



# ASSEMBLY COMMITTEE OF THE WHOLE WORKSESSION AGENDA

March 17, 2025 at 6:00 PM

Assembly Chambers/Zoom Webinar

**Assembly Committee of the Whole Worksession - No Public Testimony will be taken.**

<https://juneau.zoom.us/j/95424544691> or 1-253-215-8782 Webinar ID: 954 2454 4691

**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**

**D. APPROVAL OF AGENDA**

**E. APPROVAL OF MINUTES**

1. May 6, 2024, Assembly COW DRAFT Minutes

2. June 3, 2024, Assembly COW DRAFT Minutes

**F. AGENDA TOPICS**

3. Commercial Use of Parks

[Link to the November 26, 2024 Commercial Recreation Use Analysis Final Draft Report](#)

[Link to the Parks & Rec. Project Page](#)

4. Ordinance 2025-22 An Ordinance Authorizing the Manager to Negotiate and Execute a Tidelands Lease for the Purpose of Waterfront Commercial Activities.

5. Resolution 3098 A Resolution in Support of the City and Borough of Juneau's Application to Acquire Tideland from the State of Alaska.

6. Body Camera Footage: Release in Post-Shooting/Traumatic Incidents

**G. STAFF REPORTS**

**H. NEXT MEETING DATE**

**I. SUPPLEMENTAL MATERIALS**

7. Recap of COW Amendments to Ordinance 2025-22

**J. 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, e-mail: [city.clerk@juneau.gov](mailto:city.clerk@juneau.gov).

# ASSEMBLY COMMITTEE OF THE WHOLE

## **DRAFT** MINUTES

May 06, 2024, at 5:00 PM



### Assembly Chambers/Zoom Webinar

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#### A. CALL TO ORDER

The Assembly Committee of the Whole Meeting on May 6, 2024, was called to order by Deputy Mayor Hale at 5:03pm.

#### B. LAND ACKNOWLEDGEMENT

Ms. Hughes-Skandijs provided the following land acknowledgement, “We would like to acknowledge that the City and Borough of Juneau is on unceded 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

Assemblymembers present: Greg Smith, Alicia Hughes-Skandijs, Wade Bryson, ‘Wáahlaal Gídaag, Paul Kelly, Ella Adkison, Deputy Mayor Hale, Christine Woll (arrived 5:27pm)

Assemblymembers absent: Mayor Beth Weldon

Staff present: City Manager Katie Koester, Deputy City Manager Robert Barr, City Attorney Robert Palmer, City Clerk Beth McEwen, Deputy City Clerk Andi Hirsh, Parks and Recreation Director George Schaaf, Community Development Director Jill Lawhorne, Housing and Land Use Specialist Joseph Meyers, Assistant City Attorney Emily Wright, Assistant City Attorney Sherri Layne, Assistant City Attorney Nicole Lynch

#### D. APPROVAL OF AGENDA – *Approved by unanimous consent*

#### E. APPROVAL OF MINUTES

1. June 5, 2023, Assembly COW DRAFT Minutes
2. June 26, 2023, Assembly COW DRAFT Minutes
3. August 7, 2023, Assembly COW DRAFT Minutes

**MOTION** by Mr. Smith to approve the minutes and asked for unanimous consent. *Hearing no objection, the motion passed.*

#### F. AGENDA TOPICS

##### 4. Douglas Cemeteries

Ms. Koester said the idea of CBJ taking over the maintenance of the eight cemeteries in Douglas comes up occasionally, with complications arising from land ownership issues and fiscal impact. She noted that CBJ owns the parcel containing the Odd Fellows Cemetery and that after the construction of the Gastineau Elementary School, CBJ provided weekly maintenance to the Douglas Indian Cemetery, owned by the Ross estate. She laid out four options for the Assembly:

1. Status quo; volunteer maintenance, occasional help from Parks staff.
2. Direct appropriation to an entity to coordinate maintenance.
3. Create a grant program for different entities to apply for funding to maintain cemeteries.
4. Initiate legal process to acquire ownership of cemeteries.

Mr. Palmer said since cemeteries do not pay property taxes or go through a foreclosure process there were several Douglas cemeteries without clear owners. He said if the Assembly wanted to acquire them the first step would be to form of a title search or title report for each cemetery to try and determine who the owners were and if they were interested in continuing to own the cemeteries. If that is the option the Assembly would like to do, they would likely need to do an eminent domain action to acquire some of the cemeteries for public property.

Mr. Bryson asked if the Historic Resources Advisory Committee has weighed in on this issue and if so, what their comments were. Mr. Palmer said that he didn't know the answer to that, but they could look into it if that was the will of the body.

In answer to the COW asking for financial concerns if the city were to become the owners. Mr. Schaaf said if cemeteries were acquired there would be two financial phases – the first would be to get the property up to a level where they could be maintained by seasonal landscape groundskeeper crews and the second cost would be the annual season summertime maintenance of the property. He spoke to the additional staffing levels that would be needed on an annual basis if the city were to obtain ownership and maintenance of the cemeteries.

