

**ASSEMBLY STANDING COMMITTEE
LANDS, HOUSING & ECONOMIC DEVELOPMENT COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

July 19, 2021, 5:00 PM.

Assembly Chambers/Zoom Webinar

Lands, Housing, and Economic Development Committee Attendee link:
<https://juneau.zoom.us/j/94215342992> or 1-253-215-8782 Webinar ID: 942 1534 2992

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. June 7, 2021 Draft Minutes

V. PUBLIC PARTICIPATION

The LHED Committee will follow COVID protocols in accordance with CDC guidelines, CBJ ordinances & resolutions, and COVID mitigation strategies at the time of the meeting. **Committees members will be meeting in person, to the extent possible. In-person public participation will be limited on a first come, first served basis to no more than 8 persons in the public audience seats. Masks are required for anyone in the room who is not fully vaccinated. Attendees in excess of that number will be requested to participate via Zoom webinar.** Testimony time will be limited by the Chair based on the number of participants.

When attending the zoom webinar [login info listed at top of agenda] to speak on an item up for public hearing or a non-agenda item please hit the 'raise hand' button if participating via a computer/tablet; if participating by phone press *9 on your phone; this will place a 'raised hand' icon next to your phone number and will add you to the queue.

VI. AGENDA TOPICS

- A. Norwegian Cruise Line Request to Lease Tidelands
- B. Franklin Foods LLC Request to Purchase City Property at 139 S. Franklin St.
- C. Amending Title 49 Land Use Code/TPU Updates

VII. STANDING COMMITTEE TOPICS

A. Status of Title 49 Updates (verbal)

B. Status of Housing Initiatives (verbal)

VIII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

IX. NEXT MEETING DATE - August 9, 2021

X. SUPPLEMENTAL MATERIALS - RED FOLDER ITEM

A. July 19, 2021 LHED Committee Presentation

XI. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

June 7, 2021, 5:00 P.M.

Zoom Webinar Meeting

I. CALL TO ORDER

II. ROLL CALL

Chair Gladziszewski called the meeting to order at 5:00pm.

Members Present: Chair Maria Gladziszewski, Wade Bryson, Alicia Hughes-Skandijs, Greg Smith

Members Absent: none

Liaisons Present: Chris Mertl, Parks and Recreation, Dan Hickok Planning Commission

Liaisons Absent: Lacey Derr, Docks and Harbors

Other Assembly Members Present: Loren Jones

Some Members of the Public Present: Helen Clough, Lucas Chambers

Staff Present: Roxie Duckworth, Lands & Resources Specialist; Alec Venechuk, Engineering; George Schaaf, Parks and Recreation Director; Rorie Watt, City Manager; Robert Palmer, City Attorney; Jill Maclean, CDD Director; Scott Ciambor, Chief Housing Officer;

III. APPROVAL OF AGENDA

Agenda was approved as presented.

IV. APPROVAL OF MINUTES

May 10, 2021 Draft Minutes were approved as presented.

V. PUBLIC PARTICIPATION

Those participating via telephone can press *9 or those that are participating on Zoom can use the "raise their hand" function to participate. No public participation.

VI. AGENDA TOPICS

A. Valley Transit Center Utility Easement Request

Mr. Venechuk discussed this request. Tract M-3A within the Mendenhall Mall Subdivision was purchased by CBJ in February 2020 for constructing a transfer station for public transit operations. The original subdivision plat included several utility and access easements that were necessary for the intended purpose of CBJ-owned property. Now that the transfer station design is finalized and the construction project is out to bid, it has become apparent that additional public utility easement area is required. The additional easement area will support electrical and communications utility pedestals that will feed the CBJ facility as well as the privately owned Tract M-3C, where the Asiana Gardens restaurant is located. The existing utilities are overhead and pole mounted, and the new construction project will re-route these utilities underground to the desired pedestal location within this proposed easement. CBJ is responsible for the easement and the construction costs, as this is necessary for the new transit project.

Mr. Bryson asked about Asiana Gardens, if the project manager been in contact with them, how does this impact their operations, and will this be an advantage for them. Mr. Venechuk replied that he has and that the only impacts will be short delays when the power will be shut off to connect from the existing to new power supply, which will be done at night when the restaurant is closed. As far as costs, there will be no costs to Asiana Gardens, as they are leasing the space from the Mendenhall Mall owners and this is a CBJ project, which is federally grant funded.

Staff request that the Lands, Housing and Economic Development Committee pass a motion of support to the Assembly for approval of a utility easement serving Tract M-3C by resolution. Motion passed.

B. Cope Park Easement

Mr. Schaaf discussed this request. In the fall of 2019, a mass wasting event initiated from private property above Cope Park. Since that event, the landowner of 101 and 747 Goldbelt Ave has been working with the City Risk Manager, Law, Parks, and Engineering Departments on a design concept to repair the drainage and stabilize the slope. The outcome of this process is an easement application and a draft MOA. The proposed work includes connection of a storm drainpipe originating from the private property to the storm drainage system in Cope Park as well as an engineered rock slope to stabilize the hillside. As part of this easement request, the applicant will enter into a Memorandum of Agreement (MOA) to ensure the proposed work is completed in the correct manner. At the June 1, 2021 meeting, the Parks and Recreation Advisory Committee passed a motion of support recommending approval to the Assembly of the Cope Park Slope Stabilization Easement and MOA. If a motion of support is provided by the LHED Committee, an easement resolution will be brought to the Assembly for public hearing.

Staff request that the Lands, Housing and Economic Development Committee pass a motion of support to the Assembly for granting a drainage easement to the owners of 101 and 747 Goldbelt Ave. Motion passed.

C. Lot Depth

Ms. Maclean discussed this item. There are a number of challenges with the City's Land Use code when it comes to development across the Borough. When the code was adopted in 1987, it worked "well enough" but it seems to have been taken from down South, which has flat, wide-open spaces. Our topography and hazard zones are different from what is typical down South. The Land Use Code worked ok when developing the Valley, which is flat and conforming, easy to develop. As time has progressed, what is left are hard to build lots with the current code not working very well for development.

On May 11th, against staff recommendation, the Planning Commission granted a Variance to allow development of a lot with insufficient lot depth. Variances are to be granted only in extreme and rare cases. In this instance, and in consultation with the Municipal Attorney, staff believes that the Commission has erred, and this has since been appealed. However, at a policy level there is a correct path that appears to be also a global benefit to the Land Use Code. The subject case entails a proposed development of a property that is approximately 78' in depth, in this zoning district, a minimum lot of depth of 80' is required. Because there are numerous development options for the property, the granting of a Variance is inappropriate. The Land Use Code requires numerous dimensional requirements including frontage, lot width, lot size; and front, side and rear yard setbacks. Because we have so many other dimensional requirements, lot depth appears to be unnecessary criteria to achieve rational development. Staff is looking at repealing the requirement to have lot depth. The table of dimensional standards in the Land Use Code has a minimum lot size that is required in each zoning district, frontage that is required (30' or 20' for industrial), lot width, and lot depth; which all add up to a lot of challenges with the remaining land to develop in the borough. One way forward that staff is proposing is to remove the requirement of lot depth and keeping the minimum requirements for lot width and

size, which provide minimal property dimensions to work with. This could potentially give more flexibility with the remaining lots for development.

Mr. Watt understood why the Planning Commission came to their decision and supporting the request but feels that technically it was not the right way to go about it. Ten years ago more variances were granted on the advice of a previous City Attorney, but the new City Attorney has approached this with this not being the right practice, in which staff agrees. We are on a long path back trying to add flexibility back into the code. The right course would be to send it back to the Planning Commission to look at Title 49 and reduce the lot depth in the appeal.

Mr. Bryson was asking about whether lot depth was being removed or reduced from the code. Ms. Maclean replied that staff is proposing to repeal lot depth entirely from the code, knowing that minimum lot size and width will provide some sort of depth for lots. Trying to figure out a reduction would lead to issues, so rather to try to come up with another number for lots we would rely on minimum lot size and width.

Mr. Smith asked about practical impacts and how it would change the look and feel of neighborhoods and how many permits or proposals have been denied because of lot depth issues. Ms. Maclean replied that there was a variance denied back in November 2020 being 1 foot short, and didn't have numbers ready as to how many have been denied but there may have been some proposals that had to redesign and may have not been able to get as many lots in a proposal as originally planned. Most people are concerned with overall minimum lot size that fits with the zoning. The challenge is to balance development and building flexibility into the code that is not present at this time. Mr. Watt commented that this issue might come back to something else as it progresses through public comment.

Mr. Mertl asked what the purpose of 80 feet was, or was that something transferred from an older guideline. Ms. Maclean replied she was not certain the rationale behind that, as if you multiple lot depth times width it does not always get to lot area, so it is uncertain what the rationale was back in the 1980s.

Chair Gladyszewski commented that the Title 49 Committee should be reviewing this but we are proposing this change due to an issue that happened recently. How do we know that the lot depth needs to be changed or what is the rational thing for Juneau. Ms. Maclean replied she agrees that this is not the entire fix and if we had our druthers then we would completely rewrite the Land Use Code and not just piecemeal, but that takes funding and time, at least three years' worth of work. If that is not possible then we have to continue to chip away at these little fixes and beg forgiveness and patience with the property owners and developers. A lot of the frustration and angst in the development community stems from over a period of time the code from 1987 was good enough and we were getting by because we had more easy and buildable land to work with. Most of that land has now been developed and is not available anymore and the code does not work with that flexibility. The lot depth issue will not fix everything but will help some property owners. If we do not have the funding, capacity, and support to fix the Code completely then we need the patience and support of the Assembly to do it piecemeal with these little fixes.

