



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

DATE: May 11, 2017
TO: Planning Commission
FROM: Jill Maclean, AICP Senior Planner
Community Development Department

FILE NO.: AME2017 0008 and 0009

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

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

ATTACHMENTS

- Attachment A – Public Notification for AME2017 0008 and 0009
- Attachment B – Ordinance Language ADOD for Downtown Juneau
- Attachment C – Ordinance Language ADOD for Downtown Douglas
- Attachment D – Map of ADOD for Downtown Juneau, dated May 10, 2017
- Attachment E – Map of ADOD for Downtown Douglas, dated May 10, 2017

DISCUSSION

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

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

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

development projects. The proposed Alternative Development Overlay District provides flexibility to permit new residential development, or the expansion, repair, or restoration of existing residential development.

PURPOSE

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

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

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

SUNSET PROVISION

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

1. AME2017 0008 Downtown Juneau:
 - a. The Alternative Development Overlay District Downtown Juneau sunsets in 24 months from the date of adoption. Downtown Juneau is slated for an area plan/strategy over the next two years, and the ADOD supports this process and timeframe.

2. AME2017 0009 Downtown Douglas:
 - a. The Alternative Development Overlay District Downtown Douglas sunsets in 36 months from the date of adoption. Downtown Douglas area planning is further in the future, thus the ADOD for Douglas is given a longer timeframe to better support the needs of the property owners in the interim.

PROPOSED BOUNDARIES

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

2. AME2017 0009 Downtown Douglas

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

COMPLIANCE WITH THE COMPREHENSIVE PLAN

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

Chapter 3: Principles for Creating Livable Mixed Use Communities.

Design on a Human Scale

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

Provide Choices

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

Adapt to Urban Centers

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

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

Chapter 3 – Community Form

Policy 3.2: TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE BOUNDARY AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

Standard Operating Procedure

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

Chapter 4 – Housing

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

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

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

Implementing Action

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

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

Development Guideline

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

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

Chapter 10 – Land Use

Policy 10.2: TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

Implementing Action

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

POLICY 10.3: TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

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

Implementing Action

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

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

Guidelines and Considerations for Subarea 6:

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

COMPLIANCE WITH TITLE 49

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

FINDINGS

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

RECOMMENDATIONS

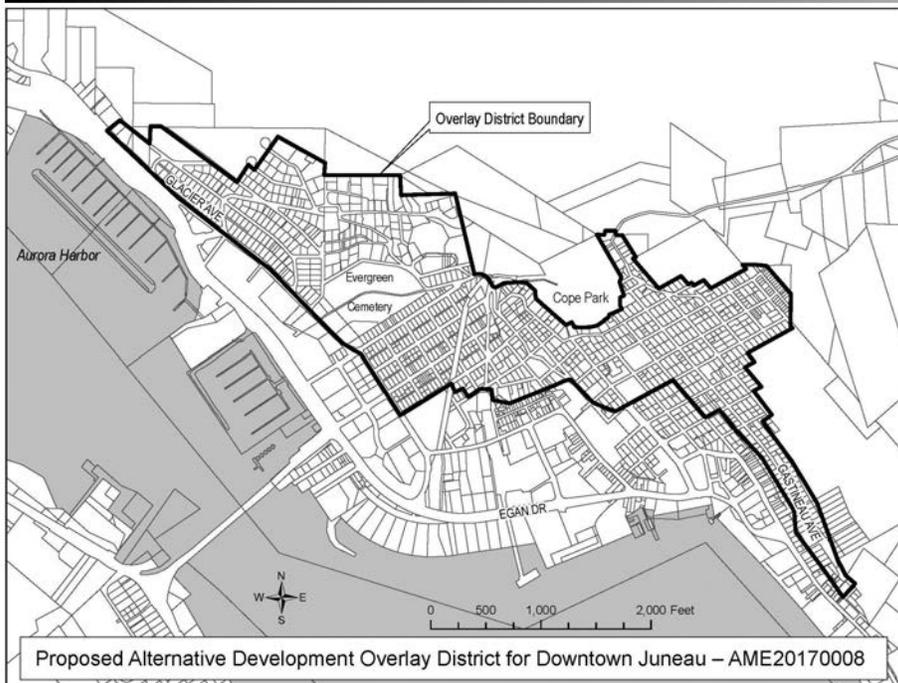
AME2017 0008 DOWNTOWN JUNEAU STAFF RECOMMENDATION

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

AME2017 0009 DOWNTOWN DOUGLAS STAFF RECOMMENDATION

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

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

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

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

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

PLEASE NOTE:

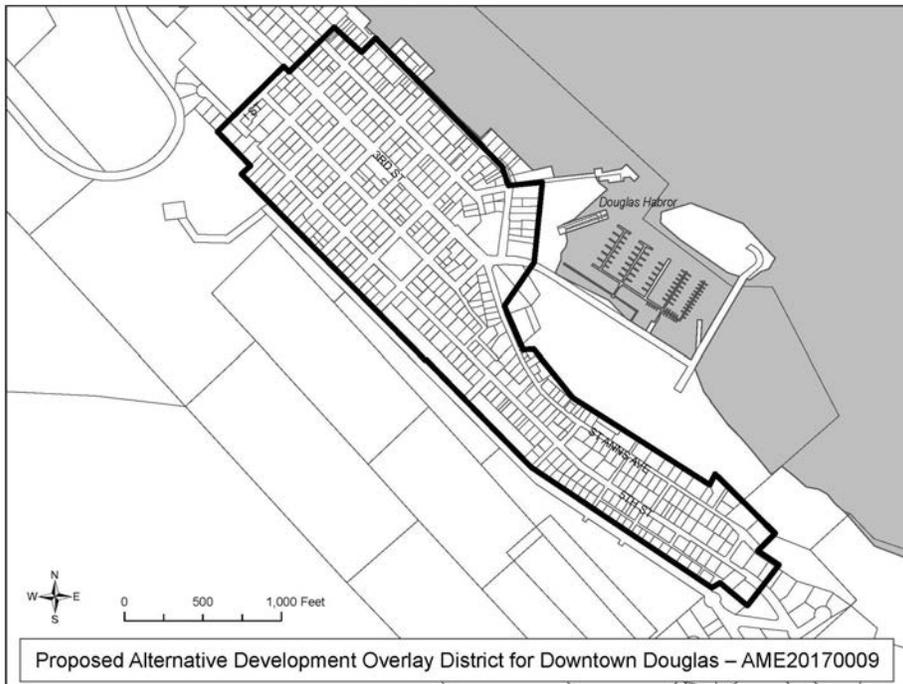
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included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

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

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



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

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

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

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

PROPERTY OWNERS PLEASE NOTE:

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



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

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

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

2 **Section 1. – Alternative Development Overlay District.**

3 **1A. Purpose.** The purpose of the Alternative Development Overlay District is to
4 provide adequate minimum standards and procedures for the construction of new
5 residential buildings and rehabilitation of existing residential buildings, while
6 providing time to implement new zoning regulations. This article provides for the
7 development of housing, preserves the character of neighborhoods, and promotes the
8 restoration of blighted buildings.

9 **1B. Location.** There is adopted for the purpose of defining the Alternative
10 Development Overlay District in the City and Borough, Alternative Development
11 Overlay District Downtown Juneau Map, dated May 10, 2017, as the same may be
12 amended from time to time by the assembly by ordinance.

13
14 **1C. – Sunset Provision.** This article shall terminate 24 months after adoption.
15

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

21
22 **Section 3 – Alternative Development Planning Procedure.**

23 **3A. Alternative Development Permit.** The board of adjustment shall hear all
24 applications pursuant to this article.
25

26 **3B. Pre-application conference.** Prior to submission of an application, the developer
27 shall meet with the director for the purpose of discussing the site, the proposed
28 development activity, and the alternative development permit procedure. It is the intent
29 of this section to provide for an exchange of general and preliminary information only
30 and no statement by either the developer or the director shall be regarded as binding or
31 authoritative for purposes of this code. A copy of this article shall be provided to the
32 developer at the conference.
33

34 **3C. Submission.** The developer shall submit to the director one copy of the completed
35 permit application together with all supporting materials and the permit fee.
36

37 **3D. Director's review procedure.**

38 (1) The director shall endeavor to determine whether the application accurately
39 reflects the developer intentions, shall advise the applicant whether or not the
40 application is acceptable; and, if it is not, what corrective action may be taken.
41

42 (2) After accepting the application, the director shall schedule it for a hearing
43 before the board of adjustment and shall give notice to the developer and the public
44 in accordance with section 49.15.230.
45

46 (3) The director shall forward the application to the board of adjustment together
47 with a report setting forth the director's recommendation for approval or denial,
48 with or without conditions together with the reasons therefor. The director shall
49 make those determinations specified in section 3E.1.
50

51 (4) Copies of the application or the relevant portions thereof shall be transmitted to
52 interested agencies as specified on a list maintained by the director for that
53 purpose. Referral agencies shall be invited to respond within 15 days unless an
54 extension is requested and granted in writing for good cause by the director.
55

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

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

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

62 (C) Will not be in general conformity with the land use plan, thoroughfare plan,
63 or other officially adopted plans.
64

65 **3E. Review of director's determinations.**

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

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

70 (B) Whether the application is complete; and

71 (C) Whether the development as proposed will comply with the other
72 requirements of this title.
73

74 (2) The board of adjustment shall adopt the director's determination on each item
75 set forth in section 3E.1 unless it finds, by a preponderance of the evidence, that
76 the director's determination was in error, and states its reasoning for each finding
77 with particularity.
78

79 **3F. Board of adjustment determinations; standards.** Even if the board of
80 adjustment adopts the director's determinations pursuant to subsection 3E of this
81 section, it may nonetheless deny or condition the permit if it concludes, based upon its
82 own independent review of the information submitted at the hearing, that the
83 development will more probably than not:

84 (1) Materially endanger the public health or safety;

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

87 (3) Lack general conformity with the comprehensive plan, thoroughfare plan, or
88 other officially adopted plans.
89

90 **Section 4. Alternative development permit.** The board of adjustment may reduce the
91 following requirements of the Table of Dimensional Standards, 49.25.400, for development
92 of new residential buildings, and the expansion, restoration, or repair of existing residential

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

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

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

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

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

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

2 **Section 1. – Alternative Development Overlay District.**

3 **1A. Purpose.** The purpose of the Alternative Development Overlay District is to
4 provide adequate minimum standards and procedures for the construction of new
5 residential buildings and rehabilitation of existing residential buildings, while
6 providing time to implement new zoning regulations. This article provides for the
7 development of housing, preserves the character of neighborhoods, and promotes the
8 restoration of blighted buildings.

