

Objection by Ms. Gladziszewski for purposes of a question. She asked Mr. Palmer to clarify how eliminating procedural steps would ensure public certainty.

Mr. Palmer explained that the public does not understand that the Board of Adjustment is the Planning Commission, and this ordinance would clear up any confusion.

Ms. Gladziszewski removed her objection.

Hearing no objections, Ordinance 2021-19 was adopted by unanimous consent.

E. Ordinance 2021-31 An Ordinance Authorizing the Manager to Convey Approximately 380 Square Feet of City Property, Three Permanent Easements, and Ten Temporary Construction Easements to the Alaska Department of Transportation and Public Facilities for a Douglas Highway Reconstruction Project.

The Department of Transportation and Public Facilities (DOT&PF) is reconstructing Douglas Highway and submitted an application to acquire a small portion of CBJ property and multiple small easements. This ordinance would authorize the Manager to sell 380 square feet of CBJ property, which is located outside the fence at 750 St. Ann's Avenue at the Mayflower Building.

This ordinance would also authorize the Manager to convey four permanent easements totaling approximately 1,000 square feet and ten temporary construction easements totaling approximately 8,750 square feet. The CBJ property is necessary for the Douglas Highway reconstruction project.

The Lands, Housing and Economic Development Committee reviewed this proposed CBJ land disposal and easement request at its meeting on April 12, 2021, and passed a motion of support for disposing of City property through negotiated sale to the DOT&PF for fair market value.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Woll for the Assembly to adopt Ordinance 2021-31 and asked for unanimous consent. *Hearing no objections, Ordinance 2021-31 was adopted by unanimous consent.*

The Assembly took a break at 8:01p.m. The meeting resumed at 8:16p.m.

F. Ordinance 2021-27 An Ordinance Amending the Comprehensive Plan Land Use Designation Map near 4650 North Douglas Highway from Medium Density Residential to High Density Residential.

This ordinance would amend the Comprehensive Plan for a 15-acre parcel near 4650 North Douglas Highway.

The applicant requested a rezone from D15 to General Commercial. General Commercial allows 50 dwelling units per acre, which exceeds the maximum density permitted by the Comprehensive Plan MDR designation of 5-20 dwelling units per acre. Instead of General Commercial, the Planning Commission recommends the Assembly rezone the property to Light Commercial, which allows for 30 dwelling units per acre. The Planning Commission also recommended the Assembly amend the Comprehensive Plan land use designation from MDR to HDR, which accommodates higher densities of 18-60 units per acre. The Community Development Department agrees that a Comprehensive Plan amendment from MDR to HDR is necessary before the Light Commercial rezone can be appropriate.

The Committee of the Whole discussed this topic at its meeting on July 19, 2021.

The City Manager recommends that the Assembly not adopt this ordinance.

Public Comment:

Travis Arndt, a valley resident (and a member of the Planning Commission), spoke in support of this ordinance, and said that he was surprised that the City Manager recommended the Assembly to not adopt this ordinance. He noted that there had been no negative public comment or objections against this ordinance whenever the Planning Commission asked for public comment.

Mr. Bryson asked if Mr. Arndt was directly involved with Items F and G.

Mr. Arndt confirmed that was correct, as it is a map amendment in the area where he is asking for a rezone.

Mr. Bryson asked Mr. Arndt that if the Assembly were able to make the zoning correction without making a change in the Comprehensive Map, would that avoid impacting his project. Mr. Arndt said that was correct.

Mayor Weldon asked Mr. Arndt if he was speaking on behalf of the Planning Commission. Mr. Arndt said that he was not, rather he was speaking on behalf of himself as an applicant for the rezone.

Assembly Action:

MOTION by Mr. Bryson for the Assembly to table Ordinance 2021-27 and asked for unanimous consent.

Mr. Bryson said that it was not necessary to change the Comprehensive Plan at this time. Assembly and Planning Commission charge to use “owner’s manual” i.e. the Comprehensive Plan. He added that it was the Planning Commission’s responsibility to designate between commercial and residential areas.

Objection by Ms. Hale for purposes of a question. She asked for Mr. Palmer to clarify that the Assembly did not need to pass Item F in order to adopt a rezone.

Mr. Palmer confirmed that was correct.

