

ASSEMBLY LANDS HOUSING AND ECONOMIC DEVELOPMENT MINUTES

December 02, 2024 at 5:00 PM – Zoom Webinar only



<https://juneau.zoom.us/j/94215342992> or 1-253-215-8782 Webinar ID: 942 1534 2992

[Clerk's Note: Due to road conditions and CBJ Office closures on 12/2/2024, all Assembly Standing Committee meetings will be held as Zoom only meetings.]

A. CALL TO ORDER

B. LAND ACKNOWLEDGEMENT

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

C. ROLL CALL

Members Present: Acting Chair Beth Weldon, Paul Kelly, Ella Adkison, Neil Steininger

Members Absent: Wade Bryson

Liaisons Present: none

Liaisons Absent: PRAC liaison; Docks & Harbors Committee liaison; Planning Commission liaison

Staff Present: Dan Bleidorn, Lands Manager; Roxie Duckworth, Lands and Resources Specialist; Jill Lawhorne, CDD Director; Carl Uchtyl, Port Director

Members of the Public Present: Allen Baptiste, Luke Paden

D. APPROVAL OF AGENDA – approved as presented

E. APPROVAL OF MINUTES – 1. November 4, 2024 Draft Minutes – approved as presented

F. AGENDA TOPICS

2. Ordinance 2024-41 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Mendota Park Parcel 1B, Located on Davis Avenue, from D10 to D15.

This rezone request would facilitate the addition of eleven (11) units to this lot. The neighboring Alaska Department of Corrections is concerned that increased density would result in development closer to the common lot line, for which mitigation would be challenging due to terrain. While rezone conditions are limited to health and safety, the development will require a new or updated Conditional Use Permit. The lot had been rezoned D15 but was downzoned due to intersection concerns at Davis Avenue and Glacier Highway. Since then the intersection has been signalized. The Planning Commission heard this proposed rezone at their regular meeting on October 22, 2024 and recommends the Assembly approve the proposed rezone.

Mr. Bleidorn discussed this topic. Acting Chair Weldon asked if we can ensure that nothing encroaches towards the Department of Corrections any more than it is, how would we care to their concerns. Ms. Lawhorne replied that where the remaining land is for the owner, it is the closest point to the correctional facility, and if there's an impact it's because of the distance. Through the conditional use permit process, the PC would have the ability to care to that concern and we could work with the Department of Corrections to see if it could be mitigated by fencing or some other solution. This is the last piece of that land that the developer has that would be useful for units. Acting Chair Weldon asked if this would be multifamily housing, 11 units together rather than 11 houses, or is that not a safe assumption. Ms. Lawhorne replied that it is and it's more or less an extension of the existing development, the multi-family units attached.

Mr. Kelly asked about the motion, to modify it to direct the PC to attach conditions for the Department of Corrections concerns or do we just proceed? Ms. Lawhorne replied that rezones cannot be conditioned unless it's water, sewer, or maybe a bad traffic intersection that may need an improvement, but it's usually safety concerns. She wasn't sure that this would be on the level with providing sewer or water infrastructure or that level of a safety concern. Acting Chair Weldon added that Ms. Lawhorne can address our concerns to the PC, but we usually give them the ability to act as their own experts.

Mr. Kelly moved to that the LHEDC forward the PC recommendations and draft ordinances to the full assembly with a motion of support. Motion passes unanimously.

3. CBJ Rezone Applications

[Planning Commission Notice of Recommendations Zone Changes](#). Mr. Bleidorn discussed this topic. Acting Chair Weldon asked about the Auke Bay fire station. Mr. Bleidorn noted it is adjacent to this area.

Acting Chair Weldon asked about Fish Creek, is that ordinance 2024-43, or is that another one we're moving forward. Mr. Bleidorn replied that is part of the North Douglas rezone, there's no ordinance included in the packet for Fish Creek. We have the 6 that received favorable recommendations from the PC. Acting Chair Weldon noted she counted 7. Mr. Bleidorn replied that the first one was the private one discussed as the first agenda topic.

Ms. Adkison moved to that the LHEDC forward the 2024 rezone applications and PC recommendations and draft ordinances to the full assembly with a motion of support. Motion passes unanimously.