9 **1B. Location.** There is adopted for the purpose of defining the Alternative
10 Development Overlay District in the City and Borough, Alternative Development
11 Overlay District Downtown Douglas Map, dated May 10, 2017, as the same may be
12 amended from time to time by the assembly by ordinance.

13
14 **1C. – Sunset Provision.** This article shall terminate 36 months after adoption.
15

16 **Section 2. Relationship to Existing Zoning.** This article applies only to allowed
17 residential uses in the Alternative Development Overlay District. This article provides an
18 alternative development process that supplements the underlying zoning regulations. An
19 alternative development permit does not exempt a developer from obtaining all other
20 required permits.
21

22 **Section 3 – Alternative Development Planning Procedure.**

23 **3A. Alternative Development Permit.** The board of adjustment shall hear all
24 applications pursuant to this article.
25

26 **3B. Pre-application conference.** Prior to submission of an application, the developer
27 shall meet with the director for the purpose of discussing the site, the proposed
28 development activity, and the alternative development permit procedure. It is the intent
29 of this section to provide for an exchange of general and preliminary information only
30 and no statement by either the developer or the director shall be regarded as binding or
31 authoritative for purposes of this code. A copy of this article shall be provided to the
32 developer at the conference.
33

34 **3C. Submission.** The developer shall submit to the director one copy of the completed
35 permit application together with all supporting materials and the permit fee.
36

37 **3D. Director's review procedure.**

38 (1) The director shall endeavor to determine whether the application accurately
39 reflects the developer intentions, shall advise the applicant whether or not the
40 application is acceptable; and, if it is not, what corrective action may be taken.
41

42 (2) After accepting the application, the director shall schedule it for a hearing
43 before the board of adjustment and shall give notice to the developer and the public
44 in accordance with section 49.15.230.
45

46 (3) The director shall forward the application to the board of adjustment together
47 with a report setting forth the director's recommendation for approval or denial,
48 with or without conditions together with the reasons therefor. The director shall
49 make those determinations specified in section 3E.1.
50

51 (4) Copies of the application or the relevant portions thereof shall be transmitted to
52 interested agencies as specified on a list maintained by the director for that
53 purpose. Referral agencies shall be invited to respond within 15 days unless an
54 extension is requested and granted in writing for good cause by the director.
55

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

- 59 (A) Will materially endanger the public health or safety;
- 60 (B) Will substantially decrease the value of or be out of harmony with property
61 in the neighboring area; or
- 62 (C) Will not be in general conformity with the land use plan, thoroughfare plan,
63 or other officially adopted plans.
64

65 **3E. Review of director's determinations.**

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

- 68 (A) Whether the proposed development is appropriate according to the
69 Alternative Development Overlay District;
- 70 (B) Whether the application is complete; and
- 71 (C) Whether the development as proposed will comply with the other
72 requirements of this title.
73

74 (2) The board of adjustment shall adopt the director's determination on each item
75 set forth in section 3E.1 unless it finds, by a preponderance of the evidence, that
76 the director's determination was in error, and states its reasoning for each finding
77 with particularity.
78

79 **3F. Board of adjustment determinations; standards.** Even if the board of
80 adjustment adopts the director's determinations pursuant to subsection 3E of this
81 section, it may nonetheless deny or condition the permit if it concludes, based upon its
82 own independent review of the information submitted at the hearing, that the
83 development will more probably than not:

- 84 (1) Materially endanger the public health or safety;
- 85 (2) Substantially decrease the value of or be out of harmony with property in the
86 neighboring area; or
- 87 (3) Lack general conformity with the comprehensive plan, thoroughfare plan, or
88 other officially adopted plans.
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90 **Section 4. Alternative development permit.** The board of adjustment may reduce the
91 following requirements of the Table of Dimensional Standards, 49.25.400, for development
92 of new residential buildings, and the expansion, restoration, or repair of existing residential

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

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

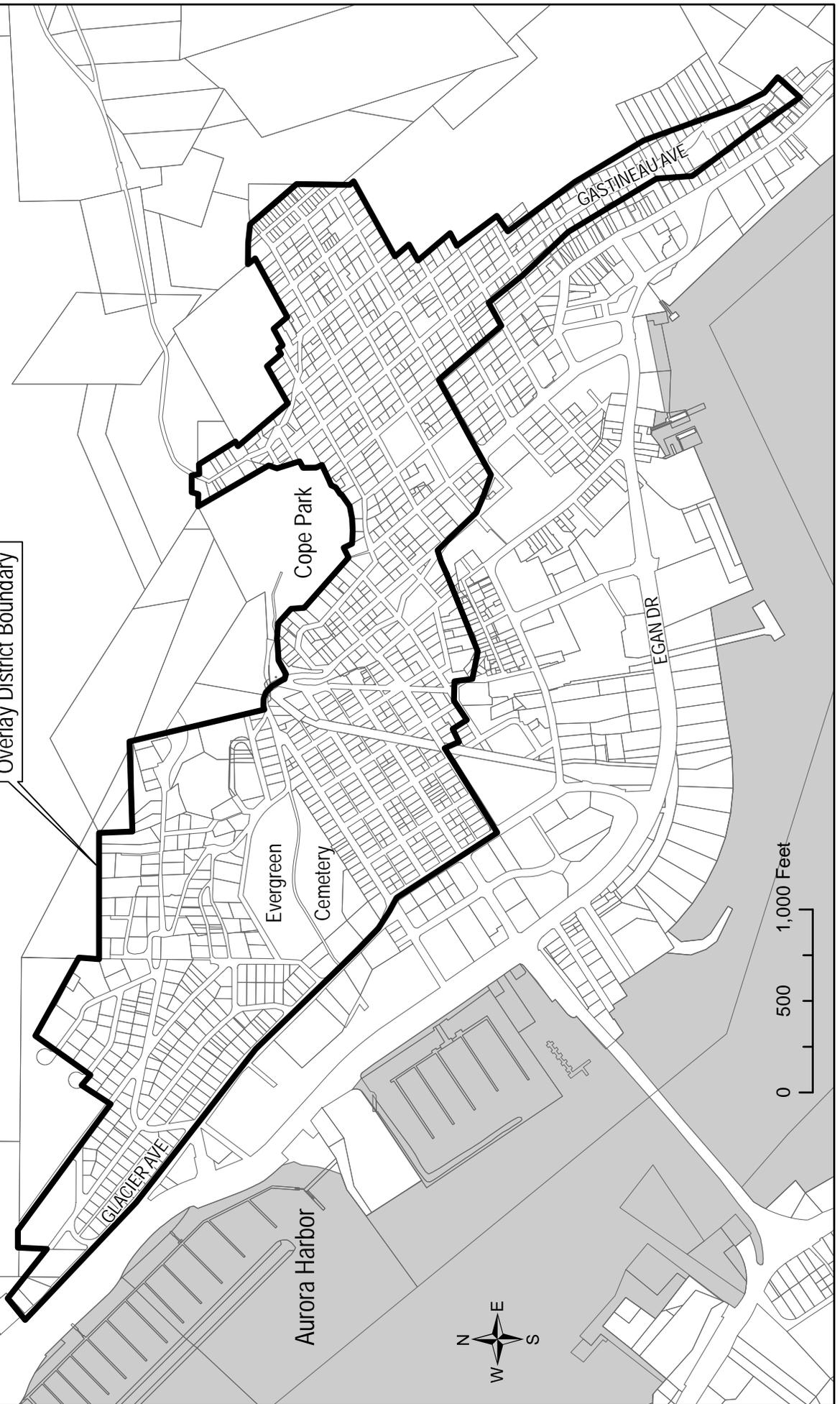
101 **4G. Vegetative Coverage.** Residential lots within the overlay shall maintain 15%
102 vegetative coverage.

