

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING AGENDA

For Wednesday, July 20th, 2022

CBJ Room 224 and

Via Zoom Meeting - <https://bit.ly/3xWsErK>

Meeting ID: 868 7731 0453

Passcode: 127466

Call In: (253) 215-8782

- I. Call to Order** (at 5:00pm in CBJ Room 224 and via zoom)
 - II. Roll Call** (James Becker, Lacey Derr, Don Etheridge, Paul Grant, David Larkin, Matthew Leither, Annette Smith, Debbie Hart and Mark Ridgway).
 - III. Approval of Agenda**
- MOTION: TO APPROVE THE AGENDA AS PRESENTED OR AMENDED**
- IV. Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total)
 - V. Approval of Wednesday, June 22nd, 2022 Operations/Planning Meetings Minutes**
 - VI. Special Order of Business** – Open Meetings Act Compliance
 - VII. Unfinished Business** - None
 - VIII. New Business**

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

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TBD

- 2. Proposed Change to 05 CBJAC 25.060 - Summer management [Statter Harbor]
Presentation by Harbormaster

Committee Questions

Public Comment

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Committee Discussion/Action

MOTION: TBD

3. Regulation/Ordinance Change
Presentation by the Port Director

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO RECOMMEND THE BOARD COMMENCE THE REQUISITE 21 DAY PUBLIC NOTICE PERIOD WITH PROPOSED REGULATION & ORDINANCE CHANGES.

4. Hansen-Gress Building Improvement Challenges
Presentation by Port Director

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TBD

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

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: 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.

6. Assembly Resolution in support of Juneau District Heating
Presentation by Port Director

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Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO RECOMMEND APPROVAL OF RESOLUTION SUPPORTING THE INFRASTRUCTURE NEEDS OF JUNEAU DISTRICT HEATING ACROSS CBJ CONTROLLED PROPERTIES.

IX. Items for Information/Discussion

1. Goldbelt, Inc Seadrome Development Plan
Presentation by Steve Sahlender, Goldbelt VP of Alaska Group

Committee Discussion/Public Comment

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

Committee Discussion/Public Comment

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

Committee Discussion/Public Comment

4. Preparation for Docks & Harbors Annual Board Meeting (July 28th, 2022)
Presentation by the Port Director

Committee Discussion/Public Comment

X. Staff & Member Reports

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting-**Wednesday, August 17th, 2022**

XII. Adjournment

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OPERATIONS/PLANNING COMMITTEE MEETING MINUTES

For Wednesday, June 22nd, 2022

CBJ Room 224 and
Via Zoom Meeting

I. Call to Order – Ms. Derr called the June 22nd meeting to order at 5:00pm in CBJ Room 224 and via zoom.

II. Roll Call - The following members were in person in CBJ Room 224 or via zoom. James Becker, Lacey Derr, Don Etheridge, Paul Grant, David Larkin, Matthew Leither, and Bob Wostmann.

Absent - Annette Smith, and Mark Ridgway.

Also in Attendance – Mr. Uchytel – Port Director, Mr. Schaal – Port Engineer, Mr. Creswell – Harbormaster, Mr. Norbryhnn – Deputy Harbormaster, and Ms. Larson – Administrative Officer.

III. Approval of Agenda

Mr. Uchytel recommends they discuss action item #2 first under New Business.

MOTION By MR. ETHERIDGE: TO APPROVE THE AGENDA AS AMENDED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

IV. Public Participation on Non-Agenda Items - None

V. Approval of Wednesday, May 18th, 2022 Operations/Planning Meetings Minutes. Hearing no objection, the May 18th 2022 minutes were approved as presented.

VI. Consent Agenda - None

VII. Unfinished Business - None

VIII. New Business

1. Proposed Updated Regulation/Ordinance Changes

Mr. Uchytel proposes using this time as a type of housekeeping. A chance to review and revise current regulations which may be revised. These regulations are what staff have to work within to enforce rules and regulations.

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Harbormaster Creswell prefaces that the current draft is not a final product. Some items are just being renamed, some need to have language cleaned up and some are getting rid of items which are unenforceable by staff.

Ms. Derr starts with storage, and asks if it would include the large vans at Aurora.

Mr. Creswell explains that the parking permit language has been changed. It now states that the lot is for transient vehicles used for transportation to and from the harbor.

Mr. Wostmann ask if sub-rentals and leases are becoming more common in the harbors.

Mr. Creswell says they have been getting hints that it is an option out there. They were in conversation with many other harbors in the state which are encountering the same issue. They have pulled language from other harbors prohibiting such behaviors from happening.

Mr. Grant adds that clear wording stating only the registered owner is entitled to a residence on the vessel.

Mr. Uchytel advises that in some instances there may be a legitimate reason for others such as commercial fisherman crew to be live aboard on the vessels.

Mr. Leither asks if there would be a grandfathered clause for renters currently on vessels in the harbors.

Mr. Creswell confirms he is aware of some cases where tenets are under a long term rental and not an Airbnb type of situation.

Mr. Larkin suggest in section 2 removing the terms “dog and animal” and replacing it with “domesticated animal”. Under section 4 the crane use fees he suggests changing the wording of the last line. He asks regarding section 6 how many people are paying @ \$1 in the parking lots.

Mr. Creswell responds that quite a few are, some customers only need an hour or two of parking.

Mr. Larkin continues with questioning section 7 and the reservation policy. If someone makes a reservation for over 7 days and cannot make it due to no fault of their own can there be wording added to allow for the return of fees.

Mr. Creswell answers that when large spots being reserved far in advance are cancelled at the last minute they are missing out on large amounts of money and messes with the schedule.

Mr. Larkin says he understands.

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Mr. Norbryhn commented sometimes the vessels make reservations at the IVF and at Auke Bay ensuring they have a spot. This helps ensure the money has been made for that spot regardless if they cancel.

Mr. Creswell reiterated that some vessels will reserve and pay the high rate for both spots and then decide to go elsewhere. These vessels do not even bat an eye at the loss of the reservation fee.

Mr. Leither expresses regarding section 6 parking lot fees, he is in favor of removing some of the language since there is no shortage of parking in the winter. He asks if the monthly fee is removed would that cause a rate increase. If so would it have to have public approval and due process.

Mr. Creswell responds that it would go through a public notice period like a rate increase.

Mr. Grant asks about section 5 and what does AS 05.25.055 say?

Mr. Creswell responds that all vessels over 24' must be titled and registered with the State of Alaska. And that the AK number details need to be prominently displayed.

Mr. Grant adds that Docks and Harbors could require having a number or stamp displayed on the rowing shell. He asks if that system has ever been in place.

Mr. Creswell responds no, and that he has not seen a need for that. It is typically for individuals who have painted their boats and have not put the AK numbers back on.

Mr. Wostmann adds that even smaller tenders need to have the AK numbers on them.

Mr. Creswell advises it would make it easier on staff, and that it typically shows that the owner is taking proper care of their property. He has come across boats where registrations have expired 10 years ago.

Mr. Wostmann asks about section 13, he asks why moorage is allowed on non-suitable docks.

Mr. Creswell replies that the unsafe portion of the dock is currently not accessible and is barriered off.

Mr. Uchytel adds that we inherited the National Guard dock. CBJ Engineering is currently negotiating a possible transfer of ownership which will allow the Seawalk to continue. That location is not prime moorage, but there is value in keeping it.

Mr. Wostmann adds that having wording admitting there is an unsafe dock is problematic and that they could incur a liability.

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Mr. Uchytel replied we will remove that wording.

Mr. Grant asks about section 12, what is meant by change language to reflect how we manage winter hot berths by size.

Mr. Norbryhnn replies that many hot berth requests last year were larger than the current stalls. Some boats were as large as 90' so doing the lottery by size is most fair for boats to receive a spot.

Committee Discussion/Public Comment

Ms. Derr thanks Mr. Creswell and his team for the work done.

Mr. Wostmann asks if a motion is needed today.

Mr. Uchytel replies that they will bring it to the board next week. They are then submitted to law for review.

MOTION By MR. ETHERIDGE: That this discussion move to the full board with the requested changes so they may have the full discussion and ask unanimous consent.

Motion passed with no objection.

2. Hansen-Gress Building Improvement Challenges

Mr. Uchytel: Introduced Shannon Crossley from NorthWind Architects, Jeremy Hansen and Tyler Gress of Hansen-Gress. Over the past few months he has brought to the Board various property transaction requests. Hansen-Gress is interested in purchasing the property below their current building. At the last Board meeting Erich Schaal presented information about property line challenges and how that impacts Hansen-Gress' ability to make improvements to their building. Since then, Hansen-Gress has worked with NorthWind to apply to the CBJ Land and Resources Division to purchase CBJ lands; that application is in the packet. Tonight you'll receive a presentation about the proposal and at some point the Board will need to take action on it.

Presentation by Shannon Crossley of North Wind Architects: Hansen-Gress purchased the property in January 2022 from Juneau Electronics. The loan includes financing for improvements on the building, which was built in 1967 and the exterior has had very few updates since that time; they plan to replace windows and siding. It was quickly discovered that improvements to the building are prohibitive due to issues with the property lines. Ms. Crossley overviewed past and current plats, the 'as built' survey, and historic property lines for the Board, which reveal that the side of the building facing the waterfront sits on the property line. They had hoped to develop the building by using the existing structure (e.g. no pilings) and adding a deck and an awning, to first provide a

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temporary area for use by the contractor so he doesn't have to build scaffolding at a huge cost for a temporary structure. Instead, they'd like to build a more permanent work platform that could eventually be turned into a deck for building. The property lines are so close that they prohibit even building an awning across the front of the building; consolidation of the lots will help with this. Awnings must be placed forty inches from the property line, but in this case that's impossible, because the property line goes through the front door of the building. Ms. Crossley refers the Board to application materials in the board packet and provided a description of the current property lines v. the property line change they are hoping to see. How that might relate to the master plan and any future pathways needed to access the sea walk. Hansen-Gress ask that their proposed property line be approved, so that they can purchase the property and consolidate the lots and develop their building.

Committee Questions

Mr. Leither asked for clarification about which portion of the property is leased versus owned.

Mr. Grant asks what's the rationale for 20' versus some other distance.

Ms. Crossley states they need 16' for a 6' deck, because we can't build within 10' of the setback. So we asked for 20' so they would have 10' of buildable space for the building.

Mr. Wostmann says that in earlier discussions they talked about the advantages or disadvantages of leasing and modifying terms of the lease, as opposed to selling the property, and asked why they would prefer one over the other.

Ms. Crossley referred the question to the owners.

Mr. Gress says they understand from the permit office that there is no modification that can be done under the current lease, due to the property lines. They are open to a discussion if anyone has ideas about how the lease can be modified.

Mr. Wostmann notes that the question needs to be posed to the permit office as to why they couldn't modify or create a new lease. He is sympathetic to the need for space so they can fully utilize the building. He notes that the city usually leases CBJ land, as opposed to sell it.

Mr. Schaal says this is an artifact that stems from a building that should never have been built the way the property lines are arranged, which is exactly why they don't issue permits that cross property lines. He refers to similar issues for the downtown boatyard property.