Objection by Ms. Woll for purposes of a question. She asked what would happen if the Assembly were to table this ordinance.

Mr. Palmer explained that tabling this item would indefinitely kill this ordinance.

Hearing no further objections, Ordinance 2021-27 was tabled indefinitely by unanimous consent.

G. Ordinance 2021-26 An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.

The ordinance would rezone a 15-acre parcel near 4650 North Douglas Highway.

The applicant requested a rezone from D15 to General Commercial. The Community Development Department recommended a transition rezone from D15 to Light Commercial with conditions to comply with the Comprehensive Plan. The Planning Commission, instead, recommended a rezone from D15 to Light Commercial without conditions because it concluded Light Commercial conforms to the Comprehensive Plan, yet the Planning Commission also recommended the Assembly amend the Comprehensive Plan to allow the requested higher residential densities allowed in commercial districts.

The Committee of the Whole discussed this topic at its meeting on July 19, 2021.

The City Manager recommends that the Assembly adopt the staff recommendation, as heard at the Planning Commission on May 11, 2021, to change the zoning from D-15 to D-15/Transition to Light Commercial.

Public Comment:

Mandy Cole, a valley resident, shared that she is a member of the Planning Commission, but was not testifying on behalf of the Planning Commission. She spoke to the difficulty CDD experienced in regards to this project developer. She strongly felt that the developer has no way to meet the conditions recommended by staff, and that it would be appropriate for the Assembly to adopt the recommendations made by CDD staff.

Ms. Gladziszewski asked Ms. Cole if she recalled the vote made by the Planning Commission on this matter. Ms. Cole reminded the Assembly that she could not speak on behalf of the Planning Commission, and could not confirm if the vote was unanimous.

Mr. Bryson asked if the unanimous vote was for Light Commercial or General Commercial. Ms. Cole explained that the unanimous vote was for Light Commercial.

Travis Arndt, a valley resident, spoke to the transitions and conditions related to this project. He clarified that he was not asking to increase residential density (such as boat condos), but rather a combination of buildings, both with and without residences.

Mr. Bryson asked Mr. Arndt asked if the transition to Light Commercial would be adequate for his project. Mr. Arndt explained that General Commercial would be preferred, but Light Commercial would also be sufficient.

Assembly Action:

MOTION by Ms. Gladziszewski for the Assembly to adopt Ordinance 2021-26 and asked for unanimous consent.

Objection by Ms. Hughes-Skandijs. She said that this was discussed at the July 12 COW, and she watched the Planning Commission meeting. She said it is on the Assembly to look at the Comprehensive Plan, entirety of uses and to look long range rather than a single project proposed by an applicant. She also expressed concern regarding North Douglas traffic infrastructure. Ms. Hughes-Skandijs shared that in looking at the land use maps and the area overall, she did not think Light Commercial would be in agreement with Comprehensive Plan and land use maps for this area.

Objection by Mr. Jones.

Ord 2021-26 Amendment #1 (via Assemblymember Jones)

Motion by Mr. Jones to amend Ordinance 2021-26 as follows (three parts):

1. *Amend the last Whereas clause, page 2 lines 8-9:*

~~*"WHEREAS, the Planning Commission separately recommended the Assembly amend the Comprehensive Land Use Map from MDR to HDR for the subject property, which is the purpose of Ordinance 2021-31;"*~~

2. *Add an additional Whereas clause, page 2:*

"WHEREAS, the Manager recommended following the Community Development Department's recommendation to rezone of the subject property from D-15 Transition to Light Commercial once additional public transportation infrastructure is constructed to ensure any allowed higher density development would not aggravate existing issues with traffic flow and pedestrian safety."

3. *Amend Section 2, page 2 lines 13-15:*

***"Section 2. Amendment to the Official Zoning Map.** The Official Zoning Map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Channel View Lot 1 (Parcel # 6D0601150011) from D-15 transition to Light Commercial when the following condition is satisfied: there are infrastructure improvements to allow higher density development and to allow for protecting public safety along North Douglas Highway."*

He said this ordinance is trying to "shoehorn" in commercial development in residential area. He spoke to the reversal of Planning Commission recommendation, not their decision. He added that the decision lies with the Assembly.