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

Alternative Development Overlay District
for Downtown Juneau

May 10th, 2017

Overlay District Boundary

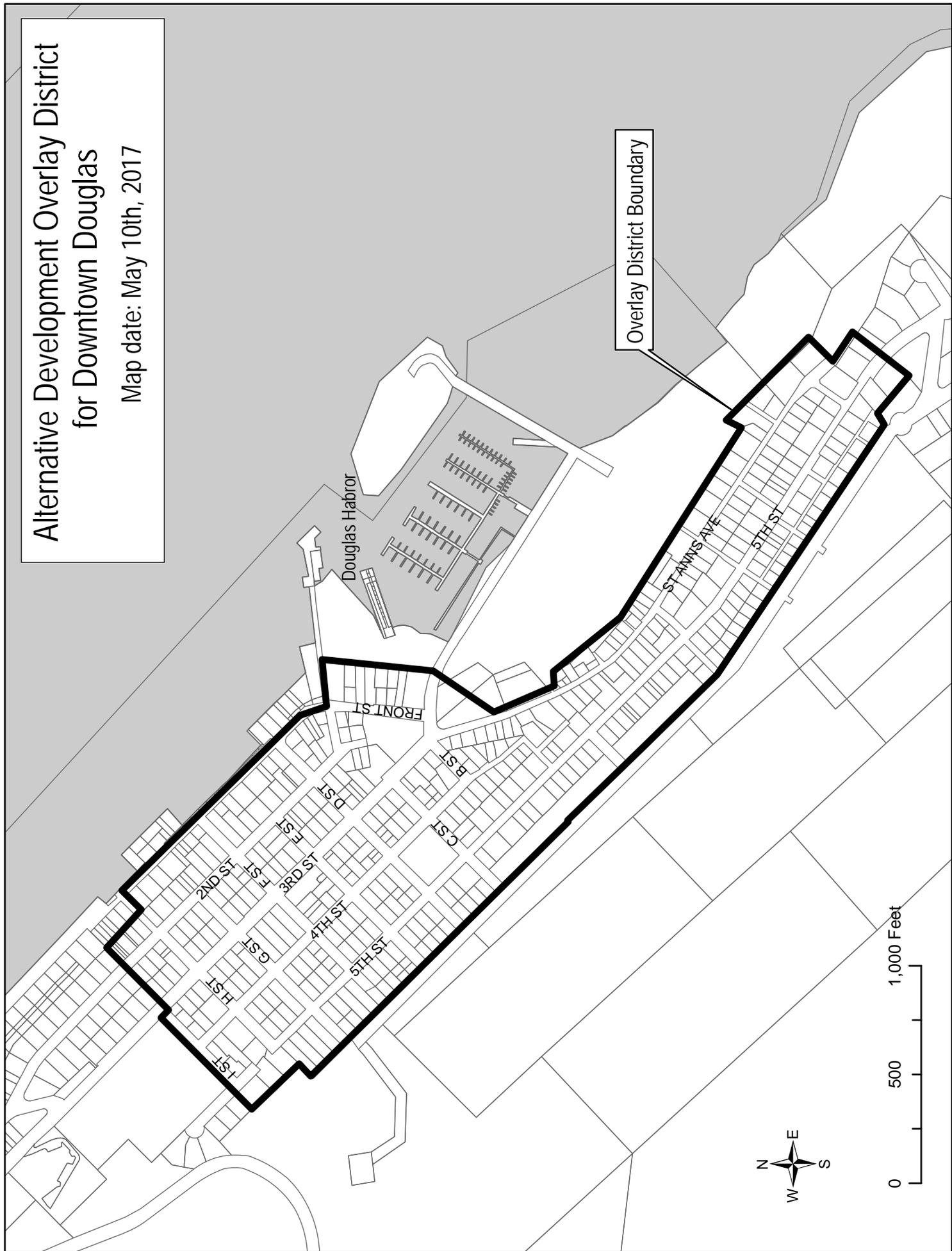


Attachment D - ADOD Map, Juneau

Alternative Development Overlay District for Downtown Douglas

Map date: May 10th, 2017

Overlay District Boundary



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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-16

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

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

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

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

ARTICLE XII. ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT

49.70.1200 Purpose.

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

49.70.1210 Overlay Districts.

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

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

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

10 **49.70.1220 Relationship to Existing Zoning.**

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

16 **49.70.1230 Alternative Development Procedure.**

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

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

1
2 (c) *Application.* The developer shall submit to the director one copy of the completed
3 permit application together with all supporting materials and the permit fee.

4 (d) *Director's review procedure.*

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

8
9 (2) After accepting the application, the director shall schedule it for a hearing before
10 the board of adjustment and shall give notice to the developer and the public in
11 accordance with CBJ 49.15.230.

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

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

20
21 (5) Even if the proposed development complies with all the requirements of this title
22 and all recommended conditions of approval, the director may nonetheless
23 recommend denial of the application if it is found that the development:

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

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

1
2 (C) Will not be in general conformity with the land use plan, thoroughfare
3 plan, or other officially adopted plans.

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

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

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

9 (B) Whether the application is complete; and

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

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

16 (f) *Board of adjustment determinations.* Even if the board of adjustment adopts the
17 director's determinations pursuant to subsection (e) of this section, it may nonetheless deny
18 or condition the permit if it concludes, based upon its own independent review of the
19 information submitted at the hearing, that the development will more probably than not:
20

21 (1) Materially endanger the public health or safety;

22 (2) Substantially decrease the value of or be out of harmony with property in the
23 neighboring area; or
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25 (3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other
officially adopted plans.

1
2 **49.70.1240 Alternative Development Requirements.**

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

7
8 (a) *Setbacks.* No part of any residential building may be erected closer to the property line
9 than

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

17
18 (2) The footprint of the existing residential building. No encroachment into the public
19 right-of-way or on adjacent property shall be permitted.

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

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

22 **Section 3. Amendment of Section.** CBJ 49.85.100 Generally, is amended to read:
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24 ...

25 (10) Board of adjustment.

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

...

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

Adopted this _____ day of _____, 2017.

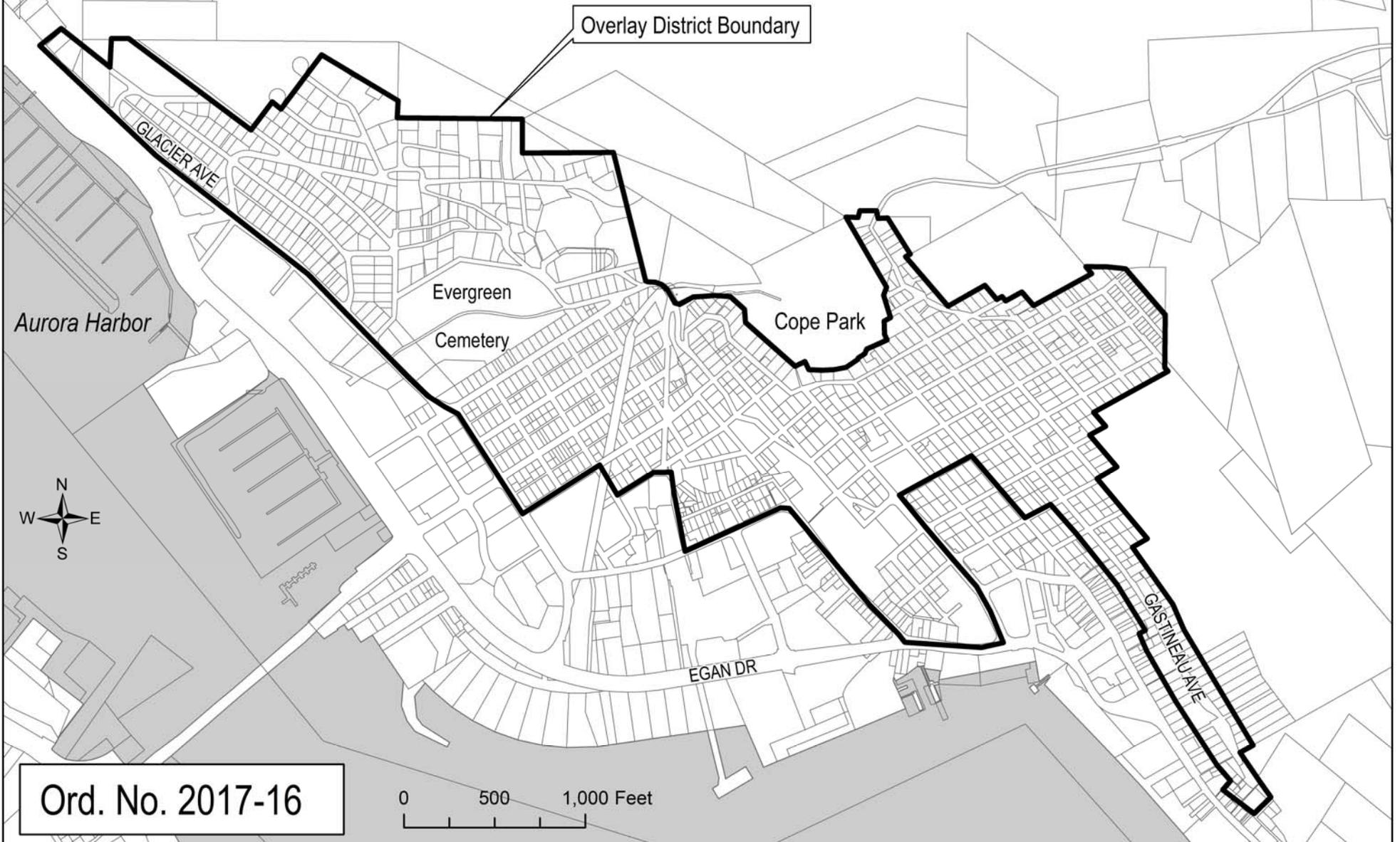
Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Alternative Development Overlay District for Downtown Juneau

May 25th, 2017



Overlay District Boundary

GLACIER AVE

Evergreen
Cemetery

Cope Park

EGAN DR

GASTINEAU AVE

Aurora Harbor



Ord. No. 2017-16

0 500 1,000 Feet

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

June 12, 2017, 6:00 PM.

Assembly Chambers - Municipal Building

Assembly Work Session - No public testimony

I. ROLL CALL

Deputy Mayor Jerry Nankervis called the meeting to order at 6:00 p.m. in the Assembly Chambers.

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

Assemblymembers Absent: None.

Staff present: Rorie Watt, City Manager; Amy Mead, Municipal Attorney, Mila Cosgrove, Deputy City Manager; Laurie Sica, Municipal Clerk; Roger Healy, Engineering & Public Works Director; John Bohan, Chief CIP Engineer; Tom Mattice, Emergency Program Manager; Beth McKibben, Planning Manager; Jill MacLean, Senior Planner; Greg Chaney, Lands and Resources Manager; Robert Barr, Library Director; Bryce Johnson, Police Chief.

II. APPROVAL OF AGENDA

Mr. Nankervis noted that Ms. Gladziszewski was traveling and attempting to get to the meeting, so he asked, and without objection, the agenda items were reordered.

III. APPROVAL OF MINUTES

A. May 22, 2017 Committee of the Whole Meeting Minutes

Hearing no objection, the minutes of the May 22, 2017 Committee of the Whole meeting were approved.

IV. AGENDA TOPICS

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

Jill Maclean, Senior Planner, spoke about the proposed ordinance. She said that downtown Juneau and downtown Douglas were built before modern zoning and the current zoning does not "fit" the needs for future development in those areas. Staff was realizing that many projects in those areas were seeking variances for rebuilding on the properties in both areas. Variances are supposed to be used for a true hardship, and we have come up with a temporary, interim solution, called an "overlay zone," until work can be done to revise the zoning in both areas, based on area plans to be done in the near future. These overlay zones sit "on top" of the existing zoning that exists, to give property owners and the planning commissioners more options. The changes in standards regard setbacks, lot coverage and vegetative coverage. No changes will be made to density, height, and parking. The overlay zones are for use by residential projects in order to preserve the character of the neighborhoods. Both overlay zones have a sunset provision: August 1, 2019, for the downtown

Juneau area, and August 1, 2020 for downtown Douglas. She reviewed the maps of the overlay districts.

Nathaniel Dye, Planning Commissioner, said the proposed ordinance addressed the concerns of the Planning Commission. The process is similar to the conditional use process, so any proposal would have public notice and a public hearing.

Mr. Kiehl asked what the review standard would be if a permit was appealed. Ms. Mead said the general appeal code section outlined in CBJ 49.20 would apply.

Ms. White said this code change was initiated after it was discovered that someone was trying to rebuild on a site and the neighbors were supportive but the project did not fit within current zoning. It is also meant to avoid the need for variances.

