.

Mr. Ridgway asked Mr. Brown to site the Title 85 sections which the Board needs to know prior to review.

Mr. Brown advised the plans matter, they need to make sure it is in line with the Long Range Waterfront Plan and all other plans adopted. The code favors the lease of tidelands instead of being sold as a general rule. This will need to go from Docks & Harbors to the Lands Committee, from Lands Committee to the Assembly to pass an ordinance.

Presentation by James Bibb (North Wind Architects) – The building in question has been there since the 1960's and remains in its original state for the most part. It is strange to have a building hanging over lot lines which has limited the ability to develop and improve the building. They would like to make a walkway accessible to the public which is inviting. There are intentions of adding more water related buildings so Harris Harbor is more active.

Committee Questions-

James Becker asked if the City or others are working on a study so improvements to the building may be a catalyst. Is someone actually working on that study or is it just conceptual at this point.

Mr. Bibb replied that it is a feasibility step and that there are master plan concepts at this point. This is to gauge interests which may lead to the long range goal.

Mr. Uchytel clarified that there are planning documents created before ideas are implemented and grants are filed.

Ms. Smith asked what the unintended consequences may be to directing traffic down to that building and the Harbor.

Mr. Bibb replied the goal is to create more activity near the fishing fleet, like a fish market. They would like to create a pedestrian quality pathway to it.

Ms. Smith followed up with asking what the harbor would need to do to protect their interest?

Mr. Bibb replied that there could be more lighting and better finishes. This may cause more interest in developing the area so it looks better. The improvements may also make it more secure.

Mr. Ridgway asked what role Hansen-Gress plays in the matter. And what were the intentions behind purchasing Juneau Electronics, for example investment opportunity?

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
**For Thursday, June 30th, 2022**

Tyler Gress responded that Hansen-Gress is an IT contract company which is expanding. They purchased the building with intentions of beautifying it with public support following the Marine Exchange of Alaska's lead.

Mr. Ridgway asked if Hansen-Gress has looked at design alternatives which do not require the sale of the tidelands?

Mr. Gress replied, yes but they do have to move forward with construction for some minor improvements, as the building is financed. They are currently limited on what they can accomplish. He adds there were clear plans for a deck at some point since there is a door going to nowhere.

Mr. Bibb added they cannot extend the awning nor make energy improvements with the current boundary restrictions. The intention is to clean up the property line and gain new building aesthetics.

Ms. Smith asked if Hansen-Gress needs to purchase the entire lot.

Mr. Gress responded they would like to consolidate the two lots, but the bank will only allow inclusion of the collateralized land.

Mr. Ridgway asked if they will be retrofitting the building only.

Mr. Gress confirmed, yes they will not be tearing down the building at all. The building currently sits on piles which are very strong. The current location is also under lease for the next 58 years.

Mr. Wostmann asked if Hansen-Gress would like to purchase the additional 20 ft. over the water as well. If so, would they be okay with having that portion under a lease.

Mr. Gress responded that would be an issue because the lot line would remain as is, and they are looking to build 6 ft. over that. He suggests including that into the proposed contract.

Mr. Ridgway asked if this proposal has already been brought to the Planning Commission.

Mr. Gress replied no, it has not gone before the Planning Commission yet.

Mr. Schaal added that an application has been filed with the Lands & Resources Division. They have spoken to CDD about what they can get permits for. The Planning Commission does not handle the sale. There has been talk of creating more seawalk like the one along Taku Fisheries.

Ms. Derr asked if they are currently holding the required hearing for CBJ Code 85 requirements.

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
**For Thursday, June 30th, 2022**

Mr. Uchytel answered that Docks and Harbors does not have a Land Management Plan. Each property is managed on a case by case basis.

Mr. Wostmann suggested a right to first refusal once Hansen-Gress is done with the property. This will allow the city the option to purchase before any other buyer.

Mr. Gress replied yes they are open to that.

Mr. Ridgway asked why there is a large disparity in land price?

Mr. Uchytel advised it is based off where the land located. The CBJ property is over tide lands and the Hansen-Gress property is uplands.

Public Comment- NONE

Board Discussion/Action

Mr. Grant proposed to lay the matter on the table pending review of the Land Management Plan which is to address 11 categories of issues to be considered for land management. There is no more water front property being made, and the committee is in charge of managing the current properties. The Board should not make the decision off incomplete information.

Mr. Ridgway asked if Docks and Harbors staff have been involved with city building team members about moving forward with the Hansen-Gress plans.

Mr. Schaal said no, they have not been involved nor joined meetings.

Mr. Ridgway agreed the improvements would be nice for the community but he needed more time to review the matter before giving approval.

Mr. Wostmann agreed it would be a great project but the Board needs to look at all possible options.

Mr. Etheridge advised there was to be a subcommittee regarding the issue but it has not yet happened.

Mr. Uchytel said there is an overarching CBJ Compete Land Management Plan. The Long Range Waterfront Plan also stops on the opposite side of the bridge.

Mr. Ridgway asks about a 25 year lease option.

Mr. Uchytel responded they are likely referring to a 35 year lease and that they are currently 10 years into the lease.

Ms. Smith suggested tabling the issue until further information can be found.



**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
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Ms. Derr would also like to object to make amendments to the motion. She would like to bring it back up next month.

Mr. Etheridge passed the amendment and put the motion on the table until the next Board meeting.

Roll call: Lacey Derr -Y, Paul Grant-Y, Mark Ridgeway-Y, Annette Smith-Y, Bob Wostmann-Y, James Becker-Y, Don Etheridge-Y.

Tabling this item to the next meeting was approved.

2. Proposed Updated Regulation/Ordinance Changes

Mr. Creswell said there have been no substantial changes made since last week. Some changes were regarding domesticated animals, storage fees for the renaming of the Statter Harbor bus lot, crane use fees updated, vessel identification being clearly displayed, and parking lot fees. The reservations charge policy has been updated. The residential surcharge has been updated to reflect short term rentals, long term rentals, and subleasing is strictly forbidden. Only the registered owner can be a live aboard on the vessel. The kayak ramp at Statter has been added to the boat launch fees. The summer and winter management wording has been adjusted.

Committee Questions

Ms. Derr asked Mr. Uchytel if it is frowned upon to update multiple regulations back to back.

Mr. Uchytel responded doing each individually may be a benefit. If more changes are need to be made, we will just not move forward until all the changes are completed.

Ms. Smith asked if there has been consideration for parking lot codes.

Mr. Creswell said no, it has not been taken into consideration.

Mr. Ridgway asked about the residence surcharge, was there any conflicts?

Ms. Derr brought up that fishing deckhands maybe watching vessels during the summer.

Mr. Creswell does not want to tie the hands of the department as there may be a reason someone else would need to be on the boat.

Mr. Uchytel said regarding the parking fee the department does make money off parking enforcement but it is used more as management tool, which works well.

Mr. Ridgway asked if it puts the Harbormaster in a bad spot if the rules and regulations are not specific.

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
**For Thursday, June 30th, 2022**

Mr. Cresswell said no, but it gives him the option when getting a request to have more time to make a decision based off the information gathered from a customer.

Mr. Grant requested additional language be added to the regulation giving the Harbormaster the ability to use his discretion.

Mr. Creswell agreed, all decisions need to be made with a good reason behind it.

Mr. Grant advised that language be added, giving the Harbormaster that discretion.

Ms. Smith clarified, that this would give the Harbormaster the option to make decisions as needed.

Mr. Ridgway pointed out that the Board is not swamped with public opinion every meeting.

Mr. Becker asked if there is a distinction between the Harbormaster and any other staff who can regulate the live boards?

Mr. Etheridge advised no, the decision is up to the Harbormaster, unless someone is stepping in for a time he is absent.

Mr. Creswell advised this is not a very time sensitive topic. If he is out, the issue can wait, but if he is available he can make the decision then.

Public Comment- NONE

Board Discussion/Action

**MOTION By MS. DERR: TO DIRECT STAFF TO ENGAGE WITH CBJ LAW TO DEVELOP UPDATED REGULATIONS & ORDINANCE CHANGES AS PROPOSED.**

Motion passed

**IX. Items for Information/Discussion**

1. Statter Phase IIIC (Uplands Bathrooms & Covered Shelter) Update

Mr. Schaal recapped phases 1 and II and stated Phase IIIC will focus on rebuilding the uplands, creating a waiting area and bathrooms. There is an accelerated design and schedule for the project. There will be men's, women's and family restrooms. During winter months, the family restroom will be open and will be managed like the Statter restrooms. The rest of the facility will be closed to save on utilities and cleaning. The roof will slope into the center of the building which will allow natural light in, help with snow shedding, and not be a large visual impact. It will have an open passageway.

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
**For Thursday, June 30th, 2022**

The Pedestrian flow has been taken into account and the plan will make it clearer how to leave the parking lot. There could be a staircase added by De Harts. There will also be an option for busses to circle around the lot which will help with bottlenecks and traffic flow. The plan includes six parking stalls for busses. The accelerated plan for the bathrooms, covered shelter and additional site improvements would begin June 28, 2022 with final construction being complete on May 31, 2023. The project is based on current bids which are coming in higher than expected and contractors are very busy. The total recommended budget is proposed to be \$2.5M. The Phase IIID parking lot improvements are estimated to be \$3.1M. Phase IIID includes mobilization, paving, grading and drainage.

Board Discussion/Public Comment

Ms. Smith expressed concern about the bathrooms not having anything other than the restrooms, which does not help the locals or fishing community. She also mentioned that there was once talk of a second floor.

Mr. Schaal replied that in the initial plans there was a second floor, but the Planning Commission made a condition that the city would not be allowed to pay for the second floor. No parties have expressed interest in partnering in the build of the second floor.

Ms. Smith said she is concerned that there are no showers in the facility.

Mr. Grant asked if the current design allows for a second story building at all?

Mr. Schaal replied no, the current design does not allow for a second story.

Mr. Ridgway asked if within the planning stages, is generated revenue taken into account. Is the cost of construction off set by the possible income revenue.

Mr. Uchtyl responded no, bathrooms are an amenity which are a benefit to all users. The question of how much can we raise rates on a charter operator. Ten percent has been expressed as too much. The charter passenger fee is \$1.65 so the city may get \$165K from charters using that float. The money should be coming from head tax and harbor fees.

Mr. Becker asked if the inner sloped roof design is steady enough to hold a second floor?

Mr. Schaal explained the roof will hold snow, but it will not be able to hold a second floor. The access to the second floor took up a lot of square foot space.

Ms. Derr asked if there are plans for a picnic area for people to eat?

Mr. Schaal said there will be seating inside of the waiting area.

2. Update to [ADOT Harbor Grant](#)

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
**For Thursday, June 30th, 2022**

Mr. Uchytel said there were seven applicants for the ADOT grant. The Governor signed the Capital budget, vetoing \$3.5M of the municipal harbor grant program. Juneau was included in the grant funds and local match. The department will need to exhaust all grant money before applying for another grant.

Mr. Schaal mentioned with the money we have, we may be able to replace the main walk, head walks and start each finger. The Finance Director will have to prioritize which projects go first. Docks and Harbors should be close to the top of the list since they did not spend the 1% from last year due to waiting for ADOT to provide the financing.

Board Discussion/Public Comment

Ms. Derr asked if all the grant money is spent, and we apply for an additional grant and get the 1% Sales Tax, can the left over funds be applied to other projects, for example North Douglas Ramp

Mr. Uchytel responded that if the department gets the 1% Sales Tax, they will recommend executing the current grant as soon as possible. We will then communicate to the Assembly what additional projects the funds could be spent on.

Mr. Becker asked about the design for North Aurora to replace what is currently there, are the customers going to come, and how the wait list is being addressed?

Mr. Schaal responded removing some slips makes way for the most northern section to accommodate larger vessels. This will address the 50 foot waitlist.

Mr. Creswell added that there is enough space for most boats in Juneau. There has been interest from larger boats to have space between May through September.

Ms. Smith asked if there will be security cameras and lighting added?

Mr. Uchytel advised that this may be an opportunity to get community engagement.

Mr. Ridgway asked if the 50 foot slip requests are coming from the local community or transient requests?

Mr. Creswell responded they are requests from the waitlist, but there is a need for larger transient space as well. Some owners may have a 60 to 70 foot vessel but do not want to pay for a reservation fee at the IVF or Statter.

Mr. Ridgway asked what is the best way to maximize the use of the \$4M and generate the most income.

Mr. Becker mentioned that the slips unoccupied (working vessels) may be used by others looking for space.

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
**For Thursday, June 30th, 2022**

Mr. Etheridge said the discussion is larger than the individuals in the room. He suggested looking into possible designs to be brought back to the Board.

3. [Board Meeting Schedule](#) through Annual Board Meeting (July 28<sup>th</sup>, 2022)

Mr. Uchytel asked the Board what they would like to do with Mr. Wostmann's departure for the Finance Sub-Committee meetings.

Board Discussion/Public Comment

Ms. Derr asked if the HDR report will be available in July?

Mr. Uchytel said it is possible that we will have it in July.

Ms. Derr said she would be in favor of holding a meeting and acting as chair for the time being (July).

Mr. Etheridge confirmed she can hold the chair position.

Mr. Uchytel asked Ms. Derr if they should hold the July 13<sup>th</sup> meeting.

Ms. Derr responded that if staff receives the HDR report to keep the July 28<sup>th</sup> meeting.

Mr. Ridgway added the meetings are open to the public.

**X. Committee and Member Reports**

1. Finance Sub-Committee Meetings, June 8th, ~~and 21st,~~ 2022

Mr. Wostmann stated that the HDR report was briefly discussed. Staff felt it was inadequate and returned it to the contractor for further work. There was options on parking. It was concluded there needed to be more discussion on what will be effecting the rest of the season.

2. Operations/Planning Committee Meeting- Wednesday, June 22nd, 2022

Ms. Derr said there was a presentation by Hansen-Gress and the NorthWind Architects. Harbormaster Creswell presented the regulations and the sub-committee submitted their first recommendations. As advertised, the Board members are invited to a field trip on Monday to see how a cruise ship connects to shore power.

3. Member Reports

Mr. Ridgway mentioned fireworks will be going off according to plan.

Mr. Etheridge thanked the team for attending the Assembly meeting and gaining \$6.5M in funding.

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
**For Thursday, June 30th, 2022**

Mr. Uchytel added there will be an ordinance for introduction on July 11<sup>th</sup>. Then there will be a public hearing on August 1<sup>st</sup>.

Mr. Etheridge recommended having a presence at that meeting.

4. Assembly Lands Committee Liaison Report

Ms. Derr reported the Assembly Lands committee talked about Harris Technologies an IT company which is leasing office space in the Police Department building. There was discussion of renaming facilities to Tlingit culture place names and reaching out to tribal members to get assistance in the task. She also was provided the Docks & Harbors Naming SOP.

5. Auke Bay Neighborhood Association Liaison Report – No report

6. South Douglas/West Juneau Liaison Report

Mr. Becker reported the Committee talked about redoing their vision statement and creating a framework for some equity.

**XI. Port Engineer's Report**

Mr. Schaal shared that there will be an upcoming tour of the Franklin Dock July 5<sup>th</sup> for visualization on connecting the ship to shore power. He also wanted to highlight Mr. Sill for engraving plaques, designing a new fish cleaning float at North Douglas, and an element to help support and latch a door at Pier 49.

**XII. Harbormaster's Report**

Mr. Creswell shared that it is very busy in the harbors. The team has been conducting interviews for Admin III and Harbor Officer. The cruise ships will be departing before the firework display. Mr. Hinton will be overseeing the Dock facilities during the fireworks. The day of the parade is a later ship day so it should not be affected. The department will be receiving \$10K from the 2018 Gulf of Alaska Cod Fisheries Disaster Relief Funding. There have been complaints about the lack of crossing guards in the Downtown area and the harbor technicians have been able to help during downtime. The time is submitted to Travel Juneau for payment.

Mr. Uchytel added that the rate for the crossing guards are \$75 an hour.

Mr. Ridgway asked if they are wearing Docks and Harbors uniforms and is it needed for Downtown?

Mr. Creswell responded that the ask came from a valued partner Mr. Day. The staff is also available during the day.

Ms. Smith asked why it is the department's responsibility.

**CBJ DOCKS AND HARBORS BOARD**  
**REGULAR MEETING AGENDA (CONTINUED)**  
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Mr. Creswell replied there is available staff for the ship surges. They are not busy all the time so they can help out in the slow times.

Mr. Schaal added the crossing guards help to let busses out of the parking facility safely, which helps the flow. It is more efficient and safer, and Docks and Harbors was helping with this task in the past.

Mr. Etheridge added that it is efficient and it is helping a valued partner. It maximizes the use of staff at a time when they are not needed.

Mr. Creswell added that in the agreement to try the process out it was clear that the department was not obligated to help out. It is also clear that the staff's primary duty is to conduct security screening on the cruise ship docks.

**XIII. Port Director's Report**

Mr. Uchytel reported;

- The dredging & for hire floats installation at Statter Harbor was awarded a local American Society of Civil Engineers project-of-the-year in Febuary. We just received word it has also been awarded regional project of the year.
- The Army Corps of engineers will have a team come down to investigate the recapitalization of Statter Harbor on July 12<sup>th</sup>.
- There is an upcoming Coast Guard Authorization Act up for debate in July which may have the same language as the National Defense Authorization Act and will be help in the process in the NOAA Dock conveyance.
- In August, Goldbelt and their architects will disclose what they are working on for the Seadrome Dock.
- An environmental company has been hired to help with a petroleum odor found by Central Council of Tlingit and Haida. ADEC is now stating that Docks and Harbors, as owner of the property, must address the issue. An environmental company has been hired and they will be meeting with ADEC to see how to rectify the issue.

Mr. Becker asked where the leak issue is at?

Mr. Uchytel advised it is near a grassy turn around area. DEC is responsible for clean water.

**XIV. Assembly Liaison Report**

**XV. Board Administrative Matters**

- a. Finance Sub-Committee Meeting – Wednesday, July 13th and 27th, 2022
- b. Ops/Planning Committee Meeting – Wednesday, July 20th, 2022
- c. Board Meeting – Thursday, July 28th, 2022

**XVI. Adjournment - Mr. Wostmann adjourned the meeting at 7:37pm**

Presented by: The Manager  
Introduced: August 1, 2022  
Drafted by: Finance

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2022-06(b)(F)**

**An Ordinance Appropriating \$9,563 to the Manager for the Statter Harbor Phase IIIC Capital Improvement Project; Grant Funding Provided by the Alaska Department of Fish and Game.**

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

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

**Section 2. Appropriation.** There is appropriated to the Manager the sum of \$9,563 for the Statter Harbor Phase IIIC Capital Improvement Project (H51-108).

**Section 3. Source of Funds**

Alaska Department of Fish and Game \$9,563

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth A. McEwen, Municipal Clerk





July 12, 2022

Mr. Erich E. Schaal  
Port Engineer  
Port of Juneau

Dear Erich:

I would like to make you aware of an opportunity to increase the reimbursable amount of funds towards your Clean Vessel Act (CVA) projects. This CVA grant was awarded to the State with multiple projects under it, including your projects in Harris and Statter Harbors. A separate project under this grant has been completed and came in under budget. Those extra funds, totaling \$9,562.63, can now be applied to your projects. Matching funds of \$3,187.54 will be required to accept the extra money but should not be a problem since you already overspent on your Statter project.

Please let me know if you are interested in accepting these funds. If so, we will need to amend our cooperative agreement to reflect the extra money. Please contact me if you have any questions. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jacob Cunha".

Jacob Cunha  
Assistant Statewide Access Coordinator  
Recreational Boating Access Program



Alaska Department of Fish and Game  
Division of Administrative Services  
P.O. Box 115526  
Juneau, AK 99811-5526

Cooperative Agreement Number 20-019

Title: Harris and Statter Harbors Boat Sewage Pump-out Facility Improvements

Between:

Alaska Department of Fish and Game  
Division of Sport Fish

And the

City and Borough of Juneau

#### I. AUTHORITY:

This agreement is entered into by and between the Alaska Department of Fish and Game, Division of Sport Fish (hereinafter referred to as the "ADF&G" or the "Department") and the City and Borough of Juneau (hereinafter referred to as "CITY").

ADF&G enters into this agreement under authority AS16.05.050 (12), AS36.30.850(c) and the Federal Aid in Sport Fish Restoration Recreational program: Clean Vessel Act (CFDA # 15-616).

#### II. PURPOSE OF THE AGREEMENT:

To construct, manage, and maintain sewage pumpout stations in Harris and Statter Harbors for year-round use to better serve recreational boaters and other public users.

#### III. TERM OF THE AGREEMENT:

The effective date of this agreement shall be from the date of final signature. The design life of this facility is 5 years; therefore, this agreement shall remain in effect until December 31, 2026.

#### IV. COVENANTS OF THE ALASKA DEPARTMENT OF FISH AND GAME:

1. To reimburse the CITY for accomplishing the purpose of this agreement in an amount not to exceed \$75,000. The source of funding shall be 100% Federal Aid in Sport Fish Restoration Act (Dingell-Johnson/Wallop-Breaux) as amended by the Clean Vessel Act of 1992. Availability of these funds shall be subject to approval of the project by the Federal Aid Office of the U.S. Fish and Wildlife Service (USF&WS).
2. To authorize the CITY to manage and maintain the pumpout equipment as a CITY facility. The CITY owns, operates, and maintains the existing facility, which is operated primarily for the use of recreational power boaters and sport anglers.
3. To perform a final inspection of the completed project to verify compliance with this agreement.

#### V. COVENANTS OF THE CITY AND BOROUGH OF JUNEAU:

1. To provide matching funds in an amount not less than one-third of the amount provided by ADF&G. This is a match ratio of 75% Federal Aid funds to 25% City funds. These funds shall be from a non-federal source and shall be

claimed by ADF&G as match for the federal funds provided by ADF&G. The City will be required to provide not less than \$25,000 to match the amount stated in paragraph IV.1. above.

The CITY shall provide all additional funding needed to complete the improvements covered by this agreement. The total estimated costs of the improvements is \$100,000.

2. To complete the construction of the pumpout facility funded by this agreement prior to December 31, 2021.

The CITY warrants that it has the right, power, and authority to construct and maintain the improvements on the parcel and that there are no restrictions, covenants, easements, rights-of-way, or uses which would prevent the CITY from constructing and maintaining the improvements on the parcel.

3. The pumpout facility will be used primarily for the benefit of the recreational boating and sport fishing public. No change in this use will be made without prior written approval of ADF&G.
4. To manage and maintain the pumpout facility for public use until December 31, 2026.
5. Management activities and maintenance services shall ensure orderly public use and keep the facility clean and in a good state of repair. Management and maintenance may be adjusted seasonally commensurate with seasonal public use.
6. ADF&G will consider the facility closed to the public if the CITY physically denies access, fails to provide adequate management or maintenance or allows incompatible uses of the facility that effectively limits public use by recreational boaters and sport anglers.
7. To obtain and comply with all federal, state, and local permits required for construction and maintenance of the renovation project.
8. To install a sign identifying the participation of ADF&G, the Federal Aid in Sport Fish Restoration Program, Clean Vessel Act Program, and sport anglers in facility development. To install additional signage as deemed appropriate, to indicate that the primary use of the facility is for sport fishing and recreational power boating access.
9. To be responsible, for a period of one year from the date of ADF&G's final inspection, for correcting all defects in the design or construction when the defect is brought to the attention of the CITY, without additional cost to ADF&G. The CITY will make good and be fully responsible for all damages to persons and property that arise from equipment or workmanship which is inferior, defective, or not in accordance with the terms of this agreement.
10. To maintain adequate insurance in conjunction with the design, construction, and maintenance of the improvements.
11. The CITY shall perform all aspects of the project in compliance with appropriate laws and regulations which include but are not limited to the following:
  - a. Local Building Codes- The CITY shall comply with applicable local buildings codes and shall obtain a building permit if required (AS 35.10.025).
  - b. Historic Preservation- The CITY shall comply with AS 41.35.070 to preserve historic, prehistoric and archeological resources threatened by public construction.
  - c. Public Contracts- The CITY shall comply with AS 36.05 in determining the wages and hours of labor on public contracts.
  - d. Political Activity- Federal funds cannot be used for partisan political purposes of any kind by any person or organization involved in the administration of federally assisted programs.

- e. Civil Rights- Pursuant to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title I, II & III of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975 and Title IX of the Education Amendments of 1972, no person shall, on the grounds of race, color, national origin, age, or handicap, be excluded from participation in or be subjected to discrimination in any program or activity funded in whole or in part by federal funds.
  - f. Allowable costs/Cost principles-OMB 2 CFR 200 establishes principles and standards for determining costs applicable to grants, contracts, and other agreements with state and local governments. A cost is allowable for federal reimbursement only to the extent of benefits received by federal programs, and costs must meet the basic guidelines for allowability, reasonableness and allocability.
  - g. Drug-free Workplace Act- The CITY, by signing this agreement, certifies that they will provide a drug-free workplace.
  - h. Debarment/Suspension – The CITY, by signing this agreement, certifies that neither it, nor its principals or subcontractors is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from federal financial assistance programs or activities.
  - i. Audits- The CITY acknowledges that 75% of the funding for this agreement is from the Federal Aid office of the U.S. Fish and Wildlife Service under CFDA 15.616. The CITY acknowledges that receipt of federal funds may create audit requirements under OMB 2 CFR 200.
  - j. Workers Compensation Insurance- The CITY shall provide and maintain, for all employees engaged in work under this agreement, coverage as required by AS 23.30.045, and, where applicable, any other statutory obligations including but not limited to Federal U.S.L. & H. and Jones Act requirements.
  - k. Open Competition - The CITY shall comply with Executive Order 13202 dated February 17, 2001 prohibiting any requirements or bidding preferences based on contractor affiliation with labor organizations.
12. If the CITY handles hazardous materials on the site, the CITY agrees to employ adequate procedures for safely storing, dispensing, and otherwise handling hazardous materials in accordance with applicable federal, state, and local laws. Hazardous materials include but are not limited to fuels and lubricants commonly used in vehicles and boats.

In the event of a hazardous materials spill by the CITY or the public using the site, the CITY shall act promptly, at its own expense, to contain the spill, repair any damage, absorb and clean up the spill area, and restore the site to a condition satisfactory to the ADF&G and in accordance with applicable federal, state, and local laws. The CITY shall be the lead agency in requesting additional funds from the legislature to cover the cost of spill clean-up. ADF&G shall support such requests.

If contamination of the site occurs as a result of the CITY's management of the site, the CITY shall indemnify, defend, and hold harmless the ADF&G from any and all claims, judgments, damages, penalties, fines, costs, liabilities, or losses.

#### **VI. GENERAL PROVISIONS:**

- 1. ADF&G and the CITY shall cooperate in accomplishing the improvements to be provided under this agreement. The CITY shall be the lead agency in accomplishing all work necessary to make the improvements. The CITY may employ construction contractors as may be appropriate.
- 2. The CITY shall provide ADF&G a copy of the proposed design and installation schedule. The CITY shall also promptly notify ADF&G of all changes made to the schedule or the design. At the completion of the installation, the CITY shall provide ADF&G a copy of the as-built plans and equipment specifications. Reimbursement for construction work shall be contingent on ADF&G approval of work actually performed.

ADF&G review of designs, plans, specifications, or other project related documents will be to insure conformance to the purpose of this agreement and shall not constitute engineering review nor relieve the CITY from responsibility to prepare an adequate design, meet code compliance, or assure that cost principles are applied to change orders.

3. The CITY will be reimbursed only for the cost of work completed which is directly related and allocable to the project and which ADF&G has approved. The CITY will not be reimbursed for administrative work or overhead it incurred while completing the project. Reimbursement will be made within 30 days of receipt and approval, by ADF&G, of a request for reimbursement from the CITY. All requests for reimbursement shall be adequately documented. Documentation may include copies of materials invoices, payroll ledgers, equipment logs, contract payments, etc. In the event of a late payment, ADF&G will not pay late fees.

The CITY shall maintain a separate set of accounting records for this project and shall retain these records for a period of three years from the termination of this agreement. These records shall be made available to the state for audit purposes.

To document the required match to be provided by the CITY as specified in paragraph III.1., all requests for reimbursement will be paid at the rate of 75% of the requested reimbursement until the amount specified in paragraph IV.1. is reached.

With the exception of the final payment, requests for reimbursement shall be in amounts no less than \$10,000. If the CITY chooses to make monthly billings, such billings will be held by ADF&G until the total amount reaches at least \$10,000.