Mr. Bryson asked what changed to bring this forward again. Ms. Hale said the Assembly decided to look at the topic at its December 2023 retreat.

Mr. Smith asked about the Law department's estimate of between 100 and 1000 hours of staff time to acquire the properties. Mr. Palmer said if willing sellers were identified then it would be relatively simple but if they had to use eminent domain the staff time requirement would be much higher. He said they would not know more unless given direction to start looking into it.

Mr. Kelly asked about administering grants to multiple community groups for cemetery maintenance. Ms. Koester said that was possible but more complicated than a grant to a single group. She noted that they did not want to make the grant program administratively complex or bureaucratic, which was why the preferred option was to pass funds through another agency to administer a possible grant. Ms. Hughes-Skandijs asked if the Juneau Community Foundation had any agencies in their portfolio that would be a good fit. Ms. Koester said she did not know, which is why they included an option to give a direct appropriation to a nonprofit. She said they did not know which entities or nonprofits might be interested.

Ms. Adkison asked about legal risk regarding paying nonprofits to work on properties where ownership was questionable. Mr. Palmer said it was legally possible for the groups to be trespassed but not likely. He said some of the nonprofit groups have been working on title ownership issues to help with this problem.

Ms. Hale said equity was important and cautioned against CBJ only taking over the cemeteries that were easier or cheaper to maintain.

**MOTION** by Ms. Hughes-Skandijs to recommend to the Assembly that they maintain the status quo of volunteer maintenance with occasional help from park staff for the Douglas cemeteries and asked for unanimous consent. In speaking to her motion, she said other options were complicated and could require a lot of staff time and cost and she was also concerned that whatever option they chose provides equity.

**OBJECTION** by Mr. Kelly. He said he felt like it was the Assembly's responsibility to maintain cemeteries. He said he was more interested in working with partner organizations. He would like to continue the conversation.

Mr. Smith said he was interested in a direct appropriation to another entity to coordinate maintenance of the cemeteries. He said the cemeteries were a part of our history. He said he wanted to get an idea of what it might cost to support a community organization willing to do the work.

Mr. Bryson spoke in support of the motion. He said that he wasn't opposed to an RFI but that he is in favor of option 1. He suggested that the Historic Resources Advisory Committee (HRAC) weigh in on this topic. Ms. Hale asked if they could wait to request HRAC weigh in on this topic until the Assembly has something specific to ask them to look at. Mr. Bryson agreed with her suggestion.

Ms. Adkison also spoke in support of the motion. She said she felt the only other viable option was option 2.

Ms. Woll joined the meeting (at 5:27pm via Zoom) and asked to be recused from voting as she missed the discussion. Ms. Hale agreed to the recusal.

Ms. Hale said she supported a direct appropriation to an entity and issuing a Request for Interest (RFI) to see which community groups might be interested. She said if that did not work, they could default to the status quo.

Mr. Smith asked a point of order and if Ms. Woll should have been recused. Mr. Palmer explained that when a member is recused, it shows up as a NO vote on the record. Mr. Palmer also explained that recusal may also be in order when a member has not participated in the discussion on the matter to be voted upon and the chair has the liberty to recuse the member or not.

Ms. Hale explained the motion on the floor before the body to Ms. Woll was to move Option 1 – Status Quo option and asked if she felt she could vote on the motion. Ms. Woll said that she didn't feel comfortable voting without having heard the conversation. Ms. Woll said she would prefer to be recused. Ms. Hale ruled that she would allow Ms. Woll to abstain from voting and that Ms. Woll's vote would not be counted as a NO vote.

Ms. Hughes-Skandijs said she did not believe CBJ should be all things to all people. She said she did not support issuing an RFI where city funds paid a nonprofit to work on private land.

**ROLL CALL VOTE** on Option 1 to maintain the status quo:

**Yes:** Ms. Hughes-Skandijs, Mr. Bryson, 'Wáahlaal Gídaag, Ms. Adkison

**No:** Mr. Smith, Mr. Kelly, Deputy Mayor Hale.

**Abstain:** Ms. Woll

**Motion failed; 4 yeas to 3 nays.**

**MOTION** by Mr. Kelly to add a \$50,000 appropriation to the pending list and that staff issue a Request for Interest (RFI) to solicit interested organizations to coordinate maintenance of the Douglas cemeteries.

**OBJECTION** by Ms. Hughes-Skandijs.

**ROLL CALL VOTE** on adding the appropriation and issuance of an RFI:

**Yes:** Mr. Kelly, Deputy Mayor Hale

**No:** Ms. Adkison, 'Wáahlaal Gídaag, Mr. Smith, Ms. Hughes-Skandijs, Mr. Bryson

**Abstain:** Ms. Woll

**Motion failed; 2 yeas to 5 nays.**

**MOTION** by Mr. Smith for CBJ to issue an RFI to determine entity interest and cost for coordinating maintenance for the Douglas cemeteries.