Mr. Wostmann proposes as an alternative, to solve the problem of multiple owners. Perhaps the city should purchase the lot portion that they currently own, make it one lot,

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and then lease it back to them. That would be acceptable to the city, but questions if it would be acceptable to Hansen-Gress.

Mr. Grant asks Mr. Schaal if that rule would rule out variances.

Mr. Schaal says it's a hard and fast rule and that variances will allow you to get permission to be within the 10' set back section for simple things like porches. Over time, variances have gone way down and it's difficult to get a variance these days. When they are issued, say for 10', then a builder should plan on 10.5' to account for things like the thickness of siding – the city is very strict and expects builders to plan ahead.

Ms. Crossley advises those two options are the only conceivable way we can do anything with the property without direct replacement. Without a permit we can replace the windows and siding, but if we want to add a rain screen, or insulation on the exterior of the building, that would not be allowable, because that would mean crossing a property line. There is no variance that can be created to allow us to cross property lines.

Mr. Wostmann asks the property owner if they have a strong preference for one or the other solution. If so, why.

Mr. Gress says they looked closely at both options and that with respect to evaluations there is an interesting challenge. Both are 4000 square foot parcels. Last year the previous owners got an appraisal on this lot prior to raising the lease rate, so there is a really fresh evaluation – their parcel is worth about \$73,000. The other lot is in the appraisal database at \$473,000. So there is an order of magnitude difference in evaluations. In terms of doing deals, this is a small dollar value parcel that they can absorb into the economics – a 4,000 sf building won't generating a ton of cash, but it's doable. A bigger deal would undermine financing; the bank is holding this as collateral so they'd have to refinance at higher rates. He adds the ship has sailed for the economics of this building. If the property gets sold off then we're left with a very old building that they hope to invest in, on no real property. They are trying for permits and the vision is to give this building another 50 years. He says when they made the purchase, the property was an essential backstop for making the financials of the building make sense. The building will eventually have an end of life, but if they own the property he feels they would be left with something of value, which would go away with a lease and create taxation problems this year. They took out a Small Business Administration (SBA) loan that's very complex, but they are willing to work with their proposal – they'd just collateralize it with the property they own, but for the lender this would mean increasing a \$130K loan to about \$500K.

Mr. Grant asks what the remaining lease term are.

Mr. Gress did not have a precise answer, but say's its well beyond the life of the loan and building.

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Ms. Crossley provided the committee additional information and says that Hansen-Gress intends to invest substantial money into the building. She points out that the investment will bring the building up to the quality of the neighbors, Marine Exchange. She adds that maybe the investment will help kick start the sea walk plan. They aren't just replacing windows, but plan to do extensive work on the building.

Mr. Etheridge asked how the building would be used.

Mr. Gress says they are an IT contractor providing support for 80 local businesses. At startup it was just Jeremy Hansen and Tyler Gress, but they have since hired 12 people and they want to provide a beautiful place for them to come to work and be proud of. They envision building a feature that would enhance the future sea walk. They don't envision a building taller than Marine Exchange. Right now about half the building is leasable office space for Hansen-Gress and Marine Exchange.

Mr. Grant asks if there are commitments they'd be willing to make, as part of the transaction, with regard to the future development of that strip. For instance an easement for the sea walk.

Mr. Gress says they'd be delighted to build something like that into the sales agreement.

Mr. Becker notes that there is already a plan in place for "Norway Point to Bridge Park" and asks if this would impact that project.

Mr. Uchtyl says that this should be complementary to that plan.

Mr. Grant asks and receives clarification from Mr. Gress on the property lines shown in the proposal.

Mr. Gress says that they want to square up the property both for design purposes and to be in compliance with the rules on property lines. There is Forest Service land on one side, so the proposal doesn't include that side.

Mr. Grant asks the distance to the Marine Exchange building.

Mr. Gress says that there is a warehouse between them that belongs to US Fish & Wildlife and provides access for the MEDEIA to their dock. He estimates the distance to be 60-80 feet.

Mr. Leither expressed that water front property is very valuable. Has there been consideration about purchasing the 15 ft. needed? Which allows the bank to hold collateral and they could move forward with the renovations as it is all under one lease.

Mr. Gress responds that he has not explored that option. He would need to reach out to the bank.

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Mr. Grant asked if they have considered the economics of purchasing the lease hold.

Mr. Gress confirms that is what is in the current proposal.

Ms. Crossley adds that most of the building is built on pilings. Some of the property is on land and some sits in the water.

Mr. Gress adds that the tideland is valued lower than the rest of the area.

Mr. Grant asks if new pilings will need to be constructed.

Mr. Gress answers they will not need new pilings.

Ms. Crossley mentions that the additional 20' allows for a 10' sea walk which additional pilings may be needed for.

Mr. Gress adds the dimension of the lines are worth an additional discussion.

Mr. Grant asks if there are any existing conflicts with the Fish and Game dock. Would this be removing any dock space.

Mr. Gress replies that yes that has been considered and there is enough space for Fish and Game and no it would not be removing any dock space.

Public Comment -NONE

Committee Discussion/Action

Mr. Wostmann expresses this is a worthwhile project. Though the city prefers not to sell land, in this case there should be an exception as it is justified. He is in favor of recommending the project and sell the land as requested.

Mr. Becker mentions there may be a second bridge built at some point.

Mr. Larkin does not see a great public value to keeping this lot of land.

Mr. Leither agrees with the support of selling the piece of land.

Ms. Derr agrees with the sell. She asks if the funds would come to CBJ for other projects.

Mr. Uchytel advises that Land Management would be informed that the funds do belong to Docks and Harbors.

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Mr. Grant adds that this is a historical screw up and that if they do not fix it now the problem will continue to persist. He agrees the issue should be fixed now.

Mr. Etheridge advises moving the proposal to the next full board meeting for further discussion.

Mr. Grant asks for conceptual images on what the additional water front plans may be.

MOTION By MR. ETHERIDGE: TO MOVE THE PROPOSAL TO THE NEXT FULL BOARD MEETING FOR FURTHER DISCUSSION AND ASK UNANIMOUS CONSENT.

Motion passes

IX. Items for Information/Discussion

1. Proposed Correspondence to UA Office of Land Management regarding UAS Property-

Mr. Uchytel advises the city would like to purchase land from UAS. The University of Alaska - Board of Regents will meet in Juneau early September and they will take this up as an action item. The UA Lands Management Office will be collecting public comments. Mr. Uchytel drafted a letter sent to UA President Pat Pitney expressing interest in purchasing the property which is critical to managing the land at and around Harris Harbor. Mr. Uchytel asks the board for feedback or direction. It will be due June 27, 2022.

Committee Discussion -

Mr. Becker mentions the drive down dock at Auke Bay is used by many vessels and not just commercial fisher boats. He adds that could be added to the request.

Mr. Wostmann suggests changing the word “reminder” to “remainder” in paragraph 3.

Mr. Etheridge adds it is a great idea and that they should let the university know from many directions that it is being supported. The board does need to include their two cents, not knowing what opposition is out there.

Mr. Wostmann agrees with Mr. Etheridge and adds that each board member should sign the letter.

Ms. Derr asks if anyone has reached out to Mr. Duvernay for public comment.

Mr. Etheridge replies, yes.

Mr. Grant asks if there are any other parties which should be recruited to comment.

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Mr. Etheridge replies that some fishermen may write letters and that he has reached out to various boat yard users to get a response to this matter.

Ms. Derr asks if anyone has reached out to the United Fisherman of Alaska.

Mr. Etheridge replies that he has not, but there has been talk of it. There is a new Executive Director who they may want to reach out to.

Mr. Uchytel agrees that the Board should sign the letter, and he wants to coordinate the execution of that by Monday.

Mr. Wostmann suggests setting up electronic signatures.

Mr. Uchytel says he can do that or have everyone present sign.

Mr. Grant asks if they pass the motion now would that solve the issue so the member names can be added after.

Mr. Uchytel says he can add each members name with the Board's permission.

Mr. Wostmann adds he can have his office set it up via DocuSign for a personalized touch.

Mr. Uchytel confirms that the language used is what the Board would like to convey. He requests an answer by the next day.

Mr. Wostmann and Ms. Derr agree to move forward with the current letter.

Public Comment - None

X. Staff & Member Reports

Mr. Uchytel says Mr. Schaal has been coordinating with AEL&P and Juneau Commission on Sustainability for a tour on July 5th, to show how ships connect to shore power at the Franklin Dock. The department has been criticized that the process takes an hour. He advises any board members who want to watch add their names to the list via Mr. Schaal.

Mr. Schaal say it will be July 5th at 8 am. Kirby Day needs specific information on individuals attending. The process of connecting a ship to shore power will be show cased.

Mr. Becker asks how soon do Board members need to let Mr. Schaal know they would like to attend.

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Mr. Schaal advises he will need to know a couple of days in advance.

Mr. Uchytel mentions Statter Harbor Phase IIIC Uplands Project. There may be more than \$3M which would include paving, curbs, gutters, bathrooms and a covered waiting area. The bathrooms and covered waiting area would be worked on first. The project has now been broken up into Phase IIIC and IIID. He asks if the Board would like to weigh in. The original estimate was \$1.8M but it is now coming in around \$2.5M. The estimates are over what originally thought. The Capital budget for \$2M for Aurora Harbor is waiting on the Governor action. If it moves forward they will have \$4M for the proposed project, the Board will be asked what to do with the money. The 1% sales tax is still under negotiation with the City Manager. The Assembly currently has the package with all proposed projects. The Assembly is expected to rank the order of the projects and a meeting will be held next Monday. Something will need to be produced for action by August. There will be a Finance Sub-Committee meetings held in July.

Mr. Wostmann adds he will not be able to chair or attend the meeting held on the final Thursday in July.

Mr. Uchytel says yes Mr. Wostmann will be off the Board by the end of the month.

Mr. Uchytel says he has been working with HDR regarding the rate study on the short comings on the report. Mr. Schaal has been working on a recapitalization plan. For example, looking at Douglas Harbor when will each float need to be replaced. Each were built at different times.

Mr. Uchytel adds that the public is asking what capacity the cruise ships are sailing. During the first 5 weeks they were sailing at about 64% but are beginning to have larger capacities. He suspects that Juneau will see 1.2M passengers by the end of the season. The tour operators are doing well.

Mr. Grant asks what the normal occupancy rate was pre-covid.

Mr. Uchytel responds he thinks they were sailing closer to 100% but is not sure.

Mr. Larkin asks Mr. Creswell if things are going well with the additional staff members a screening measures.

Mr. Creswell replies that he is happy all benefitted positions are now full and that the operation is close to fully staffed at the port. The staff has finally found a rhythm and the operation is much smoother. There are only a few vacancies, Harbor Technicians and Admin Assistants.

Mr. Uchytel ask that Mr. Creswell elaborate on Mr. Baird leaving.

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Mr. Creswell adds that Mr. Baird the Admin Assistant III is leaving due to moving to Oregon. They are currently interviewing strong applicants to fill his position. He adds the Seabourn Odyssey has 6 turns this season. This requires that the team do 100% of the screening of baggage and people. It changes the operation because they have to operate as a cruise ship terminal which includes a lot more security measures. The process is labor intensive and logistically challenging. Mr. Creswell adds that the crew handled it all very well. He has been in meetings with CLAA and Marine Exchange to review options on how to make the operation better.