4. The CITY does not intend to charge a user fee for public use of the completed facility. In the event that the CITY finds it necessary to impose a user fee, the CITY shall provide ADF&G a copy of the proposed fee schedule for review and approval. Fees shall be subject to the following criteria:
  - a. The maximum fee for emptying the sewage holding tank of a privately-owned recreational boat shall be \$5 unless a higher fee can be justified (50 CFR 85.44). Justification for a higher fee is subject to approval by the USFWS.
  - b. Fees shall not be imposed to recover the capital cost of the improvements covered by this agreement.
  - c. Fees shall not exceed the cost of operation, maintenance, and improvement of the pumpout.
  - d. Site specific fees that exceed the cost of operation, maintenance, and improvement are program income. An areawide fee, such as an annual launch permit, that allows the use of any CITY launch ramp usually is not considered program income. Fees collected and determined to be program income must be credited back to the Federal Aid in Sport Fish Restoration program through ADF&G. The basic policies for the treatment of program income by the USFWS contained in 43 CFR Part 12 and OMB Circular A-102 apply to this agreement.
  - e. The CITY may establish a capital improvement account to fund specified major improvements to the site. Establishment of such an account shall be reviewed and approved by ADF&G. The CITY shall specify the improvement proposed, the estimated cost and completion date when requesting approval. Fees accumulated in a capital improvement account will not be considered program income if they are used for the approved improvement.
  - f. If required by future changes to federal regulations or at the request of ADF&G, the CITY shall provide ADF&G an accounting of fees collected and costs of operation, maintenance, and improvements. This accounting shall be on an annual basis and in sufficient detail to satisfy state and federal regulations.

5. The effective date of this agreement shall be from the date of final signature by ADF&G.
6. The design life of the facility is 5 years; therefore, this agreement shall remain in effect until December 31, 2026.
7. Either agency may terminate its involvement in this agreement by written notice to the other at least 90 days in advance of the date on which termination is to become effective. In the event that an agency terminates its involvement in this agreement, defaults in its duties under this agreement or this agreement expires, disposition of the sport fishing access improvements shall be accomplished by whichever of the following contingencies is appropriate:

- a. Agreement expires on December 31, 2026:

ADF&G shall have the option to negotiate an extension of this agreement with the CITY for the continued public use of the facility. ADF&G shall have 90 days after the expiration of this agreement in which to notify the CITY of its intent to exercise this option. If ADF&G does not exercise this option, all equipment and components of the pumpout station purchased under this agreement shall become the property of the CITY.

- b. ADF&G terminates its involvement:

If prior to December 31, 2026, ADF&G finds that there is no longer a need for the pumpout station covered by this agreement, then this agreement shall be terminated. All equipment and components of the pumpout station purchased under this agreement shall become the property of the CITY at no additional cost to the CITY.

- c. The CITY terminates its involvement:

If prior to December 31, 2026, the CITY closes the facility to the public, does not comply with the requirements of this agreement or terminates its involvement in the purpose of this agreement, this agreement shall be terminated and the CITY shall reimburse ADF&G for the total funding it provided at the rate of 20 percent for each full year between the date of termination and December 31, 2026.

This agreement shall be terminated when the CITY's reimbursement to ADF&G is completed. The CITY shall not be required to reimburse ADF&G in the event the facility must be closed to protect public safety because of casualty damage arising from a catastrophic occurrence.

8. The CITY may make improvements to the facility at its own expense provided the improvements are compatible with the purpose of this agreement and are approved in writing by ADF&G prior to construction.
9. Funding for major maintenance or repair of casualty damage will be negotiated on a case-by-case basis. Each agency's share of such funding shall be contingent on availability of funds.
10. The rights and responsibilities vested in each agency by this agreement shall not be assigned without the written consent of the other agency.
11. Agents and employees of each agency shall act in an independent capacity and not as officers, employees, or agents of the other agency in performance of this agreement.
12. Nothing in this agreement shall obligate either agency to the expenditure of funds or future payments of money in excess of those herein agreed upon or authorized by law.
13. Nothing in this agreement transfers title or land jurisdiction other than set forth herein.

14. The CITY shall indemnify, hold harmless and defend ADF&G from and against any claim of or liability for error, omission or negligent act of the CITY under this agreement. The CITY shall not be required to indemnify ADF&G for a claim of, or liability for, the independent negligence of ADF&G. If there is a claim of, or liability for, the joint negligent error or omission of the CITY and the independent negligence of ADF&G, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. "CITY" and "ADF&G" as used within this paragraph, include the employees, agents and other contractors who are directly responsible, respectively, to each. The term "independent negligence" is negligence other than in ADF&G's selection, administration, monitoring or controlling of the CITY and in approving or accepting the CITY's work.
15. Both parties agree to comply with all applicable federal and state laws regulating ethical conduct of public officers and employees.
16. Each agency will comply with all applicable laws, regulations, and executive orders relative to Equal Employment Opportunity.
17. Nothing herein is intended to conflict with federal, state, or local laws or regulations. If there are conflicts, this agreement will be amended at the first opportunity to bring it into conformance with conflicting laws or regulations.
18. This agreement may be revised as necessary by mutual consent of both parties, by the issuance of a written amendment, signed and dated by both parties.
19. All approvals and notices required by this agreement shall be written and shall be sent by registered or certified mail to:  

Director	Port Director
Division of Sport Fish	City and Borough of Juneau
Alaska Dept. of Fish & Game	155 South Seward Street
P.O. Box 115526	Juneau, Alaska, 99801
Juneau, Alaska 99811-5526	
20. This agreement is complete and has no other encumbrances, addenda, attachments, or amendments with the following exceptions: Attachment A – Juneau Area Map

**VII. APPROVING SIGNATURES**

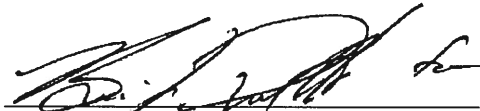
IN WITNESS WHEREOF, the parties hereto have caused this Cooperative Agreement to be executed as of the date of last signature below.

**CITY AND BOROUGH OF JUNEAU**

  
\_\_\_\_\_  
Carl J Uchytel  
Port Director

9/13/2019  
\_\_\_\_\_  
Date

**ALASKA DEPARTMENT OF FISH AND GAME**

  
\_\_\_\_\_  
David Rutz  
Division of Sport Fish

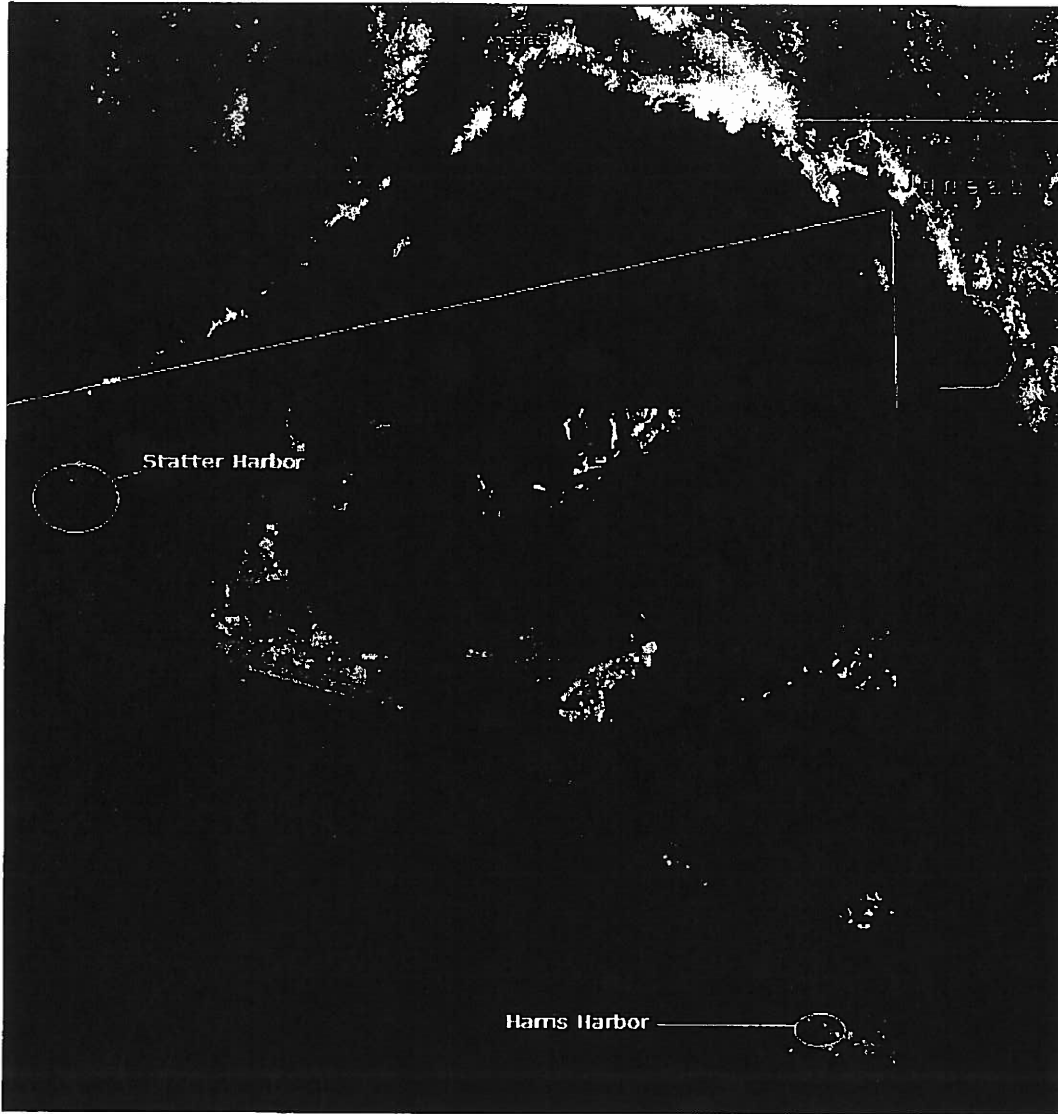
10.14.19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Samantha Gatton, Deputy Director  
Division of Administrative Services

10/10/19  
\_\_\_\_\_  
Date



Attachment A: Parcel Location



Juneau area map highlighting Harris and Statter Harbors where pump-out facilities will be improved.



# Port of Juneau

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155 S. Seward Street • Juneau, AK 99801  
(907) 586-0292 Phone • (907) 586-0295 Fax

**From:** *Carl J Uchytel*  
Carl Uchytel, P.E.  
Port Director

**To:** Docks & Harbors Board

**Via:** Docks & Harbors Operations Planning Committee

**Date:** July 20<sup>th</sup>, 2022

**Re:** RESOLUTION SUPPORTING JUNEAU DISTRICT HEATING

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1. Our Congressional Delegation, led by Senator Sullivan, is proposing to advance legislation which would authorize conveyance of the downtown NOAA Dock to CBJ at fair market value. Docks & Harbors has long viewed this facility as integral to contiguously link the Juneau waterfront from the Bridge to AJ Dock. Although many steps are still required, this initiates a process to transfer federal property to local municipal control. Docks & Harbors has produced planning documents which could repurpose this area to support small cruise ship infrastructure and to encourage the federal government to homeport future NOAA vessels to Juneau.
2. Since 2017, Juneau District Heating has been in discussion with NOAA to conceptually plan for seawater supply and discharge lines to be located from their Subport Lot at 300 Egan through the existing NOAA Dock. The intent of the enclosed resolution is to reassure, in the event CBJ acquires the NOAA Dock, that the needs and interests of Juneau District Heating will be reasonably accommodated by CBJ.

#

Encl: Draft Resolution 29xx

Presented by: The Manager  
Presented: 08/01/2022  
Drafted by: B. Brown

**RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2997**

**A Resolution of the City and Borough of Juneau Supporting the Operational Needs of the Juneau District Heating Proposal in the Downtown Vicinity.**

WHEREAS, in 2017 Juneau District Heating purchased approximately one acre at 300 Egan Drive (Subport Lot 2CA) for the purpose of constructing an energy plant where a network of heat exchangers and seawater heat pumps would transfer energy from seawater for distribution to heat buildings in Juneau; and

WHEREAS, the proposed Juneau District Heating concept would feature zero carbon emissions and 100% renewable energy where the heat source is entirely from Gastineau Channel, replacing diesel boilers and lowering operating costs to downtown building facilities; and

WHEREAS, the City and Borough of Juneau Comprehensive Plan, Climate Action Plan, and Juneau Renewable Energy Strategy all acknowledge that Juneau is an ideal community for district heating; and

WHEREAS, the NOAA Ted Stevens Marine Research Institute has successfully employed technologies similar to what Juneau District Heating is proposing; and

WHEREAS, Juneau District Heating has worked with NOAA for several years and developed conceptual plans to access the downtown NOAA Dock and NOAA tidelands for raw seawater supply and discharge in support of a heat pump energy system; and

WHEREAS, Juneau District Heating will also need to access tide and submerged lands which are owned and managed by the City and Borough of Juneau; and

WHEREAS, in March 2016 the City and Borough of Juneau Assembly signaled their strong support to the vision of Juneau District Heating.

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

**Section 1.** That the City and Borough of Juneau continues to strongly support the Juneau District Heating conceptual plans and is committed to ensuring all property conveyances required by Juneau District Heating to achieve full operational capability would be favorably considered by the Assembly.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager  
Presented:  
Drafted by: B. Brown

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2022-XX**

**An Ordinance Amending Docks and Harbors Board Land Management Plan.**

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

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

**Section 2. Amendment of Section.** CBJC 85.02.063 is amended to read:

**85.25.020 Land management plan.**

(a) ~~After public hearing and deliberation, In considering management of land under the jurisdiction of the docks & harbors board, the docks and harbors board shall be guided and informed by draft and forward to the planning commission and assembly a the City and Borough land management plan. The plan shall address in making recommendations regarding the retention, use, disposal, and development of City and Borough land under the jurisdiction of the docks and harbors board. After public hearing and deliberation, the planning commission shall forward its recommendation to the assembly. Recommended changes to the land management plan shall be developed using the same procedure.~~

(b) ~~Development of the land management plan, or a change to the plan, In making recommendations about the retention, use, disposal, and development of land under jurisdiction of the docks & harbors board, the board shall also be guided by the following principles:~~

(1) Multiple use should be encouraged;

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2 (2) A sound local economy will be promoted;

3 (3) Adequate lands for public development and public use, including recreational beaches with  
4 appropriate uplands, should be reserved;

5 (4) Tidelands should be leased only for specific water-dependent and water-related uses and not  
6 sold;

7  
8 (c) ~~In developing the land management plan to implement the policies outlined in this section,~~  
9 In making recommendations about the retention, use, disposal, and development of land under  
10 jurisdiction of the docks & harbors board, the board shall consider the following issues, without  
11 limitation, shall be considered:

12 (1) The supply of publicly owned lands to meet public needs;

13 (2) The supply of privately owned lands to meet the private-sector needs of the community;

14 (3) The comprehensive plan, the long-term capital improvements program, and other plans  
15 adopted by the assembly;

16 (4) Restrictions created by written instruments, zoning, and state and federal regulations;

17 (5) Physical, economic, resource, population and social factors affecting the area under  
18 consideration;

19 (6) Comments of the general public, affected landowners, state and federal agencies and local  
20 advisory groups;

21 (7) Ownership patterns and waterfront development plans of private landowners and state and  
22 federal agencies;

23 (8) The development and growth patterns and potentials of different areas of the City and  
24 Borough and waterfront services that may be needed as a result of that development and  
25 growth;

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- 2 (9) The requirements of public access to and along public and navigable bodies of water;
- 3 (10) The protection of other public values including recreational, scenic, wildlife, and other
- 4 environmental qualities; and
- 5 (11) Other matters which are relevant to a sound and beneficial land use management plan
- 6 policy.

7 ~~(d) The plan shall contain the following elements:~~

8 ~~(1) Proposed land acquisitions;~~

9 ~~(2) A listing of those lands to be retained for public use;~~

10 ~~(e) The plan shall be reviewed by the Docks and Harbors Board and the Planning Commission~~

11 ~~if a major unanticipated development affecting basic assumptions occurs, and in any case at~~

12 ~~least every five years.~~

13 ~~(f) Any lease, disposal, or use of land shall conform to the Long Range Waterfront Plan, the~~

14 ~~land management plan adopted above, Juneau Coastal Management Plan, and all other~~

15 ~~adopted City and Borough land use plans.~~

16 ~~(g) Upon receipt of a land management plan or a change recommended by the Docks and~~

17 ~~Harbors Board and Planning Commission, the assembly shall consider the plan, or change, and~~

18 ~~may adopt the plan or change only after it conducts a public hearing on the matter.~~

19

20

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

23 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

24 Attest:

\_\_\_\_\_  
Beth A. Weldon, Mayor

25 \_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

1  
2 (2) A sound local economy will be promoted;

3 (3) Adequate lands for public development and public use, including recreational beaches with  
4 appropriate uplands, should be reserved;

5 (4) Tidelands should be leased only for specific water-dependent and water-related uses and not  
6 sold;

7 (c) ~~In developing the land management plan to implement the policies outlined in this section,~~  
8 In making recommendations about the retention, use, disposal, and development of land under  
9 jurisdiction of the docks & harbors board, the board shall consider the following issues, without  
10 limitation, shall be considered:

11  
12 (1) The supply of publicly owned lands to meet public needs;

13 (2) The supply of privately owned lands to meet the private-sector needs of the community;

14 (3) The comprehensive plan, the long-term capital improvements program, and other plans  
15 adopted by the assembly;

16 (4) Restrictions created by written instruments, zoning, and state and federal regulations;

17 (5) Physical, economic, resource, population and social factors affecting the area under  
18 consideration;

19 (6) Comments of the general public, affected landowners, state and federal agencies and local  
20 advisory groups;

21 (7) Ownership patterns and waterfront development plans of private landowners and state and  
22 federal agencies;

23 (8) The development and growth patterns and potentials of different areas of the City and  
24 Borough and waterfront services that may be needed as a result of that development and  
25 growth;



**A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**ADOPTION OF REGULATION AMENDMENTS**

**Title 05, Chapter 07 – Inactive Vessel Management**

**Title 05, Chapter 15 – Fees and Charges**

**Title 05, Chapter 20 – Small Boat Harbor Fees and Charges**

**Title 05, Chapter 25 – Statter Harbor Management Regulations**

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD PROPOSES TO ADOPT THE FOLLOWING AMENDMENT TO REGULATIONS:

**Section 1. Authority.** These regulations are adopted pursuant to CBJ Ordinance 01.60, 85.02.060, and 85.02.100.

**Section 2. Adoption of Regulations.** The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 07 Inactive Vessel Management, to read:

**05 CBJAC 07.010 Inactive vessel management.**

...

(b) *Moorage areas designated for inactive vessels.* Certain moorage within Douglas, Harris, and Aurora Small Boat Harbors and at the National Guard Dock is designated as moorage eligible for use by inactive vessels. This Mmoorage includes the east side of the head float in Aurora Harbor, ~~the area along the east side of the head float in Harris Harbor, and the west side of the area along the head float in Douglas Harbor, and the National Guard Dock.~~ Maps showing the moorage designated for inactive vessels are available at any of the harbor offices.

...

**Section 3. Amendment of Regulation.** The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 15 Fees and Charges, to read:

...

**05 CBJAC 15.035 Reservation charge policy.**

...

(d) *Reservation confirmation and changes.* Payment is required for the first day of moorage for each visit at the time of reservation confirmation and is non-refundable. Cancelling a reservation will result in forfeiture of the reservation fee. Reservation dates can be adjusted until May 1 in the year of requested moorage at no additional charge if space is available. Starting May 1, reservation payments cannot be transferred to other dates; any change in dates will require forfeiture of the original

reservation payment, and payment of an additional non-refundable reservation fee for the amended first day(s) of moorage. Failure to arrive within 24 hours after a reservation begins will result in cancellation of the remainder of the reservation and forfeiture of the reservation fee. Reservation payments are not transferrable between Downtown and Statter Harbor. All reservations made for a period of more than seven days will be paid in full at the time of reservation. The director may impose moorage terms and conditions that are reasonable and necessary to effectuate the purposes of CBJ Code of Ordinances Title 85 and CBJ Administrative Code Title 5.

...

**Section 4. Amendment of Regulations.** The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 20 Small Boat Harbor Fees and Charges, to read:

...

**05 CBJAC 20.050 Residence surcharge.**

...

- (b) *Residence surcharge period and duty to report.* The residence surcharge will be assessed on a calendar month basis. The owner of the vessel is responsible for paying the residence surcharge. The owner of the vessel is responsible for immediately notifying the Harbormaster when their vessel is ~~being occupied and~~ used by any person as a residence, dwelling, or abode, rented, or leased as a place of residence. Any rental or leasing of a vessel by its owner must be for a period of no less than six months, subject to prior written approval by the Harbormaster. Rental for any period of less than six months and subleasing are not permitted. Once a vessel is in used as a residence, dwelling, or abode the Docks and Harbors Department will continue to assess the residence surcharge until the owner of the vessel gives written notice to the Harbormaster that the vessel is no longer used ~~for~~ as a residence, dwelling, or abode.

...

**05 CBJAC 20.060 Recreational boat launch fees.**

- (a) *Launch ramp permit required.* A boat trailer owner or vehicle owner (when launching vessels without a trailer) will obtain any and all necessary launch ramp permits for using one or more of the Douglas Harbor Boat Launches, the Harris Harbor Boat Launch, the North Douglas Boat Launch, the Statter Harbor Boat Launch, the Amalga Harbor Boat Launch, and the Echo Cove Boat Launch to launch and recover recreational vessels. Use of the Kayak Launch Ramps at Amalga Harbor and Statter Harbor is free and does not require a launch ramp permit.

...

**05 CBJAC 20.090 Statter Boat Harbor Bus Lower Parking Lot permit fee.**

- (a) *Definition.* The fee assessed to the owner of a vehicle for picking-up and discharging passengers for passenger-for-hire activities at the Statter Harbor Bus Lower Parking Lot.

- (b) *Requirements.* The owner of a vehicle using the Statter Harbor ~~Bus Lower Parking~~ Lot to pick-up and discharge passengers for passenger-for-hire activities must apply to and obtain a permit from the Harbormaster. Applications are available at any of the Docks and Harbor Department Offices. The Harbormaster is authorized to issue permits with reasonable conditions concerning insurance, operations, and payment of fees.
- (c) *Fees.* The Harbormaster shall assess permit fees to the owner of a vehicle using the Statter ~~Boat~~ Harbor ~~Bus Lower Parking~~ Lot to pick-up and discharge passengers for passengers-for-hire activities as follows:

...

**05 CBJAC 20.110 Crane use fees.**

...

- (b) *Crane use requirements.* A person must obtain approval from the Harbormaster before using a hydraulic crane. ~~Crane use fees must be paid in advance.~~ A person may reserve use of the crane. Charges shall be assessed through an electronic key card issued by Docks and Harbors. ~~Payment of the crane use fee is required to obtain a reservation. The Harbormaster will require a person using the crane to post a bond or other guaranty before using a crane when the Harbormaster believes such security is necessary.~~

...

**05 CBJAC 20.130 Storage fees.**

- (a) A person may apply to the Harbormaster for use of long-term storage space in designated areas. Except as provided herein, the fee for use of this space is \$0.50 per square foot per calendar month, or portion thereof. ~~A person who maintains a reserved moorage assignment may store one personal item of up to 200 square feet for \$0.25 per square foot per calendar month, or portion thereof.~~ The Harbormaster is authorized to issue permits and develop written procedures to implement this section.

...

**05 CBJAC 20.160 Parking lot fees.**

...

- (2) From May 1 through September 30 each year, the fee to park in designated pay spaces at Don D. Statter Harbor Facilities shall be \$1.00 per hour or portion thereof, or \$5.00 per 24 hours or portions thereof, ~~or \$100.00 per calendar month or portion thereof.~~ ~~The number of monthly parking permits shall be managed and issued by the Port Director or representative.~~ From October 1 through April 30, the off-season monthly fee shall be \$50.00 per calendar month or portion thereof. The applicable fee must be paid in advance.

...

**05 CBJAC 20.190 ~~Auke Bay Loading Facility—Drive Down Float Fee~~ Reserved.**

~~Auke Bay Loading Facility Drive Down Float shall be accessed at a fee of \$5.00 per vehicle/truck occurrence. Charges shall be assessed through an electronic key card issued by Docks and Harbors.~~

**Section 5. Adoption of Regulations.** The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 25 Statter Harbor Management Regulations, to read:

...

**05 CBJAC 25.060 Summer management.**

Except for a loading zone, from May 1 through September 30 each year, a vessel may moor at the facility, including the breakwater, for up to ten consecutive calendar days, after which the vessel must clear the facility, under its own power, for at least six consecutive hours. Vessels which do not clear the facility for at least six consecutive hours after any ten-day period shall be assessed the daily fee in accordance with 05 CBJAC 20.070. A vessel owner may request an exceptions to this rule by submitting a request in writing to the Harbormaster, who may grant the request in writing upon a showing of exigent circumstances by the vessel owner. Unless directed otherwise by the Harbormaster in accordance with procedures established under this regulation, all moorage during this period shall be on a first-come, first-serve basis.

...

**05 CBJAC 25.080 Winter management.**

- (a) From October 1 through April 30 each year, the Harbormaster may assign moorage to vessels for all or part of this period. Moorage will be assigned as follows:
- (1) During the month of ~~August~~ September each year, a person wishing to obtain a moorage assignment may submit a request for moorage via email or apply on an application form provided by the Harbormaster. ~~The person shall submit a \$100.00 application fee, refundable if the person does not receive a moorage assignment and creditable towards docks and harbor department charges;~~
  - (2) During Before the end of the month of September each year, the Harbormaster, with consideration to vessel size and space availability, shall assign moorage in the order in which applications were received by lottery until all of the designated spaces are is assigned or all of the applications are processed.
  - ~~(3) After assigning moorage by lottery, the Harbormaster may assign moorage if space is available at the facility.~~
- (b) No person, other ~~then~~ than the moorage assignee, shall moor in an assigned space without Harbormaster approval. Moorage assignments under this section will terminate if the assignee does not pay all applicable fees on a timely basis. Moorage assignees shall notify the Harbormaster of departure and arrival times as required by 05 CBJAC 40.020(d).

...

**Section 6. Notice of Proposed Adoption of a Regulation.** The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on \_\_\_\_\_, 2022, which is not less than 21 days before the date of adoption of these regulations as set forth below.

**Adoption by Agency**

After considering all relevant matter presented to it, the agency hereby adopts these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: \_\_\_\_\_

\_\_\_\_\_  
Carl Uchytel, P.E.  
Port Director

**Legal Review**

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

- (1) Consistency with federal and state law and with the charter, code, and other municipal regulations;
- (2) Existence of code authority and the correctness of the required citation of code authority; and
- (3) Clarity, simplicity of expression, and absence of possibility of misapplication.

Date: \_\_\_\_\_

\_\_\_\_\_  
Benjamin Brown  
Assistant Municipal Attorney

**Assembly Review**

These regulations were presented to the Assembly at its meeting of \_\_\_\_\_. They were adopted by the Assembly.

Date: \_\_\_\_\_

\_\_\_\_\_  
Elizabeth J. McEwen  
Municipal Clerk

**Filing with Clerk**

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

1. These regulations were accepted for filing by the office of the clerk at \_\_\_:\_\_\_ a.m./p.m. on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.
2. After signing, I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
4. Effective date: \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Elizabeth J. McEwen  
Municipal Clerk

Presented by: D&H Board  
Presented:  
Drafted by: B. Brown

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2022-39**

**An Ordinance Amending Prohibited Acts within the Boat Harbor Related to Dogs and Other Domestic Animals.**

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.** CBJC 85.25.090 Prohibited acts, is amended to read:

**85.25.090 Prohibited acts.**

It is unlawful for any owner, master, operator or managing agent or other person to commit any of the following acts within the boat harbor:

...

(7) To allow or permit any dog or other domestic animal to be tethered or restrained to any part of a float or ramp, or to permit any dog to urinate or defecate on the floats. If a dog or other domestic animal urinates on a float or ramp, the urine must be cleaned up by the application of water in an amount sufficient to eradicate the urine. If a dog or other domestic animal defecates on a float, ramp, or any other area of the harbor including the parking lot, the feces must be cleaned up immediately and disposed of in a proper trash receptacle. All dogs must be leashed in such a manner that a person capable of controlling the dog is able to

1  
2 maintain positive control of them while on the dock, and in compliance with CBJC 08.40.020.

3 ~~Only the dogs of owners of boats legally moored in the harbor, or the dogs of the guests of such~~  
4 ~~boat owners, shall be permitted on the floats, but then only when on a leash and for such~~  
5 ~~minimum time as is necessary to go between the boat and shore.~~

6 ...  
7

8  
9 **Section 4. Effective Date.** This ordinance shall be effective 30 days after its adoption.