Mr. Bryson asked what it would take to rewrite the Land Use Code. Mr. Watt replied that the Land Use Code is about telling people what they cannot do with their property and it would be difficult to make everyone entirely happy. Land development is about the rights and

responsibilities of the developer and the rights of the existing development or vacant property nearby. Getting all of the developers happy with the Land Use Code is a long quest with developing neighborhood values on the side. One of the areas in the Land Use Code is to require developers to put in roads and utilities, which is expensive and the allocation of who is responsible for building this infrastructure, which is public infrastructure. The City does not have the capacity at the Assembly and community level for a complete rewrite, which would entail starting with philosophical underpinnings to pull everyone together and then march on a multiyear process with every year possibly electing new people to the Assembly. By the time you finished one process, you would be inclined to start over. In theory, it would be a great idea but in practice, not sure it would be possible. Chair Gladziszewski replied to Mr. Watt that on this Committee, we have two standing topics to discuss, which includes status of Title 49 updates for a reason. We have been talking about this for a long time and it has not happened fast enough for anyone. One of the Assembly's priorities has been housing and what would it take to make progress, not necessarily a complete rewrite of Title 49. If that cannot be done, then why and what would you need to do this. Mr. Watt agreed that progress has not been very fast. With the Attorney, they have a long list of codes that are competing with the Land Use Code for revisions. When we meet annually with the Planning Commission, we layout priorities and a work plan, but not all of those are housing related. In regards to housing, it should not be lost that the Assembly has done a lot. We will have a senior housing project before too long that the Assembly worked on. Having the Assembly focus on policy direction will also help. The planning department has been short staffed, and it comes down to staffing in the planning and law departments, as well as focusing attention on the Assembly and the Planning Commission.

Chair Gladziszewski commented that she couldn't make a motion but suggest that we delete lot depth and examine all lot dimensions, with an analysis of what is holding up development. Ms. Hughes-Skandijis commented that she is not opposed to broadening that but maybe a hybrid motion, as they have just dealt with lot depth and maybe have more discussion with other items. Mr. Bryson is in favor of moving this forward and agrees that we need to analyze lot sizes.

1st Motion that the LHED direct the Manager to send a Title 49 Code change to delete lot depth as a governing criteria to the Planning Commission for review. Motion passed.

2nd Motion that at the next LHED meeting that there will be a presentation from Community Development that explains the determination that looks into the standards that looks into the other dimensions of lot sizes, whether side yards, set-backs, and all of the dimensions of a lot size to let the LHED committee know that would facilitate development. Motion passed.

Ms. Maclean asked Mr. Bryson if he meant how lot sized are determined today or back from 1987, which CDD does not have answers for that timeframe, as there is not a whole lot of documentation and backup from that time period on how they reached their determination. Chair Gladziszewski replied that she thought that was different from what she thought Mr. Bryson had said in regards to the second motion, which she thought he was asking about what amendments could be made to dimensional standards for lots to facilitate development. Mr. Bryson replied that the other component was for this committee to receive information on how the lot depth impacts the entire lot size.

Mr. Smith asked if CDD believes that it is just dimensional standards that is holding up development or if there are other things in Title 49 that are more of a problem. Are there other models or concepts that would be useful for this committee to hear about, and to bring that

information back to the committee for discussion. Chair Gladyszewski asked Ms. Maclean to discuss this with her for a future LHED meeting to move this forward.

Mr. Mertl was concerned that Pandora's Box may be opened with this issue. It's not just about four or five dimensions on four or five properties, but it is a huge interwoven complex set of criteria and requirements and unless CDD has already gone through this analysis, and has a good idea of how to move this forward, he is hesitant on moving this forward with a lot of potential ramifications and perhaps should be hesitant in moving this forward to quickly. Chair Gladyszewski commented this is a difficult situation but the LHED is willing to give it a try. Mr. Bryson appreciated Mr. Mertl's comments and is confident that Ms. Maclean has already addressed key components and recognizes the complicated development in Juneau and this could let us know what some of the problems are. Mr. Mertl replied that a lot of this discussion is about what are the barriers in housing development but equally important are the qualities of the neighborhoods and this isn't something that can be solved quickly.

VII. STANDING COMMITTEE TOPICS

A. Status of Title 49 Updates (verbal)

Ms. Maclean gave an update on other ordinances that are moving along right now. One that replaces the Board of Adjustment with the Planning Commission for more efficiency in the meetings. This will go to the Planning Commission on June 22nd. An Auke Bay ordinance that could impact housing and development will also be going to the Planning Commission on June 22nd, which was postponed due to an appeal hearing. This includes four ordinances, a proposed new neighborhood commercial zoning district, a new mixed-use three zoning district, fixing landscape and vegetation, and an overlay district. Also on June 22 will be the final draft for assessor apartments. Coastal zone management will also be discussed. On June 13 the Planning Commission will hear about the alternative development overlay for downtown Juneau. The Title 49 Committee will hear Lot depth and parking this Thursday, June 10th.

B. Status of Housing Initiatives (verbal)

Mr. Ciambor gave an update. He has been continuing to work on the downtown rehabilitation loan program, as well as the discussion and working with the Juneau Housing Trust and the Tlingit and Haida Regional Housing Authority on what it would take to get lots into a permanent affordability status for the Pederson Hill subdivision. There has also been work on the Affordable Housing Fund timeline for potential rollout for a competition, and the Riverview Senior Living Housing received its conditional use permit through the Planning Commission and have scheduled an informational Zoom meeting for June 29th at 5:00pm.

VIII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

No comments or questions.

IX. ADJOURNMENT

Chair Gladyszewski adjourned the meeting at 5:48 PM. Next meeting Monday, July 19, 2021.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan_Bleidorn@juneau.org
(907) 586-5252

TO: Maria Gladziszewski, Chair of the Assembly Lands Housing and Economic Development Committee

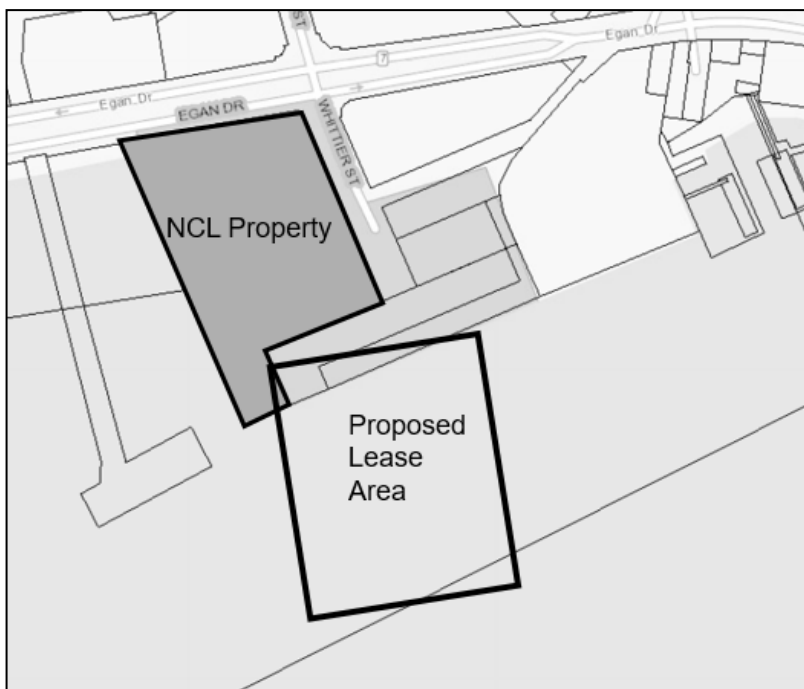
FROM: Dan Bleidorn, Lands and Resources Manager *Daniel Bleidorn*

SUBJECT: Norwegian Cruise Lines Request to Lease CBJ Tidelands

DATE: July 14, 2021

In June 2021, the Division of Lands and Resources received an application from Norwegian Cruise Lines (NCL) to lease tidelands. NCL acquired the 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 [Support Development Memo](#) on the topic of Assembly consideration process, discussion and draft approach.

At this point in time, the application has been received and the initial step in processing the application is for the Assembly to 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 work with NCL to apply for the correct City permits, outline the public process, and will eventually negotiate terms and conditions of a lease. Staff will provide regular progress reports to this Committee. 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 this Committee

for review. Since NCL is the adjacent property owner and there is no other uplands access to the City tidelands, seeking other proposals is not recommended.

Staff request that the Lands, Housing and Economic Development Committee pass a motion of support to the Assembly for working with the original proposer Norwegian Cruise Line in accordance with City Code 53.09.260.

Attachments:

1. January 25, 2021 Memo from Rorie Watt RE: Subport Development - Assembly Consideration Process, Discussion & Draft Approach with attachments
2. NCL Application



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

TO: Deputy Mayor Jones and Assembly Committee of the Whole

DATE: January 20, 2021

FROM: Rorie Watt, City Manager

RE: Subport Development - Assembly Consideration Process, Discussion & Draft Approach

The Assembly has decisions to make on how it wishes to proceed with consideration of the proposed Norwegian Cruise Lines development at the site commonly known as the Juneau Subport. Equally importantly, the public should be clearly advised on how and when they may participate in this process. NCL has hosted several well attended community meetings, but to date CBJ has been silent on its process.

Issues:

1. Long Range Waterfront Plan (LRWP)

- a. The Visitor Industry Taskforce report to the Assembly advised against updating the entire LRWP. I believe that their recommendation was based on two beliefs. First, that the LRWP is still a valid and useful document and that the effort of developing or updating the entire plan is not warranted. Second, their support of consideration of a dock at the Subport indicates that they believe that a dock could be allowed at that location under the Plan.
- b. It is less than perfectly clear whether a cruise ship dock at the Subport would be found in conformance with the LRWP; there appear to be arguments in support and against a finding of conformance. Attachments to this memo illustrate some relevant portions of the Plan.
 - i. Area B of the plan shows an extended wharf along the alignment of the USCG Dock and a small boat harbor. The extended wharfage is long enough to accommodate a large ship and the Plan does not explicitly prohibit a cruise ship dock. This diagram is also consistent with the 2003 Subport Vicinity Revitalization Plan, which is referenced in the LRWP.
 - ii. The extended wharfage in Area B is shown with smaller vessels and does not explicitly show a cruise ship dock, like the Plan shows in Areas C, D and E. Moreover, contemporary public polling that was completed at the time the LRWP was intentionally included in the Plan. The Plan shows that at the time of adoption, unsupported initiatives included majority opposition against one or two cruise ships at the Subport.