Mr. Uchytel adds that staff is having to screen through every piece of luggage without x-ray technology. The staff is also under the scrutiny of the U. S. Coast Guard.

Mr. Wostmann asks if the department got the heads up on this required operation and if so is the department charging extra for the service.

Mr. Creswell responds that they did get the heads up and that they are charging for the extra staff time at the hourly staff rate.

Mr. Larkin asks what an x-ray machine costs.

Mr. Creswell says that the Customs & Border Protection has turned down many x-ray machines over the past few years because Juneau did not need one. He has asked, that moving forward, they not turn a request down so we can work together to get a passenger fee money request for training operation and storage.

Mr. Larkin asks if the department gets a choice in this process?

Mr. Creswell responds that the ship scheduling is complicated and that it was supposed to begin in 2020. Without the new shelters they would not be able to turn these ships.

Mr. Larkin adds if a larger vessel wanted to do a turn in Juneau, can they make them do it.

Mr. Creswell replies the discussion has been had, but ships will not allow that to happen because there is not enough flight or berthing capacity in Juneau to allow for it.

Mr. Larkin asks for an update on the 10 day rule.

Mr. Norbryhnn replies that it has turned into a nightmare for him to enforce. Many boats have been waiting on parts like wiring harnesses for over a year. Some are receptive and communicative on the issue. He did send a round of warning tickets and may begin writing real tickets starting next week for those who are not communicative.

Mr. Larkin thanks him for the comments. He mentions that some people are moving their boats and it sounds like the only people being penalized are those who are choosing to

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not follow the rule. He adds that Mr. Wostmann has done a great job with the CIP adjustment.

Mr. Schaal adds that the department got a \$100K grant for the sewer pumps in Harris and Statter. They came in under budget so the extra funds will move over to Statter. There may be an additional \$9.5K sent over from Valdez to help with the Statter projects as well. It does require a Board and an Assembly approval process.

Ms. Derr adds that she was out at Taku Harbor for the Memorial Weekend and the repairs were welcomed and well used.

XII. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting-**Wednesday, July 20th, 2022**

XIII. Adjournment – The meeting adjourned at 6:42pm.

From: [Paul Grant](#)
To: [Harbor Board](#)
Cc: [Carl Uchytel](#); [Don Etheridge](#); [Matthew Creswell](#); [Benjamin Brown](#); [Erich Schaal](#); [Christine Woll](#); [Teena Larson](#)
Subject: Hansen-Gress Project
Date: Friday, July 1, 2022 11:57:44 AM

Hello, Colleagues,

I'm writing to update my thoughts on where we stand with the H-G building renovation project. Knowing that this likely falls within our board deliberations process I am asking that staff include this email in the Board packet for the next meeting at which the topic is considered.

I have reviewed CBJ 85.02.063, which Mr. Brown summarized for us in his June 30th memo. It is worth reading the full text of some of the provisions. In no particular order, I note the following:

- a. After public hearing and deliberation, the docks and harbors board shall draft and forward to the planning commission and assembly a land management plan. The plan shall address the retention, use, disposal, and development of City and Borough land under the jurisdiction of the docks and harbors board. (85.02.063 (a), emphasis added)

While this mandate appears to have been adopted in 2004, as Carl informed us, we have not done any of these things. This language is mandatory – “shall” means that we have to do it, unless Mr. Brown has a different view. I question whether, legally speaking, we even have the power to authorize the disposal of CBJ waterfront tidelands until we have complied with this provision. I am sympathetic to the view that we do not want to hold up development while we undertake an extensive plan-development process, and the lord knows I personally have no stomach for sitting through such a process, but the law says what it says.

I also note the following language in section 85.02.063 (b):

- b. Development of the land management plan, or a change to the plan, shall be guided by the following principles:

.....

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

To me, this is a crystal clear statement that the public policy of the CBJ dictates that we should deny this request. In addition to this broad policy mandate

prohibiting the sale, I also do not believe the project is “water-dependent” or for “water-related uses”. Housing an IT firm’s employees is not “water-related” or “water-dependent” in my view.

CBJ 08.02.063 (c) contains 11 criteria to be considered in how Docks and Harbors should manage, buy, sell, or lease publicly owned lands. A number of those criteria are at play here, but we have not thoroughly explored them. For example, “(4), restrictions created by written instruments, zoning, and state and federal regulations” has been raised by the developers. Apparently CBJ building officials may be unwilling to allow variances, which would be a simple way for the project to proceed without violating the “no sale of tidelands” policy. This has to be thoroughly explored. Also, public access issues are not resolved in relation to the SeaWalk and other development, should we be successful in obtaining the UAS property. (sec. 9). How this fits in with overall development of the area is not resolved (sec.3-5).

What I am not sympathetic with is the developers’ view that their inability to get other departments of the CBJ to give them permission to develop a non-conforming project is a valid reason for us to abdicate our responsibility to keep public tidelands in public ownership. They purchased the property with full knowledge that they were getting a building that sat partially on leased CBJ tidelands. They knew about the restrictions on sale of public tidelands, which were adopted in 2004, long before they purchased. They are now asking us to relieve them of some of the burdens that business decision carries with it. Not coincidentally, they seem to be asking for us to create a unified parcel of extremely valuable private land (upon which they could later build any structure they wanted) for the bargain basement price of \$74,000. I am not willing to do that.

To put this another way, I believe that our mandate to preserve CBJ tidelands is equally as important as whatever mandate the Community Development Department feels that it has to deny variance requests in this situation. I am not willing to concede that their mandate is more important than ours.

Which brings me to my final, related point. This morning’s KINY news contained the following snippet:

“In other board news, Port Director Carl Uchytel said a presentation regarding the Hansen-Gress Building on Harbor Way was tabled, with direction for him to take the matter back to Community

Development Department officials to advance building plans.” I hope Carl was misquoted. It certainly was not the intent of my Motion to Table this item to give our staff directions to help the developer “advance building plans”. It was my intention for the staff do some fact finding to assist the Board’s deliberations, by interacting with Community Development colleagues to find out what constraints they have placed on this development. I assume staff shares my interest in finding out what our legal obligations are with respect to disposing of tidelands. So, as I said, I hope it was not Carl’s intention to assist the developers “to advance building plans”.

Regards,

Paul

Paul H. Grant
313 Coleman Street
Juneau, Alaska 99801
paul@paulgrantjuneau.com
(907) 586-2701

85.02.063 Land management plan.

- (a) ~~After public hearing and deliberation, T~~the docks and harbors board shall be guided by the draft and forward to the planning commission and assembly a CBJ land management plan. The plan ~~shall address~~es 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 CBJ land management plan shall be developed ~~using the same procedure by the docks and harbors board.~~
- (b) ~~Development of Following~~ the CBJ land management plan, or ~~a change~~s to the plan, shall be guided by the following principles:
 - (1) Multiple use should be encouraged;
 - (2) A sound local economy will be promoted;
 - (3) Adequate lands for public development and public use, including recreational beaches with appropriate uplands, should be reserved;
 - (4) Tidelands should be leased only for specific water-dependent and water-related uses and not sold;
- (c) ~~In developing the land management plan to implement the policies outlined in this section In determining disposition of docks and harbors managed properties,~~ the following issues, without limitation, shall be considered:
 - (1) The supply of publicly owned lands to meet public needs;
 - (2) The supply of privately owned lands to meet the private-sector needs of the community;
 - (3) The comprehensive plan, the long-term capital improvements program, and other plans adopted by the assembly;
 - (4) Restrictions created by written instruments, zoning, and state and federal regulations;
 - (5) Physical, economic, resource, population and social factors affecting the area under consideration;
 - (6) Comments of the general public, affected landowners, state and federal agencies and local advisory groups;
 - (7) Ownership patterns and waterfront development plans of private landowners and state and federal agencies;
 - (8) The development and growth patterns and potentials of different areas of the City and Borough and waterfront services that may be needed as a result of that development and growth;
 - (9) The requirements of public access to and along public and navigable bodies of water;
 - (10) The protection of other public values including recreational, scenic, wildlife, and other environmental qualities; and
 - (11) Other matters which are relevant to a land use management plan.
- (d) The plan shall contain the following elements:
 - (1) Proposed land acquisitions;
 - (2) A listing of those lands to be retained for public use;
- (e) The plan shall be reviewed by the Docks and Harbors Board ~~and the Planning Commission~~ if a major unanticipated development affecting basic assumptions occurs, and in any case at least every five years.

-
- (f) Any lease, disposal, or use of land shall conform to the Long Range Waterfront Plan, the land management plan adopted above, ~~Juneau Coastal Management Plan~~, and all other adopted City and Borough land use plans.
- (g) Upon receipt of a land management plan or a change recommended by the Docks and Harbors Board and Planning Commission, the assembly shall consider the plan, or change, and may adopt the plan or change only after it conducts a public hearing on the matter.

(Serial No. 2004-03b, § 2, 3-9-2004)

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 for at least six consecutive hours.

Vessels which do not clear the facility within 10 days shall be accessed the daily fee in accordance with 05 CBJAC 20.070. 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.

(Amended 3-14-2005, eff. 5-27-2005; Amended 12-11-2006, eff. 5-1-2007)

05 CBJAC 25.070 Daily moorage zones.

The Harbormaster shall have the discretion to establish a daily moorage zone within any harbor facility at any time of year. The Harbormaster shall assess the daily moorage fee as set out in 05 CBJAC 20.030 to each owner mooring a vessel in the daily zone. The daily moorage zone is intended for active vessels and, unless directed by the Harbormaster in accordance with written procedures established under this regulation, is available on a first-come, first-serve basis.

(Amended 3-14-2005, eff. 5-27-2005; Amended 12-11-2006, eff. 5-1-2007)

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. Exceptions to this rule may be made on a case-by-case basis with prior Harbormaster approval. 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: The Manager
Presented:
Drafted by: B. Brown

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-39

An Ordinance Amending Boat Harbor Regulations Relating to Vessel Identification and Prohibited Acts within the Boat Harbor.

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 Identification, is amended to read:

85.25.020 Identification.

If federal 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 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.

1
2 **Section 3. Amendment of Section.** CBJC 85.25.090 Prohibited acts, is amended to
3 read:

4 **85.25.090 Prohibited acts.**

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

7 ...

8
9 (7) To allow or permit any ~~dog or~~ domesticated animal to be tethered or restrained to any part
10 of a float, or to permit any ~~dog~~ domesticated animal to urinate or defecate on the floats. In the
11 event that a domesticated animal defecates on any of the floats or any other place within the
12 boat harbor, the person responsible for the domesticated animal must immediately clean up and
13 dispose of the animal waste in a proper trash receptacle. All domesticated animals must be
14 leashed in such a manner that the person responsible for the domesticated animal is able to
15 maintain positive control of it while on the floats, docks, or any other place within the boat
16 harbor. Only the dogs of owners of boats legally moored in the harbor, or the dogs of the guests
17 of such boat owners, shall be permitted on the floats, but then only when on a leash and for
18 such minimum time as is necessary to go between the boat and shore.