10 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

11  
12 \_\_\_\_\_  
13 Beth A. Weldon, Mayor

14 Attest:

15 \_\_\_\_\_  
16 Elizabeth J. McEwen, Municipal Clerk  
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25



Presented by: The Manager  
Presented:  
Drafted by: B. Brown

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2022-43**

**An Ordinance Amending Boat Harbor Regulations Relating to Vessel Identification.**

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.** CBJC 85.25.020, is amended to read:

**85.25.020 Identification.**

If federal or state law, rule or regulation does not compel the numbering or other identification of any boat or vessel, the board shall establish by regulation how such boats shall be identified, and thereafter no such boat or vessel nor any other boat or vessel, shall be allowed in the boat harbor unless it is properly identified. All vessels shall be required to display a current state registration or display the vessel's name and hailing port if it is a federally documented vessel.

Failure by any owner, operator or master to so identify any boat or vessel using the boat harbor shall be a violation of this chapter.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Attest:

\_\_\_\_\_  
Beth A. Weldon, Mayor

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Docks and Harbors Board Members:

I'll forego preliminary information up front, and assume we all have enough background from the past 3 meetings where we discussed the project at 1000 Harbor Way.

First, I want to acknowledge that the position you're in with CDD is not really fair. CDD can't (or doesn't want to) bend on the rules, and D&H doesn't want to sell the land. Between these two entities, why should you be the one to concede?

Second, Mr. Grant's letter to the board last month asked great questions. Jeremy and I would have asked the same ones. To Mr. Grant's point, the conversation (especially after just the first subcommittee meeting) was relatively brief and not exhaustive.

At the first meeting, I heard a lot of "this particular project makes sense to approve." Since our first meeting, I have been hearing a lot more of "is there any way out of this?" So third, I would also like to recognize that the answer is clearly yes - you hold plenty of control to shut this thing down with a simple vote.

But why would you want to shut it down?

Let's forget about what CDD is telling you that you "have to do." You don't have to do anything. Let's forget about all of the possible alternatives. There are probably years worth of alternatives we could pursue until we are blue in the face. Tidelands are scarce, agreed. But when you look at the parcel we are asking to purchase, I think it is hard to honestly argue that it is of much value to you. Let's explore:

## How can this parcel be used?

### Near-future uses

For the next 58 years, this parcel is leased to a building. Quite simply, that is the only use for this parcel of land until the lease is up.

This conversation has sometimes turned toward "best waterfront use" or the "maritime nature" of the building. A few points on that thread:

1. It's pretty fair to say that our company is the IT department for Juneau's maritime industry: Alaska Glacier Seafoods, Taku Smokeries, DIPAC, APICDA, UFA, Allen Marine, other water-related tour companies, etc. We also often end up working on boat nav systems, maritime communications systems, etc. As the primary tenant in this building, we have plenty of connections to the maritime industry.
2. Our building has a long-standing lease with Wartsila, which is a cruise ship maintenance contractor.

3. If we ever get through renovations, Marine Exchange is moving in as another major tenant. That's all 3 tenants, maritime.
4. We are building premium waterfront office space. This is something unique Juneau does not have much of, and we are trying to permit and build a facility that honors our position on the water.

Maybe these points help address the use of the building, and I'm adding them for a little more color. But let's not lose sight of the overarching point here: The lease does not specify anything about what the building shall be used for. And as such, the use of the building is not technically part of the conversation for the next 58 years. It's a building, and it pays rent to the owner of the land.

So does D&H want to be in the landlording business? That is up to you, but I'll wager the answer is "no," at least in this case.

1. It's not a lot of rental income to D&H. I'm sure we can all agree this conversation is not about the rent.
2. D&H has to manage the lease. We can also agree that cashing a check once a year is not a big inconvenience. But there are appraisals, lease updates and renewals, and (perhaps worst of all) issues like this one. CDD will send us back here every time we try to pull a building permit in the future. And it's probably not just CDD - it's only a matter of time before we are back here again because of our insurance, or your insurance, or FEMA, or whoever else chooses to call this out.

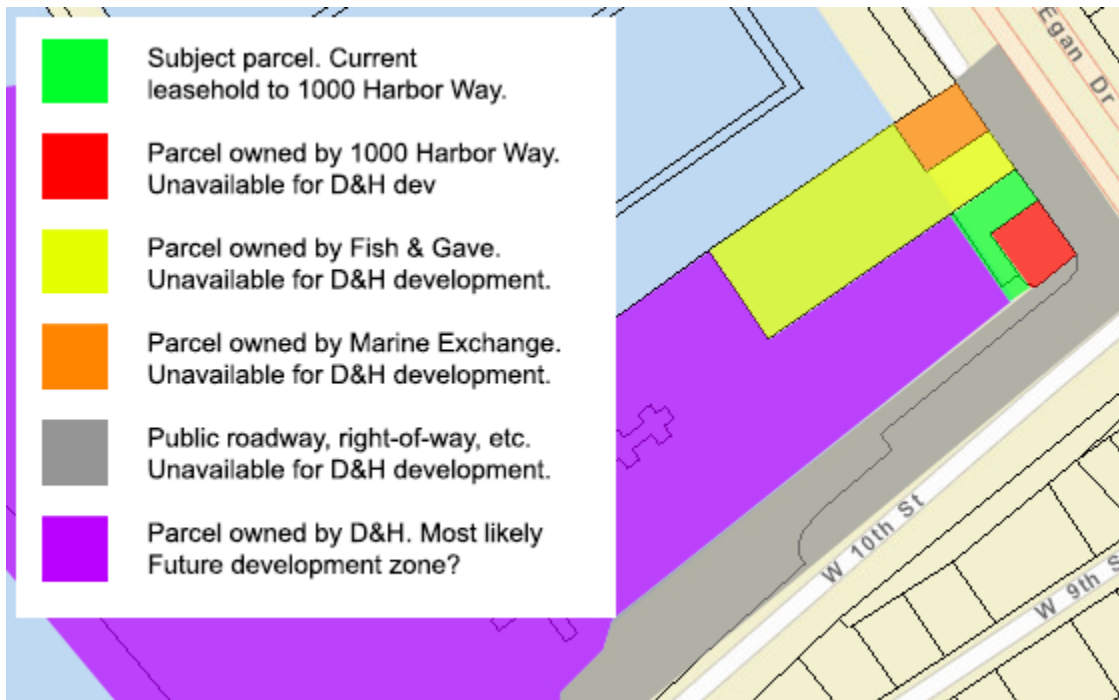
The landlording business, at least in this case, seems to be kind of a big shoulder shrug. Not a lot of rent. Some base level of noise, and some thorny edges that eat up board time. Do these activities do anything to move your mission forward?

## Far-future uses

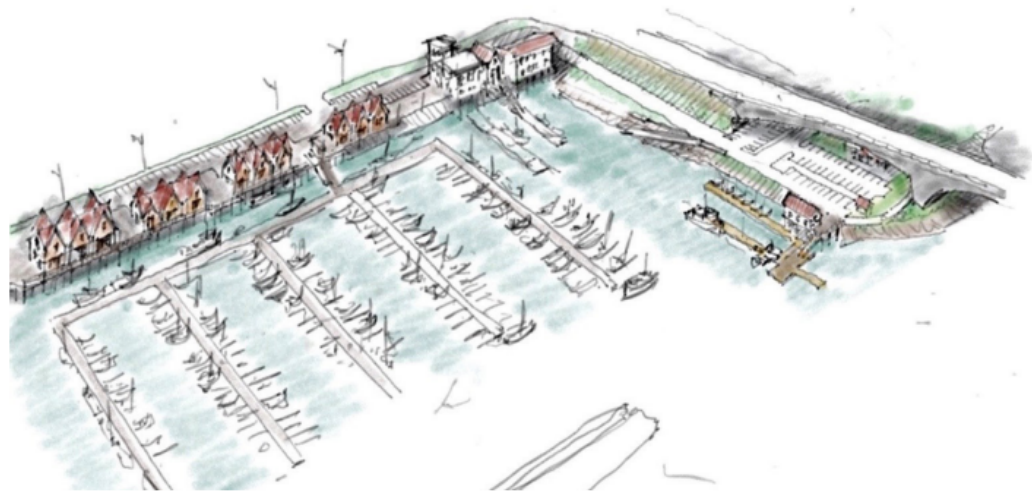
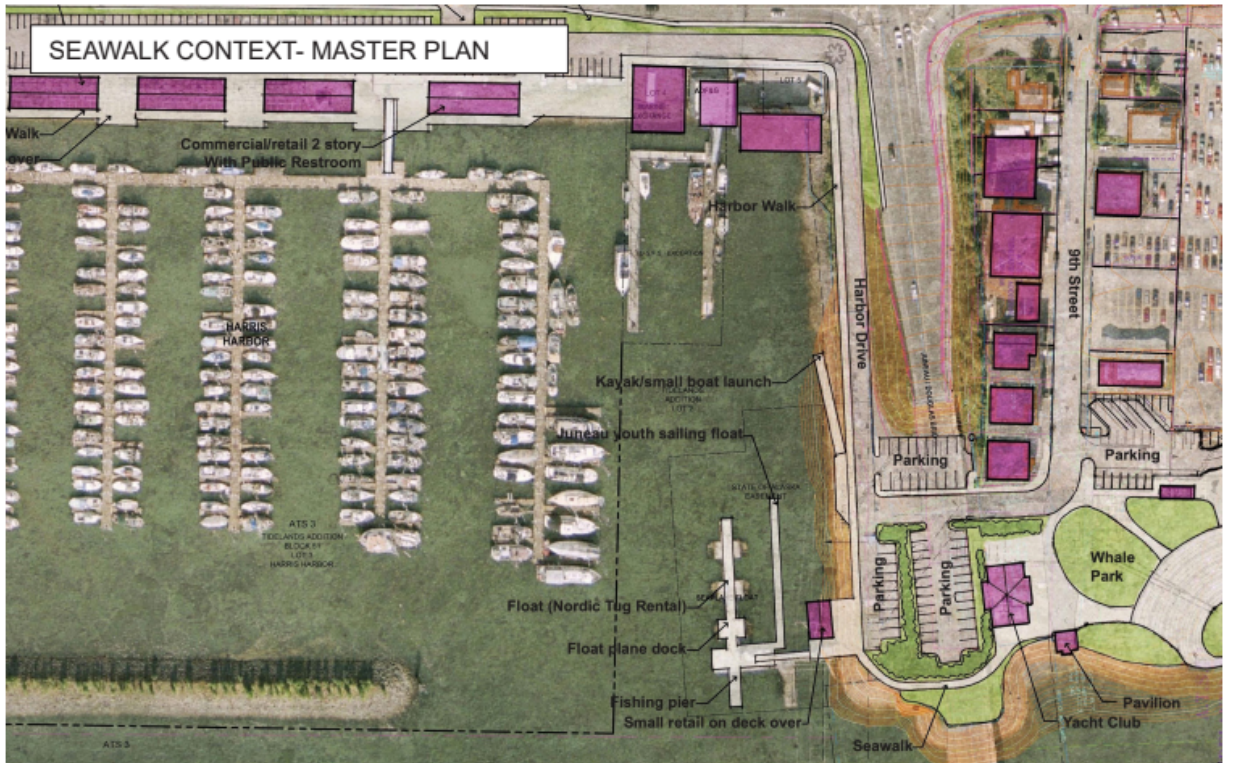
But what about after the lease is up? Might D&H want to reclaim the parcel for development then? 58 years is a long time and a lot can change. Last week, Mr. Ridgeway told a short story about how much has changed in just 35 years of living in Juneau. To his point, 58 years is almost twice as long as that, and who are we to say how this land might be used then?

So let's imagine that 58 years have passed. It's 2080 AD, we are all dead, and our grandchildren or great-grandchildren are elected to the D&H board. The building at 1000 Harbor way has fallen down and the creosote piles are all that remains. Our civic-minded progeny are faced with the decision: what will they do with this parcel for the greater community good?

Consider the neighborhood and development options available:



1. The (red) adjacent corner lot is privately owned and not available for D&H development.
2. The (yellow) adjacent lot to the northwest is owned by US Forest Service and is shared-use among a number of government agencies. It's complicated, it's multi-agency, and I think it's fair to say that this would be even less available to D&H purchase or development than the neighboring private lots.
3. The next (orange) lot is a new building for Marine Exchange. It will surely still be there and unavailable for development.
4. Road (gray) is road. Unavailable for development.
5. The (purple) water to the southwest is wide open and owned by D&H. If there was a project D&H wanted to do in the neighborhood, this space is most likely. In fact, we have a conceptual plan for this zone, which builds a kayak/small boat launch into this finger of water. See two diagrams below.



Maybe this project never happens, and maybe D&H doesn't want it to happen. Maybe no project ever happens here (in which case, who cares if you sold the parcel?) But let's assume the city pursues development: in the context of this concept or any similar development in the purple zone, does adding our (green) leased parcel to a development here provide any additional value? What is the marginal gain of also developing on the 29 linear feet which today sits under our building? To me, it seems like there is basically nothing to be gained, but that's up to your imagination. Also, did CBJ

really wait 58 years to develop this park, or did it already move forward successfully inside the bounds of the purple zone, leaving this parcel alone (and again then, who cares if you sold the parcel?) Is it useful in any of these scenarios for D&H to own the parcel in question at this point?

6. Having explored the adjacent lots, let's look at the parcel under consideration. It is awkward and small. Shown below, we have the 29 foot (blue) intertidal/shoreline section discussed above, and a small (green) zone. The green uplands slopes into the ocean underneath the slab. Not awesome land. It has 39 feet of street frontage, with a utility pole blocking part of it. Even without setbacks, it is hard to imagine fitting anything useful in this little sliver of land. With setbacks, it's laughable. Yet taken in turn and evaluating all the development options above, it seems that the whole decision boils down to the use of this ~285 square feet of dumpy land boxed in by neighboring lots. 58 years from today.



Having written this far, it is obvious to me why we initially had broad support of selling this land "in this case." What an awkward little parcel. It seems destined to host part of a building on the corner lot for generations to come, which IS one thing it does well.

## What's in it for you?

### **Easements, covenants, first right of refusal**

I'm a little surprised this point has not received more discussion. The Bridge to Norway Point plan brings the seawalk right through our property. It is up to you to decide whether that plan is something you choose to support in the future, but this entire conversation seems to be about retaining future options, so we'll discuss it here.

The plan runs the seawalk through our parking lot, but at the moment, there is nowhere for you to do that. We own the parcel on the corner, and we control the use of the leased parcel for another 58 years. In your deliberations, you have mentioned that similar seawalk negotiations with landowners elsewhere in town have been difficult. You have a captive audience here and we can put a seawalk easement in with the stroke of a pen today. This seems like real value to your organization and future plans. Certainly of more value than retaining full ownership of the tiny leasehold parcel, no?

### **Exercising your power discretion and free will**

Ordinance, process, and bureaucracy exist in the world as rails to keep things in line. As a business owner, I dream of a world where everything is defined by process and automated decision making. But that is not our world. There are fuzzy edges in every system, and for that reason we put humans into important seats. The D&H board is a great example of this: it is a deliberative body that exists so that smart people can look at a situation where ordinance found its practical limits, discuss special cases, and make decisions to move things forward.

In his letter, Mr. Grant identified some of these fuzzy edges. The prescribed process for D&H or the board was not clear, and the legal boundaries in which D&H could make a decision were not clear.

Mr. Brown has clarified these points to the group, and I'll paraphrase my understanding: (1) Although D&H is missing some of the policy documents that could guide such a decision, you do not need to wait for such documents to be produced to make a specific decision. (2) Likewise, you should defer to the other existing land use plans to help inform a decision, and you may "cherry pick" language that supports the outcome you would like. Here is a good one, if you like. Goal 1 from the most general 2016 CBJ Land Management Plan.

**Goal 1: Continue the land disposal program which systematically places CBJ land into private ownership.**

Objectives:

- Make land available for community expansion.
- Expand the property tax base.
- Minimize the CBJ's costs for disposing of land.
- Provide opportunities for a variety of housing by disposing of land in multiple locations, by a variety of methods and at several price ranges.
- Maximize the CBJ's return on its property.
- Provide opportunities for as many people as possible to acquire CBJ land.

More specifically, Mr. Brown (again paraphrasing) said that even if you had a D&H land use plan that said something like "we will not sell tidelands," it would still be in your power to make a decision to go ahead and sell tidelands in any specific case. And more generally, Mr. Brown did clarify that you do not have "a mandate" to hold tidelands based on any of the documents. This is your decision to make, no rules.

### **Alternatives, and their challenges**

Are there any alternatives for us? Maybe, but let's discuss them:

1. **Appeal to planning commission for a variance on this building permit**

I'm told there is a track record of CDD denying a variance, and then the planning commission granting that type of variance. But this is actually quite different: there is no such thing as a variance to build over a property line at all. Could we try? Sure. Using my "practicality lenses," I think it's pretty clear we would be right back here next month.

Also, what about next time? The roof on this place needs replacing in 10 years, and we will not be able to pull that permit then. The parking lot needs new engineering in 5-10 years and we will not be able to pull that permit then. We have the land lease for 58 more years. How many times in the life of this building are we going to go to CDD for who-knows-what, get denied, and be sent back here to ask again?

2. **Appeal to the assembly for a variance on this building permit**

I'm told there is also a track record of the Assembly passing specific ordinance or exceptions to allow building permits where otherwise disallowed. However, Mr. Brown has made it clear that the Assembly is unlikely to pass something like this without the support of CDD. CDD is never going to support an exception - a property line through a building is anathema to them. They are going to do whatever they can to force it to get cleaned up.

Also, as above, what about next time? And the time after that?

3. **Appeal to the assembly for the land purchase**

In theory we could go over your head and lobby directly to the Assembly. First, they are unlikely to approve it without your support. More important, I would prefer to respect your sovereignty here and trust you to make a reasonable decision. It has to go to them anyway.

4. **Lease additional land for the deck component**

Yes, we could solve the deck-side permit problem by adjusting the leased parcel property line. But the deck is one of many permit problems we face today. The other challenges to permit today relate to taking care of the building: roofline integration into new siding, awning for adequate weather protection, etc.

And it does not solve the problem for the next time. As above. Forever.

5. **Sell part or all of the deeded property to D&H**

Another solution is to sell our deeded parcel to D&H, lease back the land, and let you do the consolidation. We have discussed this briefly, and it's a non-starter. To review: (1) From what I gather, you don't have \$473k to buy it. (2) The new lease destroys the building's operational finances. (3) Most important, the bank will not allow it.



## What about the valuation?

I have also heard some grumbling about the parcel being appraised so low. Well, it's going to get re-appraised, and we all know it's going to be more than the \$73k from last time. After adjusting for inflation and the additional 7 feet we are requesting, I would guess it's \$110-130k. As a reminder, essentially the entire leased parcel is intertidal and not buildable without major cost and complexity, so the appraiser uses a lower comp rate than uplands.

## Who are you working with?

At this point, most of you know who we are. But we are asking you to exercise your power and make a judgment about what is best for the community. You are putting your reputations on the line for us. Part of that is knowing who is behind the project, so a few words on that.

Jeremy and I both grew up here and started our business here because we love our community, and we want to make it better. Jeremy grew up gillnetting out of Harris Harbor, and today we both have slips in Harris Harbor. We are your neighbors and constituents. We are also the IT department for over 80 Juneau-based organizations, and we have created 14 tech jobs for our staff here. We do everything we can to support our employees, and part of that vision was purchasing this building for them and creating a beautiful waterfront workplace.

As a refresher, this is the building at 1000 Harbor Way. This is arguably the most prominent corner intersection in Juneau, and this thing is an eyesore.



Below is a rendition of what we are trying to build. Our IT business is about making organizations in Juneau better. This project is about making something physical in Juneau better.



This building has good bones, and we are trying to give it another 50 years of good life. This means fixing stuff. Asbestos, gone. Plumbing and Electrical, all new to commercial standards. Heat pumps, EV chargers, the works. The property line issue is causing an administrative headache today, but it's also like the old plumbing and asbestos - it's a mistake of history that we are trying to fix. We believe in quality, and we want to bring that standard to our community.

## A note on timeliness

We have been using the public process the best way we can. While the timeline on this project is not really your problem, it bears sharing with everyone what we are dealing with. One contingency on our SBA financing was to complete the re-siding during this building season, and we have a floating rate on part of our financing until siding is done. We expected to be done in May-June, with a hard deadline of January 2023, but we cannot really order materials until we have clarity on what can be permitted. We first approached CDD about this issue in February of this year, and held our first meeting with D&H staff on February 24. We have now navigated 5 months of evolving public process and advice. Granted, US monetary policy is also not your problem, but since our first meeting with D&H, our floating rate has added almost \$1000/mo to our payments, for the life of the loan.

Your deliberation and decision needs to happen at a pace you're comfortable with. I would like to respect that. But I would ask you to consider our constraints and also consider the question as a whole as outlined in this document. Do you send us back to various other bodies to waste time on fruitless appeals? Do you spend more time deliberating and discussing in further meetings? Mr. Grant's letter called out some critical problems to explore, but it seems like you have what you need to satisfy those concerns at this point.

## So, do you shut us down?

Last week, Mr. Etheridge asked the question "why would we be talking about selling tidelands in one location at the same time as we are trying to buy tidelands down the street?" I actually think

this is a very practical thing to do as rational humans: we bring value to the world by working together and making decisions based on context. In the case of this poor little parcel, I think it's hard for any of us to imagine a compelling use for D&H: low relative value for D&H. Meanwhile we have a buyer for whom owning it would solve a litany of very meaningful problems: high relative value for HG. This is a very special opportunity for you to exercise your power as board members and cut through with a pragmatic decision. It is decisions like this that add value to a community.

Mr. Brown has empowered you to hold a vote on this question. You might choose to build out more policy and process to help guide your future decisions, but you are not constrained today by that lack of structure. We are asking for review of this letter, discussion at tomorrow's meeting, and ultimately a motion, something like: "To support the sale of TIDELANDS ADDITION BL 5 to 1000 Harbor Way LLC; to forward the application to the lands commission; and to have D&H staff work with the CBJ legal department during the drafting of the Purchase and Sale agreement to negotiate any details including easements, right of first refusal, etc. to facilitate the future seawalk encroachment on the owner's lots."

Thanks for your time in reading this, and in working with us over the past several months. I'm looking forward to seeing you tomorrow.

Sincerely,  
Tyler Gress



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

## Case name

Case Number: PAC2022 0032  
 Applicant: Hansen-Gress  
 Property Owner: CBJ Leased Land/Harbor Lights Enterprises LLC.  
 Property Address: 1000 Harbor Way, Juneau, AK. 99801  
 Parcel Code Number: 1C060K510040; 1C060K510041  
 Site Size: 4,041sq'/.0928acres; 4,178sq'/.0959acres  
 Zoning: (WC) Waterfront Commercial  
 Existing Land Use: Office Building

Conference Date: 15 June 2022  
 Report Issued: 20 July 2022

***DISCLAIMER: Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.***

## List of Attendees

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

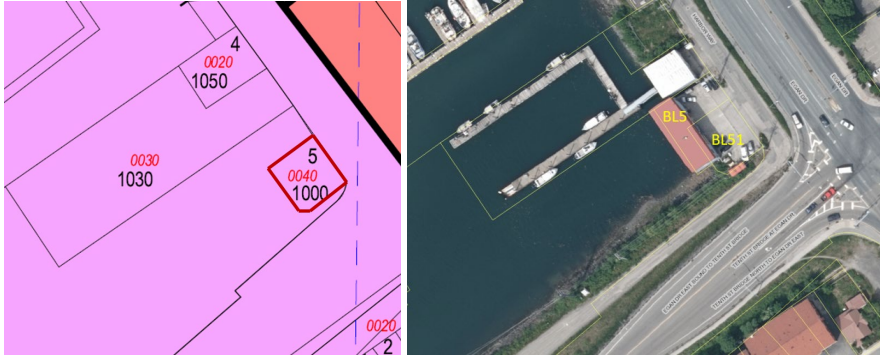
Name	Title	Email address
Carl Uchytl	Port Director	Carl.Uchytl@juneau.org
Erich Schaal	Port Engineer	Erich.Schaal@juneau.org
David Matthew Peterson	Planning	<a href="mailto:David.Peterson@juneau.org">David.Peterson@juneau.org</a>
Tyler Gress	Property Owner	tyler@hansengress.com
Matt Herrick	Contractor	matt@levelconstruction.com
Shannon Crossley	Architect	Shannon@northwindarch.com

## Conference Summary

### Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

Applicant is proposing a lot consolidation of Tidelands Addition BL5, and BL51; and a land acquisition of a portion of Docks and Harbors, Tidelands Addition. Existing conditions and current CDD Zoning code impact desired improvements to be made to the structure.

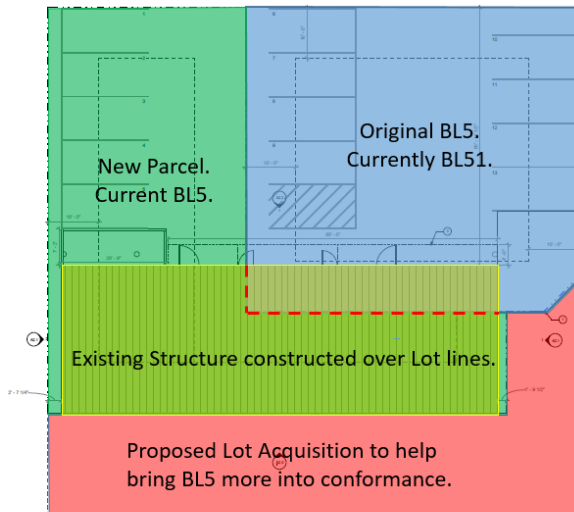
A Warranty Deed from 2010 shows the transfer of Lot 5 (Block 51), from Peter and Mary Bernstein to Harbor Lights Enterprises LLC. Prior to this sale, Block 51 was known as Block 5. It is unclear how Block 5 was platted.



Lot 5 from 2006 Zoning Map.

Image from June 2013 CBJ GIS parcel viewer.

The structure located at 1000 Harbor way breaches the lot lines that separate BL5 and BL51. Due to the lack of documentation, it is unclear as to how the structure was permitted and allowed to be built.



SITE PLAN

Submitted Preliminary Plat June 2022.

### Title 49 Impacts:

49.25.400 – Table of dimensional standards. Interior renovation/remodel work is permitted, but work on the exterior of the building can not cross lot lines.

49.25.250 – Waterfront Districts – Uses in Waterfront Commercial (WC) districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both.

49.30.210 – Non Conforming Situations – CBJ CDD recommends that the owners of the structure at 1000 Harbor Way acquire a Non-Conforming Certification in order to maintain the existing conditions on the property.

**NOTE: A variance would not be an option per variance standards. 49.20.250**

(a) *Administrative variances.*

- (1) An administrative variance may be granted to allow projections not to exceed 25 percent of the yard setback requirements of this title or two feet, whichever is less, upon the director determining the following:
  - (A) Enforcement of the setback ordinance would result in an unreasonable hardship;
  - (B) The grant of the variance is not detrimental to public health, safety, or welfare; and
  - (C) The grant of the variance is narrowly tailored to relieve the hardship.
- (2) An administrative variance decision by the director may be appealed if a notice of appeal is filed within 20 days of the date the decision is signed by the director, in accordance with section 49.15.239.

(b) *Non-administrative variances.*

- (1) A variance may be granted to provide an applicant relief from requirements of this title after the prescribed hearing and after the planning commission has determined that:
  - (A) Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;
  - (B) The unusual or special conditions of the property are not caused by the person seeking the variance;
  - (C) The grant of the variance is not detrimental to public health, safety, or welfare; and
  - (D) The grant of the variance is narrowly tailored to relieve the hardship.

**Project Overview**

Applicant is seeking a lot consolidation for 1000 Harbor Way. The building straddles a leased waterfront property owned by CBJ Docks and Harbors. Hansen Gress is not able to make repairs to property while building is in violation of Dimensional Standards (ref. table 49.25.400).