2. CBJ is the owner of the adjacent tidelands.

- a. In order to develop the current proposal (or components or other variations), NCL would need to lease municipally owned tidelands.
- b. Per the Land Management Plan (Map 22 to Ordinance 2016-18), the tidelands adjacent to the Subport are managed by Docks & Harbors. However, the Assembly has verbally advised D&H that the Assembly intends to take active control of management decisions with regard to the proposed NCL development.
- c. In accordance with 53.09, municipal tidelands may be leased for not less than fair market value. Upon receipt of an application, code requires that:

"the proposal shall be reviewed by the assembly for a determination of 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."

- d. These municipal tidelands are categorized in the CBJ Land Management Plan as properties that the CBJ should "Retain."

3. Conditional Use Permitting.

- a. The proposed development will require a Conditional Use Permit. When an application has been submitted to the Community Development Department, staff will review the application, make findings regarding conformance with code and adopted plans and make a recommendation for or against the proposal (with or without conditions) to the Planning Commission. The public will have the opportunity to comment to the Planning Commission on the permit.
- b. In the event of an appeal of the decision of the Planning Commission, the Assembly can choose to appoint a member as the Presiding Officer and hear such an appeal, or it may choose to hire an independent Hearing Officer. In the event that the Assembly cannot find that it would be impartial to hearing such an appeal, the Assembly may be advised by the Attorney to hire an independent Hearing Officer.

4. Adjacent or Coordinated Development.

- a. Docks & Harbors is currently working on the "Small Cruise Ship Berthing Plan." That plan has preliminarily identified a preferred development option that is adjacent to and coordinates with the proposed NCL development.
- b. Engineering Department staff have been working on developing a waterfront seawalk from the bridge to the rock dump, in conformance with the Long Range Waterfront Plan.

5. Negotiations with Federal Government.

- a. The NCL proposal would impact federal facilities and would require negotiation and agreement with the US Coast Guard and possibly NOAA.
- b. The D&H planning effort would require negotiation and agreement with NOAA and possibly the USCG.

- c. Neither negotiation is likely to be successful unless the CBJ Assembly firmly supports the proposed developments.

Draft Approach:

The Assembly should choose a process that affords it the decision-making capacity that is most important to the body and that also allows the public to participate at various stages in the process. I believe that the fundamental decision is whether or not a cruise ship dock at this location is in the best interests of the citizens of Juneau. In order to adequately answer that question, a significant level of detail is necessary and that detail must developed through a public process. I recommend the Assembly approach the proposed development in the following order:

- A. Consider amending the LRW Plan to explicitly state that a large cruise ship dock at the Subport could be in conformance with adopted plans and codes. This accomplishes two objectives.

First, it shifts the conversation from "is a dock allowed in the LRWP" to "should a dock be permitted at this location."

Second, it removes likely debate that could lead to an appeal. Ultimately, this debate would be distracting from better questions.

The LRWP original process was heavily informed by the public, amending the plan can be the first step for citizens to participate in Assembly process in a meaningful way.

- B. Decide that in the event of an appeal of a Conditional Use Permit for this proposed development, that such an appeal should be heard by an independent Hearing Officer (and not the Assembly as is common practice). This decision would allow the Assembly greater latitude to direct the Manager to pursue negotiations with NCL, and federal agencies, receive updates, ask questions and give direction on the planning of closely related developments for seawalks and small cruise ships. By planning for a Hearing Officer (as needed), the Assembly may most fully participate in development discussions.
- C. Upon receipt of application for a land lease of the municipal tidelands, direct the Manager to commence negotiations for a lease with the "original proposer", and wait for the completion of Conditional Use Permit process prior to considering an Ordinance that would authorize a land lease.

This process (likely are other good ones) would allow the Assembly, Planning Commission, and the public to sequentially address three questions:

1. Should a dock at the Subport be considered?
2. Should a dock at the Subport be permitted, and if so, under what conditions?
3. Once the full details of the proposal are known, should the Assembly lease land for the development of a cruise ship dock at the Subport?

I recommend that the Assembly consider and accept or modify this approach; clarity of process will benefit both the applicant and the public. As it would represent a major policy decision, I further recommend that you provide the public an opportunity to comment before a final decision is made.

Attachments:

- 1. NOAA Seadrome Site Concepts**
- 2. 2004 Long Range Waterfront Plan excerpts**
 - A. Figure 23: Area B (Support) Alternative Concepts
 - B. Figure 28: Juneau's Downtown Waterfront Plan 2025 Concept PlanThe entire LRWP can be found [HERE](#)
 - i. Support design guidelines can be found on Pages 47-50
 - ii. Public survey results can be found in Appendix A, pages 73-76

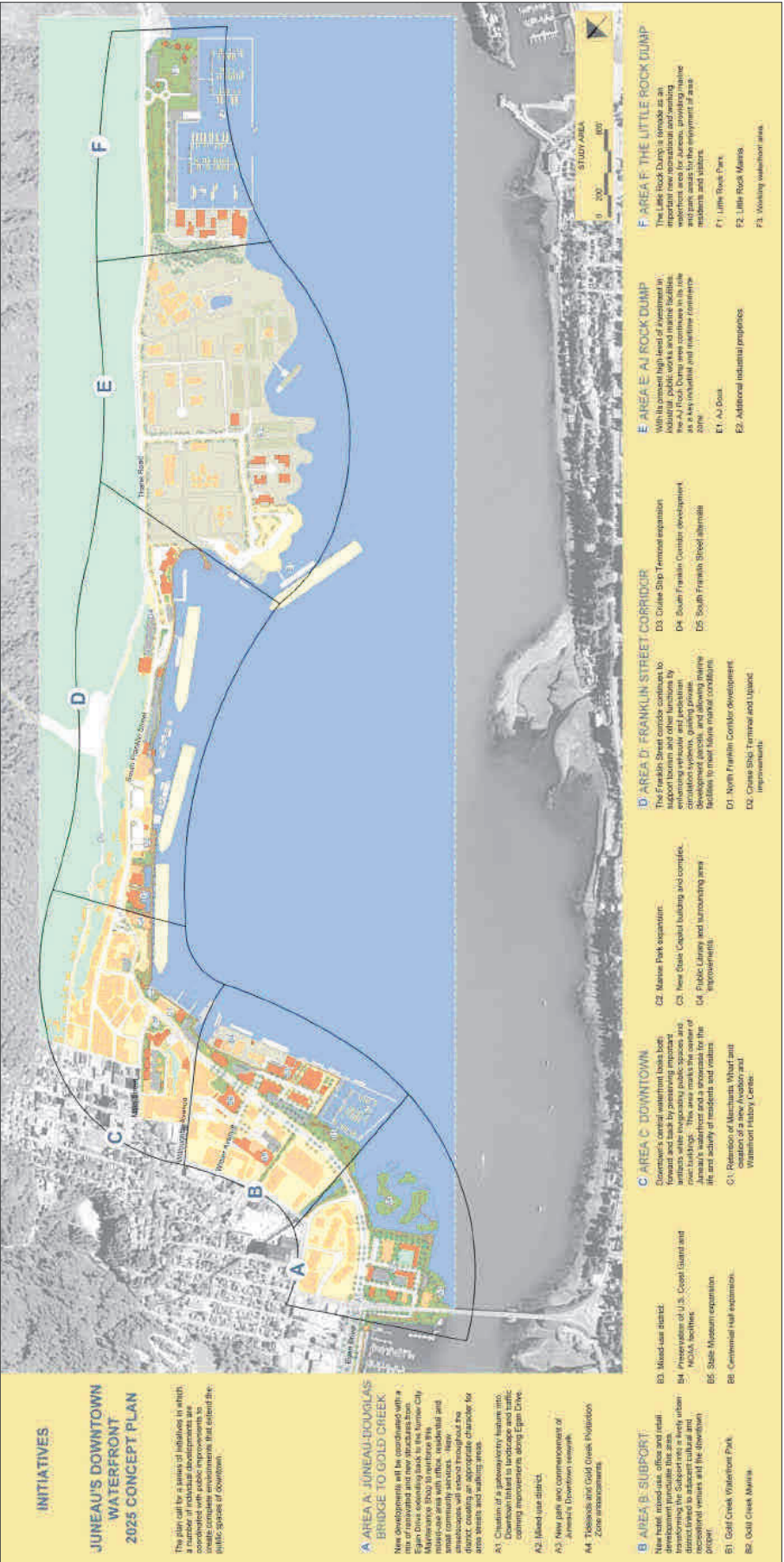
Area B: Subport

Alternatives prepared for the Subport redevelopment area contemplate similar upland organization as illustrated in the Draft 2003 Subport Vicinity Revitalization Plan coupled with waterside development schemes ranging from a marina to a twin cruise ship pier. Each alternative presents a large public park and recreation area east of Gold Creek and preservation of operations found at the U.S. Coast Guard and NOAA facilities.

Figure 23: Area B (Subport) Alternative Concepts



Figure 28: Juneau's Downtown Waterfront 2025 Concept Plan





Application to Lease City and Borough of Juneau Lands

Edit Entry

Applicant Information

Business / Individual *

NCL Bahamas LTD - Attention Alicia Cuervo,VP

Address *

7665 Corporate Center Drive

Street Address

Miami

City

FL

State / Province / Region

33126

ZIP / Postal Code

Phone *

(786) 295-8922

Email

acuervo@nclcorp.com

☒ Add Another Business/Individual

Business / Individual - 2 *

Suzanne Perez, Esq

Address *

Street Address

City

State / Province / Region

ZIP / Postal Code

Phone ***Email**

CBJ Land Information

The [CBJ Assessor's Database](#) will provide information regarding site address and legal description. The [CBJ Parcel Viewer](#) tool can provide necessary maps needed to complete this application.