19 ...

20
21
22 **Section 4. Effective Date.** This ordinance shall be effective 30 days after its adoption.

23 Adopted this _____ day of _____, 2022.

24
25

Beth A. Weldon, Mayor

Attest:

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Elizabeth J. McEwen, Municipal Clerk



(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.

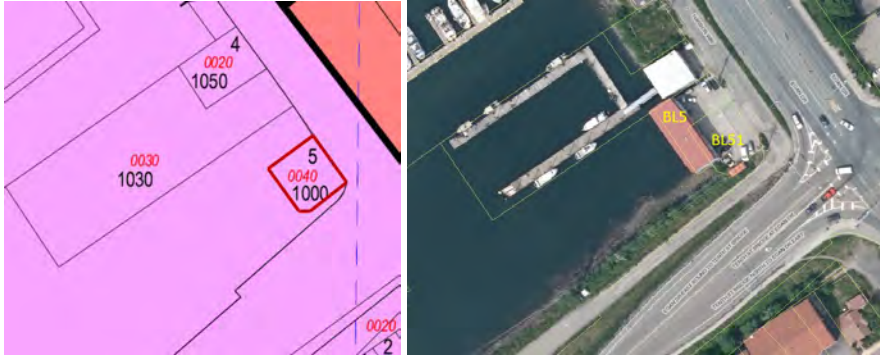
Name	Title	Email address
Carl Uchytl	Port Director	Carl.Uchytl@juneau.org
Erich Schaal	Port Engineer	Erich.Schaal@juneau.org
David Matthew Peterson	Planning	David.Peterson@juneau.org
Tyler Gress	Property Owner	tyler@hansengress.com
Matt Herrick	Contractor	matt@levelconstruction.com
Shannon Crossley	Architect	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.

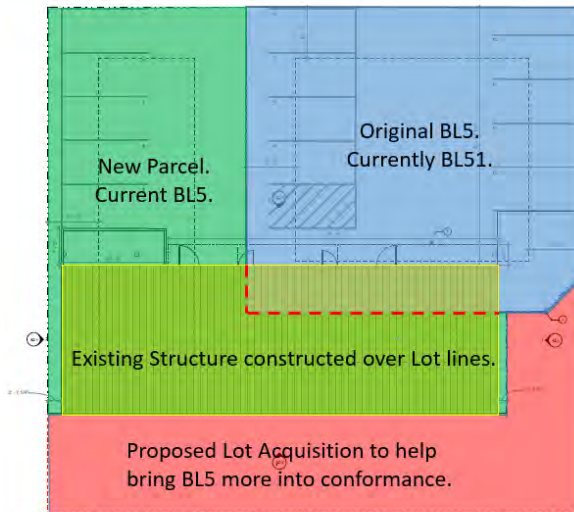
A Warranty Deed from 2010 shows the transfer of Lot 5 (Block 51), from Peter and Mary Bernstein to Harbor Lights Enterprises LLC. Prior to this sale, Block 51 was known as Block 5. It is unclear how Block 5 was platted.



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.

Submit your Completed Application

You may submit your application(s) online via email to 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

Attachments:



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

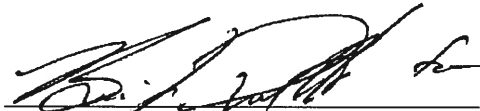


Carl J Uchytel
Port Director

9/13/2019

Date

ALASKA DEPARTMENT OF FISH AND GAME



David Rutz
Division of Sport Fish

10.14.19

Date

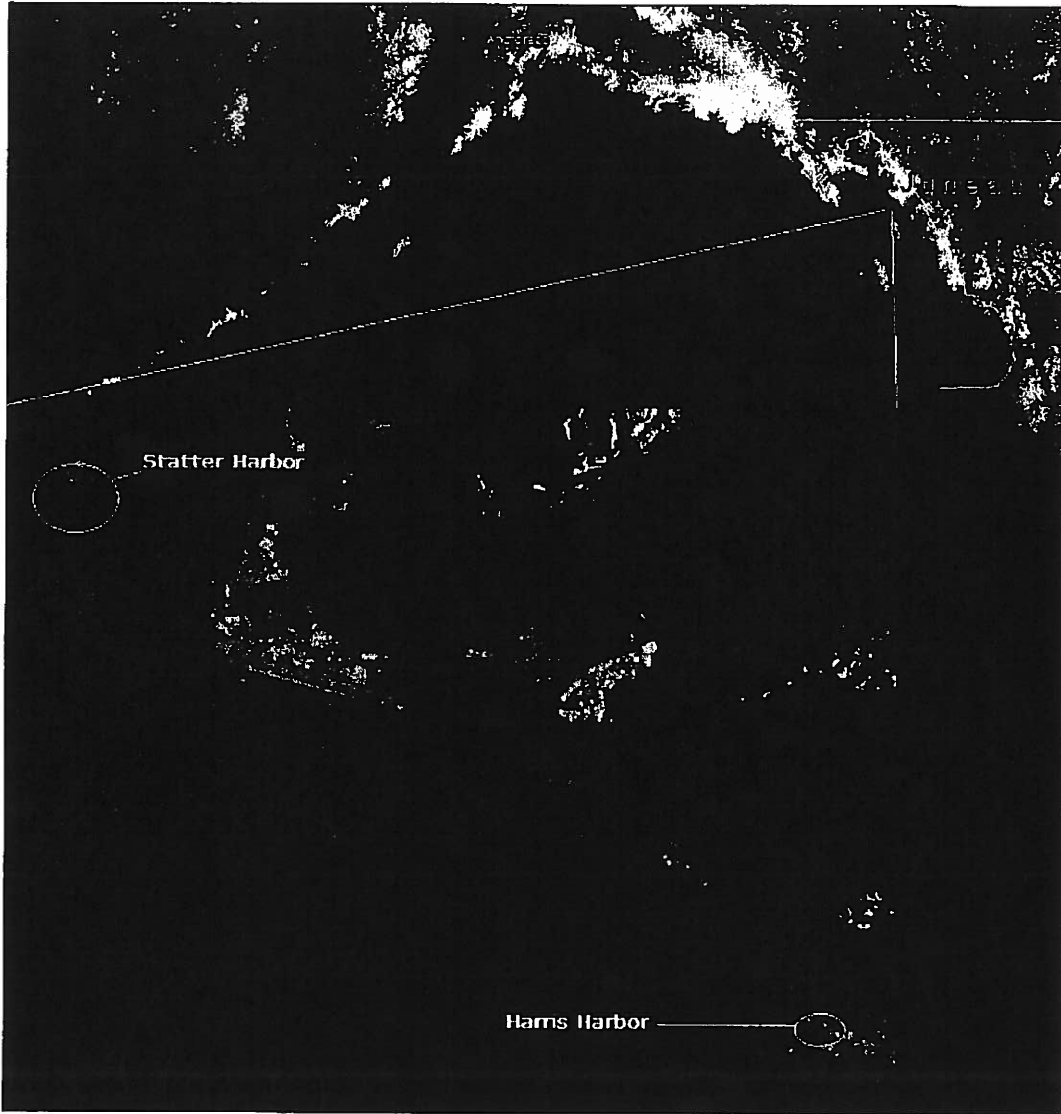


Samantha Gatton, Deputy Director
Division of Administrative Services

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

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 20th, 2022

Re: RESOLUTION SUPPORTING JUNEAU DISTRICT HEATING

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



RESOLUTION 29_{xx}

A RESOLUTION OF THE CITY & BOROUGH OF JUNEAU SUPPORTING THE OPERATIONAL NEEDS OF THE JUNEAU DISTRICT HEATING IN THE DOWNTOWN VICINITY.

Whereas, in 2017 the parent company of 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 be for zero carbon emissions, 100% renewable energy where the heat source is entirely from Gastineau Channel and which will displace diesel boilers thus lowering operating costs to downtown building facilities; and

Whereas, the City and Borough of Juneau Comprehensive Plan, Climate Action Plan and Juneau Renewal Energy Strategy all remark on the fact 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 over several years and has developed conceptual plans to access through the downtown NOAA Dock & 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 & Borough of Juneau; and

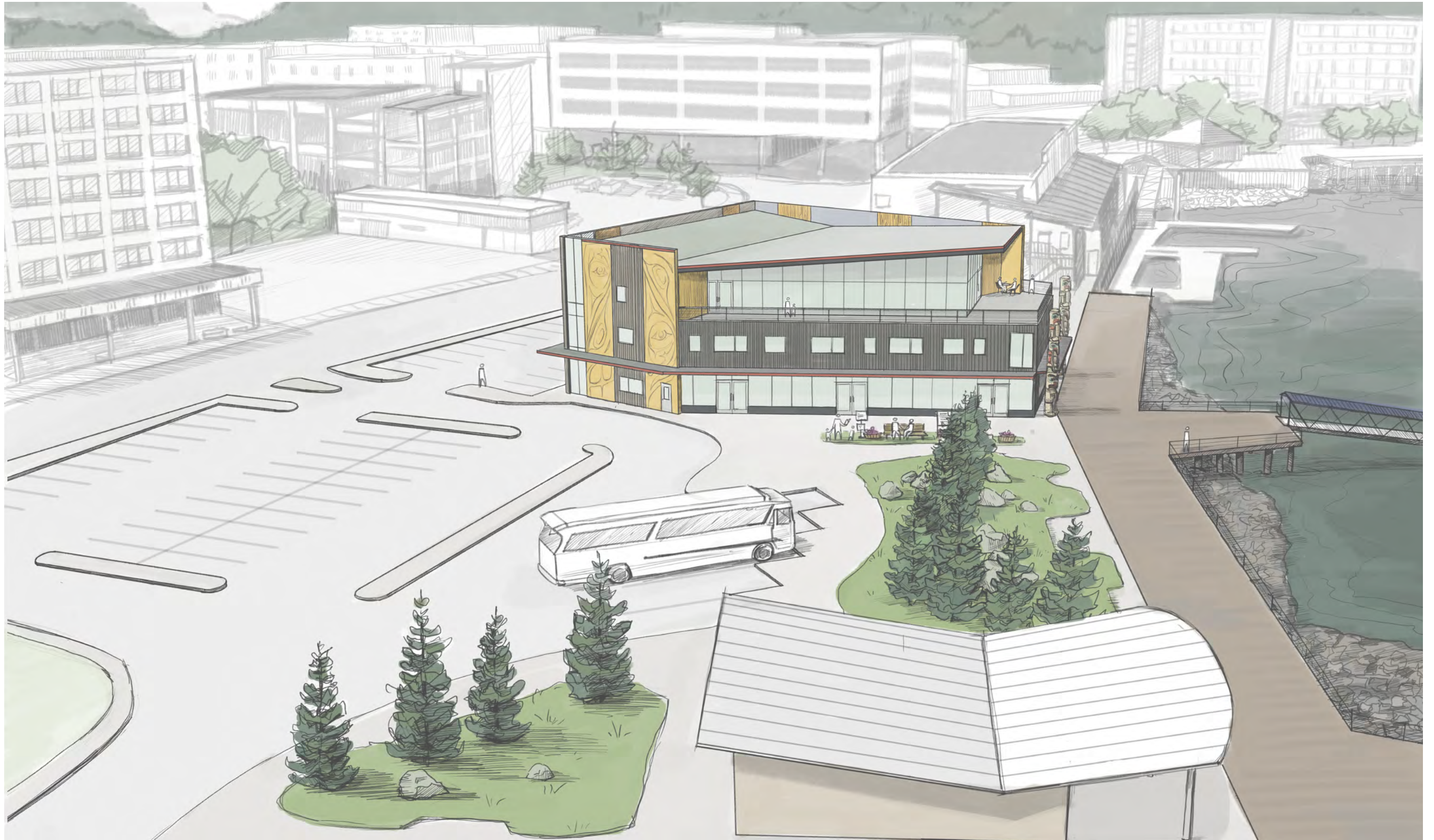
Whereas, in March 2016 the City & Borough of Juneau Assembly signaled their strong support to the vision of the Juneau District Heating.