**Planning Division – Per Article IV – Dimensional Standards - 49.25.400**

1. **Zoning** – Both parcels are in the Waterfront Commercial (WC) zone.
2. **Subdivision** – A lot consolidation is considered a subdivision, and the new lot would need to meet subdivision code. The proposed consolidation would exceed minimum lot size and width.
3. **Setbacks** –
  - a. North - Front: 10'
  - b. South - Rear: 10' (Tidewater lot line requires 0' setback).
  - c. West - Side: 10' (NCC would allow for the structure to remain within setback.)
  - d. East – Side: 10'
4. **Height** – Maximum height for Primary, and Accessory uses, is 35'. (Height bonus are available).
5. **Access** – Both parcels are accessed off of Egan Drive through the Harris Harbor Driveway, and Harbor Way.
6. **Parking & Circulation** – (check if in Juneau / Douglas Geographic area). Lot is outside of the Town Center Parking District.
7. **Lot Coverage** – There is no MAXIMUM lot coverage in WC.
8. **Vegetative Coverage** – Per 49.50.300, WC lots require 10% vegetative coverage.
9. **Lighting** – N/A

10. **Noise** – N/A

11. **Flood** – Panel 02110C1566E, effective 9/18/2020, Flood zone ‘AE’, with a flood elevation at 24’. Substantial portion of lots reside in a flood zone. Please see attached Article IV - 49.70.400. Flood Plain Development permit required.



12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – N/A

**Wetlands** – N/A

13. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.

14. **Plat or Covenant Restrictions** – No known restrictions.

15. **Traffic** – Per 49.40.210: Bank, Office, Retail Commercial, Salon, and Spa requires there to be 1 parking space per 300 square feet of gross floor area. Refer to table 49.40.210(b) to determine number of handicapped spaces required.

16. **Nonconforming situations** –

- a. Structure has been constructed within setbacks on the rear and side lot lines.
- b. Structure has been built on the lot lines of Lot 5.
- c. Note: Even after lot consolidation, the west lot line will be nonconforming.

**Building Division**

17. **Building** –

18. **Outstanding Permits** –

**General Engineering/Public Works**

19. **Engineering** – See Utilities.

20. **Drainage** – N/A per this request.

21. **Utilities** – (water, power, sewer, etc.) As-Builts could not be located for this parcel(s) but it is believed that only one water line serves the building (one dedicated fire line and one domestic water). A decommissioning of a second domestic water line will be required if discovered.

## Fire Marshal

### 22. Fire Items/Access –

## Other Applicable Agency Review

23. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...

24.

## List of required applications

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

1. NCC – Non-Conforming Certification
2. PAD – Property Acquisition and Disposal
3. Flood Plain Development Permit

### Details below outline the CDD process.

Note: Coordinate with Docks and Harbors, and Lands to their requirements.

1. Survey lot acquisition area.
2. Fill and submit a Property Acquisition and Disposal (PAD) application.
  - a. This will be presented to the commission.
  - b. Following the commission hearing, this will be presented to the Assembly.
    - i. May need to be seen by Lands Committee, and/or Housing & Economic Development Committee.
    - ii. Committee of the Whole.
    - iii. Assembly
3. Once approved, apply for a minor Lot Consolidation. This will require a new plat.

## Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Submittal Fee = \$110.  
Lot Creation = \$25/lot  
\$110 + \$125 = \$135 Lot Consolidation Fee

For informational handouts with submittal requirements for development applications, please visit our website at [www.juneau.org/community-development](http://www.juneau.org/community-development).

## Submit your Completed Application

You may submit your application(s) online via email to [permits@juneau.org](mailto:permits@juneau.org)



OR in person with payment made to:

City & Borough of Juneau, Permit Center  
230 South Franklin Street  
Fourth Floor Marine View Center  
Juneau, AK 99801

Phone: (907) 586-0715

Web: [www.juneau.org/community-development](http://www.juneau.org/community-development)

Attachments:

# Docks & Harbors Board Training

## CBJ LAW DEPARTMENT

# Public Trust

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- Board Authority
- Open Meetings Act
- Public Records Act
- Conflict of Interest
- Quasi-Judicial Process

# CBJ Law Dept.: Why & Where

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- Why:

- CBJ Charter 3.13 (shall appoint Municipal Atty)
- CBJ 03.15.010 (Muni. Atty shall provide legal services to municipality)
- CBJ 11.20.030 (Defend employees/municipal officers engaged in course of CBJ business)

- Where:

- SEALASKA, 2<sup>nd</sup> Floor
- Please come visit. You are always welcome.

# D&H Board Authority

---

- Created by CBJ Charter 3.21
- Established in 1984 by voters
- Authority granted and limited by CBJ Title 85
  - “exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner”
  - CBJ 85.02.060 provides the general powers of the Board
  - 9 members on Board of Directors

# Open Meetings Act

---

- ❖ All meetings to be public
- ❖ Public have an opportunity to comment at regular and special meetings
- ❖ Executive session (generally for deliberation only)

Authority: A.S. 29.20.020, A.S. 44.62.310, Charter 3.12(d)

# OMA: What *is* a Meeting?

- ❖ Decision-making or Policy-making board
  - (a) When more than 3 members or a majority, whichever is less, are present and (b) consider a topic that the board is empowered to act upon.
  
- ❖ Advisory-only board (i.e. subcommittee)
  - (a) a prearranged gathering of board members (b) for the purpose of considering a topic that the body is empowered to act upon

# OMA: Best Practices

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- ❖ OMA purpose is to ensure deliberations of a board are done in public.
- ❖ Minimize private Board member discussions.
- ❖ “Serial” meetings: Avoid using “reply all” in email.
- ❖ Reasonable notice of meeting.
  - *24 hrs. min., more notice for complex issues*
- ❖ Make sure agendas include location and time.
- ❖ Cure by completely redoing illegal action.



# Public Records Act

---

- **A.S. 40.25.110, Charter 15.7, CBJ 01.70**
- Two big rules:
  - 1) Every person has the right to inspect public record unless an exception applies.
  - 2) Strong presumption in favor of disclosure
- Applies to CBJ emails, texts, documents, even if on your personal devices
- **Best Practice: keep work at work, keep work on work devices, and don't use text messages for substance**

# Conflict of Interest (CBJC 01.45)

---

You are a municipal officer

You are prohibited from using your position to:

- ❖ Gain a benefit
- ❖ Secure employment or contracts
- ❖ Take or withhold action if you have P/F interest
- ❖ Use CBJ time or equipment for P/F interest
- ❖ Vote or deliberate if you have a P/F interest

Violations are generally B misdemeanors

# Conflict of Interest

---

## ❖ **Financial conflict of interest**

- Any interest held by the municipal officer or an immediate family member from which the person has received w/in 3yrs or expects to receive compensation (business, property, relationship)

## ❖ **Personal conflict of interest**

- Not a financial interest but includes any material exchange of promise, service, privilege, exemption, patronage, or advancement

# Conflict of Interest: **Best Practice**

---

- ❖ If in doubt, contact your attorney
  - **Shield:** If you act consistent with attorney advice, then you are immune from personal liability
- ❖ Close calls, disclose in meeting
- ❖ Public Trust=legal conflict of interest code + political conflict of interest

# Quasi-Judicial/Appeals

---

- ❖ No ex-parte contact with parties
  - When sitting as a judge, you cannot have discussion with one side without the other side present.
  - Grocery store, school events, etc.
- ❖ Need to clearly articulate reasons for decision

## Public Trust

---

- Be Fair, Transparent, and Act in the Public Interest
- 70% of Americans express confidence in local government

# Resources

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❖ **Department staff/liaison**

❖ **City Clerk**

❖ Beth McEwen (586-0203)

❖ **Law Department**

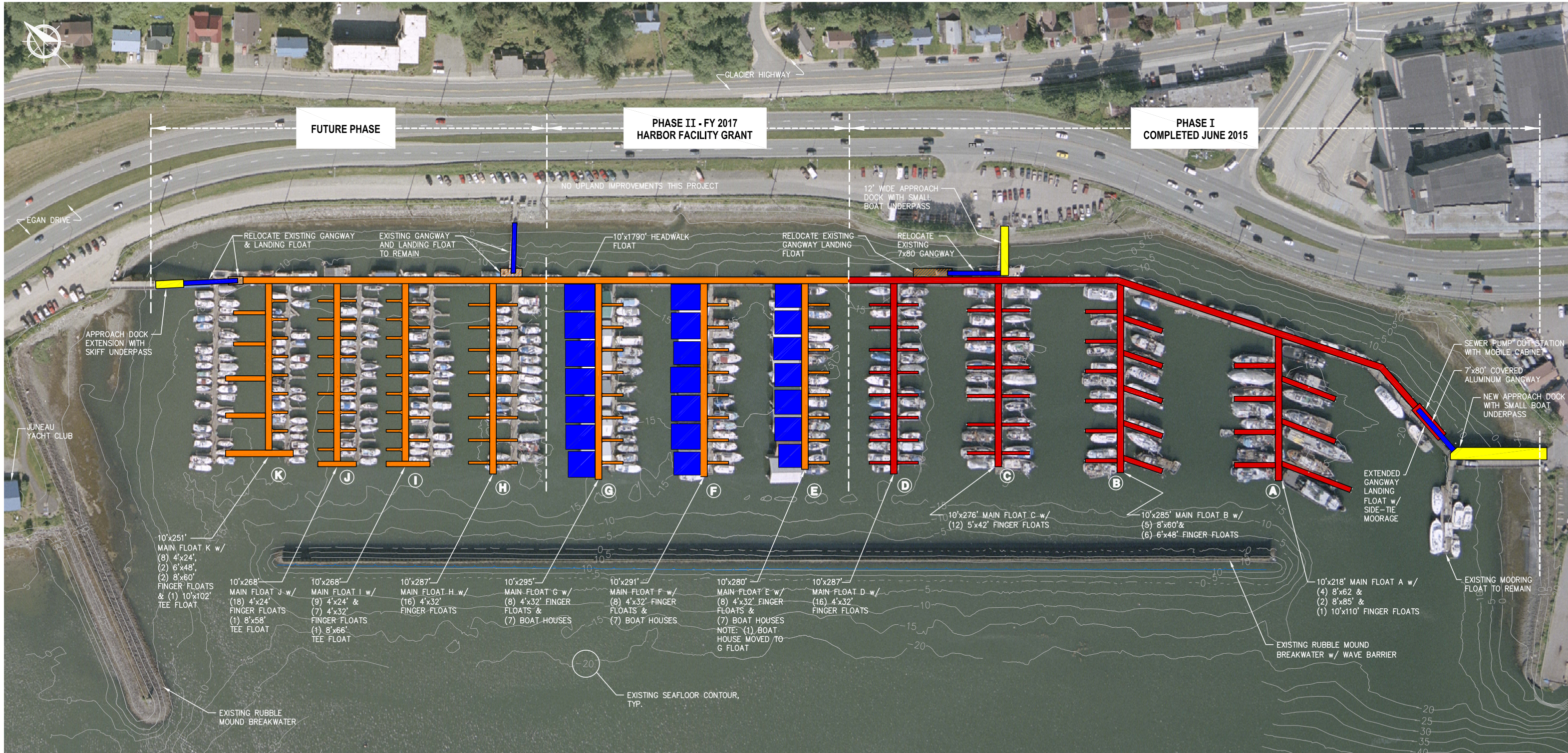
❖ Teresa Bowen (586-0275)

❖ Rob Palmer (586-0909)

# Aurora Harbor Phase III & IV Design Update



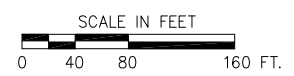




MOORAGE FLOAT SUMMARY		
SLIP LENGTH	EXISTING CAPACITY	PROPOSED CAPACITY
24 FT	184	75
32 FT	125	135
COVERED MOORAGE (42' TO 45')	42	42
42 FT	39	26
48 FT	0	18
60 FT - 63 FT	20	27
85 FT	7	5
100 - 110 FT	0	3

NOTE: ADDITIONAL SMALL VESSEL SIDE-TIE MOORAGE IS AVAILABLE ON SHORE SIDE OF HEADWALK FLOAT, NOT COUNTED IN EITHER EXISTING OR PROPOSED MOORAGE SUMMARY, APPROX. 35 VESSELS (UP TO 24' LENGTH).

## AURORA HARBOR REBUILD MASTER PLAN



**P | N | D**  
ENGINEERS, INC.

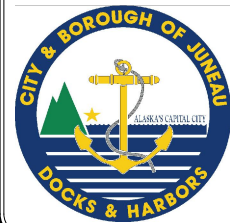
9360 Glacier Highway Ste 100  
Juneau, Alaska 99801  
Phone: 907-586-2093  
Fax: 907-586-2099  
www.pndengineers.com

**AURORA HARBOR  
REBUILD**

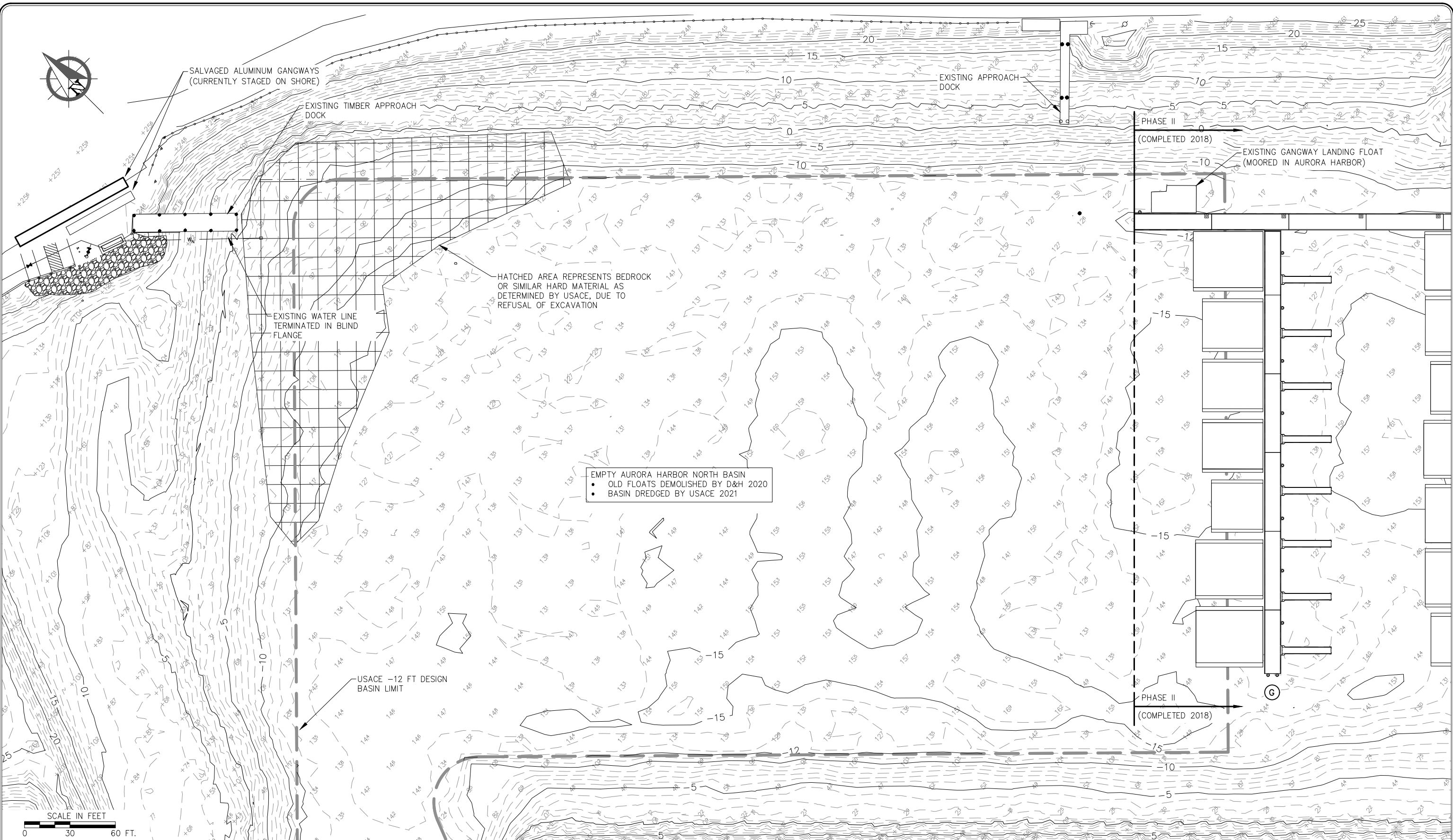
SHEET TITLE: **MASTER PLAN**

DATE: 7/2015    PND PROJECT NO.: 152046

**1**



SCALE IN FEET  
0 30 60 FT.



REVISIONS					
REV	DATE	DESCRIPTION	DWN	CHK	APP

CITY AND BOROUGH OF JUNEAU  
DOCKS & HARBORS DEPT.  
155 SOUTH SEWARD STREET  
JUNEAU, ALASKA 99801  
PHONE: 907-586-0292

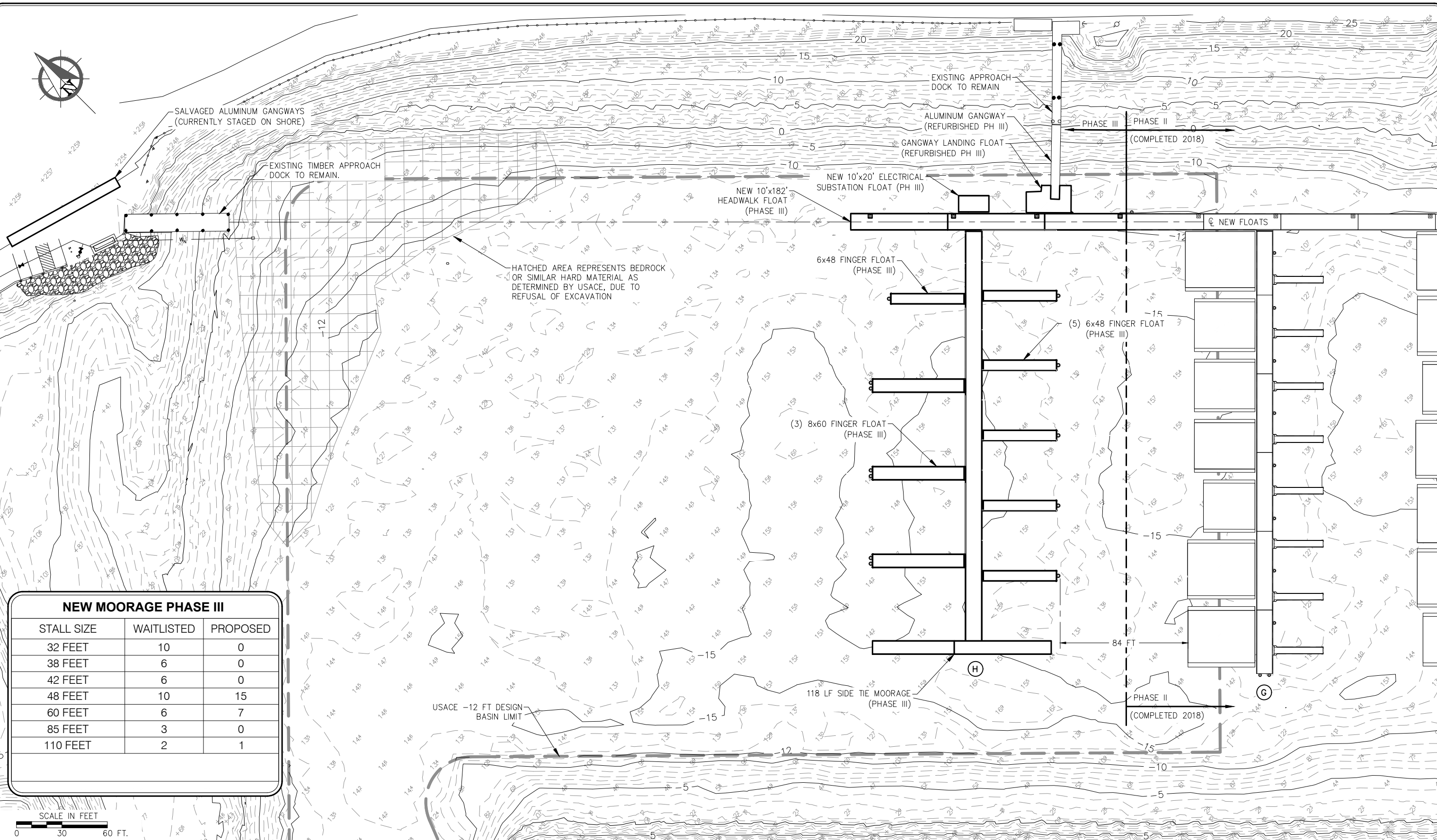
**DRAFT**

**EXISTING CONDITIONS**

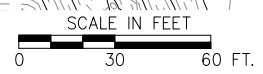
**AURORA HARBOR CONCEPTS - PHASES III AND IV**

DESIGN:	MS	DATE:	JULY 1, 2022
CHECKED:	ES	CONTRACT NO.:	DH23-XXXX
APPROVED:	CU	FILE NO.:	XXXX

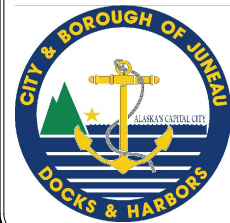
**1**



NEW MOORAGE PHASE III		
STALL SIZE	WAITLISTED	PROPOSED
32 FEET	10	0
38 FEET	6	0
42 FEET	6	0
48 FEET	10	15
60 FEET	6	7
85 FEET	3	0
110 FEET	2	1



2022 Aurora Harbor Full Build



REVISIONS					
REV	DATE	DESCRIPTION	DWN	CHK	APP

CITY AND BOROUGH OF JUNEAU  
**DOCKS & HARBORS DEPT.**  
 155 SOUTH SEWARD STREET  
 JUNEAU, ALASKA 99801  
 PHONE: 907-586-0292

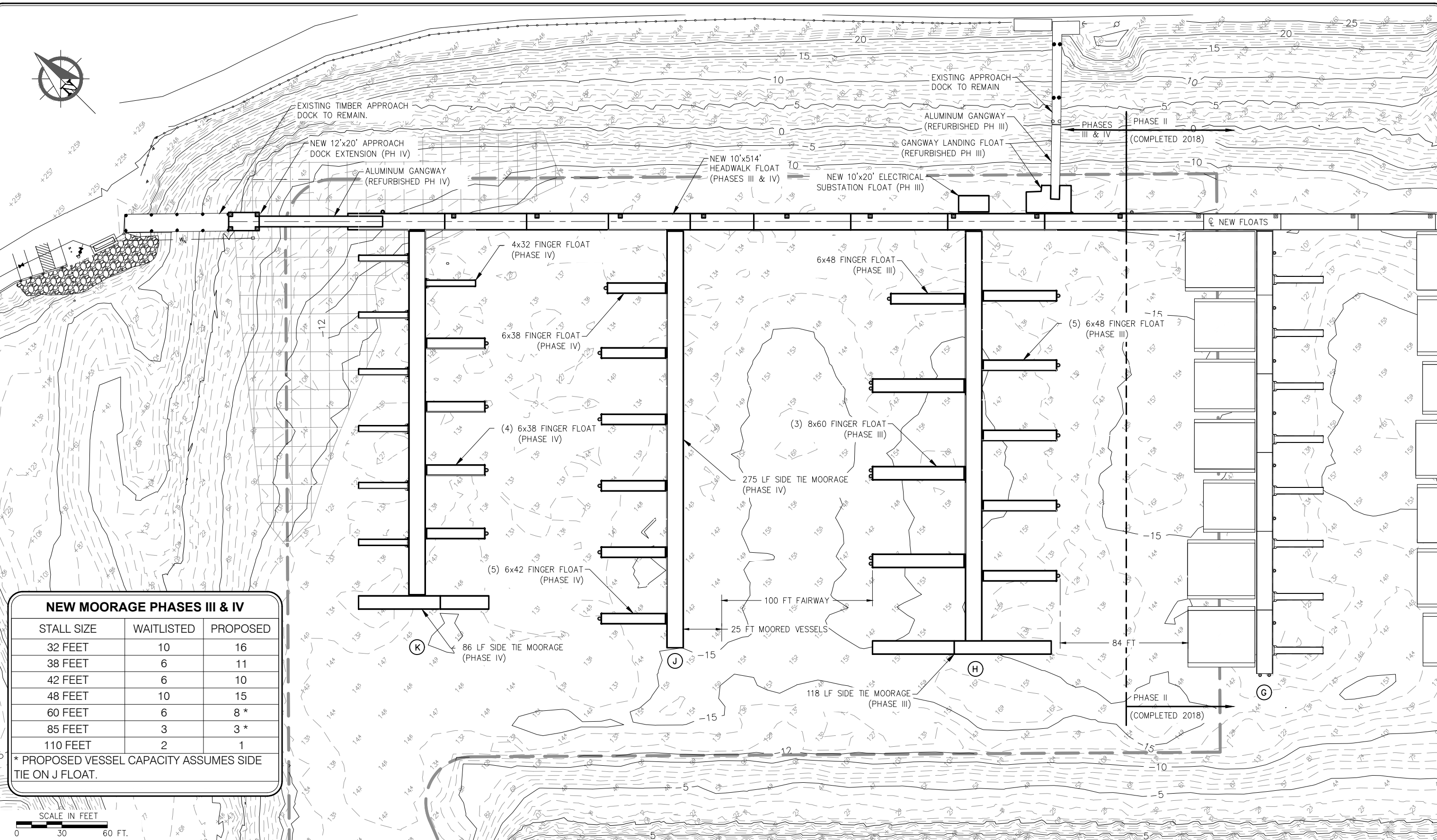
DRAFT

**PHASE III SITE PLAN**

AURORA HARBOR CONCEPTS - PHASES III AND IV

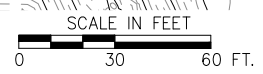
DESIGN: MS	DATE: JULY 1, 2022
CHECKED: ES	CONTRACT NO. DH23-XXXX
APPROVED: CU	FILE NO. XXXX

2

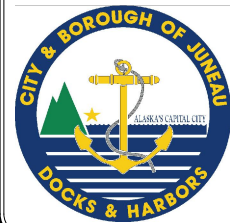


NEW MOORAGE PHASES III & IV		
STALL SIZE	WAITLISTED	PROPOSED
32 FEET	10	16
38 FEET	6	11
42 FEET	6	10
48 FEET	10	15
60 FEET	6	8 *
85 FEET	3	3 *
110 FEET	2	1

\* PROPOSED VESSEL CAPACITY ASSUMES SIDE TIE ON J FLOAT.



2022 Aurora Harbor Full Build



REVISIONS					
REV	DATE	DESCRIPTION	DWN	CHK	APP

CITY AND BOROUGH OF JUNEAU  
**DOCKS & HARBORS DEPT.**  
 155 SOUTH SEWARD STREET  
 JUNEAU, ALASKA 99801  
 PHONE: 907-586-0292

DRAFT

**PHASES III & IV SITE PLAN**

AURORA HARBOR CONCEPTS - PHASES III AND IV

DESIGN: MS	DATE: JULY 1, 2022
CHECKED: ES	CONTRACT NO. DH23-XXXX
APPROVED: CU	FILE NO. XXXX

3



# DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	<b>PROPERTY LOCATION</b>		
	Physical Address 11485 ANKER BAY HBR RD		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) TR F-1, USS 1504		
	Parcel Number(s) 482301050090		
	<input type="checkbox"/> This property located in the downtown historic district <input type="checkbox"/> This property located in a mapped hazard area, if so, which _____		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner BAYHOUSE PROPERTIES LLC	Contact Person MITCH FAUK	
	Mailing Address 318 WILLOWHAY RD	Phone Number(s) 525 2 463-5255	
	E-mail Address bullwinkles1@pci.net	723-4099	
	<b>LANDOWNER/ LESSEE CONSENT</b> Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X		7/7/22	
	Landowner/Lessee Signature	Date	
X	_____	_____	
	Landowner/Lessee Signature	Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
<b>APPLICANT</b> If the same as OWNER, write "SAME"			
Applicant SAME	Contact Person		
Mailing Address	Phone Number(s)		
E-mail Address			
X	_____	_____	
	Applicant's Signature	Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

For assistance filling out this form, contact the Permit Center at 586-0770.