MOTION, by White, to forward to the ordinance to the Assembly for a public hearing. Hearing no objection, it was so ordered.

B. Meander Way - Mendenhall River Bank Stabilization

Mr. Watt said that this proposed LID will impose a large price tag on individual property owners. Most LID's range in value between \$5,000 – \$10,000 per a lot for sewer or paving projects, and the neighbors who object are forced to pay. When the stakes are high, this poses challenges for the neighborhood. We can't minimize the threat of the river erosion, or the opportunity of having funds offered by the federal government. However, we need to take into consideration the cost to the individual property owners. We need to have a frank discussion about the willingness to impose a large assessment on an unwilling owner.

Mr. Healy said the PWFC reviewed an LID for 28 properties (one is a non-voting, assessed CBJ property). Brett Nelson with the National Resource Conservation Service (NRCS) designed the project. Tom Mattice has done much of the organizational work and has met with the neighborhood.

This is not a typical project and it addresses a natural hazard risk. We have generally taken a "hands-off" approach to mitigating risk on private property. Mr. Mattice was contacted by the neighbors and within the last six years we have had 5 100-year flooding events due to the action at the glacier. We were tasked to look at the funding available through the NRCS. The funding requires that this project be represented by a local sponsor and CBJ would have maintenance responsibilities for ten years, including a fence at the top of the bank, removing logs, and keeping an eye on the installation. The assessment method proposed has been an equal assessment for all 28 properties. There is uncertainty in damage and potential damage to properties along this stretch. Some have erosion to the back of their house and others have potential for erosion. Putting a defined number on the damage possible is difficult due to a number of factors in modeling. We have approached this as a whole project, the benefits are to the protection of the property and its value. The start and stop points of the project are a point of contention. He said that the start and stop point of LID's are usually a point of contention, and gave the paving of a cul-de-sac street as an example.

Mr. Mattice presented photo slides of the affected area. The river is becoming detached from its flood plain. On average we have 1 -3 feet of erosion a year. Some of the revetment is failing. We have discussed mitigation, and we discussed removing some houses. The initial project assessment was \$78,000 per home, and with the addition of more homes, we are still at a cost of \$78,000 per home. He spoke about the initial work with the "group of eight" homeowners and the expansion of the project area to include more homes based on the sonar work by NRCS and the observations of the river. He showed a map of the proposed area and said some of the homes have lost 2/3 of their backyards within a 15-month period.

Maria Gladziszewski arrived at 6:40 p.m.

Brett Nelson, Lead Engineer, with NRCS said his program is a division of the US Department of

Agriculture and their mission is to manage the emergency watershed protection program. They do conservation on private lands. Projects require a sponsor, a legal subdivision of government or a tribe, with an interest in the project. The purpose of the program is to mitigate the damage to the watershed – to avoid oil tanks, septic tanks, or homes collapsing into the river. NRCS is able to provide up to 75% of the construction costs of the project, perform the design, project management and oversight for free, and the sponsor provides all the permits and the 10-year maintenance. We started this project with one severely affected property but rivers are dynamic and can't be "spot treated." The minimum size project was 8 homes based on a cursory analysis. As we proceeded with the design, we needed better data. We had a sonar survey in the river which showed that the toe of the rock revetment there is gone from the force of the river. During preliminary design, the problem grew from one home to now four homes that have very serious problems, perhaps within losing their home during the next serious event. We have come up with what we believe in our professional judgement to be the best start and stop points. Are these points absolute? Nothing is, but there are properties at both ends of the project with very serious problems and in between it varies. It is not possible to determine which properties benefit to what degree. This project is pending funding in Congress, and is subject to appropriation. The funding in 2016 did not include this project, but he anticipated that the next time the government funded the program, Juneau would be covered. This could be in 6 months to 2 years.

Mr. Nankervis asked how NRCS established project priorities. He said that each project received a ranking modifier when submitted and it was based on immediate threat. There is not a firm definition of immediate. Given a significant flood event and the exposure of the bank, some of those homes are in imminent threat. This project has been submitted for funding at the federal level. We put it in line for funding knowing there is no binding agreement. If the project were to be awarded funds and there was no agreement the money would be moved to another project.

Mr. Kiehl asked Mr. Nelson about his confidence level in the project design to last for 10 years or 100 years. Mr. Nelson said he felt comfortable with ten years, and with proper maintenance up to 25-30 years. There isn't a warranty with this project. It is based on our best work. We have done several projects in Alaska. One complicating factor on the Mendenhall is the limited space. Mr. Kiehl said one project opponent called the design "radical." Mr. Nelson said that was because of the height of the bank provides limited options for stabilization. This is a high stress area and we have looked at rip-rap or sheet pile. We thought sheet pile would be the only option, but we are looking at a 30-foot bank, and the scour can be 28-feet deep. We can't get pile to resist the force, so this is a rip-rap project now and would slope the bank back to 1.5:1 and eats up more back yard. There will be on-going scour and if you lose the toe, you lose the entire project, so we have to build a launchable toe, stacking the rock at the toe and allow the rocks to tumble down to the maximum depth of the river. It is important to remember the head cut is at the top of the stream and it will start to put pressure on the vacant bank. When the oxbow breaks through, that will send the head cut up and down stream until it re-adjusts and it will destabilize banks.

Ms. Weldon asked what maintenance meant for CBJ. He said the project included sloping the bank back, laying geotextile and sands, to install piping from water moving from the bank, and covering the sands with rip rap. A 1.5:1 slope is steep, so there are safety implications, and it will need a fence(which can have gates for access). If logs get on the bank they have to be removed, the fence will need to be maintained, if a log dislodges rocks, equipment will be needed to restore the revetment. That is not a strong likelihood, unlike the Yukon with ice chunks that dislodge rip rap.

Ms. White asked if the state could be the governmental sponsor and Mr. Nelson said they have in the past. She asked what happens regarding maintenance after ten years. Mr. Nelson said that NRCS operates differently than the Corps of Engineers which generally owns a project. At the completion of this project, you will have to visit with the attorneys – to determine who owns the project – who does the maintenance after the project is not our concern. He said it was possible the work would still be there in 100 years but he could not predict what the river would do. 25-30 years is a professional guess on his part.

Mr. Gregory asked Ms. Mead about HB 146, adopted by the State of Alaska in 2014 that referenced

a property tax exemption for deteriorated property, and if there was any way to apply this to the homeowners in this situation. Ms. Mead said that exemption has not been adopted by CBJ, so we would need to adopt a code amendment, and we would need to determine if all of the properties are equally affected and qualify for the exemption.

Ms. Weldon asked if NRCS had ever paid less than 75% on a project. He said yes, but that would not be the case with this project. There are not pieces of this that can be knocked off and done locally. We would put out a federal contract and do the entire project with the 75/25 split cost.

Ms. Gladziszewski said the Assembly has heard that this is overbuilt. Mr. Nelson said there will always be a difference of opinion. He said he has been an engineer since 1997 and with the NRCS since 2005. He provided information about the rest of the team. We have done about a dozen of these projects and have background in the work. If you were to go out and hire two consulting engineers, you will get three different opinions. NRCS will provide the design free of charge. If the homeowners or CBJ wants to hire their own engineers, and it comes under the seal of a licensed engineer in Alaska, that can qualify for this project, but the cost would not be for NRCS to bear. Ms. Gladziszewski asked how sure he was about the start and end points. He demonstrated the points on a map. The benefit of the end is that if there are any offsite effects, this is all uninhabited land, and the river bends after that, so there is limited downstream erosion. The upstream end is more of a fixed point. This is a several million dollar investment and you have to start it at a stable point to not suffer potential loss. The start point is his best professional judgement.

Mayor Koelsch asked Mr. Mattice if there is an evacuation plan for those four houses. Mr. Mattice said that there is a homeowner contact list for notification and there is an evacuation plan.

Ms. White asked what other communities handle this type of project. Mr. Healy said many communities often let the homeowners address the situation on their own. Mr. Healy said that was an option – to do nothing. That is the position in the Mat-su borough. The situation is similar and the river is DNR property with private property abutting. Ms. White asked if CBJ was setting a precedent to fix neighborhood properties considering the variety of hazard zones in CBJ. Ms. Mead said that the Assembly was never obligated to take action due to the discretion to be able to spend money. The LID code has elements in it that require further discussion before moving forward.

Mr. Nankervis said the LID code states LID's address properties specially benefited, and it is a question if some are benefited. He asked about the requirement to maintain for ten years. Ms. Mead said that any time the municipality makes an improvement to a natural situation, there is liability and our ten year window would start from the end of the project and our exposure would last for the ten years from that time. In this case, our ten years could be extended every time we do maintenance.

Mayor Koelsch asked how we get to yes with the five objecting properties. Mr. Healy said that staff believes there are equal benefits for protection of the property. One property owner is questioning the benefit to them being at the start of the project. There is a position to be made that the full benefit is not on that property. If we lower that assessment, the other properties would need to increase their assessment, so we would need another vote. The opposition of those in the middle of the project is more problematic. This riverbank protection project cannot be piecemealed and the potential for damage from starting and stopping is real. The property owners that are opposed do not currently see the benefit in having their property protected. We believe their assessment should be equal to those downstream. Ms. Mead said that we have to assess based on an engineering opinion, and we would need to do an eminent domain for work in backyards if the project required the land and the property owner was not willing. You could also do a capital improvement project by owners, if they all agree, and enter into a contractual agreement with the property owners. This is another method to keep in mind. Mr. Watt said that staff has done its due diligence with a rationale method. This leaves the Assembly in the binary position, impose the will of the many on a few owners, or don't do the project. Neither is satisfying. The property owners need to work this out and if they can resolve proportional assessments among themselves that is a better position. We do have the project by agreement method – it is rarely used but we have done it. It is hard to impose a \$78,000 assessment on an unwilling owner, but it is hard to not do a project for many when the federal government would

pay 75%.

Ms. Gladziszewski asked if CBJ was collecting enough in the LID to pay for ten years of maintenance. Mr. Healy said there was an amount in there for permitting, easements, but not for long term maintenance. In discussions with NRCS, he has not seen maintenance as an enormous burden. Ms. Gladziszewski said that when it is a city project, it is our problem, but at the same time if we don't assist, the property owners are on the entire hook.