Now therefore be it resolved that the City & Borough of Juneau continues to strongly support the Juneau Heating District 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.

Beth Weldon, Mayor

ATTEST:

Elizabeth McEwen



OVERALL LONG RANGE SMALL CRUISE CONCEPT RENDERING

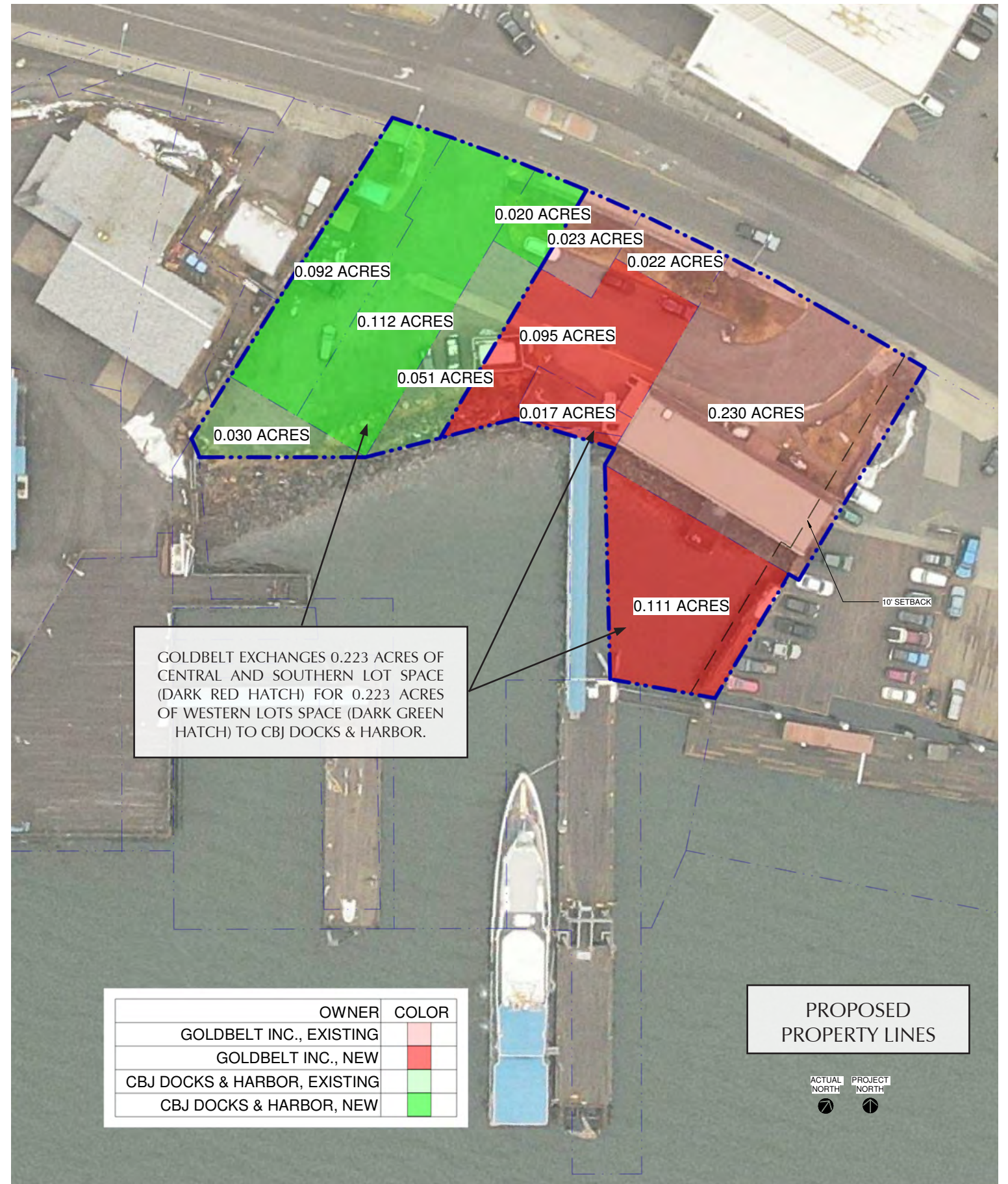
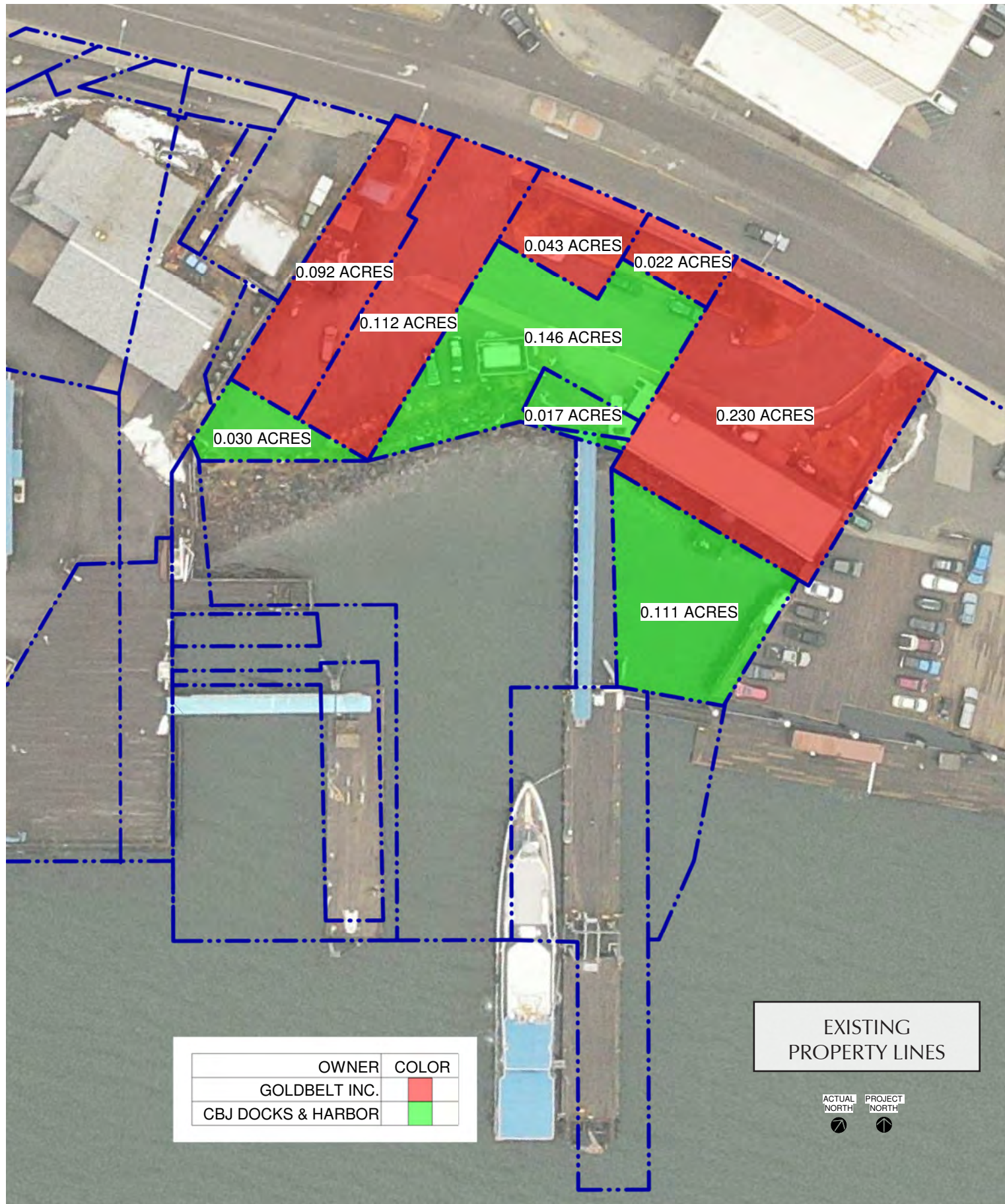
- CBJ Docks and Harbors and Goldbelt have the opportunity to create a new Small Cruise Ship Terminal, as recommended in the PND analysis of 2021.
- The first step is an even land exchange between Goldbelt and the CBJ to create more useful and unified property for both parties.
- Improved property configurations support a workable terminal now with existing dock and upland staging, while supporting future expansion for a second CBJ dock, seawalk, and expanded parking.
- Goldbelt will rebuild the Seadrome building on an expanded site, establishing an iconic Alaskan Native facility on the waterfront to support visitors better.