Objection by Ms. Gladziszewski. She explained that TPU 49.25.300 (CUPs) would fail traffic at the bridge. She discussed at length the inherent requirements and permissions that come with General Commercial projects and CUPs. Light Commercial versus General Commercial by Right under General Commercial versus CUP. She felt that it was appropriate to be Light Commercial for North Douglas Hwy. She said that she supported the rezone, and for this reason she objected the amendment.

Ms. Triem asked if Amendment #1 would fulfill the Manager's recommendation.

Mr. Watt said that this is fundamentally the issue in his recommendation.

Mr. Bryson said that this would stop development on North and West Douglas. There are people who are trying to build. The conditions would stop the project, and described this amendment as splitting hairs with Comprehensive Plan. He added that CDD has a playbook and they must follow the rules.

Further discussion about the Light Commercial and General Commercial Conditional Use Permits.

Objection by Ms. Hale. She felt that this amendment would reverse the Planning Commission's decision, and does not believe the Assembly should negate the work they put into their decision.

Mr. Jones agreed with Ms. Gladziszewski's comments regarding the Light Commercial designation. He felt that "shoehorning" would be an appropriate term, as they were not fully aware of the project's intended results with the developed area. He confirmed that this was a reversal of the Planning Commission's recommendation; however, he clarified that this was not the PC's decision, it is the Assembly's decision.

Roll Call Vote on Amendment #1:

Ayes: Jones, Triem, Hughes-Skandijs, Woll, Mayor Weldon.

Nays: Gladziszewski, Hale, Bryson.

Amendment passed. Five (5) Ayes, Three (3) Nays.

Ms. Gladziszewski said that she would support the ordinance as amended, but believed that the Assembly in doing so had done a great disservice to the community; effectively turning neighborhoods into deserts that are increasingly difficult to develop.

Mayor Weldon shared that she had issues with the ordinance. She noted that Mr. Arndt could come back to the Assembly with a parcel smaller than the current fifteen acres of land. She added that one of the Assembly Goals was to address Housing, and wiping out fifteen acres of residential land for commercial was concerning. She also expressed concern with the project and with the Planning Commission recommendations. She said that she would object to this ordinance.

Ms. Gladziszewski asked Mr. Palmer to explain what the consequences were for the Assembly if they were to deny this ordinance.

Mr. Palmer referred to 49.75.120, which would permit the applicant to return to the Planning Commission with a substantially different rezone request after twelve months had passed.

Roll Call Vote on Ordinance 2021-26 as amended:

Ayes: Gladziszewski, Jones, Triem, Hughes-Skandijs, Bryson, Woll.

Nays: Hale, Mayor Weldon.

Motion passed. Six (6) Ayes, Two (2) Nays.

Ms. Gladziszewski gave Notice of Reconsideration. Mayor Weldon noted the Reconsideration.

The Assembly took a break at 9:13p.m. The meeting resumed at 9:25p.m.

X. UNFINISHED BUSINESS

None.

XI. NEW BUSINESS

A. NCL Request to Lease Municipal Tidelands

In June 2021, the City received an application from Norwegian Cruise Lines (NCL) to lease City owned tidelands. NCL acquired an upland parcel that is adjacent to the requested tideland lease in 2019 from the Alaska Mental Health Trust Land Office. In January 2021, the City Manager provided the Assembly Committee of the Whole with the attached Subport Development Memo on the topic of Assembly consideration process, discussion and draft approach.

Because an application has been received, the Assembly must determine “whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land” (53.09.260).

If the Assembly provides a motion of support to work with the original proposer, staff will direct NCL to apply for City permits, outline the public process, and negotiate terms and conditions of a lease. Staff will provide regular reports to the Lands, Housing and Economic Development (LHED) Committee on progress of this lease. If the Assembly fails to provide a motion to work with the original proposer and determines a lease should not be considered, then the application process will be concluded. If the Assembly provides a motion to seek further proposals then a request for proposals will be advertised and the results will be brought forward to the LHED for review.

The Manager recommends the pass a motion of support to work with NCL as the original proposer in accordance with City Code 53.09.260.

Public Comment:

Karla Hart, a Juneau resident, urged the Assembly to vote against this motion under no conditions. She said that any other response at this time would not benefit the community at this time. She referenced