Mr. Kiehl asked about the possibility of eminent domain and there is a bunch of property threatened with becoming submerged lands asked and if the state wants an easement to put this project in? Have we looked at making this a CBJ application for the state easement, rather than a private easement, as public easements are less expensive. Mr. Healy said they have not looked at this yet. Private easements can be \$200 per year and public easements can be cheaper and not individually born by the private property owners.

Mr. Kiehl asked about a state cost of \$94,000 and Mr. Bohan said that was the estimate of what CBJ needed for staff time and permits. The final charge would be based on actual cost. Mr. Kiehl said that if CBJ utilities could be eventually affected then the CBJ cost could potentially be waived.

Mr. Jones said he has been on the email strings and the homeowners have had significant discussions. For this to have 22 properties willing to pay this assessment says a lot for the project. They haven't been able to convince all the neighbors. One property is ready to lose its deck and there is damage at both ends of the project. You have to include all in between. Staff has done a good job on this project. We have talked about a lot of ways to mitigate this but we are limited. The homeowners have done a lot of work. They have come to us with their vote and are saying this is the best we can do and they are telling us this is vital and they need our help.

Ms. White said that the Jokuhlhaups happen in July and any decision should be made soon.

MOTION, by Jones, to ask the manager and law department to draft the necessary documents to establish the LID and return the matter to the Assembly.

Ms. Weldon objected to the motion. She said she could not swallow the \$78,000 would prefer to send it back to the homeowners and investigate the potential to exempt blighted property.

Mr. Gregory agreed with Ms. Weldon and wants to be able to investigate the property tax exemption for blighted property. He asked about the estimate of \$78,000 and whether there is any contingency for cost overruns. Mr. Healy said yes, there was a 10% contingency.

Mr. Jones said a geographic area must be defined as blighted and the neighbors across the street might object to being included in a blighted property area, this is why there are questions about adopting that type of code. We are at least six months away from obtaining any federal funds for this and if there are other nationwide issues, the money could be detoured. If we can find a way to help the homeowners, that is good. \$78,000 is an estimate. The project cost could be lower, and hopefully not higher. We need to proceed with a remedy to the problem.

Ms. White said if it is a year to funding, we could have more damage and putting off a decision can have a detrimental effect. We can continue to explore ideas, but she would like to move forward towards a solution.

Mr. Kiehl said HB146 is specific to structures that are on the property – renovation, demolition, removal or remodel to a structure, commercial or residential, where an owner owns at least two dwellings. It is not useful for single family residences. He says he thinks it is worth moving forward. We will hear from the homeowners at the public hearing. Until then the neighborhood has time to work out some issues among themselves. He appreciated all of the staff time spent on this matter.

Ms. Gladziszewski supported moving forward and the neighborhood had worked on this for a long

time. 80% support it and the support from the federal government was large. The government can't mitigate every disaster and hopefully we will be able to get those funds. She was concerned about the city getting into mitigating this risk. She supported the motion.

Mr. Gregory removed his objection based on the definition of HB 146.

Mr. Nankervis objected to the motion. He sympathized with the property owners who want the project. It is not palatable either way. He did not support requiring unwilling property owners to pay the large amount. He favored the CIP by agreement of the homeowners.

Roll call:

Aye: Gladziszewski, Jones, Kiehl, White, Koelsch

Nay: Becker, Gregory, Nankervis, Weldon

Motion passed 5 aye, 4 nay.

C. Mining Ordinance - AJ Mine Process

Mr. Watt said he provided a pointed memo in the packet and had pushed hard with his opinion, because in 2010 when the assembly appointed the advisory committee and wrote a report to answer the question about pursuing the AJ mine and under what circumstances, they gave the Assembly a play book. He said this is hard and he recommends picking up where they left off. Many people have read into my words and on this difficult community topic. There are three broad groups with opinions on the AJ. Those in opposition and they should be heartened by my comments suggesting an open and deliberative process. For those who don't know much about the AJ I am suggesting a process in which there is room to learn. And for those who support mining they should be supportive of a deliberative process. We have had such a difficult past on the AJ and the end game for a mine supporter is to find a company willing to invest in this project and if you want that you need to convey a sense of deliberation and clear direction that was absent in the 1980's. The path I've laid out is slower than some would prefer. We need to determine the most prudent way forward.

Mayor Koelsch agreed that it was important to pick up the topic where the AJ committee left off and read his proposal to form a three member Assembly sub-committee to be charged with:

- What action(s) should be taken on the proposed mining ordinance
- Recommend a process including public process to be taken
- Recommend if the sub-committee should include additional members
- Recommend timelines

When there are recommendations, the recommendations come back to the Assembly Committee of the Whole.

Mayor Koelsch said this was similar to the tax exemption sub-committee that made suggestions to the code.

Mr. Jones asked if the Assembly wants to proceed with the question about opening the AJ mine. If we are serious about that taking up where the last committee left off, since we are an owner and a regulator, we need education, and to learn about what we would require in a lease. This proposal does not point us in that direction. This one starts from the point of YES we want to open the AJ and YES we want to change the ordinance. A three person committee will likely recommend no action. I am not ready to open the AJ mine, or open the ordinance and if we were to talk about lease agreements I might be more amenable. This is going to take up a lot of staff and Assembly time and I'm not sure it is time well used.

Ms. White said the easy answer was always no, however, this group doesn't skirt the issues. I am not ready to take the easy way out. This assembly needs to grow a backbone and stop caving in to people who want to enforce mob rule. We want to promote making jobs, not breaking jobs. The pressure that we are getting is not from the majority, they are just better organized. The private sector needs to grow. Everyone in this community that wants meaningful employment should be able to get it.

This community needs a strong economy with jobs and to train people for jobs.

Ms. Weldon said she applauded the work to get to the ordinance in the 1980's. economic times have changed, we need to responsibly make jobs in Juneau. Mining jobs are higher paying jobs. We have lost state jobs. We need to look at this and see what is out there. I like the idea of lunch and learns and to get the public involved. The ordinance I brought forward may not be the final product. This is about mining in Juneau at Herbert River and Peterson River, not just the AJ. I have been hiking a lot and there is a lot of mining history in this town. Mining has changed with the times and we need to do it responsibly. I want to take a look, whether it is a lease or ordinance.

Mr. Gregory supported the Mayor's proposal and said the Assembly should continue to look at mining in Juneau areawide.

Ms. Becker supported the Mayor's proposal. It does not say "AJ." It should apply to any mine in the area. Mining companies should know we are serious about mining in Juneau. We have learned from the last time to do things that are not done in a damaging way. We should talk about this. She supported the three person sub-committee. There will need to be ways to include the public and this should not go on for too long.

Ms. Gladziszewski said she knows what a huge lift this work is. She learned a lot in the three months she worked on the last report. This will engage the entire Assembly. This work belongs in the Assembly. This needs to be durable. The unanimity on the Assembly was hard won. This needs to be done with a sense of fairness, with an understanding that the good of the community is at the base of it. If our goal is to promote environmentally sustainable mining, it would be best to be unanimous. I don't know what mining firms think if we send 5-4 vote messages and swing votes year after year. This is the work of the Assembly, not a three person committee.

Mr. Kiehl said he does not understand the three member approach. It appears the 3 member committee is supposed to recommend the final action, and recommend the process to final action, and whether it should be a committee at all. He was also concerned about the way a three member committee looks. It doesn't have enough people to have a variety of viewpoints and expertise. When we implemented marijuana it was 4 Assemblymembers and 3 Planning Commissioners with a 62% approval in the community on the marijuana initiative vote. A durable process is a concern. If it looks like it was railroaded through we will not end up with a durable ordinance. The manager's proposal makes more sense to me, is better for the community and if you want to open the AJ Mine.

Ms. Becker said the ordinance we had did not work last time, so we need a review of that and make it work for next time.

Mr. Kiehl said durable does not mean no changes. I don't think this is the best process. If we go about this without taking a balanced approach things will whip-saw, and whip-sawed rules are not good for investors.

Mr. Jones said that the ordinance was not the reason the AJ did not work. I think we have a good ordinance to allow the city to know if the mine will protect Juneau and to allow for mining. I think the committee is small and maybe not tasked correctly. I think we should look at the manager's proposal.

Ms. White asked if Mayor Koelsch intended that three people would work by themselves? Mayor Koelsch said the subcommittee should make the recommendations to outline.

Mr. Kiehl asked Mr. Watt, regarding the direction on May 1, there was to be a mayor and manager to come up with a plan. What was the scope of the discussion and how we arrived at two proposals when a joint plan was the vote of nine members. Mr. Watt said the more he thought about the request from the Assembly, he thought it was the wrong question. When I heard the members of the public coming forward to work on the mining ordinance, I heard that they wanted to work on the AJ. I wanted to answer the question –what is the best way to work on the AJ, and that is what I provided in my comments. Regardless of where you stand on the issue, I think it is the best way to work on the issue. If you went back to the previous advisory committee and asked them to work on the mining

ordinance, they would have fallen apart as that is not where they were in the discussion. You asked and I gave you something entirely different, and I should have clarified at the retreat when the topic was discussed. The people who brought forward the mining ordinance change are trying to do something good. The AJ is a city asset and they believe the best way to approach this is through an ordinance and good on them, but I think we should follow a different sequencing in our approach.

Ms. Gladziszewski spoke about the nature of the report and said that there were five pages of things everyone could agree on and building on that would be best, rather than diving into the contentious issues at the beginning. If we move forward with the manager's path, we may get there, or we will just split.

Mr. Nankervis said he was disappointed in the manager's memo. I think there are two separate issues. Should we look at revising the mining ordinance? Under what circumstances do we open the AJ mine? I think we need to look at the ordinance first. A three or four member sub-committee can look at adding additional members, bring that back to the COW, bring back a public process, and what action, if any, to be taken on the mining ordinance. We shouldn't have people hanging out forever and the sub-committee can lay out the timeline. The large subdivision ordinance took 5- 7 years. You have people pro-mine, anti-mine, and many in the middle. I am willing to help with educating the public. The TERC (tax exemption review committee) process worked well and it can work here. We spoke about this at the retreat. First, let's look at the ordinance, which applies borough wide. The AJ has specific issues.

Mr. Jones said he would like the mayor and manager to look at the charge to the sales tax exemption committee, the Treadwell committee, and flesh out the charge of the committee and the process for the committee to take. This would help us understand what the process will be.