4. Ivy Apartments Request for Temporary Use of CBJ Land

Mr. Bleidorn discussed this topic. Mr. Kelly asked what is temporary access to the property for remodel, do we have a definition of what temporary is, till the end of the project or until a date? Mr. Bleidorn replied that temporary access would be for less than a year and would begin when the city and the applicant would sign the temporary use agreement. They said they would need a few months for the remodel. We don't want to have to come back and ask for additional authority, but less than one year.

Mr. Steininger commented that he hasn't been through that alleyway recently, but looking at the overhead view it looks like there's a lot of trees on the property. Would this temporary access allow them to clear any brush or trees that are obstructing their ability to work on their property. Mr. Bleidorn replied that we haven't gotten into the details of it, but there would probably be some brush clearing in order to get access to the right-of-way. Any trees that would be cut we'd send the City Parks Arborist out to evaluate them due of the slope of the hillside. We'd want to be careful with removing any large trees and to make sure that we're cautious with trees anywhere downtown in areas with steep slopes.

Mr. Steininger moved that the Lands, Housing, and Economic Development Committee provide a motion of support for Ivy Apartments to temporarily access CBJ property to remodel their building. Motion passes unanimously.

5. Baptiste Application to Purchase CBJ Property

Mr. Bleidorn discussed this topic. Mr. Steininger asked if we take the recommended action and deny the motion to sell the property because there are structures currently on CBJ property not owned by CBJ, what are the next steps for the property owner would have. Mr. Bleidorn replied that the city has a process to deal with encroachments on city property. There's many houses in Juneau, adjacent to park property that over the lifetime of ownership they slowly encroach. When these things come to our attention Parks has a process in which they notify the homeowner that the encroachment exists, and to remove any structures that are illegally on city property. That process does take time and is pretty well defined how Parks handles illegally built structures on city property.

Ms. Adkison asked that because this is close to Duck Creek, a sensitive area, does the removal of the encroachments get more complex with other things to consider. Mr. Bleidorn replied that Parks will be the primary contact and handle that. In many cases when there is an illegal encroachments on Parks property, it's usually close to something sensitive. Depending on tonight's motion Lands will work with the Parks Director and the Code Enforcement Officer, with CDD working on the enforcement part to make sure that the city property is protected and returned back to its original condition in the future.

Acting Chair Weldon said normally with something like this we try to accommodate but careful not to reward bad behavior. In this case, if we asked him to do a smaller parcel, is it still encroaching on Duck Creek? Mr. Bleidorn replied that was correct and the sheds, regardless of ownership, are still within the 50 foot setback and that still presents a problem. You're right, we try to not reward bad behavior, but at the same time we try to be good neighbors. This one adds a little bit of complexity to it because of the proximity and that setback which makes it harder to recommend in favor, there were also no building permits found for the construction of the shed. Acting Chair Weldon asked if we could do something different, like a lease. Mr. Bleidorn replied that would go against city process and parkland designation and it doesn't remove the fact that it's within 50 feet of Duck Creek.

Mr. Baptiste talked about his application; the 7 x 100 feet would help him get within compliance of the setback. When he purchased the property, he was under the belief that that property corner and the original fence was the property line, and he thought was within the boundaries at the time. With the original boat shed, he went ahead and built it to what it is, and recently had John Bean do a survey and found out that his property lines were not as such, and submitted this application. Acting Chair Weldon asked if he had a survey of the property when he bought it. Mr. Baptiste replied that he had the original survey which doesn't show the correct lines, and shows the house with only a 1 car garage in 1973. Acting Chair Weldon noted that he has the correct survey, just the house footprint was different than the actual footprint. When they built the shed it was encroaching on the property lines. Mr. Baptiste replied that the property pin of the original fence is still there, is about 2 ½ feet outside of the John Bean survey, the 4 x 4 is concreted in the ground, the original one that he thought was the fence was the correct fence line. That corner is still there, which is what he believed was the property line.

Mr. Kelly commented that his understanding from packet material is that the sheds are encroaching on our land, are there any other structures or any part of the house that would also be encroaching on our property, or is it just the shed at this point. Mr. Bleidorn replied that it's just the shed at this point.