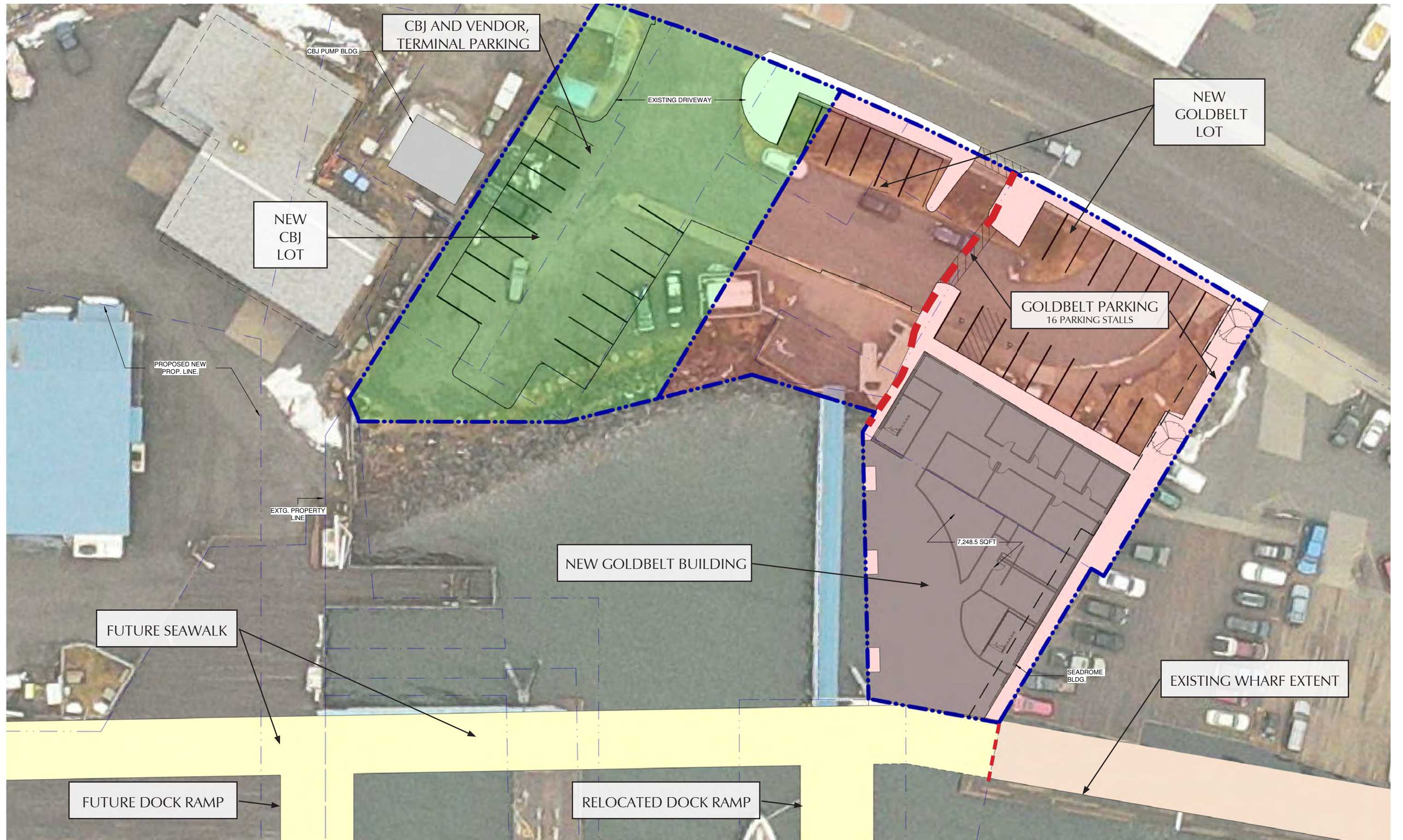


ACTIONS:

1. An equal property exchange is made to optimize CBJ and Goldbelt lots, and the consolidated properties are replatted.
2. The existing Goldbelt Dock is transferred to CBJ Ownership, and reconstructed further seaward to align with the future Seawalk location.
3. Goldbelt demolishes the existing Seadrome Building and builds an improved facility closer to the water on the new consolidated Goldbelt property.
4. The existing uplands are modified into expanded parking and staging for the Small Cruise Ship dock, with a portion dedicated to Goldbelt building parking.





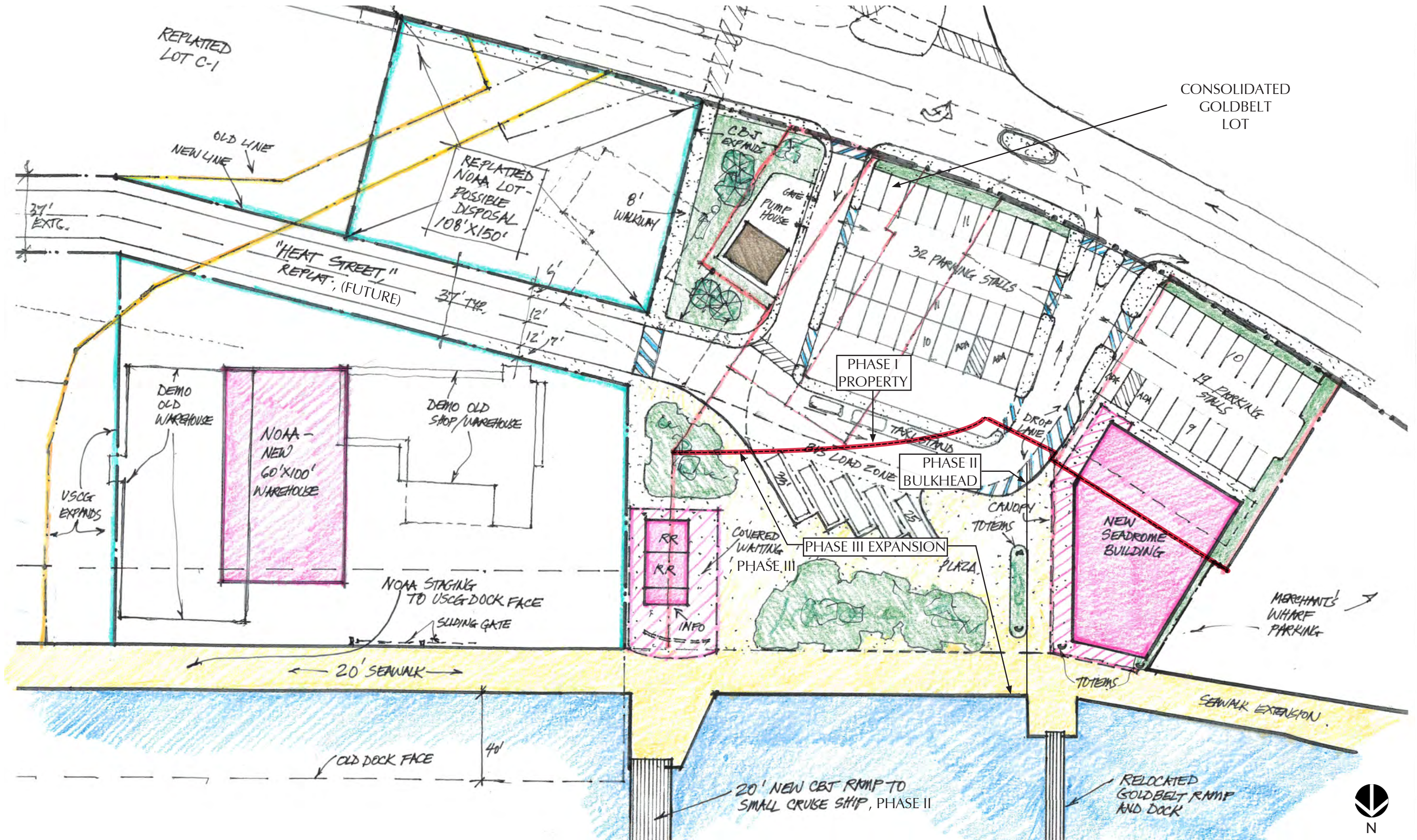


The Site works for Current Needs – Dock and Uplands can provide parking and bus staging needed for the small cruise ship dock and Goldbelt operations from existing property.

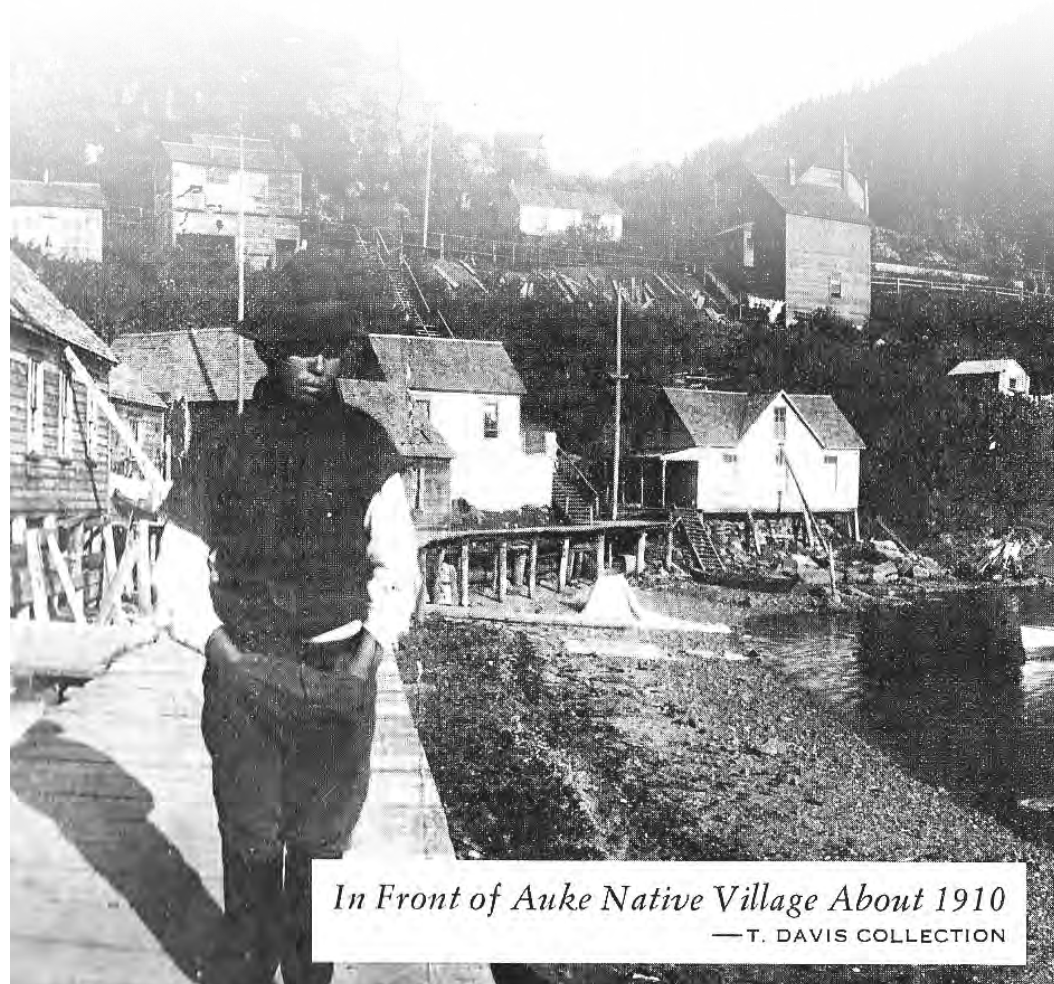
Future Improvements Can Be Added Efficiently – Seawalk construction and upland fill expansion work well to meet Master Plan recommendations

- Future Upland Expansion will provide more parking, improved bus staging, and significant recreational landscaped areas adjoining the Seawalk.
- A second CBJ Small Cruise Ship Dock is supported by the expanded bus staging and parking.