Site Address ***Legal Description *****Provide Brief Description of Your Proposal *****Provide a Map of CBJ Land you wish to Lease ***[Juneau-Lease-App.pdf](#)  **Have you mailed the \$500.00 filing fee? ***☐ Yes☒ **Not Yet**

Applications can only be processed when the \$500 fee is received. All checks are made out to "The City and Borough of Juneau" and can be sent to:

The City and Borough of Juneau
Attn:Lands and Resources Division
155 S. Seward St.
Juneau, AK 99081

Additional Comments for CBJ Staff to Consider

Please be advised that a formal survey is in progress of proposed lease request area and will be forwarded shortly.

Upload Supporting Documents (optional)

Drop files here or

SELECT FILES

[Juneau-Lease-App1.pdf](#)  

"By submitting this form, I agree all information is accurate. Submission of this request is NOT approval by the City and Borough of Juneau. I understand that staff will review my application and follow up with questions. Once staff have reviewed my application, ultimate determination of my request to lease City property will be made by the City Assembly."

Legal Representative of Business / Individual *

Suzanne

First

Perez, ESQ

Last

Legal Representative of Business / Individual -2 *

Steve

First

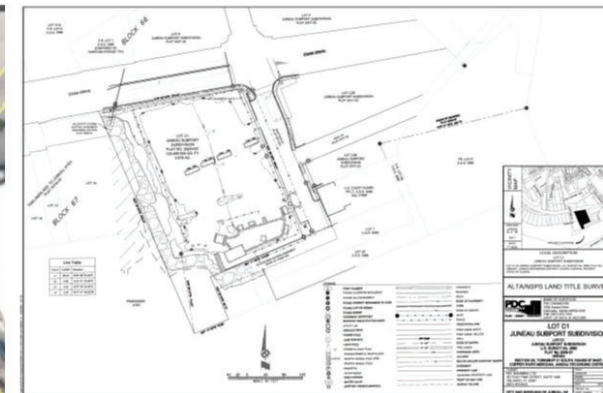
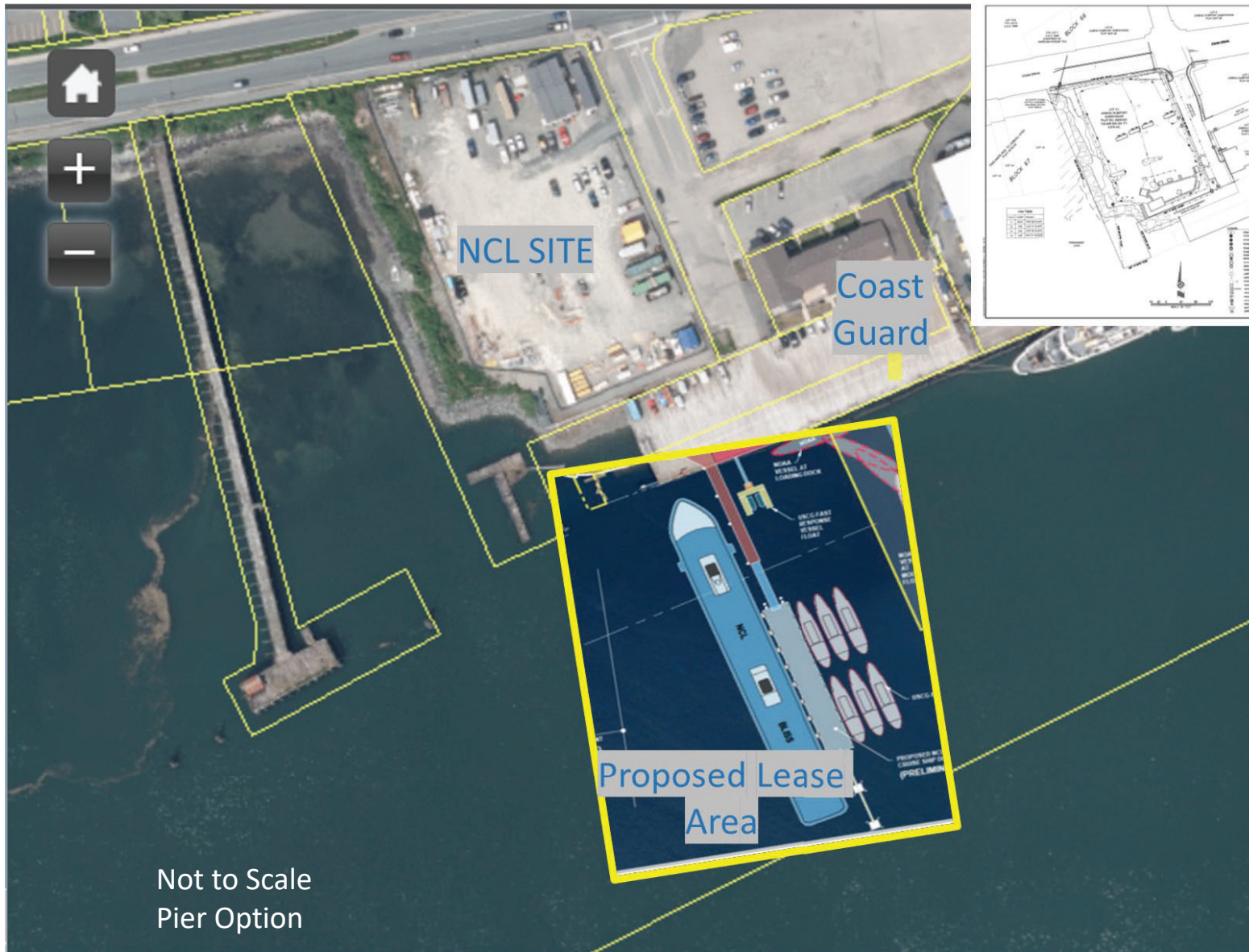
Moeller, SVP