Acting Chair Weldon said that after listening to the applicant, they had an original survey, which was done incorrectly. Mr. Bleidorn replied he also drew the same conclusion. He looked for any indication that the house could have been increased in size since that original survey, but since Mr. Baptiste owned it, he didn't increase the house size, it appears as though the original survey may have been completed incorrectly, which caused this to happen earlier in time, but prior to the applicant owning it. Acting Chair Weldon replied that if he said the stake was in the ground not where it should be, that sounds like an incorrect survey. Mr. Bleidorn replied that he thinks the original fence post that he was speaking about, there was a fence post in the ground where the fence was even further than this was. He had requested 7 ½ feet, but the fence post was over 2 feet further than that. Prior to his ownership, this property had encroached further on city property, but to try to minimize impact, he had requested just the 7 ½ feet, which would be enough to keep the sheds, and not the full distance to where the original fence was. Acting Chair Weldon asked if the only recourse is to move the boat shed in questions or make it lot smaller. Mr. Bleidorn replied that if this application is denied then that's the likely outcome.

Mr. Kelly moved that the Lands, Housing, and Economic Development Committee provide a motion to deny this this application in accordance with 53.09.260(a) and retain this property. Motion passed.

6. Paden Application to Purchase CBJ Property at Pearl Harbor

Mr. Bleidorn discussed this topic. Mr. Paden commented that that they saw this property when looking. It was small in size next to private property, and we just noticed it was pinched between trust property, the Arboretum, and a bunch of other private lots, and so we thought it was worth taking a shot and asking. I don't know the whole process, but we've just been looking for a while. It'd be fantastic, obviously it's coveted, we understand that, but it hasn't been used since the State gave it over to the city in however many years and I'm not sure what the city could do with it at this point, with that small of a

lot. The city owns the whole Pearl Harbor Cove past the Arboretum as well, and this lot is just pinched between. With that in mind, we were hoping the city might consider selling it instead of holding on to it. Acting Chair Weldon asked Mr. Paden if he had looked at other parcels because unfortunately the one he picked is public, it's Parks property instead of land that we like to dispose of. Mr. Paden replied that if this gets denied, it was just a small one and we thought it was worth a shot.

Acting Chair Weldon asked if we have other beach access in the area as this is for public purse purpose used for beach access. Mr. Bleidorn replied that it is adjacent to the Arboretum, so technically, there's access to the beach through the Arboretum. Acting Chair Weldon asked if someone wanted to kayak to the Arboretum, this is where you'd but beach or kayak, is that correct? Mr. Bleidorn replied that he would say that you'd beach the Arboretum property itself. This is adjacent to it; it's undeveloped. I would say that if the Assembly does want to consider disposal of this property, generally speaking, when we have a very high value, waterfront property, the way for a recommended disposal would be some type of sealed competitive bid, so that way many members of the public can have an opportunity to purchase it, in which case it would be fair market value as determined by appraisal, that would be the minimum bid if we were going to go through something like that. That being said, obviously, we're recommending denial based on Parks and Recreation's reservations for this lot. But if the Assembly were to evaluate Parks property for disposal chances are, they'd be high valued and coveted and the public process of seal competitive bid would likely be recommended.

Mr. Steininger asked if we have anyone from Parks, or from the Arboretum to speak to any near long term plans for use of that portion of the beach or use of that property other than just for beach access, because as you said, it seems like the Arboretum or the trail to the north seems more logical as a beach access point. No one from Parks and Recreation was available for this meeting.

Mr. Kelly commented that that Mr. Bleidorn mentioned that if we did decide to dispose of this property, that you'd recommend that it go through sealed competitive bid, would there be any other actions that we would need to do as a part of this process, for example, would we need to do any rezoning or anything else before taking that action? Mr. Bleidorn replied that this disposal would need to go to the Parks and Rec Advisory Committee so they could recommend either for or against, and provide that information to the Assembly. Then it would have to go to the Planning Commission, where they would either recommend for or against. I would expect both of those to recommend denial based on all of the adopted plans, and that includes the Parks plan after the 2016 Land Management Plan, which was their newest adopted plan, and they did evaluate properties for disposal, and this one was still retained. There is the 1996 ordinance that set this property up as park access, we would need to do something to remove this from that open space, we need to do an ordinance to amend that ordinance to allow for the disposal of this property. That's just the way of saying that it would doable but it's going to take a lot of staff time and many departments to move forward with it. I think if we're looking at disposal of parklands that might make sense to do it in a more holistic manner where we try to find a number of these at once because of the time commitment would be large enough where it would make sense to try to do multiple at once. I believe Parks did that with their 2019 plan, where they were looking at properties for disposal, and I don't know what their process for that was, but this one is retained.