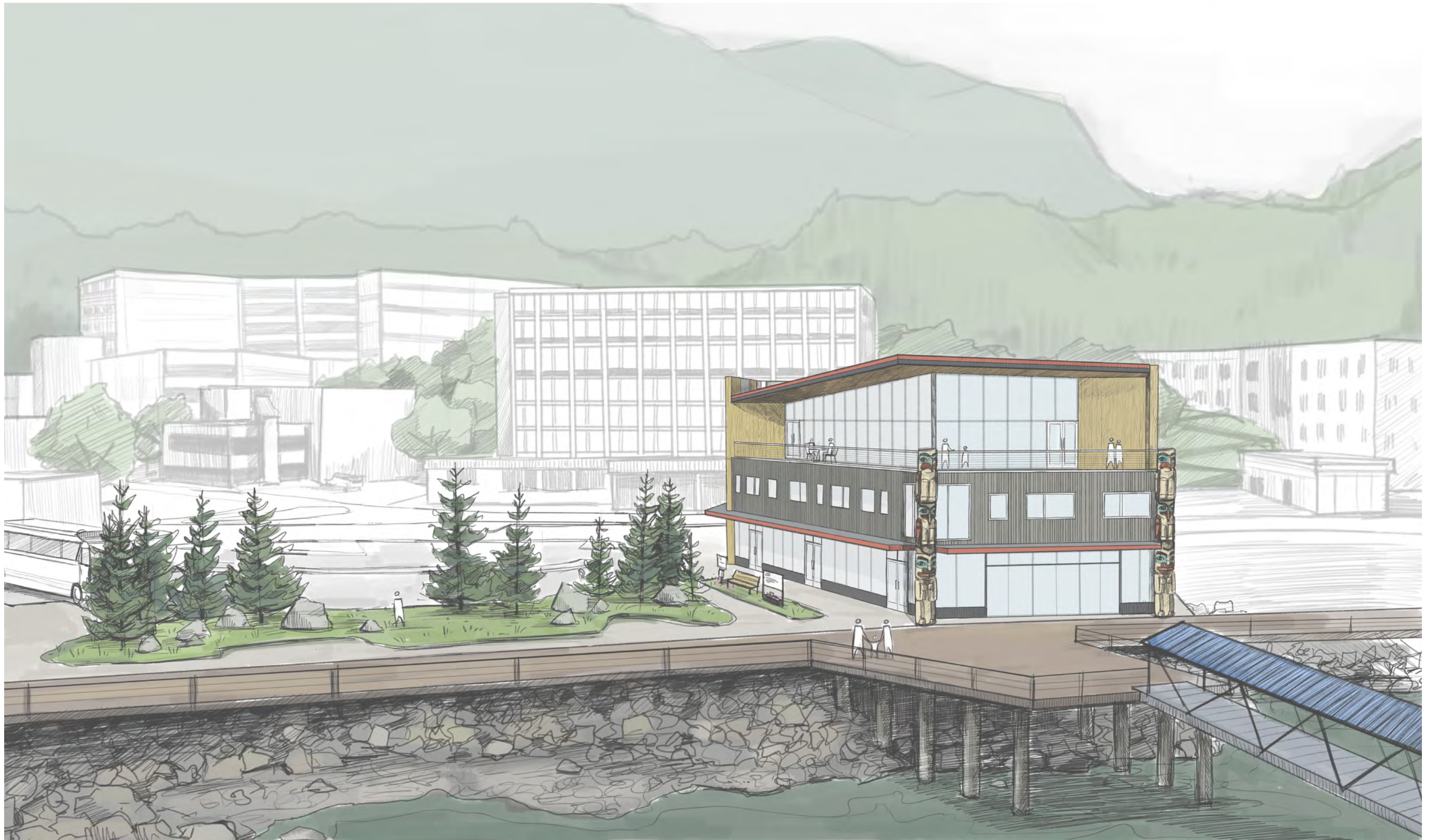


- Goldbelt and our partnering Alaska Native entities represent the First People of this land, and care deeply about this land.
- The new Goldbelt Building will be a cultural centerpiece, with prominent Alaska Native art celebrated on all sides of the building, providing a unique avenue to display local culture, educate our visitors, and help build a strong and vibrant community.
- The new Building will provide the first Alaska Native art visible on approach by ship, creating a beautiful arrival point to Juneau, while providing cultural identity and pride for Goldbelt shareholders and residents.



In Front of Auke Native Village About 1910
— T. DAVIS COLLECTION





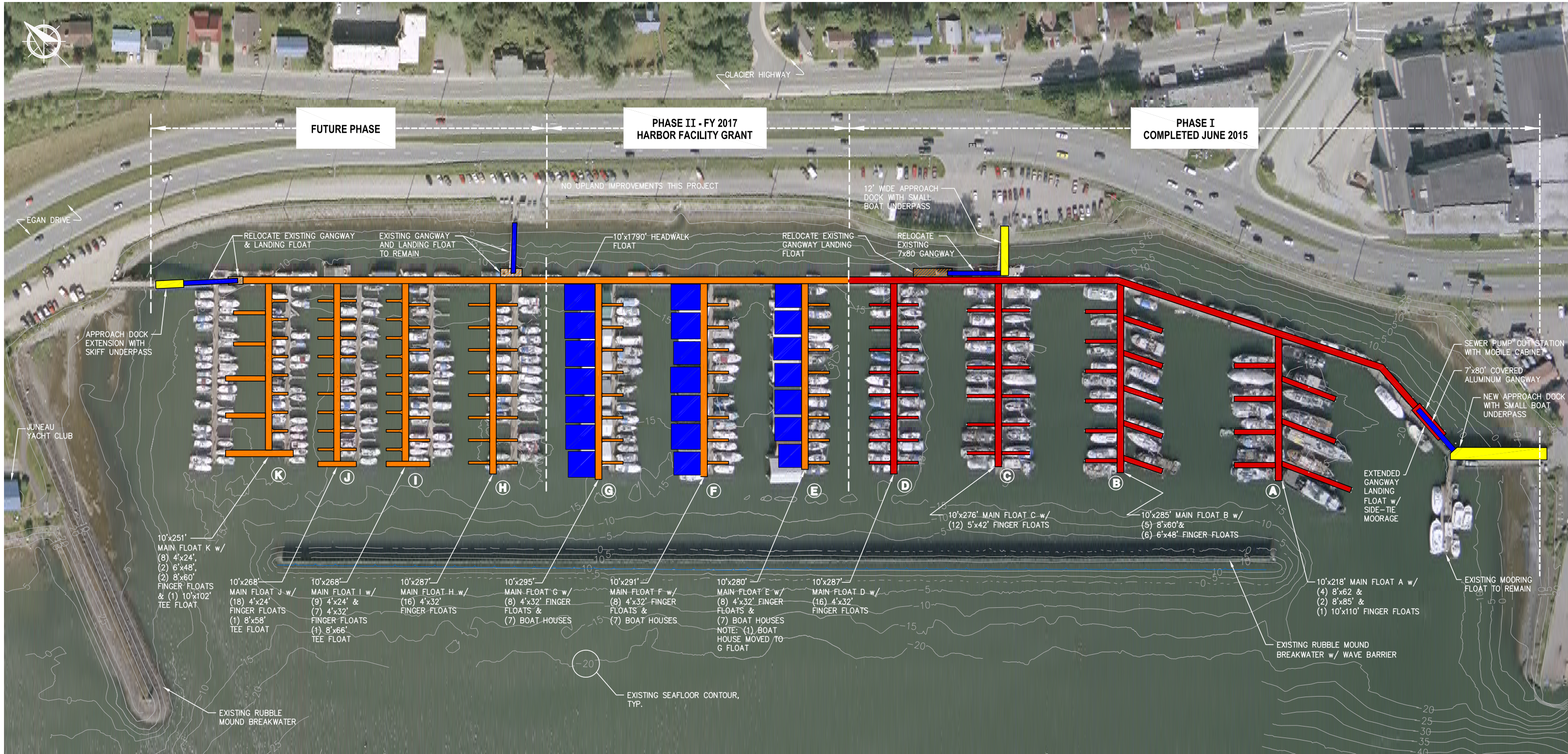
- The improved Small Cruise Ship Terminal will provide an ideal arrival point for the City and Borough of Juneau, with links to the Seawalk, the Áak'w Kwáan District, the SLAM, expanded Centennial Hall, hotels, and shopping.
- The new Goldbelt Building will provide improved services for visitors and community on the first floor, with an attractive mix of offices and amenities, such as a restaurant, on the upper levels.
- Visitors to a small cruise ship terminal owned and operated by Goldbelt will receive an education and an experience worthy of a world-class destination.
- Future upland improvements will reduce the traffic impact on the downtown core, with quick access from Egan Drive, and a link via Heat Street to accommodate traffic leaving downtown.





Aurora Harbor Phase III & IV Design Update

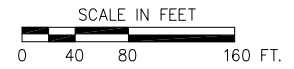




MOORAGE FLOAT SUMMARY		
SLIP LENGTH	EXISTING CAPACITY	PROPOSED CAPACITY
24 FT	184	75
32 FT	125	135
COVERED MOORAGE (42' TO 45')	42	42
42 FT	39	26
48 FT	0	18
60 FT - 63 FT	20	27
85 FT	7	5
100 - 110 FT	0	3

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

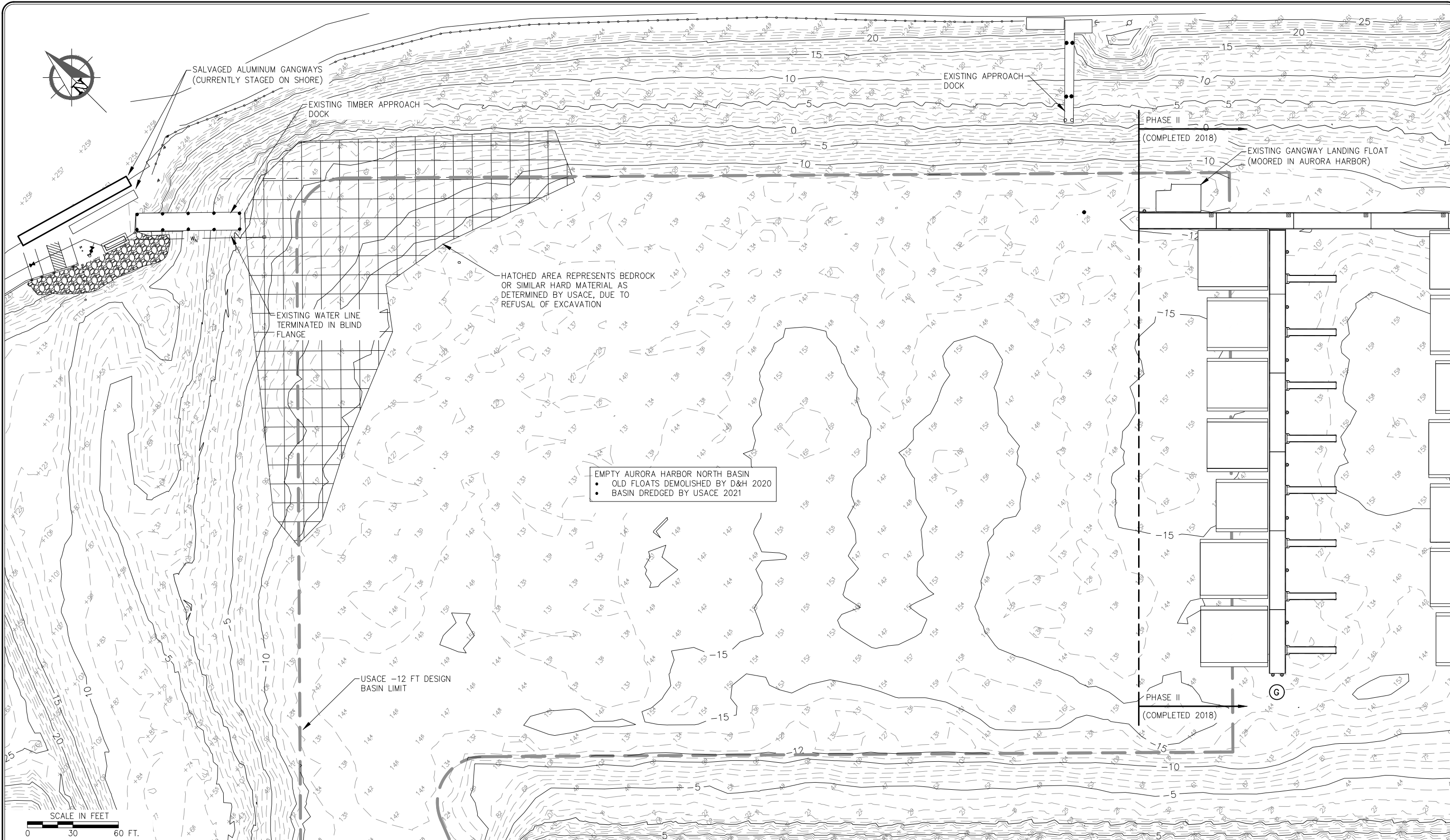
SHEET TITLE: **MASTER PLAN**

DATE: 7/2015 PND PROJECT NO.: 152046

1



SCALE IN FEET
0 30 60 FT.