Intake Initials AS
Case Number USE 20220011
Date Received 7/19/22



# ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

**NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.**

To be completed by Applicant

**PROJECT SUMMARY**

**1B-21 UNIT CONDO PROJECT**

**TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED**

- Accessory Apartment – Accessory Apartment Application (AAP)
  - Use Listed in 49.25.300 – Table of Permissible Uses (USE)
- Table of Permissible Uses Category: \_\_\_\_\_

**IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?**

- YES – Case # \_\_\_\_\_
- NO

**UTILITIES PROPOSED**

- WATER:  Public  On Site      SEWER:  Public  On Site

**SITE AND BUILDING SPECIFICS**

Total Area of Lot 51,716 square feet      Total Area of Existing Structure(s) 8000 square feet  
 Total Area of Proposed Structure(s) 27,000 square feet

**EXTERNAL LIGHTING**

- Existing to remain  No  Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures  
 Proposed  No  Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

**ALL REQUIRED DOCUMENTS ATTACHED**

**Narrative including:**

- Current use of land or building(s)
- Description of project, project site, circulation, traffic etc.
- Proposed use of land or building(s)
- How the proposed use complies with the Comprehensive Plan

*If this is a modification or extension include:*

- Notice of Decision and case number
- Justification for the modification or extension
- Application submitted at least 30 days before expiration date

**Plans including:**

- Site plan
- Floor plan(s)
- Elevation view of existing and proposed buildings
- Proposed vegetative cover
- Existing and proposed parking areas and proposed traffic circulation
- Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

ALLOWABLE/CONDITIONAL USE FEES			
	Fees	Check No.	Receipt
Application Fees	\$ <u>750</u>		
Admin. of Guarantee	\$ _____		
Adjustment	\$ _____		
Pub. Not. Sign Fee	\$ <u>50</u>		
Pub. Not. Sign Deposit	\$ <u>100</u>		
<b>Total Fee</b>	<b>\$ <u>900</u></b>		

This form and all documents associated with it are public record once submitted.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number <u>USE 20220011</u>	Date Received <u>7/19/22</u>
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## Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline in CBJ 49.15.330

**Pre-Application Conference:** A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at [permits@juneau.org](mailto:permits@juneau.org).

**Application:** An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
  - A. Site plan, floor plan and elevation views of existing and proposed structures
  - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
  - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
  - D. Existing and proposed lighting (including cut sheets for each type of lighting)
  - E. Existing and proposed vegetation with location, area, height and type of plantings
  - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

**Document Format:** All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

**Application Review & Hearing Procedure:** Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

**Review:** As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

**Hearing:** All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

**Public Notice Responsibilities:** Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

**The Community Development Department** will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 500-feet of the project site.

**The Applicant** will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

---

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



REVISIONS					
REV.	DATE	DESCRIPTION	DWN.	CHKD.	APP.

**P N D**  
ENGINEERS, INC.

1501 Glacier Highway, Ste 100  
Juneau, Alaska 99801  
Phone: 907.586.2985  
Fax: 907.586.2099  
www.pndengineers.com

DESIGN: BMI    CHECKED: CRS    SCALE: SCALE IN FEET  
DRAWN: BM    APPROVED: CRS    0    30    60 FT.

DATE: MAR. 22, 2017

CITY & BOROUGH OF JUNEAU, ALASKA  
STATTER HARBOR PARKING LOT REORGANIZATION  
CBJ PROJECT - DH17-XXX

SHEET TITLE: **OVERALL SITE PLAN**  
PND PROJECT NO.: 172020  
1 SHEET OF 3



PARKING SUMMARY		
STALL SIZE	EXISTING	NEW
TRAILER	11	0
PASSENGER VEHICLE	25	114
PASSENGER DISABLED	4	4
VAN DISABLED	1	1

\*NOTE: ONLY 3 TRAILER SPACES AVAILABLE WHEN (1) DUMPSTERS ARE STAGED IN THE LOT.



REVISIONS					
REV.	DATE	DESCRIPTION	DW.	CHKD.	APP.

**P N D**  
ENGINEERS, INC.

1501 Glacier Highway Ste 100  
Juneau, Alaska 99801  
Phone: 907-586-2955  
Fax: 907-586-2999  
www.pndengineers.com

DESIGN: BML CHECKED: CRS SCALE: SCALE IN FEET  
DRAWN: SML APPROVED: CRS 0 20 40 FT.

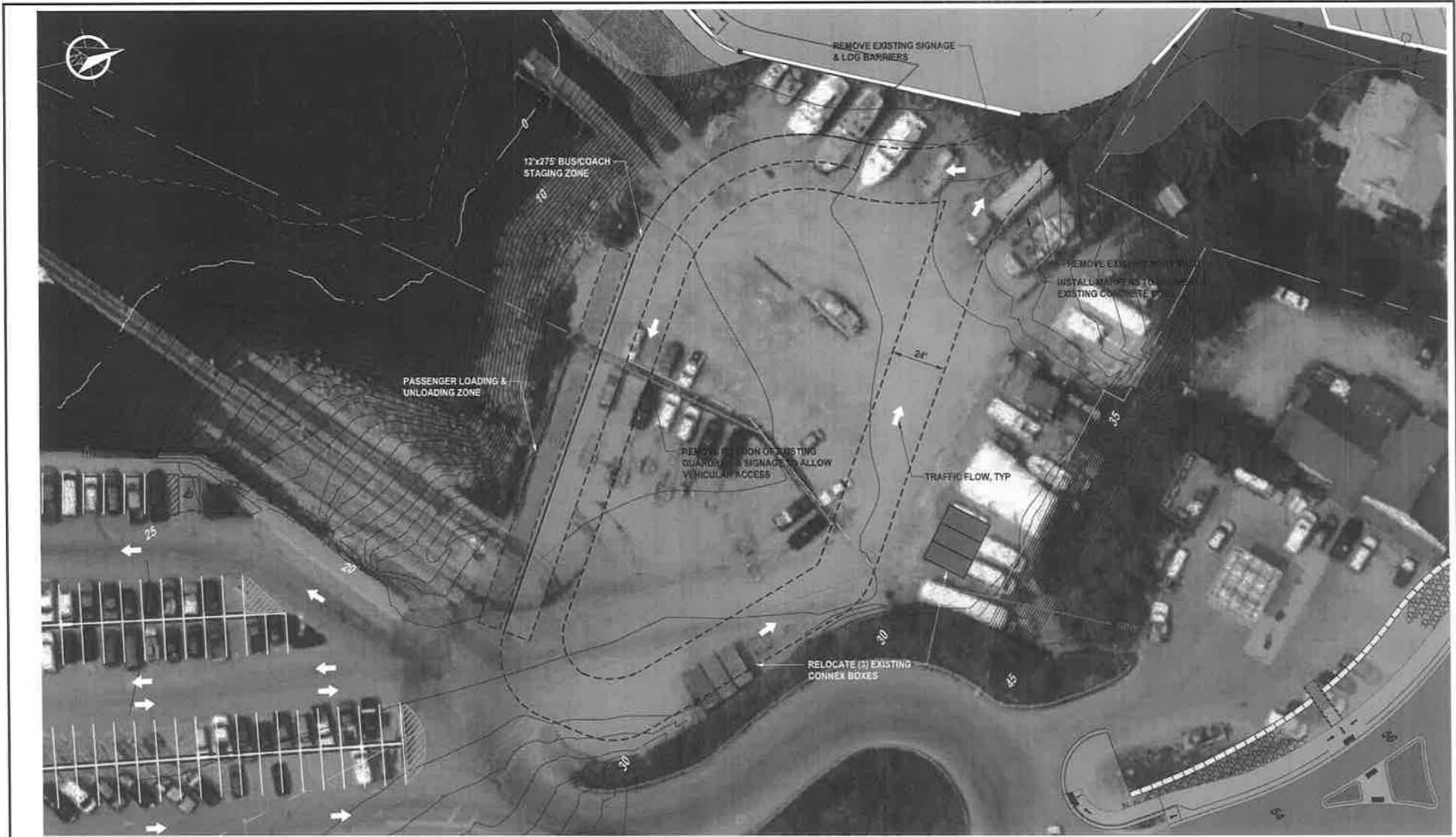
DATE: MAR. 22, 2017

CITY & BOROUGH OF JUNEAU, ALASKA  
STATTER HARBOR PARKING LOT REORGANIZATION  
CBJ PROJECT - DH17-XXX

SHEET TITLE:  
**PARKING PLAN HARBOR LOT**

PND PROJECT NO: 172020

2  
2 OF 3



**REVISIONS**

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.



3101 Glacier Highway Ste. 100  
Juneau, Alaska 99801  
Phone: 907.586.2461  
Fax: 907.596.2899  
www.pndengineers.com

DESIGN: BMI CHECKED: CRS  
DRAWN: BMI APPROVED: CRS

SCALE: SCALE IN FEET  
0 20 40 FT.

DATE: MAR. 22, 2017

CITY & BOROUGH OF JUNEAU, ALASKA  
STATTER HARBOR PARKING LOT REORGANIZATION  
CBJ PROJECT - DH17-XXX

SHEET TITLE:  
**PARKING PLAN BOAT YARD**

3  
SHEET  
3 OF 3

PND PROJECT NO: 172020

July 7, 2022

To: CBJ Planning Commission

From: Mitch Falk; Owner Bay house Properties LLC

Re: Proposed Condominium Project

Bayhouse Properties LLC requests a review by the Planning Commission of the requirement from CDD to access the property from Glacier Hwy.

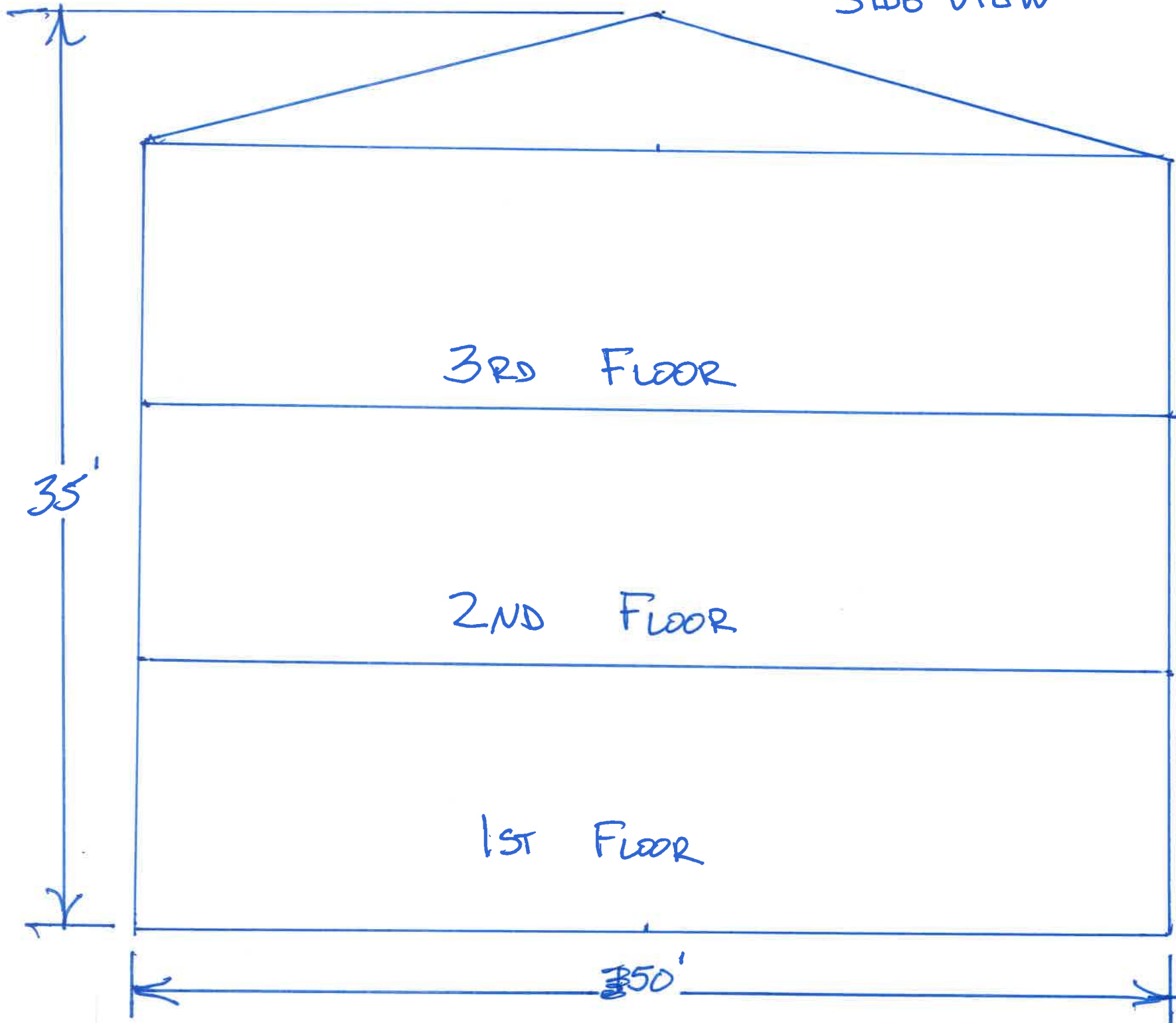
Bayhouse Properties LLC owns the property located at 11485 Auke Bay Harbor Rd. The property is currently leased to USCG for support facilities for USCG Cutter Reef Shark, The Hot Bite restaurant, Auke Bay Adventures and the building formerly housing Brick's Electronics. The property was originally developed by JB Caro approximately 100 years ago accessed through Auke Bay Harbor Rd. In 1939 the building currently used by the Hot Bite was moved to the current location and was the ticket office for Pan Am Airways when they were flying the S 42 Seattle to Fairbanks. Sometime in the 50's the USCG began leasing space on the property and has been there since. In 1958 the property was purchased by the Pierce's. They built the 4 plex and then the larger house (currently used by USCG) in 1984. In 1994 a variance was issued allowing the subdividing of the property separating the 4-plex and allowing the access to be Auke Bay Harbor Rd. In 2001 the property was purchased by Mitch Falk and Lynette Anderson. In 2002 a permit was obtained to move The Hot Bite and the USCG to their current locations. In 2009 a permit was obtained to remodel an existing residential building to a commercial space which was occupied by a beauty shop before the current tenant, Auke Bay Adventures. During the entire last century, the only access for all the different user groups has been Auke Bay Harbor Rd.

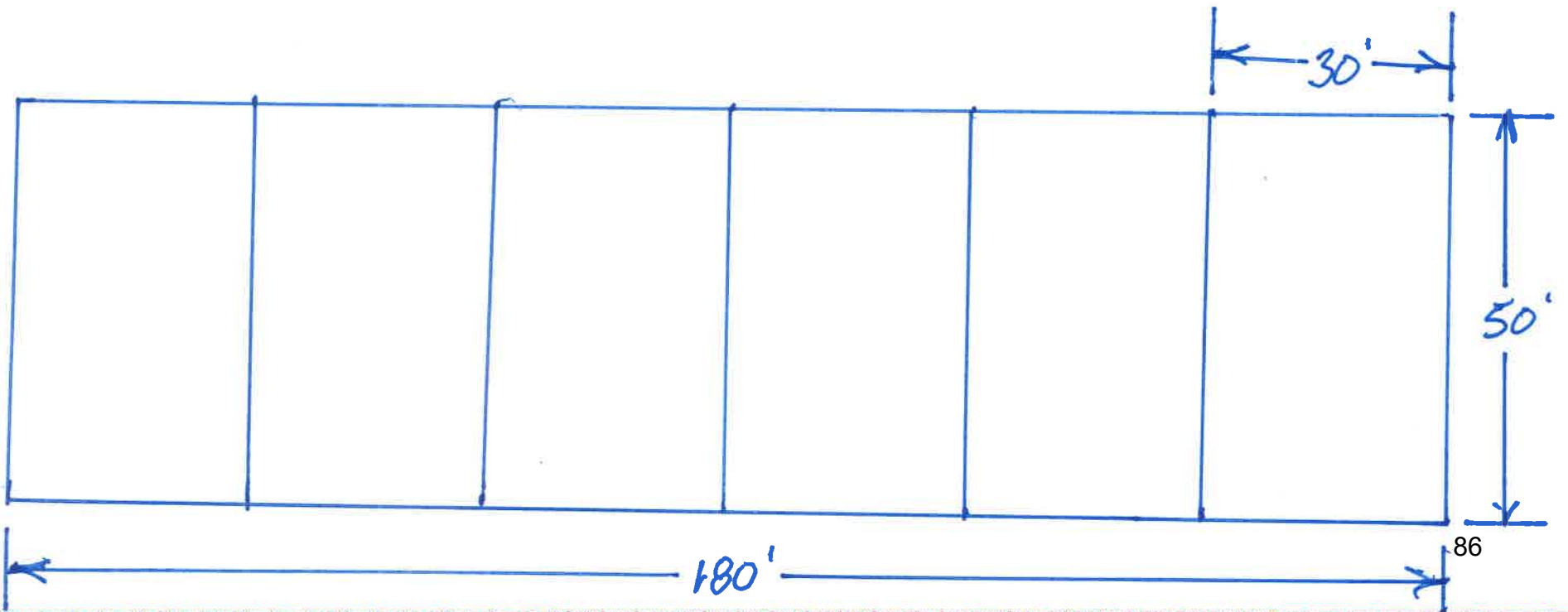
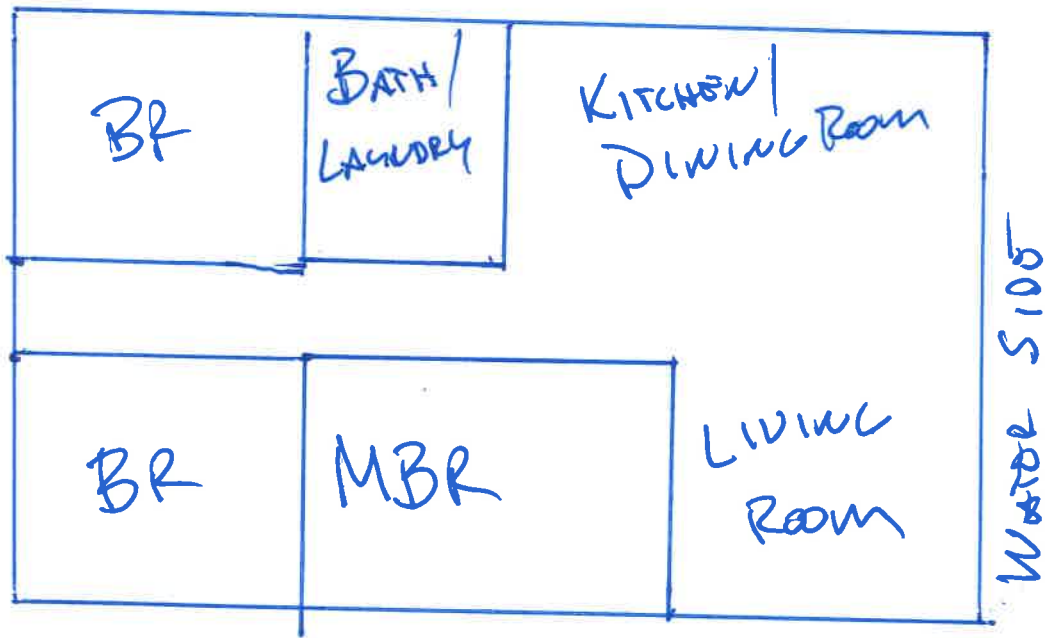
Bayhouse Properties proposes an 18-22unit condominium project. All of the existing buildings would be removed. All of the current tenants and businesses would be closed and/or relocated. The current traffic using Auke Bay Harbor Rd would be reduced by 90%-95%.

The property is steep off of Glacier Hwy, the condominiums would be single level three story buildings located on the waterside of the property with underground primary parking and overflow parking to the rear. Total footprint of the buildings would be 9000-10000 sq feet covering approximately 20% of the property.

The property is zoned WC, D-18, 35'. The proposed project follows this guideline.

SIDE VIEW

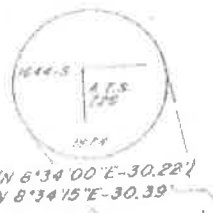




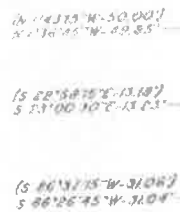


WATERWAY  
A.U.K.E.

A.T.S. No. 739



A.T.S. No. 726



SHIP  
5) OF THE PROPERTY  
EVEN ADOPT THIS PLAT  
INDICATE ALL STREETS,  
PUBLIC AND PRIVATE

EXISTING EASEMENT

C.B.V. SEWER  
LIFT STATION

FIBERGLASS EQUIP-  
MENT SHELTER

C.B.V. SEWER EASEMENT

TRACT F-2  
AREA= 29,790 S.F.  
0.6839 ACRES

SWAY DATA  
Δ = 46°19'00"  
R = 120.00'  
L = 125.12'  
T = 92.08'  
CH = 51°03'00"  
92.32'

ONE STORY WOOD FRAMED  
BUILDING ON CONC. FDN.

TRACT F-1  
AREA= 51,520 S.F.  
1.1827 ACRES

CUT IN BEDROCK  
WITH 4 CHISELED

HIGHWAY

ONE STORY WOOD  
BUILDING ON CONC.

GLACIER

THREE STORY WOOD FRAM  
BUILDING ON CONC. FDN.

S 89°47'13"W-230.64'  
(S 89°30'00"W)

S 2°29'15"E-533.90'  
N 29°11'30"W-67.16'

ATTACHMENT

APPLICATION FOR VARIANCE - GEORGE W AND FRANCES E PIERCE

III SITE INFORMATION

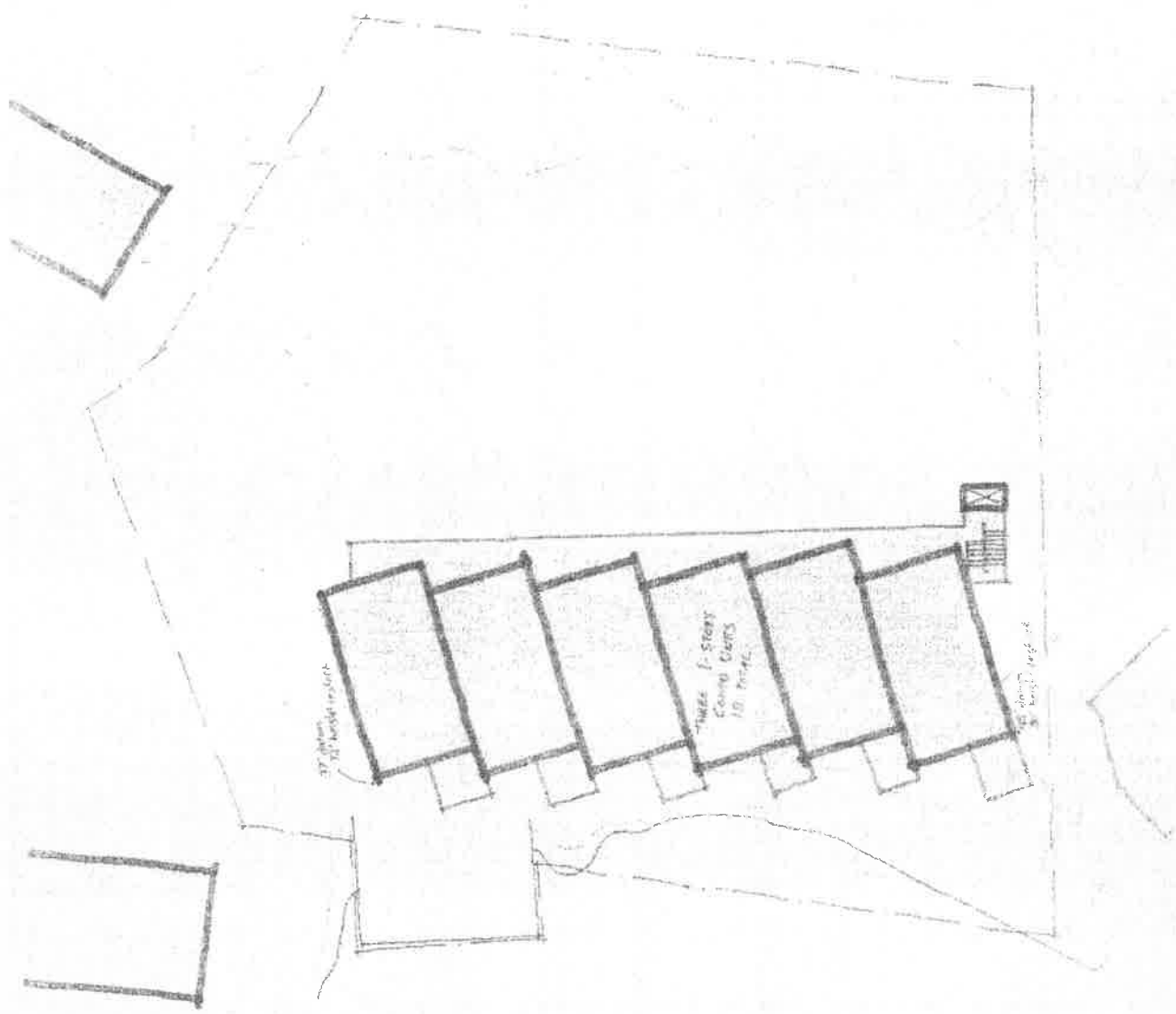
ITEM NUMBERS 13, 14, 15

Existing buildings are only approachable from side fronting on the Auke Bay Parking lot easement. Terrain abutting Glacier Highway is very steep, especially along the north end, making approaches to buildings nearly impossible. Approach from Glacier Highway would also add another driveway where there are already several driveways adding to the safety hazard.



Bureau of Census  
San Francisco  
California  
1940

U.S. DEPARTMENT OF COMMERCE  
BUREAU OF ECONOMIC ANALYSIS





# MEMORANDUM

CITY/BOROUGH OF JUNEAU  
155 South Seward Street, Juneau, Alaska 99801

DATE: March 18, 1994  
TO: Planning Commission  
FROM: Tom Korosei, Planner  
Community Development  
FILE NO.: VR-09-94

PROPOSAL: A request for a zoning variance from provisions of the Land Use Code requiring direct, practical access to a dedicated, publicly maintained street. The variance would facilitate subdivision of a Tract F, U.S. Survey 1504. Proposed access is from Auke Bay harbor access driveway. Frontage is at 11485-11517 Glacier Highway.

## GENERAL INFORMATION

Applicant: George W. & Frances E. Pierce  
Property Owner: George W. & Frances E. Pierce  
Property Address: 11485 Glacier Highway  
Legal Description: Fraction of U.S. Survey  
Parcel Code No.: 4-B23-0-105-009-0  
Site Size: 75,511 Square Feet  
Zoning: WC, Waterfront Commercial  
Utilities: CBJ Water & Sewer  
Access: Glacier Highway  
Existing Land Use: Multi-Improvement  
Surrounding Land Use: North - Harbor Access Road  
South - Residential  
East - Glacier Highway/Residential  
West - Parking/Harbor

### BACKGROUND

The applicants are requesting a variance to certain access requirements, specifically CBJ 49.40.120 which states that "each lot shall abut and be physically accessible from a dedicated street." The applicants wish to subdivide the subject property to separate the primary residence and office building from an existing restaurant and a four-unit apartment building. The tract of land fronts on Glacier Highway. Physical access to the existing development on the property, however, is by way of the harbor access road and harbor parking lot. The access road appears to be on a state easement. The applicants have submitted a copy of a document that appears to establish this easement.

It appears that neither the CBJ nor the State provides regular maintenance of this easement in the manner of typical public roads. Maintenance appears to be irregular, but with the incidental benefit to the owners and other users of the subject property.

Under the CBJ code, in the case of frontage on minor arterial roadways such as Glacier Highway, in the vicinity of the subject property, lots must meet the area requirements of D-1 lots (36,000 square feet) and have a common, constructed access, and minimum parking and maneuvering room.

As proposed the subdivision would continue to use the harbor access road for access. The steep topography of the lots would make access from Glacier Highway difficult. The proposed subdivision is also intended to meet minimum building setback standards but would result in one parcel with an area less than 36,000 square feet. As proposed, the availability of parking for the northerly parcel, the restaurant and four-plex, would be limited because of the size and topography of this lot. Presently this parking apparently backs out into the easement.

### ANALYSIS

As noted above the property is now substantially developed. Subdividing the property appears to best suit the needs of the present owners at this time, but may not be necessary regardless of owner. Thus the variance is not needed to allow reasonable use of the property.

If the proposed lot subdivision line were adjusted to intersect the Glacier Highway right-of-way line further to the south, it may be possible to provide direct physical access to the northerly tract as well. It appears that the potential exists for improved access to at least the southerly proposed tract as the proposed subdivision is now configured.

As long as the harbor access road is usable, there appears to be access to the existing development. Because the status does not appear to be that of an accepted, general-use public road, such access appears to be uncertain. If that access would be terminated, alternative practical access may be available from the southerly lot to Glacier Highway, but unavailable for the northerly lot.

If adequate access by way of the Harbor Road could be assured, there may be some advantage to avoiding construction of an additional driveway on Glacier Highway.

#### SUBDIVISION REVIEW COMMITTEE COMMENTS

It was the opinion of the subdivision review committee that the owner has few practical alternatives to improve on the access and still subdivide the property as proposed. One committee member suggested that a condition might be added to limit development of the subject property to the current level of use. Such a restriction would at least provide some assurance that the need for, and consequences of the lack of, adequate access would not be aggravated, particularly when new owners are involved who may contemplate additional development.