Ms. Adkison move that the Lands, Housing, and Economic Development Committee provide a motion to deny this this application in accordance with 53.09.260 (a) and retain this property. Motion passed.

7. Goldbelt Seadrome Building Request to Purchase CBJ property

Mr. Bleidorn discussed this topic. Acting Chair Weldon asked if Goldbelt is proposing an exchange of parcels, but all she see is Goldbelt getting parcels, are they exchanging something else with us? Mr. Uchytel replied that at one time there was a request for an equal dollar amount exchange of property. Goldbelt more recently has asked for just purchasing as much property from CBJ as possible to fulfill

their greater development of a building aimed at tourism. The request for tonight is really just for direct negotiation with Goldbelt to facilitate an appraisal and negotiations with them. Acting Chair Weldon followed up and asked to be clear, Docks and Harbors is okay with just the property going to Goldbelt rather than an exchange. Mr. Uchytel replied yes, if you look at the CBJ owned property, it is really consumed by the Goldbelt property, there's really not a whole lot of opportunity for Docks and Harbors, as we see it, to fully develop that. Goldbelt, owning more of the property, and the access to that property would have a better opportunity to develop this to the full and highest potential.

Mr. Kelly mentioned that he noticed that something that's in common with the previous applications was that this area is selected as retain, I was reading the justification for why we are being recommended to sell, I wasn't sure I quite understood what's being offered there in the second paragraph on the memo on page 86, it's basically in quotation marks there. I'm wondering if that could be explained. Acting Chair Weldon asked if anything has been done to the land since this memo, then is it still asked to be retained, but there's a reason why not to retain it. She is also a little confused also, as Mr. Kelly. Mr. Uchytel replied that it is true in the Land Management Plan all waterfront is designated retained. When I've talked to Law about this, they say that property can be redesignated through the Assembly process. As we go forward, if it is through the Docks and Harbors Board, if we have a purchase and sale or lease agreement, whatever it is, it is possible, through resolution to change something from retain to sale if a reasonable justification for disposing of it through a sale is provided. Long story to say yes, in the Land Management Plan, waterfront property like this is to retain, but Law has also implied that can based on every situation that can change through the Docks and Harbors Board and Assembly process. Acting Chair Weldon commented that as Mr. Uchytel said earlier that this is all encompassed by Goldbelt property, so that seems to make the difference, correct? Mr. Uchytel confirmed that.

Mr. Steininger asked if there is a rough order of magnitude the valuation of the property. He didn't see it in any of the memos to get an idea of what our expectation of value we get from Goldbelt. Mr. Uchytel replied that there was an appraisal done a couple years ago, Law has opined that we need to refresh that. The CBJ properties that Docks and Harbors manages is about \$680,000, but to move forward we would get it reappraised. Part of moving forward for reappraisal is a motion by the Assembly, which basically says this property makes sense for direct negotiation. We're not going to go out and offer this for a sealed bid process because it's uniquely Docks and Harbors and Goldbelt issue. You're not going to sell this property to somebody else that Goldbelt in circles and has a 3rd party, would it not have access through the Goldbelt property. All those things tend towards it's reasonable to have this direct negotiation with the property owner surrounding the CBJ owned property.

Mr. Steininger move that the Lands, Housing, and Economic Development Committee provide a motion of support to negotiate with Goldbelt and CP Marine on a land trade. Motion passed.

G. STAFF REPORTS

8. CBJ Christmas Tree & Firewood Harvesting Policy

Mr. Bleidorn discussed this topic. Acting Chair Weldon asked about the firewood policy. Mr. Bleidorn noted that firewood harvesting is more difficult this time of year and a majority of our firewood harvesters are in spring and summer. This was just an update for the Christmas tree policy.

H. COMMITTEE/ LIAISON COMMENTS & QUESTIONS – no discussion or updates from the committee

- Planning Commission Update
- Docks and Harbors Committee Update
- Parks and Recreation Advisory Committee (PRAC) Update

I. NEXT MEETING DATE - January 27, 2025

J. ADJOURNMENT – 5:56pm