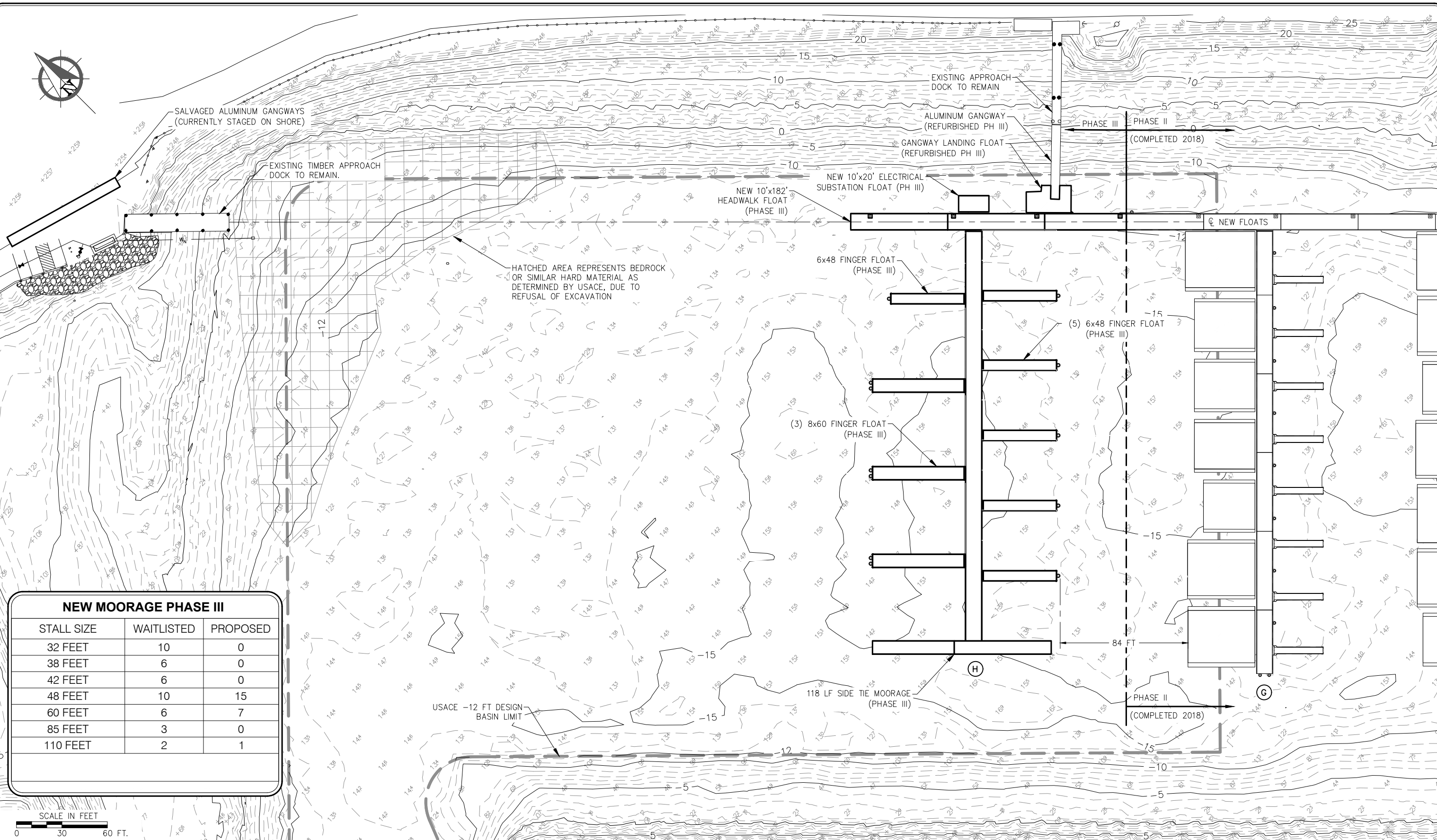


REVISIONS					
REV	DATE	DESCRIPTION	DWN	CHK	APP

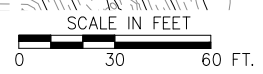
CITY AND BOROUGH OF JUNEAU
DOCKS & HARBORS DEPT.
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801
PHONE: 907-586-0292

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



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

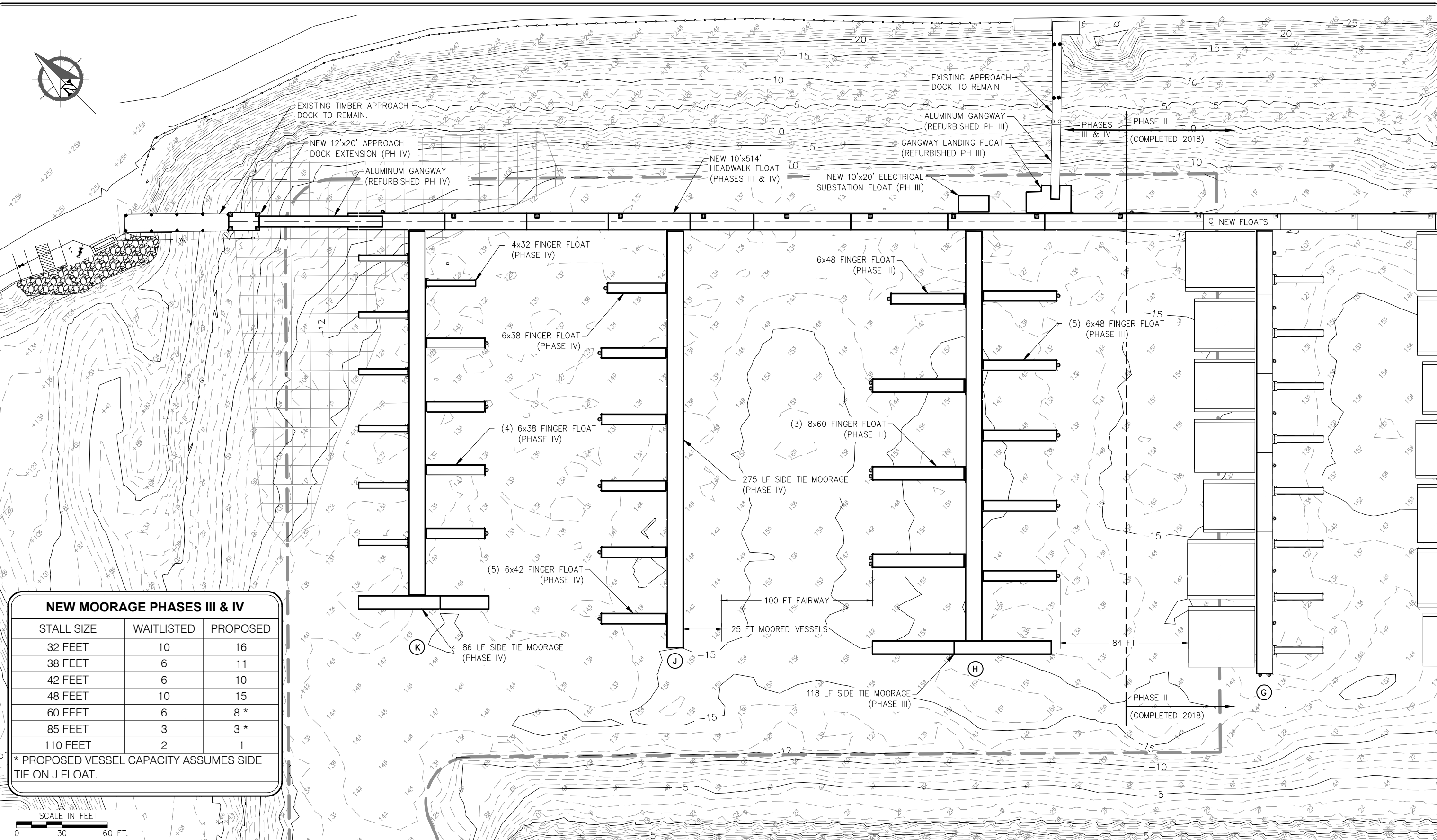
CITY AND BOROUGH OF JUNEAU
DOCKS & HARBORS DEPT.
 155 SOUTH SEWARD STREET
 JUNEAU, ALASKA 99801
 PHONE: 907-586-0292

DRAFT

PHASE III SITE PLAN

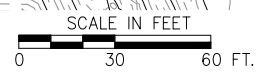
AURORA HARBOR CONCEPTS - PHASES III AND IV

DESIGN: MS	DATE: JULY 1, 2022	2
CHECKED: ES	CONTRACT NO. DH23-XXXX	
APPROVED: CU	FILE NO. XXXX	



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



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

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

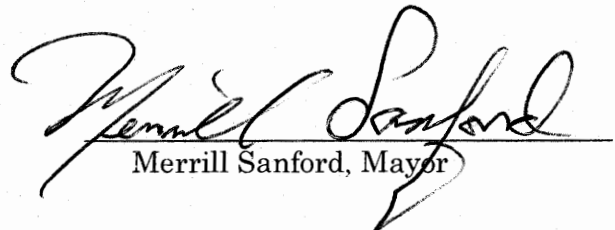
WHEREAS, the Docks and Harbors Board of Directors recommends that the Assembly approve the amended bylaws attached to this resolution.

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

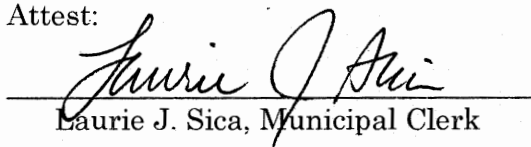
Section 1. The Assembly hereby approves the Docks and Harbors Board of Directors Bylaws, dated June 9, 2014, attached as Exhibit A.

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

Adopted this 9th 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

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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.

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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

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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

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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

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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.

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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.

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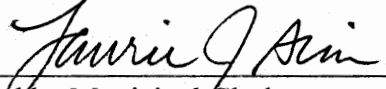
The Port Director shall have the duties and responsibilities identified in Section 85.02.090, 85.02.110, and 85.02.130 of the Code of the City and Borough of Juneau.

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