#### FINDINGS

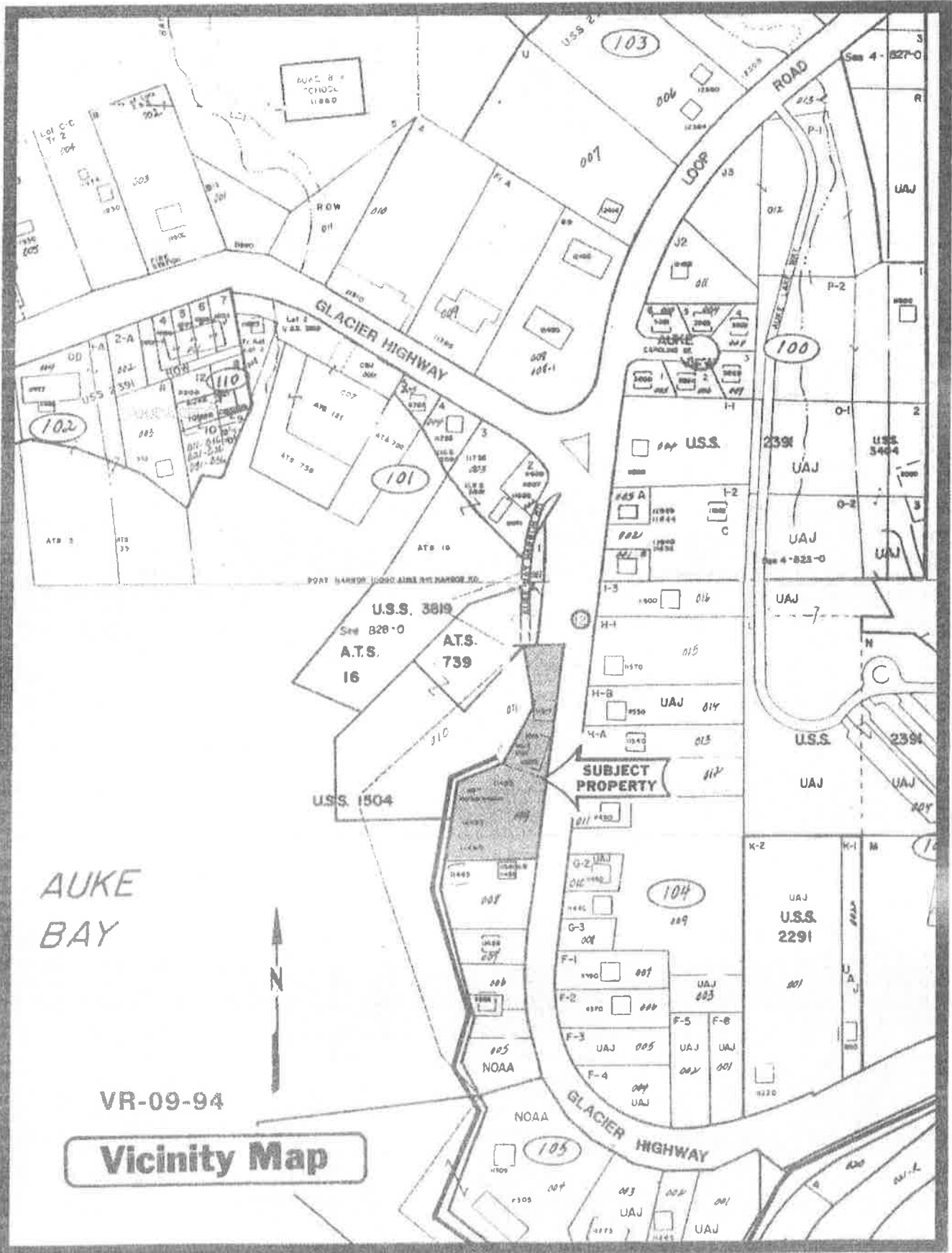
Given the above, staff cannot find that the applicant's situation meets variance criteria 49.20.250(b)(5) which states that the Commission must determine that compliance with the existing standard would unreasonably prevent the owner from using the property for a permissible principal use and would be unnecessarily burdensome because it would impose peculiar and practical difficulties to, or exceptional and undue hardship upon, the developer of such property.

#### STAFF RECOMMENDATION

For the reasons noted, staff recommends denial of the requested variance.

If the Planning Commission finds that the applicants' situation meets all the grounds for a variance, we recommend that the variance include the following condition, and that the condition be noted on the plat:

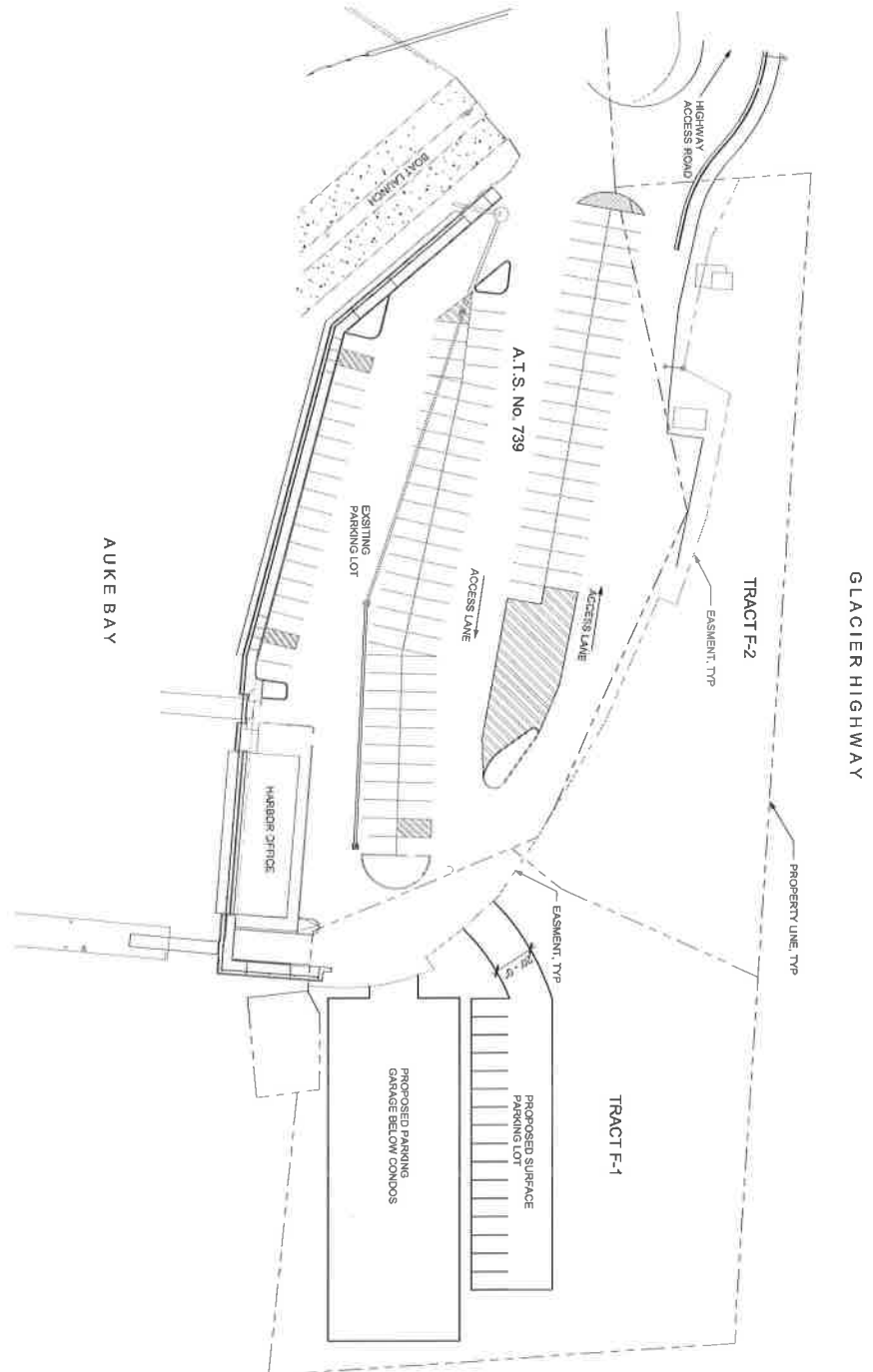
No further development shall be permitted on this property unless required access is provided in accordance with applicable subdivision standards.



VR-09-94

**Vicinity Map**

1 EX Site





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

## Auke Bay Condos

Case Number: PAC2022 0017  
 Applicant: Corey Wall  
 Property Owner: Bayhouse Properties LLC  
 Property Address: 11485, 11465, 11485 Auke Bay Harbor Rd  
 Parcel Code Number: 4B2301050090  
 Site Size: 51,716 Square Feet  
 Zoning: Waterfront Commercial  
 Existing Land Use: Restaurant, Mixed Commercial

Conference Date: March 16, 2022  
 Report Issued: April 6, 2022

**DISCLAIMER:** Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.

## List of Attendees

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

Name	Title	Email address
Cory Wall Mitch Falk	Applicant	<a href="mailto:Corey@Jensenyorbawall.com">Corey@Jensenyorbawall.com</a>
Adrienne Scott	Planning	<a href="mailto:Adrienne.Scott@Juneau.org">Adrienne.Scott@Juneau.org</a>
Charlie Ford	Building	<a href="mailto:Charlie.Ford@Juneau.org">Charlie.Ford@Juneau.org</a>
Ken Hoganson	General Engineering	<a href="mailto:Ken.Hoganson@Juneau.org">Ken.Hoganson@Juneau.org</a>
Dan Jager	Fire Marshal	<a href="mailto:Dan.Jager@Juneau.org">Dan.Jager@Juneau.org</a>
Sydney Hawkins	Permit Tech	<a href="mailto:Sydney.Hawkins@Juneau.org">Sydney.Hawkins@Juneau.org</a>



## Conference Summary

### Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

## Project Overview

The applicant would like to demolish existing structures and build condominiums.

## Planning Division

1. **Zoning** – Waterfront Commercial. WC zoning allows for multifamily with a density of 18 units per acre. The maximum dwelling units possible for this lot would be 21 units. A Conditional Use Permit is required for a multifamily development in the WC zoning district.

2. **Setbacks** – 10 feet front, rear, and side. Tidewater lot lines have no minimum setback requirements.

Note that there is a lot line around the waterfront structure next to the Harbor Master's office.

Development will be required to meet setbacks from that lot line, and a structure cannot be built across the lot line, regardless of ownership. If a proposed structure will cross the lot line, a lot consolidation will be required.

3. **Height** – Maximum height for primary structures is 35 feet, 25 feet for accessory structures. Per 49.25.420(a), the height of a stepped or terraced building is the height of the highest segment thereof. No elevation drawing was submitted at the time of this pre-application conference, so the proposed height of the structure is unknown.

If the applicant wishes to apply for a variance to the height requirement, they will need to demonstrate that:

- A. Enforcement of the ordinance would create an undue hardship resulting from the *unusual or special conditions of the property*.
- B. The unusual or special conditions of the property are not caused by the person seeking the variance;
- C. The grant of the variance is not detrimental to public health, safety or welfare; and
- D. The grant of the variance is narrowly tailored to relieve the hardship.

In this case, "hardship" means that the applicant is deprived of using the property in a similar fashion to surrounding properties – cost is not a consideration. If the applicant decides to apply for a height variance, the applicant may apply for the variance concurrently with conditional use application. At the commission hearing, the variance will be heard first, and decided, prior to hearing the conditional use application.

4. **Access** – The lot was subdivided with a variance to access requirements (VAR-9-94). The variance was granted to facilitate the plat, and does not provide for further development. Alaska Department of Transportation and Public Facilities has a platted right-of-way easement that appears to reach the property. The easement is noted on Plat 94-41, and a recorded document from 1939 established the easement. The easement is not constructed as a street, nor adopted by the CBJ or DOT as a street. CBJ Docks & Harbors confirmed that they maintain the Statter Harbor parking lot, as well as Auke Bay Harbor Rd.

Note that, while the *existing lot* is entitled to existence without access due to the granting of the variance, there is no requirement for adjacent lots to provide access to the site. Development of new dwelling units will necessitate access for the residents, and this could impact staff's analysis of the application, and the Planning Commission's evaluation of the application. Proposed project, including access, must comply with 49.15.330(f)(1). Applicant will need to demonstrate in their application how they are providing access to the site.

The lot has frontage along Glacier Hwy, and access should be through the frontage. A driveway permit from the State of Alaska DOT&PF will be required.

5. **Parking & Circulation** – 2.25 parking spaces per three bedrooms. 18 three-bedroom units would require 41 parking spaces. A parking lot of 26 to 50 spaces will require 2 accessible parking spaces, one of which must be van-accessible.
6. **Vegetative Coverage** – Minimum vegetative coverage in WC is 10%.
7. **Lighting** – All lighting should be full cut-off design to prevent glare onto neighboring properties.
8. **Noise** – Noise generated by the completed project is expected to be consistent with that expected in Waterfront Commercial.
9. **Flood** – Portions of the lot are located in the AE, VE, and X flood zones. If any construction is proposed in the AE or VE zone, a Floodplain Development Permit will be required, and the project must be designed to meet the provisions of CBJ 49.70 Article IV (attached).



10. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – A hillside endorsement will be required if excavating or creating a slope over 18%.
11. **Wetlands** – Contact the United States Army Corps of Engineers for a permit if the development requires fill of wetlands. (907) 753-2689.
12. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject lot, or within 50 feet.
13. **Plat or Covenant Restrictions** – None found.
14. **Traffic** – The Institute of Transportation Engineers Manual categorizes condominiums as residential/condos/townhouses (Land Use 230) and estimates that each dwelling unit will generate 5.81 vehicle trips

per day, making the average daily traffic (ADT) for an 18 unit development to be 105 ADT per weekday. A traffic impact analysis is not required for developments projected to generate fewer than 250 ADT.

15. **Nonconforming situations** – None known.

### Building Division

16. **Building** – Plan will be reviewed at time of application.
17. **Outstanding Permits** –
- BLD2009-00042 – Plumbing repair and electrical service upgrade
  - BLD2003-00053 – Remodel office building into the Hot Bite Restaurant
  - BLD2003-00745 – 12' x 20' detached storage structure with electricity
  - BLD2003-00016 – Grading of 400 cu yards of fill
  - BLD2002-00194 – Clearing and removal of brush/trees and removal of approx. 150-175 yards of bedrock
  - BLD1997-00368 – Rebuild/repair support and walls of shed for storage & marine electronics repair
  - BLD-06000401 – Repair, remove & replace damaged sheetrock
  - BLD-0488701 – Repairs of existing electrical, water & plumbing

### General Engineering/Public Works

18. **Engineering – Grading:** Slopes and retaining structures shall be shown on the Grading Plan. The heights and slope ratios must be quantified.
- a. **Easements:** Site plan (plat) shall include all existing (and proposed) easements for drainage, utility lines plumbing lines, access, snow storage, trash (dumpster) storage, or any other shared use that requires crossing the property line
19. **Drainage** – Drainage must be directed to pre-approved drainage ways and cannot be directed at neighbors or otherwise cause a nuisance. Drainage shall be shown in the Grading Plan with arrows. Any drainage structures shall be identified and sizes called out.
20. **Utilities** – (water, power, sewer, etc.) Water service will need to be provided. A CBJ ROW Permit and Utility Permit will be required. The plans shall include a Utility Plan that shows location of buried sewer and water utilities including valve, unions, cleanouts, and system components. Sizes and materials must be called out. Power by others.
- a. **CBJ right-of-way (ROW) permit** - Once the construction plan for the utilities is approved, CBJ will create the ROW permit. The permit will cover the tapping of the water main and road restoration within the right-of-way (if required). Inspection fees, refundable bond amount, and conditions will be determined after review of the proposed construction plan. The extension of the utilities within the property will require further permitting and fee assessments. This process is done separately from the subdivision and typically in conjunction with the building permit application. Utility as-builts shall be submitted to GE prior to return of Bond and closure of permits.
  - b. **Water Utility permit** – for the water/fire line to be installed to the new structure. The line sizing is
    - i. by the engineer. The meter is required to be installed prior to any branches in the plumbing line. The meter location and sizing shall be shown on the mechanical plans. The meter installation and conduit installation is the responsibility of the applicant. A water assessment will need to be paid and will be determined after sizing of meter and domestic line are identified.
  - c. **Sewer Utility permit** – for the sewer line to be installed to the new structure. The line sizing is determined by the engineer. The mechanical plans shall include a drainage fixture unit (DFU) count. A

sewer assessment and inspection fees will need to be paid and will be determined after review of the DFU's and the configuration of the underground sewer line.

### **Fire Marshal**

21. **Fire Items/Access** – Building will require sprinklers. Fire will reserve comment on the project design until they see the full submittal.

### **Other Applicable Agency Review**

22. A driveway permit from DOT&PF will be required for access from Glacier Hwy.

### **List of required applications**

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

1. Development Permit Application
2. Variance Application (if applying)
3. Conditional Use Permit Application

### **Additional Submittal Requirements**

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. Project narrative
3. Site plan
4. Floor plans
5. Elevation view of proposed buildings
6. Proposed vegetative cover
7. Existing and proposed parking areas and proposed traffic circulation
8. Existing physical features of the site

### **Exceptions to Submittal Requirements**

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. N/A

### **Fee Estimates**

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Conditional Use Permit application fee: \$750
2. Public notice sign preparation fee: \$50

3. Public notice sign deposit: \$100 (refundable if sign is returned by the first Monday after the hearing, \$50 refundable if returned within two weeks)

For informational handouts with submittal requirements for development applications, please visit our website at [www.juneau.org/community-development](http://www.juneau.org/community-development).

**Submit your Completed Application**

You may submit your application(s) online via email to [permits@juneau.org](mailto:permits@juneau.org)

OR in person with payment made to:

City & Borough of Juneau, Permit Center  
230 South Franklin Street  
Fourth Floor Marine View Center  
Juneau, AK 99801

Phone: (907) 586-0715

Web: [www.juneau.org/community-development](http://www.juneau.org/community-development)

Attachments:

- 49.70 Article IV
- 49.15.330
- 1939 Easement Document
- Plat 94-41
- Variance VR-09-94
- Development Permit Application
- Conditional Use Permit Application
- Variance Application

## ARTICLE IV. - FLOOD HAZARD AREAS

*Footnotes:*

--- (070\_3) ---

**Cross reference**— *Building regulations, tit. 19.*

## 49.70.400 - Floodplain.

- (a) *Purpose.* The purpose of this article is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. Other purposes are to:
- (1) Reserved;
  - (2) Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions, or other hazards;
  - (3) Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage;
  - (4) Reduce the financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods and overflow of lands;
  - (5) Reserved;
  - (6) Ensure that potential buyers are notified that property is in a special flood hazard area; and
  - (7) Ensure that those who occupy the special flood hazard area assume financial responsibility for their development.
- (b) *Interpretation.*
- (1) In the interpretation and application of this article, all provisions are considered minimum requirements and are liberally construed in favor of the governing body.
  - (2) This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where the provisions of this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
  - (3) This article shall apply to all areas of special flood hazard areas (SFHAs) within the jurisdiction of the City and Borough of Juneau.
  - (4) The special flood hazard areas identified by the Federal Insurance Administrator (FIA) in a scientific and engineering report entitled the "Flood Insurance Study" (FIS) and the flood insurance rate maps (FIRMs) dated September 18, 2020 for the City and Borough of Juneau, Alaska are adopted. The FIS and FIRMs shall be on file with the community development department and available to the public at 155 South Seward Street, Juneau, Alaska.
- (c) *Implementation.* The director is responsible for administering and implementing the provisions of this chapter and is responsible for maintaining for public use and inspection appropriate records and information relevant to implementation of this chapter. Such records and information must include:
- (1) Actual elevations, in relation to mean lower low water, of the lowest floor, including basement, of all new or substantially improved structures located in the special flood hazard area (SFHA), and whether or not such structures have basements;
  - (2) Actual elevations, in relation to mean lower low water, of all new and substantially improved floodproofed

structures and the required floodproofing certifications;

- (3) Flood insurance studies (FISs);
  - (4) Flood insurance rate maps (FIRMs);
  - (5) Any reports or studies on flood hazards in the community, such as written reports by the U.S. Army Corps of Engineers, U.S. Geological Survey, or private firms provided to the director; and
  - (6) A file of all floodplain permit applications, permits, exceptions, and supporting documentation.
- (d) *Enforcement.* Enforcement of this chapter is per CBJ ~~49.10.600~~—49.10.660.
- (e) *Floodplain development permit required.* A floodplain development permit is required for any development or industrial uses located within a special flood hazard area, including placement of manufactured homes. The director must:
- (1) Review all floodplain development permit applications for development in the special flood hazard area for compliance with the provisions of this chapter, and to determine if other permits may be necessary from local, state, or federal governmental agencies.
  - (2) Interpret the location of the special flood hazard area boundaries and regulatory floodway. If there appears to be a conflict between a mapped boundary and actual field conditions, the director must determine and interpret the documents. When base flood elevation data has not been provided, the director shall obtain, review, and reasonably utilize base flood elevation and floodway data available from any federal, state, municipal, or any other source to implement the provisions of this chapter.
  - (3) If the director determines that a proposed development is within a special flood hazard area, a permit fee must be collected and the following information must be provided before processing a floodplain development permit:
    - (A) Elevation of the lowest floor, including a basement, of all structures;
    - (B) Elevation to which any structure has been floodproofed;
    - (C) Certification by an engineer or architect that the floodproofing methods for any nonresidential structure meet generally accepted floodproofing standards;
    - (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
    - (E) Description of the plan for maintenance of the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished; and
    - (F) When base flood elevation data have not been provided, the director shall obtain, review and reasonably apply any base flood elevation and floodway data available from federal, state or other sources.
- (f) *Methods of reducing losses.* In order to accomplish its purpose, this article includes methods and provisions to:
- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or flood heights or velocities;
  - (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
  - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
  - (4) Control filling, grading, dredging, and other development that may increase flood damage; and

- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase hazards in other areas.
- (g) *General standards for flood hazard protection.* In special flood hazard areas the following standards apply:
- (1) *Anchoring.*
    - (A) Design, modify, and anchor new construction and substantial improvements to prevent flotation, collapse, or lateral movement of the structure(s).
    - (B) A manufactured home must be anchored to prevent flotation, collapse, or lateral movement and be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
    - (C) An alternative method of anchoring may be used if the system is designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the director that this standard is met.
  - (2) *Construction materials and methods.*
    - (A) Construct new construction and substantial improvements with materials and utility equipment resistant to flood damage.
    - (B) Use methods and practices that minimize flood damage for new construction and substantial improvements.
    - (C) Design or locate electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities so as to prevent water from entering or accumulating within the components during conditions of flooding.
    - (D) Require adequate drainage paths around structures on slopes to guide floodwaters away from existing and proposed structures for new construction and substantial improvements within zones AH and AO.
  - (3) *Utilities.*
    - (A) Design new and replacement water supply systems to minimize or eliminate infiltration of floodwaters into the system.
    - (B) Design new and replacement sanitary sewage systems to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
    - (C) Locate on-site waste disposal systems to avoid impairment to them or contamination from them during flooding.
  - (4) *[Subdivision and development proposal criteria.]* Subdivision and development proposals must meet the following criteria:
    - (A) Be designed to minimize flood damage;
    - (B) Locate and construct utilities and facilities, such as sewer, gas, electrical, and water systems to minimize flood damage;
    - (C) Provide adequate drainage to reduce exposure to flood damage; and
    - (D) Include base flood elevation data if the development consists of at least 50 lots or five acres, whichever is the lesser. If base flood elevation data is not available, the proposal must provide the data and backup information for how the base flood elevation data was generated for the proposal.
  - (5) *[Floodplain development permit requirements.]* Review of floodplain development permits must include:
    - (A) Review of the flood insurance rate map and flood insurance study for flood zone determinations for new



- or substantially improved structures;
- (B) For new or substantially improved structures:
- (i) Submittal of the proposed and finished lowest floor elevations in zones A, AE, AO, and AH.
  - (ii) Submittal of the proposed and finished bottom elevation of the lowest horizontal structural member of the lowest floor and its distance from the mean lower low water mark in zones V and VE; and
  - (iii) Submittal of specific requirements for zones V and VE as set forth in subsection 49.70.400(i).
- (C) In zones A and V, where elevation data are not available through the flood insurance study or from another authoritative source, applications for floodplain development permit shall be reviewed to ensure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and may be based on historical data, high water marks, photographs of past flooding, and other similar or relevant data. Failure to elevate construction at least two feet above grade in these zones may result in higher insurance rates.
- (D) Provision of an elevation certificate to demonstrate that the lowest floor of a structure is at or above base flood elevation. The certification must be provided on a form approved by the National Flood Insurance Program and prepared by a registered land surveyor or professional engineer who is licensed in the State of Alaska and authorized to certify such information. This requirement may be waived by the director if an approved record elevation demonstrates that the lowest floor is substantially above the base flood elevation due to natural ground level.
- (6) *Other permits.* The applicant must certify that all other necessary permits have been obtained from any federal or state governmental agencies.
- (7) *[Maintaining watercourse.]* Maintain altered or relocated portions of a special flood hazard area mapped watercourse so that the flood-carrying capacity is not diminished. The department must notify the state coordinating agency, if any, and the Federal Emergency Management Agency prior to issuance of a floodplain development permit that seeks to alter or relocate any watercourse within a special flood hazard area.
- (h) *Specific standards for flood hazards protection.* In special flood hazard areas where base flood elevation data is provided, the following provisions are required:
- (1) *New structures or substantial improvements.* Fully enclosed areas below the lowest floor of new construction or substantial improvements, that are useable solely for parking of vehicles, building access, or storage in an area other than a basement, must automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect licensed in the State of Alaska or must meet or exceed the following minimum criteria:
    - (A) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - (B) Height of the bottom of all openings must be no higher than one foot above grade; and
    - (C) Openings may be equipped with screens, louvers, or other coverings or devices provided that the automatic entry and exit of floodwaters is allowed.
  - (2) *Residential construction.* New construction and substantial improvement of any residential structure:
    - (A) Construct the lowest floor, including basement, elevated to or above the base flood elevation within zones A, AE, or AH; or

- (B) Construct the lowest floor elevated to the base flood depth number specified on the flood insurance rate map, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AC
- (3) *Manufactured homes.* New or substantially improved manufactured homes must:
- (A) Be placed at or above, the base flood elevation, within zones A, AH, or AE, and shall be elevated to, or above, the base flood elevation, and comply with subsection (g); or
- (B) Elevate the lowest floor to the depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO; and meet the provisions of subsection (g)(1).
- (4) *Recreational vehicles.* Recreational vehicles placed within any special flood hazard area must be:
- (A) Situated on the site for fewer than 180 consecutive days;
- (B) Fully licensed, operational, and approved for road use; or
- (C) Meet the requirements of subsection (h)(3).
- (5) *Nonresidential construction.* New construction or substantial improvement of any nonresidential structure must:
- (A) Elevate the lowest floor, including basement, to or above the base flood elevation within zones A, AE, and AH;
- (B) Elevate the lowest floor to the depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO; or
- (C) Floodproof the area below the base flood elevation within zones A, AE, AH, and AO, so that:
- (i) The structure and utility and sanitary facilities are watertight with walls substantially impermeable to the passage of water;
- (ii) Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- (D) A floodproof structure must be designed by an engineer or architect licensed in the State of Alaska, certifying that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on the engineer's or architect's development or review of the structural design, specifications, and plans. Certification must be provided to the director;
- (E) Applicants proposing to floodproof nonresidential buildings must be notified at the time of floodplain development permit application that flood insurance premiums are based on rates that are one foot below the floodproofed level.
- (6) *Industrial uses.* Industrial uses within the special flood hazard area are subject to the following provisions:
- (A) Sand and gravel operations, recreation activities, open space, and parking lots may be allowed in 100-year floodplains if the use does not increase the flood hazard.
- (B) Industrial equipment and raw materials stored in 100-year floodplains must be adequately bermed or otherwise protected.
- (C) Disposal of hazardous materials in 100-year floodplains is prohibited. No new development that involves storage of hazardous materials will be permitted in the 100-year floodplain unless there is no feasible and prudent alternative and adequate safety measures are provided to prevent accidental discharge.

(D) Establishment of sanitary landfills in floodplains is prohibited.