Last

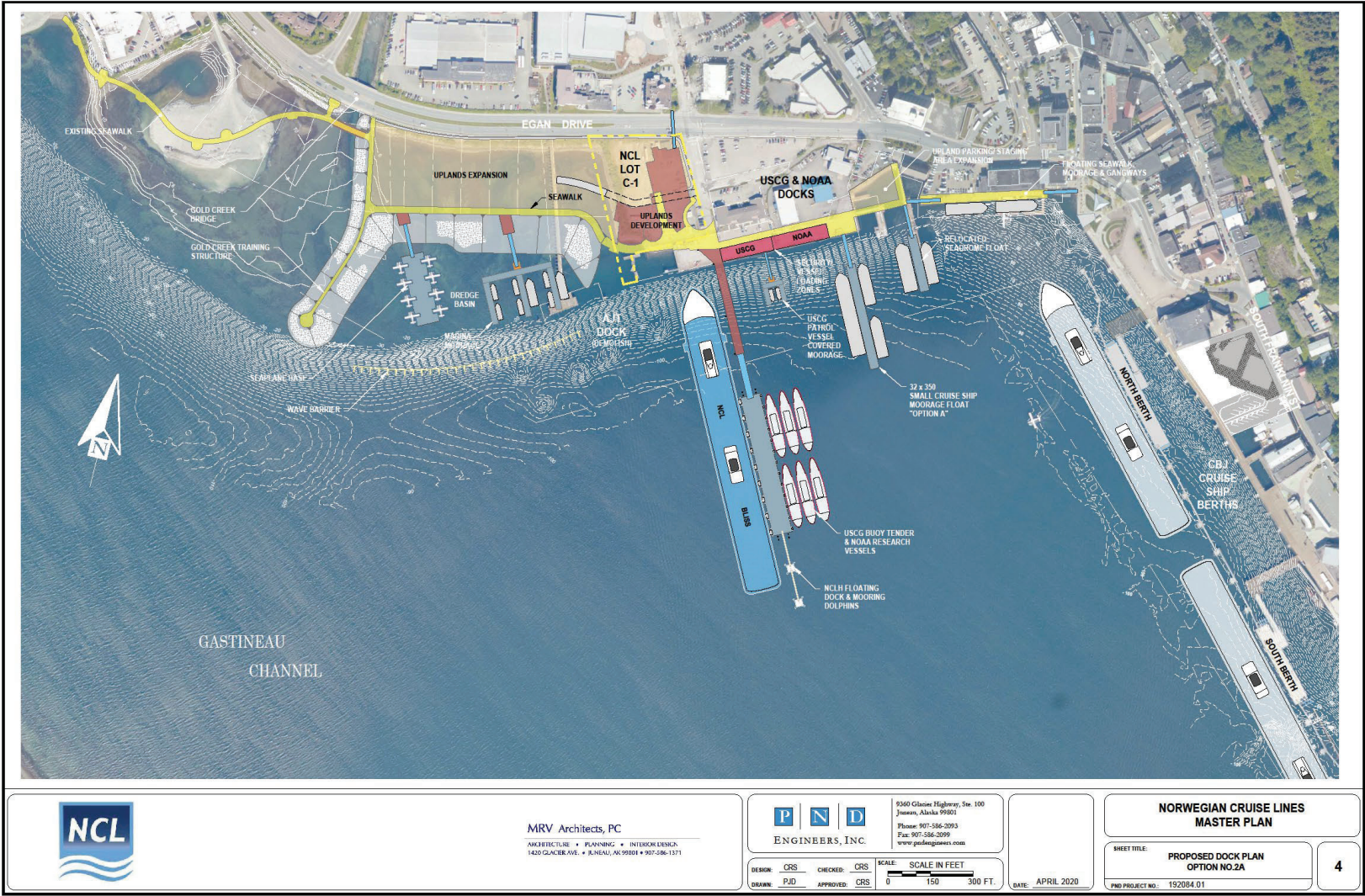
UPDATE

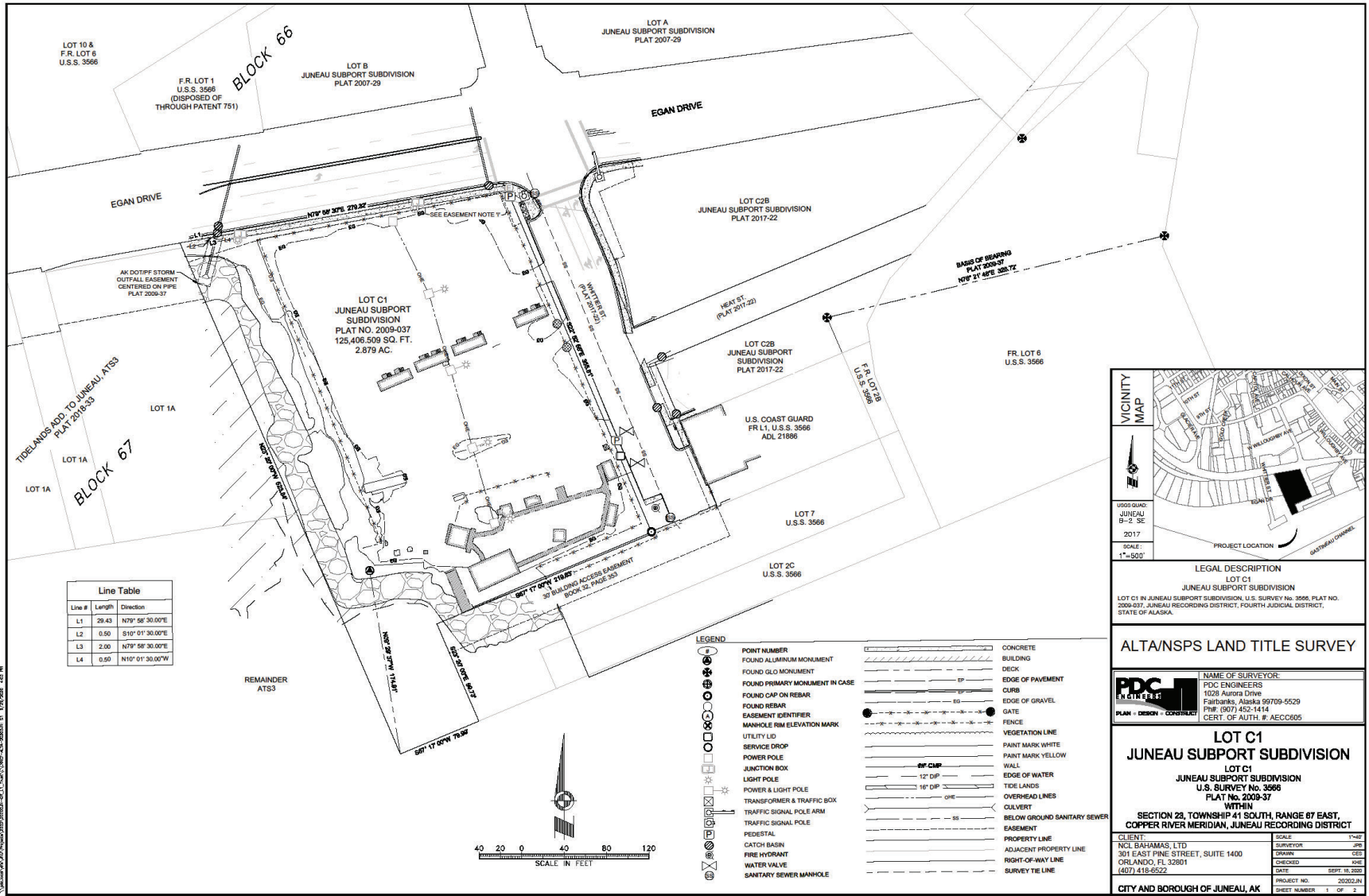
CANCEL

DELETE



Pier
Option





VICINITY MAP

LEGAL DESCRIPTION

LOT C1
JUNEAU SUPPORT SUBDIVISION

LOT C1 IN JUNEAU SUPPORT SUBDIVISION, U.S. SURVEY No. 3566, PLAT No. 2009-037, JUNEAU RECORDING DISTRICT, FOURTH JUDICIAL DISTRICT, STATE OF ALASKA.

ALTA/NSPS LAND TITLE SURVEY

NAME OF SURVEYOR:
PDC ENGINEERS
1028 Aurora Drive
Fairbanks, Alaska 99709-5529
PHE (907) 452-1414
CERT. OF AUTH. #: AEC605

**LOT C1
JUNEAU SUPPORT SUBDIVISION**

LOT C1
JUNEAU SUPPORT SUBDIVISION
U.S. SURVEY No. 3566
PLAT No. 2009-037
WITHIN
SECTION 28, TOWNSHIP 41 SOUTH, RANGE 87 EAST,
COPPER RIVER MERIDIAN, JUNEAU RECORDING DISTRICT

CLIENT	DATE
NCL BAHAMAS, LTD	2020.01
301 EAST PINE STREET, SUITE 1400	
ORLANDO, FL 32801	
(407) 418-6522	

SURVEYOR	DATE
JPB	2020.01
ORLANDO	
DATE	2020.01

PROJECT NO. 202002.JN
SHEET NUMBER 1 OF 2

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Maria Gladziszewski, Chair of the Assembly Lands Housing and Economic Development Committee

FROM: Dan Bleidorn, Lands and Resources Manager *Daniel Bleidorn*

SUBJECT: Franklin Foods Request to Purchase City Property at 139 S. Franklin St.

DATE: July 14, 2021

On June 3, 2021, David McCasland of Franklin Foods LLC submitted an application to purchase City property located at 139 S. Franklin St. This property was formally Gunakadeit Park, is roughly 4,000 square feet and is currently being leased to Franklin Foods as part of their food court. McCasland sent the Borough Assembly the attached letter stating that he is in discussions to purchase the former Gastineau Apartments property located at 127 S Franklin St. This property is the former location of the Gastineau Apartments and is adjacent to the City's property. It is roughly 16,000 square feet and is leased to Franklin Foods for the food court.

The 2016 Land Management Plan lists the property as managed by the Parks and Recreation Department and marked the retention status as "Retain/Dispose". At the time of the Plan's adoption it was determined that the City property was needed to facilitate the demolition of the burned out Gastineau Apartments building which was a public nuisance. The 2019 Parks Master Plan listed the property as a Special Use Area and states that,

"Special use areas are public recreation lands being used for a specialized or single-use facility or activity that does not fit into any of the other categories. Examples of Special Use Areas in Juneau are the Community Garden, Hank Harmon Rifle Range, and Homestead Park. The definition and management intent are specific to each area."

In 2018, the Division of Lands and Resources received a similar application to buy this property also from Franklin Foods LLC. The Parks and Recreation Advisory Committee (PRAC) at their October 8, 2018 meeting determined that a temporary lease would be preferred to selling the property and recommended the Assembly retain Gunakadeit Park as a Special Use Area and requested that staff develop options for future development or disposal.

During the Assembly 2018 review, Assembly Member Jones noted that if the purchase of the neighboring property did go through that it would be worth approaching the Assembly again to request another proposal to purchase Gunakadeit Park at that time. The Assembly, at the November 5, 2018 meeting, directed the City Manager to negotiate a fair market value lease of Gunakadeit Park. The current lease agreement is for one year and has two additional one year terms remaining.

At this point in time, a new application has been received and the initial step in processing the application is for the Assembly to 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).

Staff requests the Lands, Housing and Economic Development Committee forward this application to the PRAC prior to the Assembly determination in accordance with City Code 53.09.260.

Attachments:

1. Dave McCasland 2021 letter to the Assembly
2. Minutes from the 10/08/18 PRAC Meeting
3. Minutes from the 11/05/18 Assembly meeting

Dear Mayor Beth Weldon and assembly members,

I am owner and operator of Deckhand Dave's Fish Tacos located in the Franklin food court at the intersection of Front Street and South Franklin Street in Downtown Juneau.

I am currently in the process of further developing my business by securing the property rights of my present site located on previous Gastineau Apartment property, 127 South Franklin Street and have a broader interest in opening discussions with the City and Borough of Juneau to secure the adjacent City owned property formally known as Pocked Park located at 139 South Franklin Street for a business development expansion.

For background information, I moved and developed my current location in 2018 when the food trucks and stands were required to move from the downtown Juneau waterfront location of the Archipelago lot. Because of this required relocation, to open operations, at my current location, I negotiated an agreement with the owners of the Gastineau apartment property and the city to create the Franklin Food Court.

For this initial development, I personally invested over \$100,000 in upgrades to the current site to make the site operational to support my business by upgrading and enlarging the site which required re-grading, security fencing, lighting and connections to sewer, water, and electricity.

The result of this effort provided space for my business as well as (5) seasonal businesses previously located at the Archipelago site that otherwise would not have opened in 2019.

This effort secured (12) of my own employees as well as 20 employees from the other (5) businesses for a total of 32 seasonal workers. Business has since been successful where with my efforts, I expect to expand my current employment by adding a Champagne oyster bar selling local oysters from the Salty Lady.

My personal goal is to be a life-long Juneau resident and to do my best by contributing to the vitality of historic downtown Juneau; a trend we see currently underway along North Franklin Street and throughout downtown Juneau. I intent to do my absolute best to improve Juneau and help make downtown what I know it could be.

I have preliminary sketches that involve expanding pocket park up the hillside for a better view and to create more business opportunities for other food trucks like myself. With this development of this vision, I intend to create retail and hospitality space for year-round business and with plans to create 10 more jobs with just my business alone.

The long-term vision is to work with local interests and potentially introduce more housing in developing the upper portion of the property connecting to Gastineau Avenue.

Juneau has so many empty buildings and I want to make it my life goal to have them all open and operating. All business would do better when there is more activity happening around them.

Immediate interest is to work with development interests and restore the Rockwell Building adjacent to my current operation to historical standards with my personal goal to repaint the exposed 2-story Rockwall wall with a mural suggested to be depicting Elizabeth Peratrovich as a favored ideal. This would be an added highlight in the heart of downtown Juneau.

I am writing to you now to open discussions for the purchase of the Pocket Park property to help secure financing and am in current discussions with numerous local banks. Financing is reliant by securing Pocket Park simultaneously with the purchase of the Gastineau Apartment property to insure future potential growth as primary access to the Gastineau property is through the Pocket Park parcel.

The history of Pocket Park is that Pocket Park was in fact given to the city in 50's and was originally part of the Gastineau parcel.