MOTION, by Jones, that the COW request the mayor put together his charge to the committee and actions in a format similar to the ones in the past and appoint the subcommittee and go from there.

MOTION, by Kiehl, to amend to include all 9 Assemblymembers on the committee.

Ms. White objected. She said the mayor made his idea clear. This committee is subject to the open meetings act. He can say who he wants on a committee. The group meeting tomorrow to discuss the homeless issue is three members and we will eventually appoint more people to the group. This is an initial sub-committee. Say yes or no, and don't put it off and waste people's time.

Ms. Weldon said members of the public should be on the committee and if adding all 9 Assemblymembers, that is too much.

Ms. Gladziszewski supported adding the full Assembly.

Roll call on motion to amend to add all Assemblymember:

Aye: Gladziszewski, Kiehl

Nay: Becker, Gregory, Jones, Nankervis, Weldon, White, Koelsch

Motion failed, 2 aye, 7 nay.

Mr. Nankervis restated the main motion: that the matter be returned to Mayor Koelsch to draft a charging memo that outlines with more specificity the tasks for the subcommittee. Mr. Jones added that this document would be presented at the next Assembly meeting under the Mayor's report.

Mr. Kiehl objected to the main motion.

Roll call:

Aye: Nankervis, Weldon, Koelsch

Nay: Becker, Gladziszewski, Gregory, Jones, Kiehl, White

Motion failed, 3 ayes, 6 nays.

MOTION, by White, to allow the Mayor to create the sub-committee without writing a big description, similar to the Homelessness Committee.

Ms. White said this would be an open meeting and the members could decide to add members of the public. The Mayor needs more autonomy and should be able to form committees as he sees fit.

Mr. Kiehl objected and said the best course was in Ms. Weldon's request that the Assembly agreed to unanimously, that the Mayor and Manager jointly prepare a proposal.

Roll call:

Aye: Becker, Gregory, Nankervis, Weldon, White, Koelsch

Nay: Gladziszewski, Jones, Kiehl

Motion passed, 6 ayes, 3 nays.

Mayor Koelsch said he would present the information to the Assembly at the next Assembly meeting and would accept letters of interest from the Assembly on service on the sub-committee.

D. Transportation Network Companies

Mr Watt said he provided a copy of the letter to the Governor about the Assembly's concerns about the Uber/Lyft Bill in the packet. He spoke with an Uber representative today to discuss the logistics they would be dealing with in Juneau, at the docks, the airport and the Glacier.

Ms. White wanted the letter to speak to local control and not ask for a veto. I read the letter as to recommend a veto. Mr. Watt said the governor could not make amendments – he could only veto or not veto.

Ms. Becker asked if the representative today had any authority to say they would comply with CBJ regulations, particularly at the airport. Mr. Watt said we learned how they work and how they use their software to limit and guide the drivers. I don't know if the people here visiting are in a position to change their nationwide models, but they seemed willing to be responsive at some level to our local issues.

Ms. Gladziszewski asked if the airport and docks would be acting in uniformity. Ms. Mead said CBJ was only allowed to enforce traffic laws and impose sales tax. This would not prohibit or preclude TNC's from entering into a voluntary agreement. CBJ has no hammer – so it would be voluntary. We can't enforce a/ b zones. We can't charge them money at the airport. Ms. Mead said the state law allowed state airports to regulate, but Juneau is a municipal airport and was not addressed in the bill. We may be able to use the traffic ordinance for enforcement if the code were rationally based and equally applied.

E. Attorney Resources - Misdemeanor Prosecution

Ms. Mead spoke to her memo to the Assembly requesting the hire of an additional attorney for a number of duties, including misdemeanor prosecution and collections of past due sales tax, Confessions of Judgment, civil violations and risk cases. She reviewed the request from Chief Johnson to amend code to align CBJ Code with state statutes to make misdemeanors under CBJ code. The District Attorney's office is extremely limited and they are taking virtually no misdemeanors at this point. CBJ is getting more calls for prosecution and the cases sent to the state for prosecution are not receiving attention. Chief Johnson would like to add the criminal code sections, but she would need additional staff to assist with this and collections. She discussed the dollar amounts of tax, fines and penalties due to CBJ that could be collected. She discussed the workload of the criminal section currently as compared to previous years. and the changes with the law department providing legal

service to Bartlett Regional Hospital and the School District. She said CBJ law does not have the resources to provide the level of service that the community and staff expect.

Mr. Nankervis said the criminal code changes are a separate request. It comes with work and a need for a worker.

Mr. Jones asked, even if CBJ added to attorney resources, would there be an issue with court resources or jail resources. Ms. Mead said there was not an issue with court resources and because of SB91, CBJ had sufficient jail resources.

Ms. Weldon asked if this would help alleviate the issues of thefts. Ms. Mead said it would help, but not with burglaries, which still to to the District Attorney, but the DA is not focusing on property crime – that would take a change in DA policy.

Ms. Weldon asked how many cases could an attorney handle and if there was a need for more than one additional attorney. Ms. Mead said at this time, the position she was asking for was sufficient.

Mr. Jones asked if we would pay more for public defender if more went to trial. Ms. Mead said the city public defender is paid by the city and is not based on the number of cases. Our current defender may be retiring and it may go out to bid.

Mr. Kiehl said judicial resources are not the reason for the changes, but Juneau judges have the highest case load and asked if she anticipated a timeliness issue. Ms. Mead said in other parts of Southeast there are no judges and no DA's office, so the Juneau staff is overwhelmed with the addition of SE cases.

The Assembly and Ms. Mead discussed the anticipated costs of an additional attorney and the potential revenue from increased collections. Ms. Mead said that the amount of money to be collected and the time and the nature of the work was not suited to hiring outside counsel.

Ms. White said she would like to have staff draft a supplemental to the budget to rehire the CSO position.

Mr. Watt said that each department had made cuts and that each department had discretion within its budget on how the staffing and funding would be directed. He recommended waiting a year to review the matter.

MOTION, by Gladyszewski, to direct the Attorney to work with the Police Chief to bring forward changes to criminal code. Hearing no objection it was so ordered.

MOTION, by Weldon, to direct the Attorney to move forward with hiring an additional attorney and to bring forward a supplemental budget ordinance to the Committee of the Whole for further review. Hearing no objection so ordered.

MOTION, by White, to direct the Manager to meet with the Finance Director to draft an ordinance to fund the CSO position.

Mayor Koelsch supported the motion. He receives numerous calls about a need for crime enforcement. Public safety is and must be the number one priority in this town. He recommended this be brought back to the COW to see if there is a will to fund this.

Mr. Jones, Ms. Weldon and Mr. Nankervis objected.

Roll call:

Aye: Gregory, Kiehl, White, Koelsch

Nay: Becker, Glazyszewski, Jones, Nankervis, Weldon.

Motion failed, 4 ayes, 5 nays.

Mr. Kiehl noticed the Finance Committee meeting Wednesday, June 14 and said the packet had been delivered.

V. ADJOURNMENT

There being no further business to come before the Committee, the meeting adjourned at 9:50 p.m.

Submitted by Laurie Sica, Municipal Clerk

Roll Call Vote:

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

Nays:

The motion passed by unanimous vote.

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

Applicant: City and Borough of Juneau

Location: Downtown Juneau

Commission Member Disclosures

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

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

Staff Recommendation

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

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

Applicant: City and Borough of Juneau

Location: Downtown Douglas

Staff Recommendation

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

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

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

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

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

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

1. Setbacks
2. Lot coverage
3. Vegetative coverage

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

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

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

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

Commission Comments and Questions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOCATION IN TITLE 49

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

MAXIMUM LOT COVERAGE

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

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

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

MINIMUM VEGETATIVE COVERAGE

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

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

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

The staff concurred.

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

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

Ms. Maclean said decks are not included.

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

FEE FOR AN ALTERNATE DEVELOPMENT PERMIT

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

SETBACKS

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

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

Mr. LeVine said he felt that was clear language.

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

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

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

TELEPHONE HILL AND SMALL RESIDENTIAL AREA LOCATED BEHIND THE ANDREW HOPE BUILDING

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

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

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

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

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

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

LANGUAGE ADJUSTMENTS

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

The Commission concurred with the above language.

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

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

The motion was approved with no objection.

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

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

The Commission voiced no objection to the language being corrected.

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

The Commission concurred with no objection.

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

The motion passed with no objection.

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

The motion passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

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

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

XII. DIRECTOR’S REPORT

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

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

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Lemon Creek Steering Committee

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

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

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

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

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

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

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

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

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - June 26, 2017

MEETING NO. 2017-15: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Ken Koelsch.

I. FLAG SALUTE

Mayor Koelsch requested that Masoud Abdi lead the flag salute.

II. ROLL CALL

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

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Gary Gillette, Port Engineer; Greg Chaney, Lands and Resources Manager; Rob Steedle, Community Development Department Director; Bob Bartholomew, Finance Director; Dave Borg, Harbormaster; Jill Maclean, Senior Planner; Beth McKibben, Planning Manager, every firefighter...

III. SPECIAL ORDER OF BUSINESS

A. Recognition: Masoud Abdi's Citizenship

Mayor Koelsch welcomed Masoud Abdi as a new American and said he was very proud of him. He said the test was difficult and Travis Mead, Captain from Capital City Fire and Rescue, had helped Mr. Abdi study.

Mr. Mead said that Mr. Abdi volunteered for CCFR soon after he arrived in Juneau and they became friends. Mr. Abdi has become top of his class in training, was hired with CCFR and he was happy that Mr. Abdi had chosen to become a US citizen, a Juneau resident and a firefighter.

Mr. Abdi thanked the Mayor and Assembly for the honor and said his actions did not deserve recognition, but the idea of the American dream, that if you want something and are willing to work for it, it can happen, is true. He introduced his mother and sister and thanked his fellow employees at CCFR for being his second family.

IV. APPROVAL OF MINUTES

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

Hearing no objection, the minutes of the June 5, 2017 Regular Assembly Meeting 2017-13 were approved.

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

Hearing no objection, the minutes of the June 7, 2017 Special Assembly Meeting 2017-14 were approved.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle displayed a poster for his pedicab business called "Express Pedicab." He is not currently in business. He said he needs to be able to work at night and during the winter and it was not too dangerous for him to operate under those conditions. He would like to be able to stop turning down rides.