(7) *Increasing water surface elevation in special flood hazard area mapped watercourses where floodways are not mapped.* Notwithstanding any other provisions of this article, development in zones A, AE, and AH may increase the water surface elevation of the base flood:

(A) Up to one foot with the submittal of an analysis completed by an engineer licensed in the State of Alaska demonstrating the cumulative effects of the proposed, existing and anticipated, development to the base flood; or

(B) By more than one foot only after a conditional letter of map revision and final letter of map revision is approved by the Federal Emergency Management Agency flood insurance administrator.

(i) *Additional provisions in floodways.*

(1) Residential and nonresidential structures are prohibited in floodways, no exceptions apply. Culverts and bridges are not subject to this prohibition.

(2) Encroachments, including fill, new construction, and other development, except subdivisions, within a floodway are prohibited unless an engineer licensed in the State of Alaska submits a hydrologic and hydraulic analyses to the director indicating that the encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. The hydrologic and hydraulic analyses must be performed in accordance with standard engineering practice acceptable by the Federal Emergency Management Agency.

(3) Development along a floodway cannot increase the water surface elevation unless a conditional letter of map revision and final letter of map revision that revises the floodway are approved by the Federal Emergency Management Agency.

(j) *Additional provisions in zones VE and V.*

(1) New construction and substantial improvements in zones V and VE must be elevated on pilings and columns so that:

(A) The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood elevation; and

(B) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used are those required by applicable state statute and local code. A registered professional engineer or architect licensed in the State of Alaska must develop or review the structural design, specifications, and plans for the construction and must certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (j)(1)(A) and (B) of this section.

(C) The use of fill for structural support of buildings is prohibited.

(2) In zones VE and V, new habitable construction must be located landward of the reach of mean high tide.

(3) In zones VE and V, new construction and substantial improvements must have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

- (4) Breakaway walls must have a design safe loading resistance of not less than ten pounds per square foot and no 20 pounds per square foot. Use of breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect licensed in the State of Alaska certifies that the designs proposed meet the following conditions:
- (A) Breakaway wall collapse must result from a water load less than that which would occur during the base flood; and
  - (B) The elevated portion of the building and supporting foundation system must not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used shall be those required by applicable state statute and local code.
  - (C) Enclosed space within breakaway walls are limited to parking of vehicles, building access, or storage. Such space must not be used for human habitation.
- (k) *Warning and disclaimer of liability.* The degree of flood protection required by this article is intended for minimum regulatory purposes only and is based on general scientific and engineering principles. Floods larger than expected, can and will occur. Flood heights may be increased by human or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City and Borough, any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision made thereunder.

(Serial No. 87-49, § 2, 1987; Serial No. 90-46, §§ 2—9, 1990; Serial No. 2013-19(b), § 2, 7-15-2013; Serial No. 2020-42, § 2, 8-24-2020, eff. 9-23-2020; Serial No. 2021-06, § 2, 4-26-2021, eff. 5-26-2021)

#### 49.70.410 - Exceptions.

- (a) The planning commission shall hear all applications for an exception from the provisions of this article, and are limited to the powers granted in this article and those necessarily implied to ensure due process and to implement the policies of this article.
- (b) In passing upon such application, the planning commission must consider all technical evaluations, relevant factors, standards specified in other sections of this article, and:
  - (1) The danger that materials may be swept onto other lands and cause injury to other persons or property;
  - (2) The danger to life and property due to flooding or erosion damage;
  - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) The importance of the services provided by the proposed facility to the community;
  - (5) The necessity to the facility of a waterfront location, where applicable;
  - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (7) The compatibility of the proposed use with existing and anticipated development;
  - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for

that area;

- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (c) Exceptions may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (b)(1)—(b)(11) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the exception increases.
- (d) Upon consideration of the factors of subsection (b) of this section and the purposes of this article, the commission may deny or grant the application and may attach such conditions to the grant of an exception as it deems necessary to further the purposes of this article.
- (e) Exceptions may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
- (f) Exceptions must not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (g) Exceptions must only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.
- (h) Exceptions must only be issued upon:
- (1) A showing of good and sufficient cause;
  - (2) A determination that failure to grant the exception would result in exceptional hardship to the applicant; and
  - (3) A determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances or conflict with existing local laws or ordinances.
- (i) Reserved.
- (j) Warning and disclaimer of liability. The degree of flood protection required by this article is intended for minimum regulatory purposes only and is based on general scientific and engineering principles. Floods larger than expected, can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City and Borough, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Serial No. 87-49, § 2, 1987; Serial No. 90-46, § 10, 1990; ~~Serial No. 2021-06~~, § 3, 4-26-2021, eff. 5-24-2021)

## 49.15.330 - Conditional use permit.

- (a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.
- (b) *Preapplication 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 conditional use permit procedure. The director shall discuss with the developer, regulation which may limit the proposed development as well as standards or bonus regulations which may create opportunities for the developer. 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 subsection shall be provided to the developer at the conference.
- (c) *Submission.* 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 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 commission 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 planning commission 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 subsections (1)(A)—(1)(C) of 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 conditional use permit, the planning commission shall review the director's report to c
    - (A) Whether the proposed use is appropriate according to the table of permissible uses;
    - (B) Whether the application is complete; and
    - (C) Whether the development as proposed will comply with the other requirements of this title.
  - (2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) 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) *Commission determinations; standards.* Even if the commission 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.
- (g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:
- (1) *Development schedule.* A reasonable time limit may be imposed on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighborhood, to ensure that development is not used or occupied prior to substantial completion of required public or quasi-public improvements, or to implement other requirements.
  - (2) *Use.* Use of the development may be restricted to that indicated in the application.
  - (3) *Owners' association.* The formation of an association or other agreement among developers, homeowners or merchants, or the creation of a special district may be required for the purpose of holding or maintaining common property.
  - (4) *Dedications.* Conveyance of title, easements, licenses, or other property interests to government entities, private or public utilities, owners' associations, or other common entities may be required.
  - (5) *Performance bonds.* The commission may require the posting of a bond or other surety or collateral approved as to form by the city attorney to guarantee the satisfactory completion of all improvements required by the commission. The instrument posted may provide for partial releases.
  - (6) *Commitment letter.* The commission may require a letter from a public utility or public agency legally committing it to serve the development if such service is required by the commission.
  - (7) *Covenants.* The commission may require the execution and recording of covenants, servitudes, or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants.
  - (8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the sole responsibility of the owner to apply for a new permit. In other cases, any order revoking a permit shall state with particularity the grounds therefor and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance.

- (9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.
- (10) *Habitat.* Development in the following areas may be required to minimize environmental impact:
  - (A) Developments in wetlands and intertidal areas.
- (11) *Sound.* Conditions may be imposed to discourage production of more than 65 dBa at the property line during the day or 55 dBa at night.
- (12) *Traffic mitigation.* Conditions may be imposed on development to mitigate existing or potential traffic problems on arterial or collector streets.
- (13) *Water access.* Conditions may be imposed to require dedication of public access easements to streams, lake shores and tidewater.
- (14) *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.
- (15) *Lot size or development size.* Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.
- (16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.
- (17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.
- (18) *Other conditions.* Such other conditions as may be reasonably necessary pursuant to the standards listed in subsection (f) of this section.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 2, 6-5-2006; Serial No. 2015-03(c)(am), § 9, 8-31-2015; Serial No. 2017-29, § 3, 1-8-2018, eff. 2-8-2018.)



JUNEAU 94-41



155 SOUTH SEWARD STREET  
JUNEAU, ALASKA 99801

CERTIFICATION OF PAYMENT OF TAXES  
AND SPECIAL ASSESSMENTS

I, the undersigned, being duly appointed, qualified Treasurer or Deputy Treasurer for the City and Borough of Juneau, First Judicial District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described property is carried on the tax records in the name of:

George and Frances Pierce

Tracts F-1 and F-2, U.S.S. 1504  
Description

4 - B23 - 0 - 105 - 009 - 0  
Parcel Code Number

and that, according to the records in my possession, all taxes and special assessments assessed against said lands and in favor of the City and Borough of Juneau are paid in full; that current taxes of the year 1994 will be due on or before September 30, 1994.

Wesley J. Williams  
Deputy Treasurer or Treasurer  
City and Borough of Juneau, Alaska

8/1/94  
Date

1/1 to 7/1 Authorization to  
Subdivide or Combine Attached

c:pmttax.a



155 SOUTH SEWARD STREET  
JUNEAU, ALASKA 99801

**CORRECTED**  
**PLANNING COMMISSION**  
**NOTICE OF DECISION**  
Date: May 13, 1994

File No.: VR-09-94

George W. & Frances E. Pierce  
P.O. Box 210281  
Auke Bay, Alaska 99821

Application For: Zoning Variance  
Legal Description: Fraction of U.S. Survey 1504  
Parcel Code No.: 4-B23-0-105-009-0  
Hearing Date: March 22, 1994

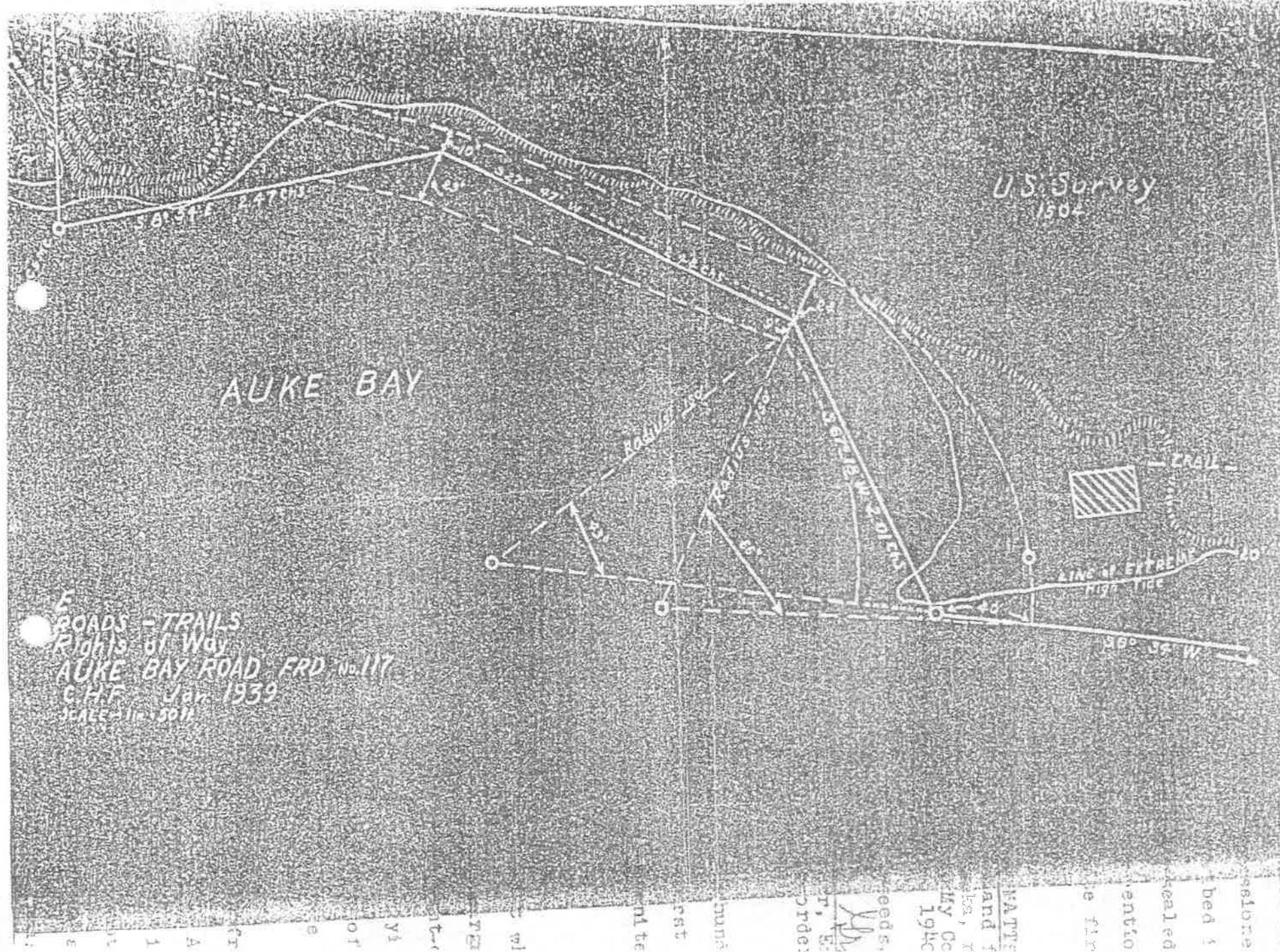
The Planning Commission, at its March 22, 1994, regular public meeting, approved the requested variance to waive the requirement for access to a dedicated public street for a proposed subdivision.

Effective Date: April 26, 1994  
Expiration Date: September 22, 1995, unless a plat has been issued in accordance with the plans for which the permit is authorized.

Project Planner: Tom Korosei  
Tom Korosei, Planner

RECEIVED BY CITY CLERK  
Debra J. Purves  
May 16, 1994

cc: Murray Walsh, Director CDD  
Debra J. Purves, CDD  
Terry Brenner, Engineer



THE GRANTOR Leo E. Young for and in consideration of Two hundred fifty 00/100 Dollars (\$250.00) in hand paid, conveys and warrants to William H. Biggs of Kimsan Cove, Alaska, the grantee the following described real estate:

All of Lot Three (3), Block Twenty three (23) of the Douglas Townsite.

Said ground faces on Third Street for a width of fifty feet and extends thru the block two hundred feet to face on Fourth Street for a width of fifty feet and containing an area of ten thousand square feet (10,000 sq. ft), according to the official plat of the Townsite survey as made by Chas. Arundel, in 1918 and on file in the General Land Office. Said property is situated in the Town of Douglas, Alaska.

Dated at Kimsan Cove, Alaska, this 29th day of November, A.D. 1938.

Signed in the presence of:

WILLIAM GARN

LEO E. YOUNG

J. T. BURNETT

\$.50 Documentary Stamp attached and cancelled.

Territory of Alaska }  
First Judicial Division } ss.

THIS IS TO CERTIFY, That on this 29th day of November, A.D. 1938 before me HAROLD E. MATSON a Notary Public in and for the Territory of Alaska, duly commissioned and sworn personally came Leo E. Young to me known to be the individual described in and who executed the within instrument and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

(NOTARIAL SEAL)

HAROLD E. MATSON  
Notary Public in and for the Territory of Alaska, residing at Kimsan Cove, My Commission Expires April 25, 1940.

Filed for record at 9:00 o'clock, A. M., 1-25-39. Recorded in Book 35 of Deeds, page 175.

John Gray  
U. S. Commissioner, Ex-officio District Recorder.

\*\*\*\*\*  
RIGHT-OF-WAY DEED

THIS INDENTURE, made 26th day of January, the year one thousand nine hundred and thirty nine, between J. B. Caro of the Juneau Recording District of the First Judicial Division, Territory of Alaska, grantor, party of the first part, and the United States of America, grantees, party of the second part.

WITNESSETH:

That for and in consideration of one dollar (\$1) in hand paid, receipt whereof is hereby duly acknowledged, the party of the first part does hereby grant, bargain, sell, convey, and confirm unto the United States of America, an easement and right-of-way in gross over the following tract, lot, piece, or parcel, of land, situated, lying and being in the Juneau Recording District of the First Judicial Division, Territory of Alaska, and bounded and particularly described as shown on plat attached hereto and made a part hereof.

The said right-of-way hereby granted is for the maintenance and full, free, and quiet use and enjoyment by the United States of America or the Territory of Alaska for any and all purposes by it desired or deemed necessary or beneficial for or in connection with the control, administration, or use of the National Forests or the resources thereof, and, so far as may be with that enjoyment compatible, by the general public as a public highway of a certain road or way and dock heretofore formed, being bounded as shown, and traveling the above described premises according to the said plat hereto attached and





VISUAL MAP  
TO BE SUBMITTED WITH THIS PLAT  
100-4-22

- LEGEND**
- 1. 1/4 SECTION
  - 2. 1/2 SECTION
  - 3. 3/4 SECTION
  - 4. SECTION
  - 5. 1/4 SECTION
  - 6. 1/2 SECTION
  - 7. 3/4 SECTION
  - 8. SECTION
  - 9. 1/4 SECTION
  - 10. 1/2 SECTION
  - 11. 3/4 SECTION
  - 12. SECTION
  - 13. 1/4 SECTION
  - 14. 1/2 SECTION
  - 15. 3/4 SECTION
  - 16. SECTION
  - 17. 1/4 SECTION
  - 18. 1/2 SECTION
  - 19. 3/4 SECTION
  - 20. SECTION
  - 21. 1/4 SECTION
  - 22. 1/2 SECTION
  - 23. 3/4 SECTION
  - 24. SECTION
  - 25. 1/4 SECTION
  - 26. 1/2 SECTION
  - 27. 3/4 SECTION
  - 28. SECTION
  - 29. 1/4 SECTION
  - 30. 1/2 SECTION
  - 31. 3/4 SECTION
  - 32. SECTION
  - 33. 1/4 SECTION
  - 34. 1/2 SECTION
  - 35. 3/4 SECTION
  - 36. SECTION
  - 37. 1/4 SECTION
  - 38. 1/2 SECTION
  - 39. 3/4 SECTION
  - 40. SECTION
  - 41. 1/4 SECTION
  - 42. 1/2 SECTION
  - 43. 3/4 SECTION
  - 44. SECTION
  - 45. 1/4 SECTION
  - 46. 1/2 SECTION
  - 47. 3/4 SECTION
  - 48. SECTION
  - 49. 1/4 SECTION
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  - 51. 3/4 SECTION
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  - 92. SECTION
  - 93. 1/4 SECTION
  - 94. 1/2 SECTION
  - 95. 3/4 SECTION
  - 96. SECTION
  - 97. 1/4 SECTION
  - 98. 1/2 SECTION
  - 99. 3/4 SECTION
  - 100. SECTION



- NOTES**
1. THE ABOVE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF 1908 AND 1917 AND THE SURVEYING REGULATIONS OF 1918 AND 1920.
  2. THE ABOVE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF 1908 AND 1917 AND THE SURVEYING REGULATIONS OF 1918 AND 1920.
  3. THE ABOVE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF 1908 AND 1917 AND THE SURVEYING REGULATIONS OF 1918 AND 1920.



**CERTIFICATE OF APPROVAL BY THE DISTRICT**

I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF 1908 AND 1917 AND THE SURVEYING REGULATIONS OF 1918 AND 1920.

DATE: 7-14-84  
BY: [Signature]  
DISTRICT ENGINEER

**CERTIFICATE OF SURVEY**

I, [Name], Surveyor, do hereby certify that the above survey was conducted in accordance with the Surveying Acts of 1908 and 1917 and the Surveying Regulations of 1918 and 1920.

**NOTARY ACKNOWLEDGEMENT**

STATE OF ALASKA  
I, [Name], Notary Public, do hereby acknowledge the above survey.

**WASTEWATER DISPOSAL**

THE WASTEWATER DISPOSAL HAS BEEN APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

DATE: 7-14-84  
BY: [Signature]  
APPROVING OFFICIAL

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF 1908 AND 1917 AND THE SURVEYING REGULATIONS OF 1918 AND 1920.

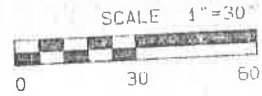
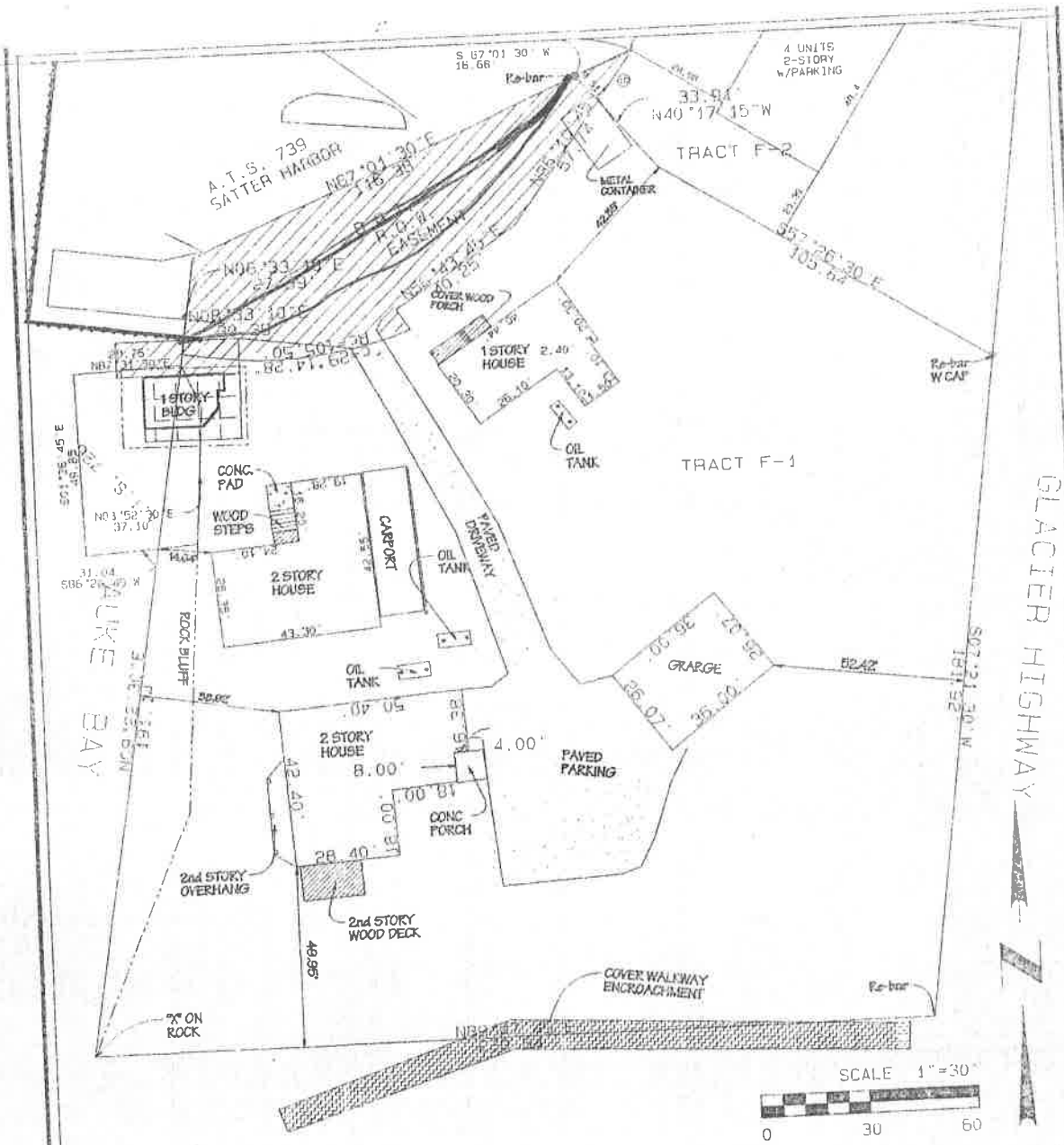


94-41  
BUREAU RECORDING DISTRICT  
A PLAT DENOTING  
TRACTS F-1 & F-2,  
U.S. SURVEY No. 1504

SUBDIVISION OF TRACT F, U.S. No. 1504  
WITHIN







I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, CASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.



**J.W. BEAN**  
PROFESSIONAL SURVEYOR

F.B. \_\_\_\_\_ JOB No. 10054  
SCALE AS SHOWN  
DATE 7-5-2001

AS-BUILT SURVEY OF  
TRACT F-1  
WITHIN USS 1504  
PER PLAT 94-41



Showing result 1 of 1

PARCEL

Tax ID	4B2301050090 ( <a href="#">assessor summary</a> )
Owner(s)	Bayhouse Properties LLC
Previous owner(s)	MITCH FALK
Site address(es)	11445 Auke Bay Harbor Rd; 11465 Auke Bay Harbor Rd; 11485 Auke Bay Harbor Rd
Mail address(es)	C/O Hot Bite - 318 Willoughby Ave - Juneau, AK 99801-1723
Legal description	USS 1504 TR F1
Lot square feet	51,716
Lot acres	1.1872
Zoning	(WC) Waterfront Commercial
Road system	yes
Fire service	yes
Water available	yes
Sewer available	yes
Year built	1940
Living area	3762
Assessment year	2022
-- assessed value	1,088,238
-- land value	567,528
-- building	520,710



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

**COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT**

**DEPARTMENT:**

**STAFF PERSON/TITLE:**

**DATE:**

**APPLICANT:**

**TYPE OF APPLICATION:**

**PROJECT DESCRIPTION:**

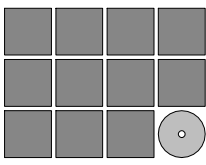
**LEGAL DESCRIPTION:**

**PARCEL NUMBER(S):**

**PHYSICAL ADDRESS:**

**SPECIFIC QUESTIONS FROM PLANNER:**

**AGENCY COMMENTS:**



**Jensen  
Yorba  
Wall Inc.**

522 West 10th Street  
Juneau, Alaska 99801  
907.596.1070  
AEC0197  
jensenyorbawall.com

**CITY AND BUREAU OF JUNEAU  
STATTER HARBOR  
GATEWAY PHASE 3**

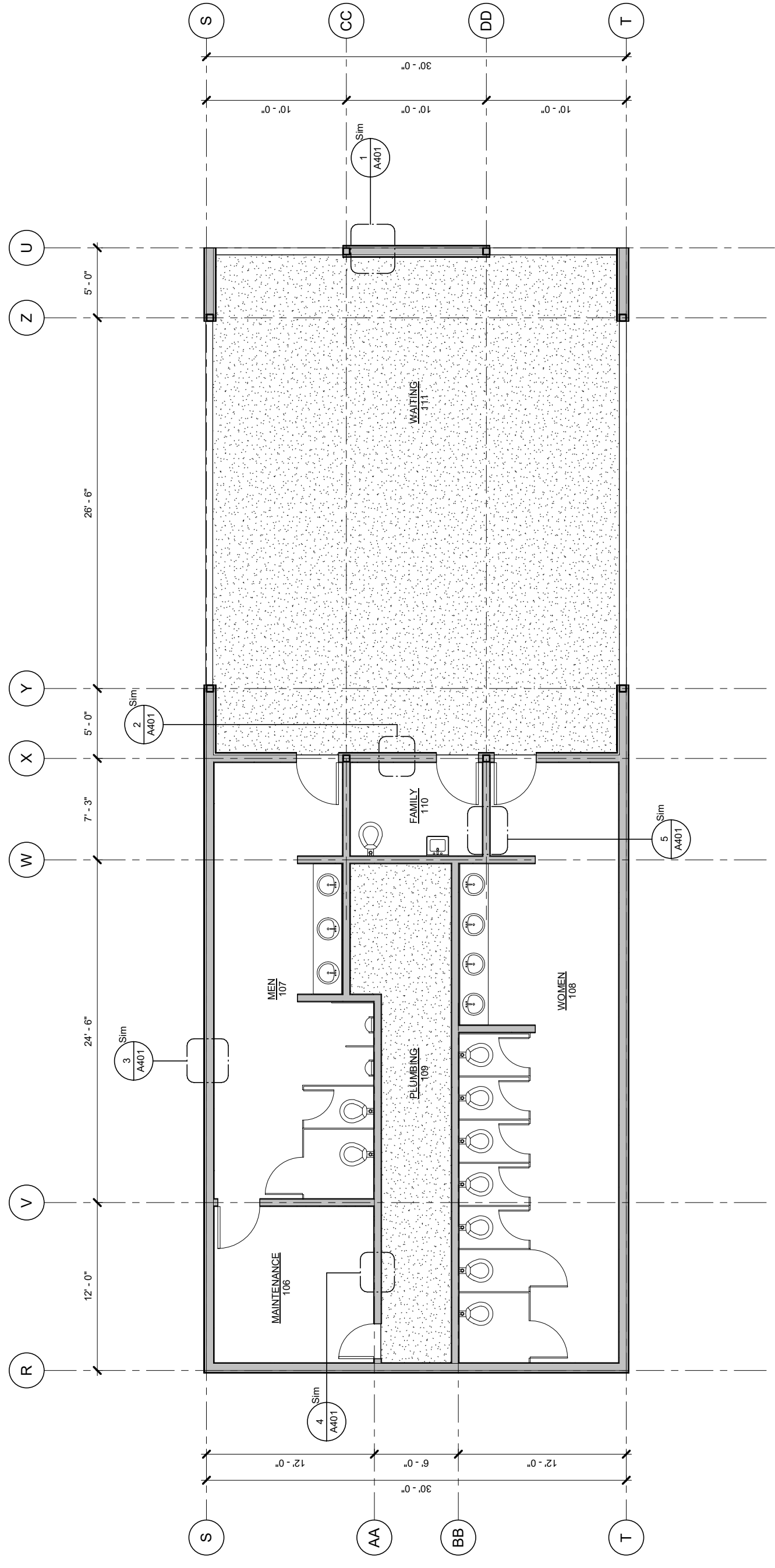
REVISIONS



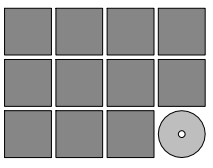
SHEET TITLE  
**FLOOR PLAN  
CONCEPT 2**