My request is to have the City and Borough of Juneau sell me 139 s Franklin's contingent on the purchase of the Gastineau apartments parcel.

Thank you for your time and consideration of this inquiry.

David McCasland



MEETING MINUTES
PARKS & RECREATION ADVISORY COMMITTEE
MONDAY, OCTOBER 8, 2018 – 6PM
ASSEMBLY CHAMBERS

I. Call to Order at 6:00 p.m. – C. Mertl, Chair

Present: J. Anderson, E. Carrillo, J. Gellings, T. Gilmour, C. Mertl, E. Palmer, T. Rutecki

Absent: K. Shelton

Staff Present: George Schaaf, Director; Alix Pierce, Project Manager; Lauren Verrelli, Staff Liaison

II. Agenda Changes – None

III. Approval of Meeting Minutes from August 7, 2018 & September 4, 2018 – J. Anderson moves to approve both minutes; no objection. ***Minutes adopted.***

IV. Public Participation on Non-Agenda Items – None

V. New Business –

A. Gunakadeit Park Property

G. Schaaf: Gunakadeit Park, also known as “Pocket Park”, is located at 139 S. Franklin Street and is designated as a Special Use Area (designated for a single use or purpose) in the Parks & Rec Comprehensive Plan. The Lands Division received an application from Alaska Sustainable Seafood’s LLC (Deckhand Dave’s) to purchase the parcel. The area would be used as a food court area to foster economic development for new business opportunities as well as displaced existing businesses from the Archipelago lot. The City Manager is exploring joint packaging with our parcel and the former Gastineau Apartments site. The question here tonight is whether the PRAC would recommend we retain Gunakadeit Park under Parks & Rec management or remove it from the park system.

Greg Chaney: The PRACs role is to decide if it should remain a park or not.

T. Rutecki: The Departments recommendation is to keep it as a special use area?

G. Schaaf: Our default is for it to remain a park. There are a few options to consider, dispose the park through a land sale like Deckhand Dave’s is offering; offer the park for disposal through a lease where the city would retain ownership but would be made available for development; or improve it as a park. Retaining it as a special use area keeps all the options open. Also, take into consideration if the park is sold then the City is not able to determine how the parcel will be used.

T. Gilmour: I would like to see it remain a park but I would be open to having it leased.

J. Gellings: Would this stay open for the winter?

David McCasland: I am open to a lease. Creating a food truck park would keep it an open space for the city and a place for the community. During the winter, it would be fenced off

and a secure area, I would also have security and lighting. It wouldn't operate at the same capacity as the summer but I envision it would be open for special events for locals during the winter.

C. Mertl: If you were able to work a lease agreement for only Gunakadeit Park, would that work for your vision?

David McCasland: Just Gunakadeit Park would only fit a few vendors and my vision is to have both properties with multiple vendors there would be a draw for the community.

T. Rutecki: I make a motion that the PRAC recommends to the Lands Committee to retain Gunakadeit Park as a special use area and request that staff develop options for future development or disposal.

George Utermohle (1970 Glacier Ave.): I am speaking on behalf of Grateful Dogs of Juneau. I request this land be retained as Parks & Rec green space for people to walk their dogs.

Motion passes unanimously.

VI. Unfinished Business –

A. Treadwell Mine Historic Site & Trail Plan

G. Schaaf: This was brought to the PRAC at our September meeting but we did not have a quorum to vote. This plan seeks to make sure future trail development in the area conformity of the historic environment and resources in the park. Our staff worked closely on this project and we recommend to the PRAC to adopt the Treadwell Mine Historic Site & Trail Plan.

C. Mertl: I need to recuse myself again since my firm produced the plan.

Wayne Jensen (1210 2nd St.): I am member of the Treadwell Historic Preservation & Restoration Society (THP&RS) and our main purpose is to restore and preserve the history of the park and educate the people of Juneau. It is one of the most used parks in the borough and hosts a great number of different user groups which we want to continue. Having professional guidance on how the park moves forward is very important. As far as clearing, we will selectively clear sections to create view sheds of the channel and around buildings to help preserve them and bring in more light. We will not be clear cutting the entire area.

C. Mertl: This plan would also be a funding tool for when the THP&RS seeks more grants.

G. Schaaf: This plan builds on the 2008 Savikko Park Master Plan which identifies areas for vegetation management for safety and preserving historic structures in the area. This new plan talks about clearing sight lines and view sheds but also looks at invasive plants (alders). Unlike the 2008 plan, this plan talks about preserving tree stands that create protection from the wind coming down the channel.

T. Rutecki: The goal of the THP&RS is to restore the industrial complex like it used to look like with the funds available? Also, what about all the current trails?

Wayne Jensen: Our goal is to preserve what is left there and prevent it from deteriorating anymore. Having a very active trail system is really important to the park. We would focus on eliminating some of the trails that do not make any sense anymore and try to get

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - November 5, 2018

MEETING NO. 2018-33: 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 Beth Weldon.

I. FLAG SALUTE

II. ROLL CALL

Assembly Members Present: Mayor Beth Weldon, Loren Jones, Michele Hale, Wade Bryson, Carole Triem, Mary Becker, Rob Edwardson and Jesse Kiehl

Assembly Absent: Maria Gladziszewski

Staff Present: City Manager Rorie Watt, Deputy Manager Mila Cosgrove, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew, Parks and Recreation Director George Schaaf, Port Director Carl Uchtyl, Lands Manager Greg Chaney

III. SPECIAL ORDER OF BUSINESS

A. Special Recognition: Introduction of Exchange Students

Mayor Weldon welcomed AFS and Rotary exchange students from Pakistan, Switzerland, Palestine, Austria, and Egypt.

IV. APPROVAL OF MINUTES

A. August 9, 2018 Special Assembly Meeting #2018-23 Minutes

B. August 20, 2018 Special Assembly Meeting #2018-25 Minutes

C. August 28, 2018 Special Assembly Meeting #2018-27 Minutes

D. August 29, 2018 Special Assembly Meeting #2018-28 Minutes

MOTION by Ms. Becker to approve the minutes of the August 9, August 20, August 28, and August 29, 2018 Assembly meetings. *Hearing no objection, the minutes were approved.*

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

None.

Assembly Action

MOTION by Ms. Triem to authorize the City Manager to negotiate a fair market value lease with Juneau Composts! LLC. *Hearing no objection, the motion carried.*

B. Alaska Sustainable Seafoods LLC dba Deckhand Dave's application to purchase Gunakadeit Park

Alaska Sustainable Seafoods LLC dba Deckhand Dave's proposes to purchase Gunakadeit Park (Pocket Park) from the CBJ for a food court area.

Title 53.09.260 states that "The proposal shall be reviewed by the Assembly for a determination of 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...sale..."

On October 8, 2018, the Parks and Recreation Advisory Committee recommended retaining Gunakadeit Park as a Special Use Area and requesting that staff develop options for future development or disposal.

On October 22, 2018, the Lands Committee recommended to decline Deckhand Dave's proposal to purchase Gunakadeit Park and return the \$500 application fee, but that if using the lot for a food court is desired and is necessary, a temporary annual lease should be explored. Copies of the October 22, 2018, Lands packet are in your binder or online here: <https://packet.cbjak.org/MeetingView.aspx?MeetingID=944&MinutesMeetingID=1042&doctype=Agenda>

The City Manager recommends a motion to return the \$500 application fee and to decline the application to sell Gunakadeit Park to Deckhand Dave's. The City Manager also recommends a motion to authorize the City Manager to negotiate a temporary fair market value lease of Gunakadeit Park to Deckhand Dave's.

Public Comment

None.

Assembly Action

MOTION by Mr. Edwardson to return the \$500 application fee to Deckhand Dave's and to decline the sale of Gunakadeit Park and also to direct the City Manager to negotiate a fair market value of the lease of the park to Deckhand Dave's.

Mayor Weldon asked to split the motion and to take them up separately.

MOTION 1: To return the \$500 application fee and to decline the sale of Gunakadeit Park to Deckhand Dave's.

Mr. Jones commented that, when this discussion came before the Assembly Lands Committee, the applicant also noted he was attempting to purchase the neighboring property upon which the former Gastineau Apartments was located. Mr. Jones stated that during the discussion at the Lands Committee, the committee urged the applicant that if the purchase of the neighboring property did go through that it would be worth approaching the Assembly again to request another proposal to purchase Gunakadeit Park at that time. Mr. Jones asked the attorney to confirm that if this motion passed tonight declining the sale of the park land at this time that it would not prevent the applicant from coming back in the future to try again. Mr. Palmer confirmed that action to decline the sale tonight would not be a barrier to a future purchase proposal.

Hearing no objection, Motion 1 passed.

MOTION 2: To direct the City Manager to negotiate a fair market value of the lease of Gunakadeit Park with Deckhand Dave's.

Mr. Jones stated that he objected to the motion. He said the original proposal provided by the applicant was very well done and the proposal had included the necessary infrastructure improvements that would be needed such as electricity, plumbing and restrooms for the proposed use of the property. He said that he didn't feel a short term lease would bring in that required infrastructure for a year to year lease. This in turn would impose a burden and would be a disservice to the nearby brick and mortar businesses.

Additional discussion took place regarding the food carts that had been located on the Archipelago property. Members spoke in favor and against this second motion and asked the City Manager more about the process and timelines involved and if any lease terms were specified. Mr. Watt noted that there was no specific term mentioned during the Lands Committee discussion on the matter.

Ms. Becker stated that the Lands Committee passed a motion to return the \$500 application fee and to recommend the Assembly decline the application and send the matter to the PRAC (Parks and Recreation Advisory Committee) for additional recommendations. She said the Lands Committee did discuss the lease but did not pass a motion to authorize the lease but she asked if Mr. Chaney might come forward to confirm what action was taken at the Lands Committee.