Deborah Craig spoke about the water issues in Flint, Michigan and the history of the events that lead to the toxic water situation. She said public officials must prioritize the health, safety and welfare of the citizens of the community. She said that the issues of public concern over mining in the community need to be addressed by all of the members of the Assembly.

Elaine Schroeder asked that Mayor Koelsch join other Mayors who have joined the Paris Climate Accord. CCTHITA recently joined with other Native nations to join the Paris accord. Local and state governments must Mayors climate agreement.

Dick Farnell spoke for the 350 Juneau group and said that Nicaragua and Syria were the only countries which did not sign - even North Korea signed the Paris Accord. Supporting the Accord is about maintaining the cohesiveness that holds the world together.

Doug Woodby said he was concerned about the economic future of Juneau and about climate change. Ignoring climate change will have lasting effects and he spoke about the impacts. He encouraged the Assembly to join the Climate Mayor's Network.

Jennifer Johnson encouraged Mayor Koelsch to join the Climate Mayor's Network. She said that children are the most vulnerable and doing what we can now will ensure a safe and healthy future for them.

Mike Tobin said he is a retired emergency doctor and he encouraged Mayor Koelsch to join the Mayor's Climate Network. Juneau is a science town and many scientists live here and have contributed to the work on climate change. Juneau is also a fishing town and warmer ocean temperatures are affecting salmon and other fish and shellfish. Juneau

is an Alaskan town and Alaska is experiencing the affects of warming more significantly than many other states. The science is abundant and clear and this is an opportunity to lead.

Andrew Heist spoke about a sales agreement for land at 2nd and Franklin to Eagle Rock Ventures and said he had concern about the design and the parking that are proposed. He said this would be a high density boarding house in the heart of the downtown business district. He was not sure this is the best use of the space and asked the city manager to delay signing the agreement until more information can be made available on the project.

Joannie Waller spoke about the sale of the 2nd and Franklin Street property. The Assembly gave the manager the authority to sign an agreement. She asked the Assembly to authorize the manager to extend the date to sign the agreement. This project as proposed is maxing out every boundary set in code and is three times larger than what was originally proposed. We live in the mixed-use zone and will deal with an overly dense and under provided for parking in this project.

Sandy Harris spoke about the sale of the 2nd and Franklin Street property. She said it was a mistake to assume that few residents would have vehicles. The proposal was for 130 single residency units and only provided for 7 parking space. Providing shared kitchens lend to interpersonal conflicts. She asked that the signing of the agreement be postponed.

Dennis Harris spoke about the problem with transportation network companies. He owns a limousine. He has heard that UBER does not want to collect sales tax on behalf of their drivers. The bill passed has an option for the city to keep transportation networks out of Juneau by adopting an ordinance and asking the voters if they want to keep this business out of Juneau. He also said the Eagle Rock Venture would be an "instant Bergmann." He supported Mayor's climate agreement.

Marlene Johnson spoke about her sister's estate in Aurora Arms, which was built in 1972. In 1987 the zoning changed and this resulted in difficulties financing the sales and purchase of these units. Sales currently need to be cash sales as the banks won't lend on these units and she asked the Assembly for relief regarding the zoning issues on the property.

VII. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

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

1. Ordinances for Introduction

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

This ordinance would place on the October 2017 ballot a proposed Charter amendment regarding method of procurement for the purchase of supplies, materials, equipment and services. The CBJ Charter states that all public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder, except in certain cases identified in the charter. The proposed amendment would add an exception to allow for competitive proposals and other alternative procurement methods adopted by the assembly by ordinance.

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

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

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

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

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

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

would create that procedural process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Resolutions

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

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

Membership and quorum challenges have plagued the committee for a number of years and the FDC chair and Assembly Human Resources Committee have worked on this issue for the past six months. HRC and

FDC chairs met with the Docks and Harbors Board to see if it would be feasible to recreate the FDC as a subcommittee or ad hoc group under the Docks and Harbors Board. The Docks and Harbors Board did not favor this move.

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

The City Manager recommends this resolution be adopted.

3. Bid Award

a. Term Contract for Juneau International Airport Runway Painting

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

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

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

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

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

b. Cruise Ship Berths Safety Improvements

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

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

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

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

4. Liquor License

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

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

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

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

5. Transfers

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

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

The preliminary estimate of total project costs is approximately

\$150,000.

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

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

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

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

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

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gregory, to adopt Ordinance 2017-11. Hearing no objection, it was so ordered.

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

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

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

oversee the submittal of the plan to the Coast Guard, that code requirement should be deleted.

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

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Weldon, to adopt Ordinance 2017-13. Hearing no objection, it was so ordered.

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

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

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

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

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

The City Manager recommends this ordinance be adopted.

Public Comment:

Greg Chaney spoke as a private citizen in support of the ordinance, but said that he had concerns about the way it was written. He displayed a photo of his neighborhood and spoke about the provision that allows a property owner to average the setbacks of the residential units within a 150 foot radius of the house. He showed a picture of his calculations and said in theory it seemed good but did not help that much and was somewhat ambiguous. He said he wasn't asking for any change to the ordinance but wanted to understand if the intent was to rebuild only in the existing footprint of the building or if the setback was determined by the building.

Steve Soenksen asked to include density in this ordinance. Downtown density zoning is pegged per acre and restricts new construction to two units on any lot and multi-family housing is stuck in the mixed-use zone only. The downtown housing situation has worsened since the current zoning was put into place. He discussed two case studies of properties in Juneau which could provide more density.

Assembly Action:

MOTION, by White, to adopt Ordinance 2017-16.

Ms. White said Mr. Chaney brought up interesting points and asked for staff clarification.

Jill Maclean said CDD and the Planning Commission know that this ordinance will not solve all the issues including the density question. This ordinance is written to provide several options when applying for any project. They can use the existing zoning standards, they can apply for a variance, and they can use this ordinance if passed. The ordinance provides in the second option that the footprint of the existing residential building would be allowed to be completely rebuilt in the existing footprint. The homes built right up to property lines can be rebuilt in that existing footprint unless it encroached into the public right-of-way or onto a neighbor's property. The averaging numbers correlate to whichever setback needed a reduction. This average may not help every property owner, but it will help a majority of the applicants we have seen over the years which have used variances to address non-conforming situations. Variances are not a tool for flexibility and are not designed to be so. Over time they have been used for this and case law grows, so they lose their intent. This ordinance will allow for flexibility in construction now and will allow staff time to create new zoning in Downtown and Douglas to be more applicable to their unique situations.

Ms. White asked about the timeframes cited in the ordinance. Ms. Maclean said the intent was to keep the issue a priority for scheduling work and since overlay districts were a new concept, it was to ensure the ongoing issues would be addressed.

Mr. Kiehl had several questions and asked for an at ease to work with the attorney on a possible amendment.

Ms. Gladziszewski said that the intent is to allow the PC to get away from a variance to allow people to rebuild to current footprint, and an amendment to it has not had a full hearing by the PC and was not in favor of amending the ordinance.

Mayor Koelsch allowed for a brief at-ease. Following this, Mr. Kiehl withdrew his request to amend and said he would address his concerns when the re-write of the Comprehensive Plan was back before the Assembly.

Hearing no objection, Ordinance 2017-16 was adopted.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

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

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

The City Manager recommends this resolution be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gladziszewski, to adopt Resolution 2799. Hearing no objection, it was so ordered.

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

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

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

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

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

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

Assembly Action:

Mayor Koelsch said he had discussed any personal possible conflict of interest with Ms. Mead and he had determined none existed.

Mr. Gregory said he worked frequently with the appellant's attorney, Todd Arujo, and spoke with Ms. Mead about a personal conflict of interest. Ms. Mead said that as Mr. Aroujo sometimes acts as Mr. Gregory's attorney he may have difficulty remaining impartial and it was his decision. Mr. Gregory said he preferred to abstain from this appeal and Mayor Koelsch, without objection of the Assembly, granted abstention.

Mr. Jones spoke about his service on the statewide marijuana control board and did not believe that service created a conflict for this matter, but could potentially create a conflict for him when the license in question came before the MCB in the future. He would continue to participate.

Ms. White said she had worked with Mr. Aroujo several times but did not consider the work to create a conflict of interest.

MOTION, by Mr. Nankervis, to reject the appeal.

Ms. Gladziszewski asked for the grounds to reject. Ms. Mead said the Assembly could reject and appeal if the appellant failed to comply with the appellate rules (in this case this did not apply) or if the notice of the appeal did not state grounds upon which any relief could be granted. The Assembly must read the notice of appeal liberally and in favor of the appellant. Ms. Gladziszewski said in that case, she did not see any reason to reject the appeal.

Roll call:

Aye: Becker, Kiehl, Nankervis, Weldon, White

Nay: Gladziszewski, Jones, Koelsch

Motion to reject the appeal passed 5 ayes, 3 nays, 1 abstention.

Mr. Kiehl said he found that the appellant made arguments having to do with the affect

on property values and inadequate written findings, findings that did not inform us of the basis of the Planning Commission's decision. Having read the Planning Commission's decision, he saw clear discussion of the issues and clear direction and after reviewing the code sections suggested by the appellant, he could not see any situation in which he can imagine the appellant prevailing. Reading as much as possible in the appellant's favor, he could not foresee a positive outcome for the appellant.

Mr. Nankervis said he agreed and that he felt the issues brought up on appeal had been adequately addressed by the Planning Commission.

Ms. Mead said case law provided that the Assembly could not make a substantive finding at this point and the Assembly needed to read the notice of appeal such that if the evidence were presented, could the Assembly grant the relief requested. If there were sufficient evidence about the affect on surrounding property, would the Assembly be able to reverse the decision. If the Assembly could grant the relief, it must accept the appeal.

Mr. Nankervis said that he disagreed with Ms. Mead and based on the evidence before the Assembly he could not believe there was not an ability to deny a request for an appeal.

Ms. Gladziszewski gave notice of reconsideration to preserve the ability to discuss this matter at the next meeting.

Ms. Mead asked the Assembly if it would like a memo on the legal standard about failure to state grounds upon which relief can be granted. Mayor Koelsch said that would be appreciated.

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

Assembly Action:

MOTION, by Jones, to reject the late filed application request.

In response to Ms. Gladziszewski, Ms. Mead said this was different than late-filed senior property tax exemption filings the Assembly had allowed or rejected in the past. This is a late-filed community purpose exemption and the Board of Equalization had rejected allowing the late filing in the VOA case, in a similar situation to determine. This is not a valuation issue, it is an exemption issue, which goes straight to the Assembly.