DATE: Issue Date  
FILE: 22017

**A202**



**1 FIRST FLOOR PLAN CONCEPT 2**



**Jensen  
Yorba  
Wall Inc.**

522 West 10th Street  
Juneau, Alaska 99801  
907.596.1070  
AECC197  
jensenyorbawall.com

**CITY AND BUREAU OF JUNEAU  
STATER HARBOR  
GATEWAY PHASE 3**

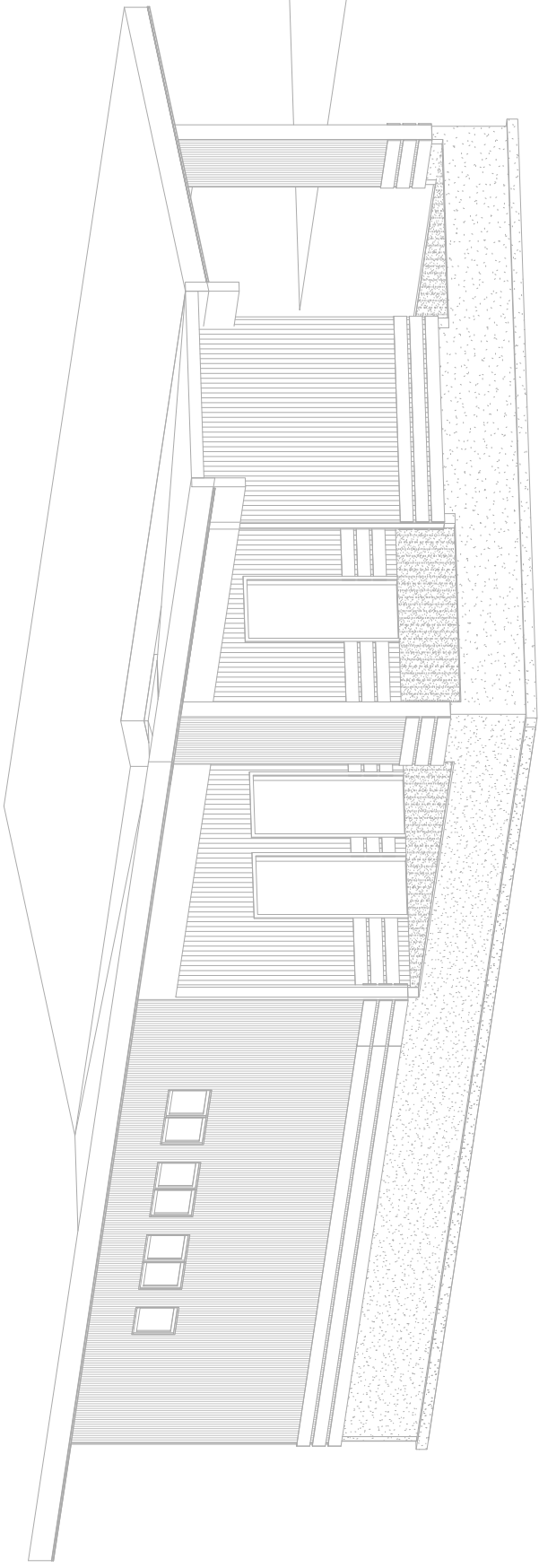
REVISIONS



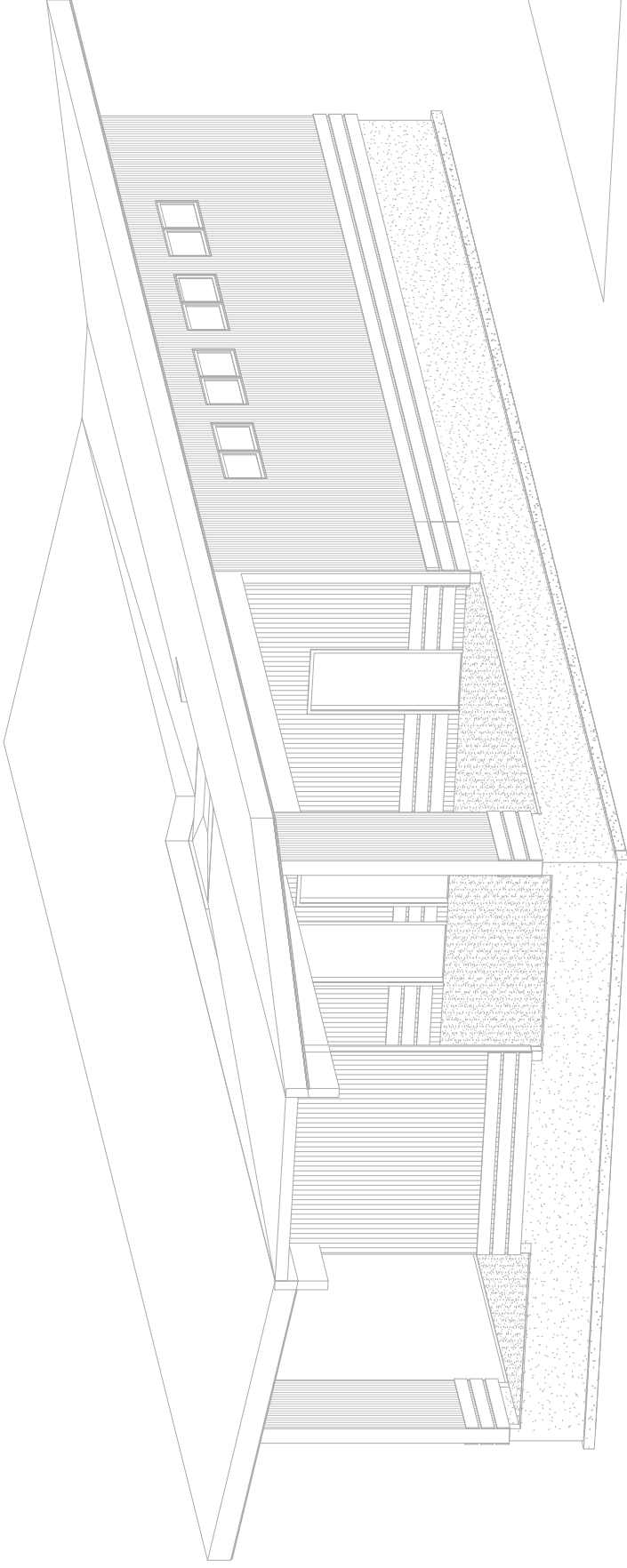
SHEET TITLE  
**CONCEPT 2 3D VIEW**

DATE: Issue Date  
FILE: 22017

**A302**



**1** CONCEPT 2 3D SE



**2** CONCEPT 2 3D NE

Presented by: The Manager  
Introduced: 06/09/2014  
Drafted by: A. G. Mead

**RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2690**

**A Resolution Approving Amendments to the Bylaws of the Board of Directors of Docks and Harbors.**

WHEREAS, the Docks and Harbors Board of Directors is responsible for the administration and management of the Docks and Harbors under general direction of the Assembly; and

WHEREAS, CBJ 40.05.030 provides that the Docks and Harbors Board of Directors shall recommend bylaws for the administration and government of the Docks and Harbors, which bylaws shall become effective upon approval of the Assembly by resolution; and

WHEREAS, the Assembly may accept the bylaws recommended by the Docks and Harbors Board of Directors, may reject such bylaws, or may modify them; and

WHEREAS, at its regular meeting of May 29, 2014, the Docks and Harbors Board of Directors approved certain amendments to the bylaws consistent with CBJ ordinances and forwarded the same to the Assembly; and

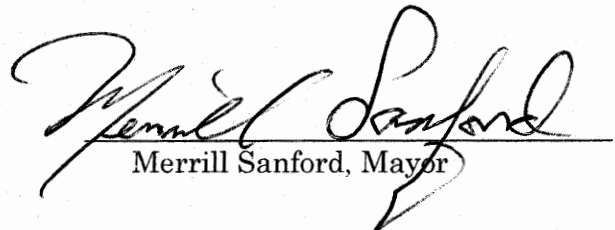
WHEREAS, the Docks and Harbors Board of Directors recommends that the Assembly approve the amended bylaws attached to this resolution.

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

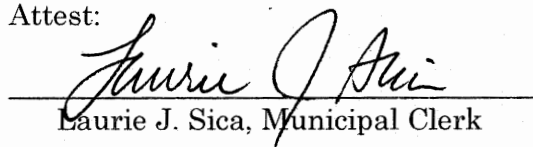
**Section 1.** The Assembly hereby approves the Docks and Harbors Board of Directors Bylaws, dated June 9, 2014, attached as Exhibit A.

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

Adopted this 9<sup>th</sup> day of June, 2014.

  
Merrill Sanford, Mayor

Attest:

  
Laurie J. Sica, Municipal Clerk

**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
BYLAWS**

ARTICLE I. NAME, DUTIES, AND POWERS

1. NAME. The governing body of the City and Borough of Juneau Docks and Harbors shall be known as the City and Borough of Juneau Docks and Harbors Board, hereafter referred to as the Board.
2. DUTIES AND POWERS OF THE BOARD. The duties and powers of the Board regarding the operation of the municipally owned and operated port and harbor facilities are established by Charter Section 3.21 and Chapter 85.02 of the Code of the City and Borough of Juneau.

ARTICLE II. BOARD MEMBERSHIP AND APPOINTMENT

1. NUMBER OF DIRECTORS. The Board shall consist of nine (9) members.
2. APPOINTMENT. All Board members shall be appointed by the City and Borough of Juneau Assembly as provided by Section 85.02.010 of the Code of the City and Borough of Juneau.

A new member shall be seated immediately upon the call of the roll at the first Board meeting after the new member is appointed.

3. TERM OF APPOINTMENT. As provided in Section 85.02.010, Board members shall be appointed for staggered three-year terms and until their successor is appointed. Appointment terms will not violate the conditions set forth in Section 85.02.010.
4. VACANCIES. When the conditions set forth in Section 85.02.030 of the Code of the City and Borough of Juneau occur, the Chair will notify the Clerk's Office that a vacancy exists.

Vacancies on the Board shall be filled by the City and Borough of Juneau Assembly as provided by Section 85.02.030 of the Code of the City and Borough of Juneau and the Assembly Rules of Procedure.

A member filling a vacancy shall be seated immediately upon the call of the roll at the first Board meeting after the new member is appointed.

5. MEMBERS. The duties and responsibilities of the Board members shall be as set forth in Sections 85.02.60, 85.02.63, and 85.02.65.

ARTICLE III. OFFICERS

1. OFFICERS. Officers of the Board shall consist of a Chair, Vice Chair and any other officers as

**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
BYLAWS**

the Board may from time to time deem necessary.

2. ELECTION OF OFFICERS. Officers shall be elected at the annual Board meeting or at such time as offices become vacant.
3. TERM. Each officer shall serve for a term to extend until the next annual Board meeting or until such time as they vacate the office.
4. REMOVAL. Any officer may be removed from his or her office by an affirmative vote of at least six (6) Board members at a meeting called for that purpose or by the Assembly in accordance with CBJ 85.02.030.
5. CHAIR. The Chair shall preside at all Board meetings.

The Chair shall assign tasks to Board members and committees and shall ensure that all business of the Board is carried out.

The Chair shall act as spokesperson for the Board and will have such other duties and responsibilities as delegated to him or her by the Board.

6. VICE CHAIR. The Vice Chair shall act as the Chair in the absence of the Chair.

**ARTICLE IV. COMMITTEES**

1. STANDING COMMITTEES. There shall be the following standing committees of the Board:

- \* Finance
- \* Operations & Planning

The Chair shall appoint each Board member to serve on at least one standing committee. The Board Chair shall serve as a voting member of all standing Committees.

The Chair shall appoint a Board member to serve as the Chair of each standing committee. No Board member shall chair more than one standing committee.

Unless otherwise directed by the Chair, all standing committees will function at the direction of the appointed committee Chair.

2. SPECIAL COMMITTEES. The Board or the Chair may establish special committees to facilitate any Board business.

**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
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The Chair shall appoint two or more Board members and may appoint any individual that is not a member of the Board to serve on any special committee established.

The Chair shall appoint a Board member to serve as the Chair of each special committee.

Unless otherwise directed by the Chair, all special committees will function at the direction of the appointed committee Chair.

A special committee shall serve for a period of time or for the accomplishment of a particular task or tasks as determined by the Chair. No special committee shall serve beyond the annual Board meeting unless reconstituted by the newly elected Chair.

**ARTICLE V. MEETINGS**

1. REGULAR. The Board shall meet at least once each month at a place and time designated by the Chair.

The Board may act on any matter within its authority at a regular or annual Board meeting whether or not such item was identified in the notice of the meeting.

2. ANNUAL. An annual meeting shall be held on the last Thursday of July each year.

The annual Board meeting may be postponed by the Board to a certain day.

At the annual meeting, a Chair, a vice Chair and other such officers as the Board shall deem necessary, shall be elected.

3. EXCUSED ABSENCES. Any absence of a member from a regular Board meeting shall be deemed unexcused unless the member is absent as a result of attending to official business on behalf of the Board, for extenuating medical reasons or for other significant cause, in which case the absence may be deemed excused by the Board Chair.

4. SPECIAL. Special Board meetings may be called at any time by the Chair or any three (3) Board members for good cause, which must be reaffirmed at the beginning of any special meeting.

Only business identified in the notice of the meeting may be transacted at a special Board meeting.

5. COMMITTEE. Committee meetings may be called at any time by a committee Chair or by a majority of the committee's membership.

Any topic or item may be discussed that falls within the purview of the committee's charge as



**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
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determined by the Chair, committee Chair, or a majority of the committee's membership.

6. QUORUM. For all Board meetings, a quorum shall consist of five (5) members in attendance or participating via telephone. For all committee meetings, a quorum shall consist of a minimum of three (3) voting committee members in attendance or participating via telephone.

7. ADJOURNMENT, CONTINUATION, AND POSTPONEMENT OF MEETINGS. If a quorum is not present at a meeting, the Chair or committee Chair may adjourn such meeting to a time and place he or she determines most appropriate; provided that notice of the time and place of the adjourned meeting shall be given to each Board or committee member and the general public at least twenty-four (24) hours prior to such meeting.

If a quorum is present at a meeting, such meeting may be continued or adjourned from day to day and no additional notice of such continuation or adjournment need be given.

8. VOTES. No person other than a Board member is entitled to vote at any Board or committee meeting, except appointed members of special committees within those committees.

Each Board member shall be entitled to one (1) vote. No proxy votes may be used to constitute a quorum, transact business, or otherwise. To register a vote, the Board member must be present at the meeting or participating via telephone at the time the vote is taken.

An affirmative vote of at least five (5) Board members is required for a main motion to pass the Board. An affirmative vote of the majority of committee membership is required for a main motion to pass a committee.

9. ORDER OF BUSINESS. The following order of business shall be observed at all regular, annual, or special Board meetings and committee meetings insofar as practicable or necessary:

- Call to Order
- Calling of the Roll
- Port Director Request's for Agenda Changes
- Public Participation on Non-agenda Items
- Approval of the Previous Meeting Minutes
- Consent Agenda
- Unfinished Business
- New Business
- Items for Information
- Staff, Committee and Member Reports
- Board Administrative Matters
- Adjournment

As the first order of business after the calling of the roll at the annual Board meeting or at the first

**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
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regular or special meeting after an officer vacancy has been recognized by the Board, the Chair, Vice Chair and/or other officers shall be elected.

The Port Director may include under the consent agenda:

- A. Actions to Propose Regulations for Public Comment
- B. Bid awards that have received Committee concurrence
- C. Resolutions
- D. Other items requiring Board action which do not involve substantial public policy questions.

10. BOARD MEETINGS PUBLIC. All Board and committee meetings are open to the public, except that executive sessions may be held in accordance with AS 44.62.310.

11. CONFLICT OF INTEREST. No Board member shall vote or deliberate on any question in which he or she has a conflict of interest as defined by Chapter 01.45 of the Code of the City and Borough of Juneau.

Such a Board member shall not be counted in determining the quorum for such a vote.

12. TELEPHONIC PARTICIPATION.

A. A member may participate via telephone in a Board or Committee meeting, if the member declares that circumstances prevent physical attendance at the meeting. If the Chair chooses to participate by teleconference, the Vice chair shall preside.

B. No more than the first three members notifying the Board secretary regarding telephonic participation in a particular meeting may participate via telephone at any one meeting.

C. The member shall notify the Board secretary, if reasonably practicable, at least four hours in advance of a meeting which the member proposes to attend by telephone and shall provide the physical address of the location, the telephone number, and any available facsimile, email, or other document transmission service.

D. At the meeting, the Board or Committee secretary shall establish a telephone connection when the call to order is imminent.

E. A member participating by telephone shall be counted as present for purposes of quorum, discussion, and voting.

F. The member participating by telephone shall make every effort to participate in the

**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
BYLAWS**

entire meeting. From time to time during the meeting, the presiding officer shall confirm the connection.

G. The member participating by telephone may ask to be recognized by the presiding officer to the same extent as any other member.

H. If the telephone connection cannot be made or is made then lost, the meeting shall commence or continue as scheduled and the Board secretary shall attempt to establish or restore the connection, provided that if the member participating by telephone is necessary to achieve a quorum, the meeting shall be at ease, recess, or adjourn as necessary until the telephone connection is established or restored.

I. Participation by the telephone shall be allowed only for regular, special, or committee meetings of the Board.

J. Any member of the public present with the member participating by telephone shall be allowed to speak to the same extent he/she would if physically present at the meeting.

K. As used in these bylaws, “telephone” means any system for two-way communication.

**ARTICLE VI. PUBLIC HEARINGS, RULES FOR PUBLIC PARTICIPATION, AND APPEALS**

1. PUBLIC HEARINGS AND RULES FOR PUBLIC PARTICIPATION. The Board may hold public hearings in accordance with established City and Borough of Juneau procedures to take public or other testimony on any issue dealing with Board duties or responsibilities. Public testimony will be conducted according to the following rules, which will be available at the meeting:

A. The presiding chair of the meeting will conduct the hearing.

B. The presiding chair will open the hearing by summarizing its purposes and reemphasizing the rules of procedure.

C. The presiding chair may set a time limit for public testimony, for individual speakers, or both if it appears necessary to gain maximum participation and conserve time, and may for the same reason disallow all questions from the Board members to members of the public. A majority of the Board or Committee may extend the time limit. The time limit for individual speakers shall be uniform for all speakers and shall be strictly enforced. Speakers shall not have the right to transfer their unused time to other speakers, but the presiding officer may grant additional time to a person speaking on behalf of a group present at the meeting.

**CITY AND BOROUGH OF JUNEAU  
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D. Citizens will be encouraged to submit written presentations and exhibits. Material submitted to the Port Director's Office more than three business days before a meeting and comprising 10 pages or less will be eligible for copying for that meeting. Material submitted less than three days before a meeting will be distributed by the Port Director at the meeting provided the submission contains at least 15 copies.

E. The presiding officer will set forth the item to be discussed and will rule non-germane comments out of order.

F. All speakers, public, and members of the Board must be recognized by the presiding chair.

G. Members of the public will precede their remarks by stating their names, and unless otherwise allowed by the presiding chair, their place of residence.

H. Members of the Board will be recognized by their surnames.

I. Members of the Board will not direct questions to each other or to the chair during the public participation except as to the conduct of the hearing.

J. Members of the Board may direct questions to a member of the public only to obtain clarification of material presented. The questions may not be argumentative, nor may they have the effect of unreasonably extending the time limit applicable to public speakers.

K. The public may direct questions to the Board or the administration. However, the Chair shall have discretion as to the appropriate manner and time for a response. In no case shall the Board engage in debate with the public.

L. The Port Director may participate in the same manner as members of the Board.

2. APPEALS TO THE BOARD. The Board will, in those instances allowed by the Code of the City and Borough of Juneau and under procedures established by the City and Borough of Juneau, hear and adjudicate public appeals regarding the application of Harbor rules, policies and procedures. The Board will adopt rules of procedure for handling appeals.

**ARTICLE VII. PORT DIRECTOR**

1. PORT DIRECTOR. The Port Director serves at the pleasure of the Board as identified in Section 85.02.080 of the Code of the City and Borough of Juneau.

**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
BYLAWS**

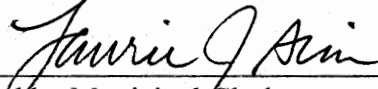
The Port Director shall have the duties and responsibilities identified in Section 85.02.090, 85.02.110, and 85.02.130 of the Code of the City and Borough of Juneau.

**ARTICLE VIII. EFFECTIVE DATE AND AMENDMENTS**

1. **EFFECTIVE DATE OF BYLAWS.** These Bylaws, as amended, are effective June 9th, 2014.
2. **AMENDMENTS.** Any of these Bylaws may be amended by an affirmative vote of six (6) Board members at any regular or special meeting called for and approved by the Assembly.
3. **ADDITIONAL PROVISIONS.** Indemnification of Directors and Officers Each director and officer now or hereafter serving as such, shall be, and by virtue of this Bylaw provision hereby is, indemnified by the City and Borough of Juneau against any and all claims and liabilities to which they, their heirs, and personal representatives, have or shall become subject due to serving or having served as such director or officer, or neglected by them as such director or officer; and the City and Borough of Juneau shall reimburse each such person for all legal expenses (including attorney's fees) reasonably incurred by them in connection with any such claim or liability, provided, however, that no such person shall be indemnified against, or be reimbursed for any expense incurred in connection with, any claim or liability arising out of their own willful misconduct or gross negligence.

The amount paid to any director or officer by way of indemnification shall not exceed their actual, reasonable, and necessary expenses incurred concerning the matter involved. The right of indemnification, herein above provided for, shall not be exclusive of any rights to which any director or officer may otherwise be entitled by law.

Adopted via Resolution No. 2690 this 9th day of June, 2014.

  
\_\_\_\_\_  
Attested by Municipal Clerk

# PORT ENGINEER'S PROJECT STATUS REPORT

Erich Schaal, P.E., Port Engineer

Project	Status	Schedule	Contractor	Notes
<b>Dockside Safety Guardrail</b>				
Design	Hold			Awaiting funding
Bid Opening	Hold			
Board Approval	Hold			
Assembly Approval	Hold			
Construction	Hold			
<b>Marine Park Deckover</b>				
95% Design Review	Complete			
100% Design and Specs	Complete			
Bid Project	Complete			Trucano Construction
D&H Board Approval	Complete			
Assembly Approval	Complete			
Construction	In Progress	October 2022		
Substantial Completion	Hold	March 2023		
Final Completion	Hold	April 2023		
Project Close Out	Hold			
<b>Statter Master Plan Phase III</b>				
<b>Phase III A - Dredging, Blasting, Soil Compaction</b>				
Final Completion	Complete	September 30th		
Project Close Out	Complete			Project closed out
<b>Phase III B - Retaining Wall, Float Installation</b>				
Final Completion	Complete	June 6, 2021		
Project Close Out	Complete			
<b>Phase III C - Uplands, Restrooms</b>				
Eagle Permit	In Progress		Staff	
Design - Bid Documents	In Progress		PND	Restarting Planning and Design
CBJ Building Permit	Hold		Staff	
Construction Bid	Hold		Fall 2022	
Construction	Hold	TBD	Winter 2022/23	

# PORT ENGINEER'S PROJECT STATUS REPORT

Erich Schaal, P.E., Port Engineer

Pre-Bid Conference	Hold			
D&H Board Approval of Bid	Hold			
Assembly Approval of Bid	Hold			
Substantial Completion	Hold	TBD		
Final Completion	Hold	TBD	June 2023	
<b>Downtown Waterfront Improvements</b>				
Phase I - Deck Over	Complete			
<b>Phase II - Visitor Waiting Area and Restrooms</b>				
Design - Bid Documents	Hold	TBD	PND	Working to 65% Plans with cost est
CBJ Building Permit	Hold		Staff	
Construction Bid	Hold		TBD	
D&H Board Approval	Hold			
Assembly Approval	Hold			
Phase II Construction	Hold			
Substantial Completion	Hold			
Final Completion	Hold			
<b>Cruise Ship Dock Electrification Study</b>				
RFP Creation	Complete	May 19, 2020		RFP issued
Consultant Selection	Complete			Haight & Assoc Selected
Fee Negotiations	Complete			
Project Kick Off Meeting	Complete			
Stake Holder Interviews	Complete		H&A	
RAISE Grant 2021 Applications	Complete			Grant successfully submitted
Draft Report	Complete		H&A	
Presentation to Assembly	Complete		H&A	Nov 1 Assembly COW Mtg
Final Report	In Progress	August 2022	H&A	Report Updates
<b>Grant 2022 Applications</b>				
Cruise Berth Electrification	Complete		Staff	
Small Cruise Ship Infrastructure Study	Complete		Staff	
Fishermans Terminal Planning Grant	Complete		Staff	
PIDP Fisheries Terminal Grant	Complete		Staff	
Alaska DOT Harbor Matching Grant	Complete	Due Aug 5	Staff	
EDA Small Cruise Ship Infrastructure 10M	Complete		Staff	

# PORT ENGINEER'S PROJECT STATUS REPORT

Erich Schaal, P.E., Port Engineer

<b>Aurora Harbor Re-Build - Phase III</b>				
Phase IIIA - Demolition				
D&H Staff and Trucano	Complete		D&H	Demo is complete
Phase IIIB - Dredging				
Army Corps of Engineers	Complete	Winter/Spring 2020/2021	ACOE	Dredging complete
Phase IIIC - Float Installation				
ADOT Grant Application	Complete	Aug 16, 2021	Staff	Recived funding from Goveneor
Design	In Progress			
Bid Opening	Hold			
Board Approval	Hold			
Assembly Approval	Hold			
Construction	Hold			
<b>Auke Bay Marine Station</b>				
Annual Report	March		Staff	2020 Report Submitted
Subdivision	Complete		Staff	
Shared Costs with UAS	In Progress		Staff	Awaiting UA response to Amendment #1
<b>Sewage Pump-Out Improvements</b>				
Statter Pump Upgrade	Complete		Staff	Part of SHI III(B)
Harris Pump Replacement	Complete	Aug 27, 2021	Staff	
<b>Douglas Launch Ramp Light Project</b>				
Design	Complete		Staff	
RFP	Hold		Staff	Awaiting funding
Building Permit	Hold		Staff	
Construction	Hold		Staff	
<b>D&amp;H Managed Lands - Surveys</b>				
ASLS 2013-15 - Uplands at Tee Harbor	Hold	2021	TBD	
ATS 1682 -DIPAC-Channel Construction	In Progress	2020	PDC	Field work complete, drafting plat
ATS 1693-DIPAC Wayside Park	In Progress	2020	PDC	Field work complete, drafting plat
ATS 1694-Tee Harbor Submerged Lands	Hold	2021	TBD	
ATS 1692 - N Douglas Boat Ramp	Complete		PDC	Complete
ATS 1690-Indian Cove	Complete		PDC	Complete
S. Franklin Dock Tidelands	In Progress		Staff	Awaiting DNR survey instructions
<b>Wayside Park Float</b>				
Dredging as Float Grounds Out	Hold		Staff	Awaiting 1% Sales Tax Funding
<b>Taku Harbor Shore Float</b>				
Float Replacement	Hold		Staff	Awaiting 1% Sales Tax Funding



# PORT ENGINEER'S PROJECT STATUS REPORT

Erich Schaal, P.E., Port Engineer

<b>N. Douglas Boat Launch Expansion Study</b>				
Conceptual Design	Complete		PND	Awaiting Board direction
<b>Harbor Security Upgrades</b>				
Continued Project Development with Board	In Progress			New cameras in Aurora, Douglas and Harris Harbors
<b>Statter Breakwater Deferred Maintenance</b>				
Continued Project Development with Board	Hold			
<b>Statter Breakwater Safety Improvements</b>				
Phase II	Hold			Awaiting funding
<b>Auke Bay Loading Facility - Phase II</b>				
TIGER Grant Reporting - Annual	On-Going	Sept. 2020	Staff	Report for Boom Truck till 2033; SeaLift till 2044