Mr. Chaney explained that the proposal went to the Lands Committee and the Lands Committee referred the matter to the PRAC looking for their recommendations. The PRAC passed the motion as mentioned in the Manager's Report and sent it back to

Lands. The motion at the Lands Committee was to decline the offer and refund the \$500 fee with the suggestion that "if the Assembly found it was appropriate, they could direct the Manager to negotiate a lease." He also clarified that if the Assembly did direct the manager to negotiate a lease, it would have to come back to the Assembly for final approval.

Ms. Becker asked for additional clarification regarding the role of the PRAC vs. the role of the Assembly for future action. Mr. Chaney clarified that the PRAC was not in favor of outright sale of the property at this time since the Downtown Blueprint project and the Parks and Recreation Master Plan project were ongoing projects and the PRAC would hope those could be completed before any final recommendations were made with respect to Gunakadeit Park.

Mayor Weldon noted that Mr. Jones' objection remained and asked for a roll call vote to be taken on the second motion.

Roll Call on MOTION 2

Ayes: Edwardson, Hale, Kiehl, Triem, Weldon

Nays: Becker, Bryson, Jones

Motion carried 5:3

C. Senior Citizen/Disabled Veteran Late Filed Hardship Exemption Application

The Assessor received the below referenced Senior Citizen/Disabled Veteran Real Property Hardship Exemption application. The Assembly needs to determine whether to accept or reject the late-filed tax assessment appeal. Evidence on the assessment itself or the merit of the appeal is not relevant. The Assembly should consider each request separately and determine whether or not the property owner was unable to comply with the 30-day filing requirement.

2018 Senior Citizen/Disabled Veteran Exemption

1) Applicant: Emma C. Borbridge

Parcel ID: 1C060C180010

Physical Address: 603 W. 10th Street, Juneau

The burden of proof is upon the property owner to show the inability to file a timely appeal. In this context, the word "unable" does not include situations in which a property owner forgot about, or overlooked, the assessment notice, was out of town during the period for filing an appeal, or similar situations. Rather, it covers situations that are beyond the property owner's control and would prevent a property owner from recognizing what is at stake and dealing with it. Examples of this would include physical or mental disability serious enough to prevent a person from dealing rationally with their private affairs. Disagreeing with the amount of the assessment does not constitute inability to submit a timely appeal, nor does a notice of assessment being sent to a wrong address. The property owner is



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

TO: Chair Gladyszewski and Assembly Lands, Housing and Economic Development Committee
DATE: June 24, 2021
FROM: Rorie Watt, City Manager
RE: Amending the Land Use Code (Title 49)

At the 6/7/21 meeting, the Committee expressed some frustration at the length of time it takes to make amendments to the Land Use Code (Title 49), particularly regarding requirements that pose barriers to housing projects.

I think it is helpful to paint the historical landscape to inform our current situation. For years, the Planning Commission (PC) frequently issued Variances as a means to "practicalize" the code. They would hear from applicants and neighbors and in a transactional manner would apply the code in a way that felt fair to the public and developers – everyone felt like they had their "day in court."

However, upon legal review in around 2015, the Municipal Attorney determined that this use of Variances actually undermines the authority of the entire Land Use code and that the practice should cease (this legal opinion is not disputed); and that if the Assembly or the PC wanted flexibility in the code, then it should be imbedded in Code amendments.

Ironically, a reduction in the issuance of Variances may actually be responsible for an increase in Appeals – applicants feel that a more rigid application of the code is not fair, they desire the transactional approach. These appeals can be enormously burdensome on staff and the PC (as well as the Assembly).

The Assembly may wish to consider current practice for code review and the associated workloads of all groups that work on code amendments (Community Development, Law). In general, it takes a lot of time and coordination to research other community codes and case law and game out intended and unintended consequences of various ideas. In brief, the process is:

- A. Code prioritization is discussed at the annual meeting of Assembly and PC
- B. Staff from CDD and Law work with the PC on proposed amendments at the PC Title 49 Committee, the PC COW and eventually the full PC.
- C. Assembly reviews and works on the PC product (usually with committee work at Lands and/or COW)

It is not uncommon for a code amendment to take a year, or so. Analyzing obstacles to workloads, I offer the following analysis/comments:

Planning Commission:

We currently ask the PC to do the following:

- Review the CIP
- Review Land Disposals
- Hear Conditional and Special Use Permits, Variances, and Major Subdivisions
- Work on Code Amendments
- Work on Area Plans
- Work on Comprehensive Plan Updates

In short, we should consider whether we ask too much of our PC volunteers. If we want the PC to focus on Code amendments, then given their current duties, we have to be realistic about their ability to prioritize workload.

Community Development Department:

CDD's budget was cut last year (and partially restored this year) and the Assembly has prioritized area plans and the Comp Plan. Complex code analysis can be time intensive. Reducing code complexity, prioritizing code work and trying to reduce Appeals should be prioritized.

Law Department:

Spends an enormous amount of time whenever we have an Appeal. Appeal work takes priority over code amendments and often derails code projects. Appeal reduction should be a priority.

Assembly:

The Assembly deals with a remarkably diverse number of issues. The Land Use Code is detailed and technical. It is unusual for the Assembly to be able to digest and agree to a code amendment in one pass. System changes that take some burden off of the Assembly could be prioritized. Prior Assemblies have been generally reluctant to reduce code complexity by removing requirements and have been interested in the details of proposed code changes.

The Assembly has charged the Systemic Racism Review Committee with reviewing all ordinances. At a national level, the President has suggested policy consideration of zoning rules that have exclusionary effects. The Assembly may need to conceptually address this issue at a macro level.

The Juneau Chamber of Commerce has also formed a sub-committee that desires to work on ideas to streamline permitting requirements. Organized involvement from the development community may help streamline consideration of ideas.

Big Picture Concepts:

1. The Assembly should continue to prioritize the Comprehensive Plan as it should be a driving force for code amendments.
2. The Assembly could prioritize making the code less complex. A recent example is our layered jurisdiction to anadromous stream permitting. Similar to when CBJ removed our codes regarding Bald Eagles, the Assembly could leave some issues to more expert environmental regulatory agencies.
3. The Assembly could consider reducing the workload of the PC in several ways, including:
 - a. Splitting the duties between two appointed boards. One would work on code, Comprehensive and area plans, focusing on the policy issues, the other would retain the permitting duties, focusing on the implementation of the code and policies; or
 - b. Appointing a Hearing Officer who would hear all permitting issues; or
 - c. Deciding to reduce the PC's workload, perhaps removing the duty to analyze land sales or the CIP.

Recommendation:

No recommendation at this time. The Assembly should consider whether it prefers to explore different code amendment processes, taking into account the delicate balance of careful deliberation and timely action. All changes to Title 49 are required by code to go to the PC. We should ask for their advice and opinion. Our goal should be to have expectations that match the level of staffing that is funded and the time constraints placed on both the PC and the Assembly.



(907) 586-0757
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www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

July 15, 2021

MEMO

To: Chair Gladziszewski, and Assembly Lands, Housing, and Economic Development Committee

From: Jill Maclean, Director, AICD *Jill Maclean*

Date: July 14, 2021

RE: Title 49 Land Use Code and Industrial Zoning and Table of Permissible Uses

Industrial zoning has been a priority of the Assembly for a number of years. Before staff can address this priority fully, a dialogue around the desire for industrial zoning is necessary. As the borough has developed, less “true” industrial land may be needed.

Several topics ought to be addressed to direct staff in order to accomplish this priority.

What is industrial zoning in Juneau?

Industrial zoning is *intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.* (CBJ 49.25.240)

What uses are permissible in Industrial zoning districts in Juneau?

Permissible uses include (CBJ 4.25.300):

- Storage of goods
- Marijuana uses
- Research laboratory
- Light, Medium, Heavy manufacturing
- Rock crusher
- Storage of explosives
- Seafood processing
- **Schools**
- **Places of Worship**
- **Social, fraternal, and yacht clubs**
- **Bowling alley, tennis club**
- **Miniature golf**
- **Restaurants**
- Motor vehicle sales
- Fuel station
- Veterinary clinic
- **Zoo**
- Mining
- Gravel operations
- Laundry
- **Open air markets**
- Crematorium

If the intent of preserving and identifying industrial land is a priority, then the Table of Permissible Uses (CBJ 49.25.300) should be analyzed. The number of non-industrial uses permissible in industrial zoning is a key detriment to preserving industrial land.

How much industrial zoning does Juneau need?

Juneau is an off-the road system community—we do not serve a greater region for asphalt production, gravel processing, explosives, and so on, in a similar fashion to a community on the road system. We care for ourselves, and the need for these uses is limited. Unlike other communities, we may not need as much industrial land as previously thought. If CBJ analyses the land use code, and updates the TPU with appropriate uses for industrial zones, we may find that less industrial is needed and should be offset with more commercial and mixed use. Alternatively, we may find that we need to identify land for “heavy industrial” uses, e.g. explosives, asphalt plants, rock crushing, landfill, while rezoning certain industrial zones to commercial or mixed use zones. If deemed necessary, CBJ owned-land in the Lemon Creek area should be analyzed to determine whether it can support “true” industrial uses. The land use code needs to work for Juneau—and zoning needs to be looked at through a Juneau lens.