Mr. Nankervis objected.

Mr. Kiehl said he supports the theatre, but the standard for filing a late-filed appeal had

not been met.

Roll call:

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

Nay: Gregory, Nankervis

Motion to reject the filing of a late-filed appeal.

Hearing no objection, it was so ordered.

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch established a mining subcommittee regarding the proposed mining ordinance. He said the charge is to recommend what action(s) should be taken on the proposed mining ordinance, to recommend a process including a public process, to recommend if the sub-committee should include additional members, to recommend timelines, and when there are recommendations, they should return to the Assembly Committee of the Whole. He appointed Ms. Weldon, Ms. Gladziszewski and Mr. Gregory, and asked Mr. Gregory to chair the committee.

Mayor Koelsch asked people to fly a flag on every home and business in Juneau on the 4th of July.

B. Committee and Liaison Reports

Public Works and Facilities Committee: Chair Becker said the committee reviewed a proposal for innovating procurement and a suggestion to change the word "lowest" to "most" for qualified bidders. The PWFC discussed a transfer of funds from completed CIP to Pederson Hill.

Joint CBJ / JSD School Facilities Committee: Chair Becker encouraged the Assemblymembers to read the consultants report on Juneau school facilities and send any questions to consultant Joan Lott.

Docks and Harbors Board: Liaison Becker said the Board has discussed putting a small boat harbor near the Mental Health Trust land next to the proposed Ocean Center to be used for yachts and small cruise ships. They have discussed putting a fuel dock in at Statter Harbor for the for-hire ships.

Chamber of Commerce: Liaison Becker updated the Chamber Board of Directors on assembly action, and at its regular meeting, Wayne Jensen discussed the trip the Seward

Statute is making across the states on its way to Juneau.

Alaska Committee: Liaison Becker said the group helped welcome the new Coast Guard Cutter "Bailey Barco" and approved sending a letter to the Assembly in support of the purchase of two electric buses. There is concern about the number of stories to be built on the new construction at the 2nd and Franklin lot.

Finance Committee: Chair Kiehl said the committee heard a report on city debt capacity report and future bonding, discussed future budget process, and proposals for the 1% sales tax, with more to be heard this week. The committee will review potential infrastructure requests to federal government from staff on this Wednesday's agenda.

Campus Council: Liaison Kiehl said the council is on summer hiatus. The University budget is smaller than desired and \$8 million was cut in addition to the Governor's cut.

Alaska Municipal League: Liaison Kiehl said the AML Board meeting will be held in Haines in August and encouraged the Assembly to work with the Clerk if you would like to attend. He forwarded the position statements to all Assemblymembers. Any changes need to come from a member by resolution, so he asked if any Assemblymember is interested in a change to please provide to him to address at an Assembly meeting.

Human Resources Committee: Chair Jones said the HRC met and discussed the continuation of the Juneau Commission on Aging, which does not presently have a quorum, and heard from a present and a past member. The HRC agreed to work on a resolution to reconstitute the commission and bring that back to the HRC on July 31. The committee heard annual reports from the Historic Resources Advisory Commission and the Juneau Commission on Sustainability.

Hearing no objection, the Assembly accepted the recommendations of the HRC and made the following board appointments.

Historic Resources Advisory Committee:

Anastasia Tarmann appointed and Shawna McMahon reappointed to terms ending June 30, 2020.

Juneau Commission on Sustainability:

Edward King appointed to a term ending June 30, 2020.

Local Emergency Planning Committee:

Recommendation to State of Alaska to move Joel Curtis from the Alternate Haz Waste Transporter Seat to the full seat and appoint Paul Khera to the Alternate Haz Waste Transporter seat until December 31, 2017 and to extend the appointment to December 31, 2020.

Treadwell Advisory Board:

Bret Connell reappointed to a term ending May 31, 2020.

Airport Board: Liaison Jones said the Airport Board cancelled the proposed regulations on network transportation companies.

Downtown Business Association: Liaison Jones said the DBA met and discussed Main Street USA and public art and murals.

Bartlett Regional Hospital Board: Liaison Gladziszewski said the board had a visit from the Washington State Hospital Association. Sally Schneider, Chief Behavioral Health Officer, will have her last day on July 7 as she is taking a job in Pittsburg.

Juneau Commission on Sustainability: Liaison Gladziszewski said the JCOS met on June 14 and discussed the energy plan, which is now titled the *Juneau Renewable Energy Strategy*. The commission has approved its draft and staff is coordinating the publication of the draft for presentation to the Assembly. The commission discussed updating its website.

Lands and Resources Committee: Chair White said the committee received an update on the Pederson Hill Subdivision. It also discussed a proposed land trade with Aurora Arms Condo Association - in exchange for access to city uplands - to help solve the problem. She said there is another condo association having an issue of being built on leased land, which creates financing issues. At the next meeting the committee will get update on tsunami danger from Tom Mattice.

Planning Commission: Liaison White said the next meeting was set for June 27.

Aquatics Board: Liaison White said the next meeting was set for June 27.

Assembly Task Force on Homelessness: Chair White said she would work with staff to establish dates for the meetings.

School Board: Liaison Weldon said the Board met on June 13 for an evaluation of the superintendent and discussed extended learning, school sponsored trips, skills for a healthy life curriculum and adopted the 2017-2018 calendar. The next meeting is set for August 8 at 6pm and the meetings will move to JDHS for the year.

Juneau Economic Development Council: Liaison Weldon said the council is working on a grant for low / no emission buses for Juneau. They reviewed a proposed private harbor at the mouth of gold creek. They are meeting to review a "fish fund" project with partners and will meet next on July 19.

Eaglecrest Board: Liaison Gregory said the new manager, Mr. Scanlan, will begin work

on June 28 and the meeting is set for August 3.

Affordable Housing Commission: Liaison Gregory attended the commission's retreat and shared the Assembly's thoughts. They set priorities including some of the 1% sales tax for a mobile home down payment program, and accessory apartment program, a community land trust and the affordable housing fund. They would like to fully fund the affordable housing fund up to \$500,000 per year and to focus on workforce housing, a blighted property policy, and ways to facilitate mobile home parks.

C. Presiding Officer Reports

None.

XIIIASSEMBLY COMMENTS AND QUESTIONS

Mr. Gregory said he has been asked about whether it was a wise decision to remove fluoride from the water as some households are experiencing high rates of tooth decay despite good dental behaviors.

Ms. White asked Mr. Watt if Juneau has any lead pipes in the water system. Mr. Watt said no and spoke about the water system and said the consumer confident report on public drinking water standards was recently sent to all households.

Ms. Gladziszewski asked about the Aurora Arms Condo issue. Mr. Watt said that Mr. Chaney has a solution to address city and Aurora Arms' needs by trading CBJ land for access to CBJ lands, which may lead to a rezoning that might meet both party's needs.

Ms. Gladziszewski said she would like the Assembly to support the Mayor's Climate Agreement, and did not know how that got on the agenda, so would make a motion.

MOTION, by Gladziszewski, to join to create a clean energy economy and adopt, honor and uphold the Paris agreement.

Ms. Gladziszewski said Juneau has a Climate Action Plan and adding Juneau's name on the agreement would be a worthwhile endeavor.

Mayor Koelsch said there was objection and asked the clerk to call the roll.

Roll:

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

Nay: Becker, White, Koelsch

Not Present: Nankervis

Motion passed, 5 ayes, 3 nays.

Mr. Jones spoke about transportation networks and asked for an explanation about operations at the airport and the harbors and about the collection of sales tax. Ms. Mead

said that the airport regulations were pulled as CBJ had no authority to enact regulations regarding this industry under state law. Ms. Mead said CBJ had authority under state law to collect sales tax from TNC drivers and the TNC companies will not register with the sales tax office. They collect the fares on behalf of the drivers and provide receipts through the app, and the drivers should be registering with sales tax before provision of service. A public service announcement would go out to this affect.

Mr. Kiehl asked for an update on the Aurora Arms solution and also asked for an update on any meetings regarding annexation. Mr. Watt said Mr. Chaney has reached out and has not been able to find a date/time to meet with Angoon, but he can try again.

Mr. Kiehl spoke about the potential sale of 2nd and Franklin lot and it would be good to get an update and address any comments about exceptions to the fire code and the number of units at 130.

Mr. Watt said the matter would be updated at Lands Committee. The closing date in the purchase and sale agreement is tomorrow but it is not date of the execution of the sale and they are interested in extending the execution for 9 months, which is provided for in the sale agreement. This is in everyone's best interest and they are making significant progress in exploring their proposal and it is not a final proposal at this time. Mr. Kiehl said the enabling ordinance conditioned the sale to be developed as the proposal that the Assembly had seen.

Ms. Becker said she attended the Auke Rec totem pole dedication, and the Bailey Barco events. She asked if HRAC has been contacted about murals downtown and suggested coordinating artwork with the historic district design standards. Mr. Jones spoke to this concern.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle said he has noticed that there are many fewer taxis and people are getting more desperate to get a ride from him. He is totally against the climate accord - Juneau has so many trees that produce so much oxygen. Other places have global warming and all he can say is don't cut our trees and we should tell other people to plant trees.

Dennis Watson said he spent a lot of time working on the comprehensive plan and said he has heard no comments on when the plan will be addressed again. There were many complaints from the community about the plan needing work and the work is overdue. It is not a good idea to have staff work on it - it lengthens the process and it became very controversial. It is time to restart the review. He thanked the Assembly for recognizing Massoud Abdi's citizenship.

XV. EXECUTIVE SESSION

A. CLIA Litigation Update

MOTION, by Becker, to recess into executive session, to discuss the CLIAA litigation. Hearing no objection, the Assembly recessed into executive session at 9:57 p.m. and returned to regular session at 10:28 p.m.

Upon returning to executive session, Ms. Becker said that the Assembly received information and gave direction to the City Attorney.

Ms. Mead said that after recording was turned off assembly expressed confusion regarding what was the actual motion regarding the climate accord and requested that Ms. Sica listen to the audio recording. Ms. Sica distributed the verbatim transcription.

Ms. Weldon said she thought the intent of the motion was to put the matter on the next meeting agenda. Mayor Koelsch agreed and gave notice of reconsideration of the motion to support the Mayor's Climate Agreement.

XVIADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:33 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Kendell D. Koelsch, Mayor