Recommendation

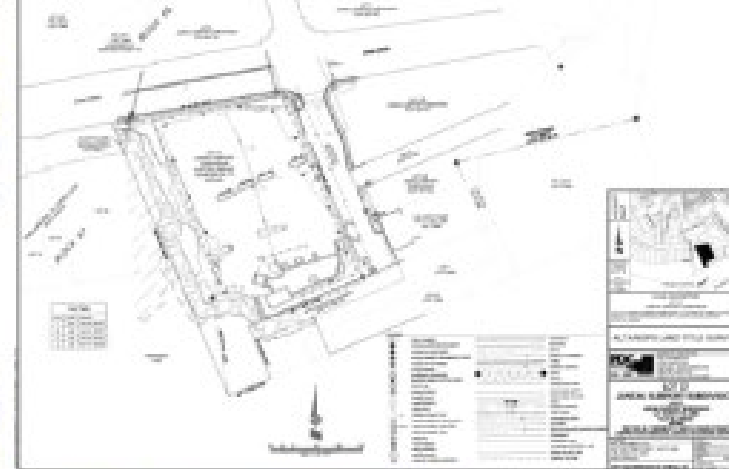
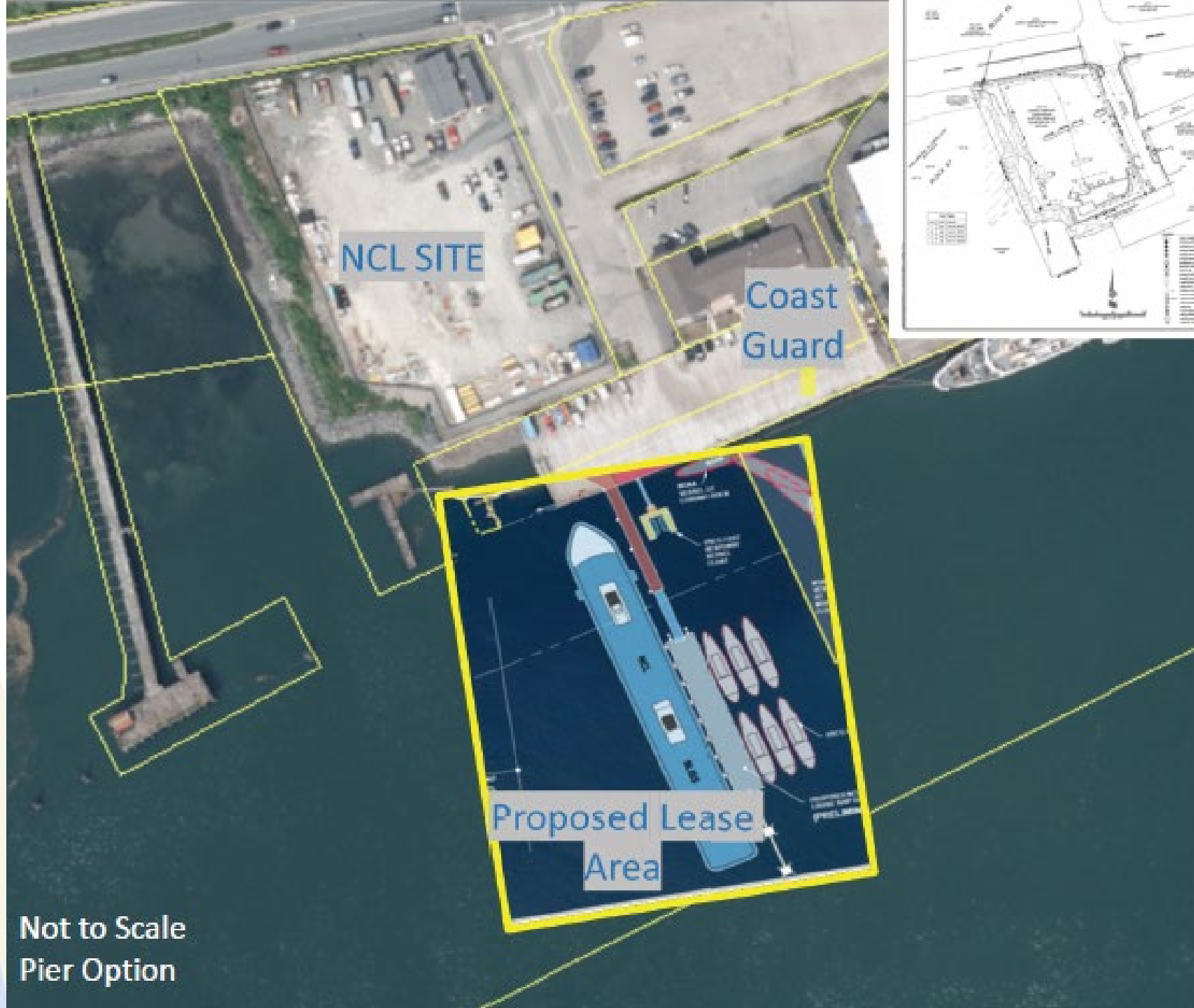
The Assembly should direct the manager to have staff work with the development sector, analyze real industrial needs versus perceived industrial needs, and move forward with identifying potential land for industrial uses if warranted—true industrial uses such as, gravel processing, rock crushing, waste management.

Lands, Housing & Economic Development Committee

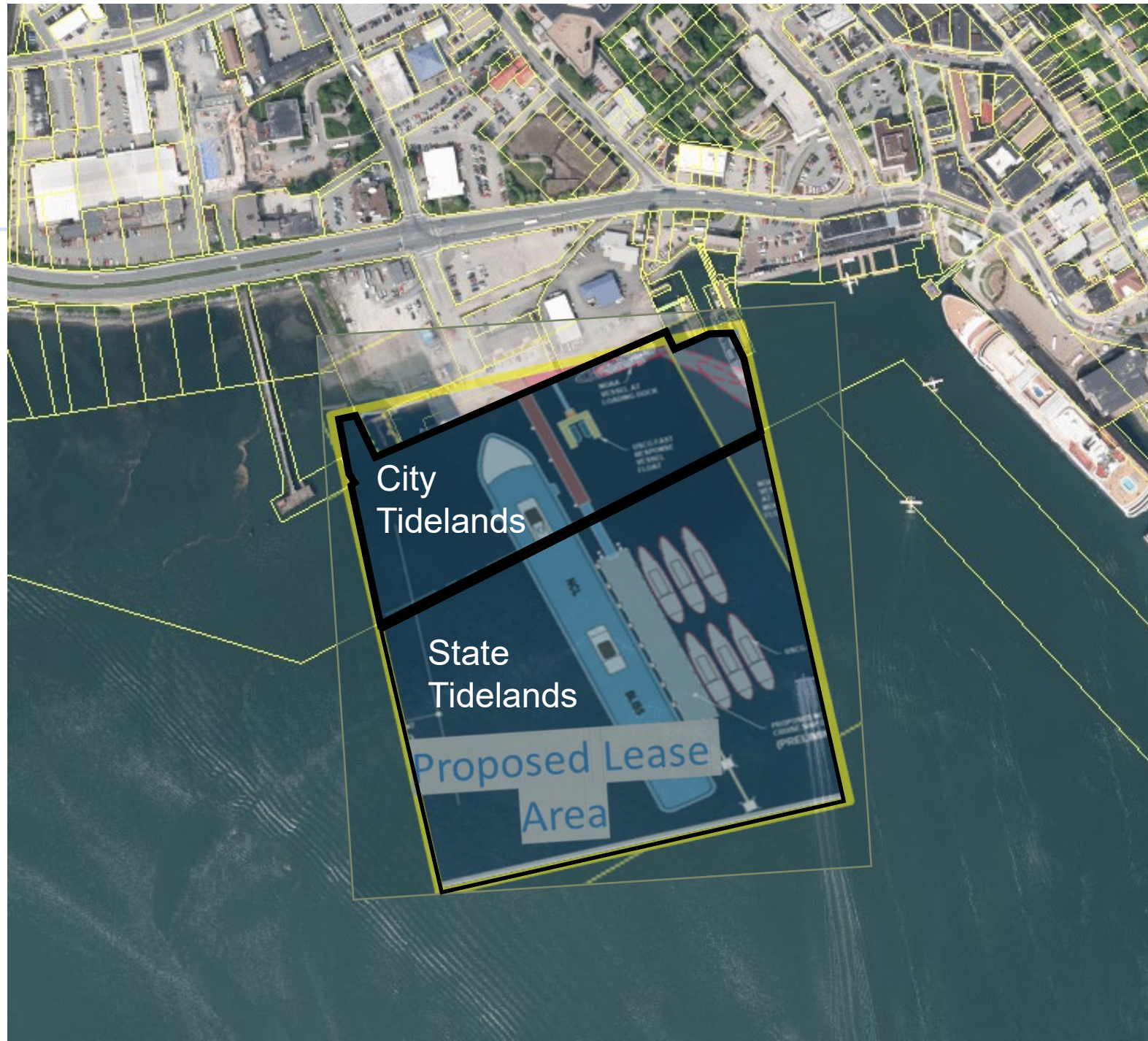
July 19th, 2021

Norwegian Cruise Lines Request to Lease CBJ Tidelands

- NCL acquired the upland parcel that is adjacent to the requested tideland lease in 2019 from the Alaska Mental Health Trust Land Office
- In June 2021, the Division of Lands and Resources received an application from Norwegian Cruise Lines (NCL) to lease tidelands.



Not to Scale
Pier Option



Norwegian Cruise Lines Request to Lease CBJ Tidelands

Outstanding issues and considerations:

- Tidelands Lease
- Long Range Water Front Plan
- Conditional Use Permitting
- Adjacent Coordinated Development
- NCL Negotiations with Federal Government
- Involving the Public in Decision Making

Norwegian Cruise Lines Request to Lease CBJ Tidelands

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Norwegian Cruise Lines Request to Lease CBJ Tidelands

The proposal shall be reviewed by the assembly for a determination of 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)

Norwegian Cruise Lines Request to Lease CBJ Tidelands

Staff request that the Lands, Housing and Economic Development Committee pass a motion of support to the Assembly for working with the original proposer Norwegian Cruise Line in accordance with City Code 53.09.260.

Franklin Foods Request to Purchase City Property at 139 S. Franklin St.



Franklin Foods Request to Purchase City Property at 139 S. Franklin St.



Franklin Foods Request to Purchase City Property at 139 S. Franklin St.



Franklin Foods Request to Purchase City Property at 139 S. Franklin St.

- City property is roughly 4,000 square feet
- 2016 LM Plan lists as “Retain/Dispose”
- 2018 PRAC recommended against disposal
- 2019 Parks Master Plan designates it a Special Use Area
- 2018 Application to purchase was denied in favor of a lease.
- Assembly discussed marketing the property with the adjacent Gastineau Apartment property.

Franklin Foods Request to Purchase City Property at 139 S. Franklin St.

Staff requests the Lands, Housing and Economic Development Committee forward this application to the PRAC prior to the Assembly determination in accordance with City Code 53.09.260.