**OBJECTION** by Ms. Hughes-Skandijs. In speaking to her objection, she said CBJ does not have unlimited staff time or resources. She said this did not serve the Assembly's goals.

Mr. Smith said the motion did not commit the Assembly to anything. He said there was significant community support on this issue.

**ROLL CALL VOTE** on adding issuance of an RFI:

**Yes:** Mr. Smith, Mr. Bryson, 'Wáahlaal Gídaag, Mr. Kelly, Deputy Mayor Hale

**No:** Ms. Hughes-Skandijs, Ms. Adkison

**Abstain:** Ms. Woll

**Motion passed; 5 yeas to 2 nays.**

## 5. Ridgeview Update



Mr. Barr provided an update on the Ridgeview development project. He said about a year ago the Assembly passed an ordinance for a loan from the Affordable Housing Fund for Ridgeview. He said they did not have a lot of applicants that year and Ridgeview was the only loan applicant that scored well. He noted that sometimes there were competing priorities between the basic need for housing of all kinds and a community funded loan that has requirements like an affordability component.

Mr. Barr said any large housing development also had bank loans, which had a higher priority for payback. He said the \$7.5 million the Assembly has loaned from the Affordable Housing Fund since its inception had been matched by about \$50 million in private investment and should result in approximately 260 new housing units.

He explained that the Assembly decided to remove additional restrictions when providing the \$1.2 million loan to Ridgeview and that the developer shifted their project from apartments to condos. That caused public consternation but was legally allowed within the ordinance which passed. Mr. Barr said the next step was to work with the developers to keep the CBJ loan collateralized while enabling them to move forward with the next multifamily building, with the total project currently envisioned as a 444-unit development.

‘Wáahlaal Gídaag asked about the developer’s future plans. Mr. Barr said he did not have enough information to answer the question. Mr. Garrett Johnson, the developer, said they plan to eventually build up to 444 units. He said they did not apply for future rounds of Affordable Housing Loans so all future buildings would have traditional lender financing and their own capital.

## **6. Title 49 Rewrite Workplan**

Ms. Koester said the Assembly wanted a wholesale Title 49 rewrite, which is why they dedicated funding for this special project was through the Manager’s Office with a dedicated staff member. The bulk of this code was written in 1987, was outdated, had contradicting components, and did not allow for enough flexibility to develop the remaining land. She said they were looking for feedback on the structure of the Title 49 rewrite.

Ms. Koester said the Title 49 rewrite would include a project manager, a contracted land use attorney, and a stakeholder group and/or advisory committee to serve as a sounding board for the project team. She said the committee would be appointed by the Assembly but would not have power to approve or deny code amendments. She recommended limiting the committee to five members with people from membership categories such as a developer, land surveyor, an affordable housing interest, real estate agent, etc.

Mr. Smith asked about the type of legislation that would create this committee. Ms. Koester said it would be established like any other taskforce by the Assembly.

Ms. Woll asked about a seat for a real estate agent. Ms. Koester said they were involved with housing and the housing market and many of the Title 49 code decisions are based on price point. She said the list of potential membership categories was a brainstorming list and the Assembly should decide what, if any, membership limitations they want to impose.

Ms. Hughes-Skandijs asked about the working group’s core function. Ms. Koester said this group would have a lot of influence in working through what the Title 49 code should look like, to help develop code in an iterative process.

Mr. Kelly asked about group size. Ms. Koester said it would be easier to work through things with a smaller group, but that subject matter experts needed to be brought in for specific parts of the code as part of the public process. She gave the example of bringing in someone from Capital City Fire and Rescue when rewriting code sections that look at hazards.

Ms. Woll asked about the working group and public process. Ms. Koester said the working group will work on phased procedural improvements, but CBJ would also have a robust community engagement strategy for the broader community, because it is the broader population that will need to decide what they want the community to look like.

Mr. Smith asked if the Assembly would vote on the entire Title 49 rewrite at once or in parts. Ms. Koester said it would be chunked into sections, and that they are planning for the sections to be reasonable, such as the Assembly seeing code about subdivisions all at once. Mr. Smith stated that he had some concerns about bringing things piecemeal to the Assembly as it might result in a less coherent whole.

Ms. Hale noted that Juneau Commission on Aging and Juneau Commission on Sustainability have expressed interest in sections of Title 49 code and suggested they could be included somehow.

Ms. Hughes-Skandijs asked about scheduling. Ms. Koester said they hoped to have staff hired in August and to begin the workgroup in the fall. She hoped the working group would meet a couple of times a month to provide feedback to staff.

Ms. Woll asked about working on small details verses the larger picture. Ms. Koester said that in a perfect world a rewrite of the Comprehensive Plan would have come first. She said the idea of a Comprehensive Plan rewrite was brought to the Assembly five years ago, but between Covid and staff turnover there has not been progress. She said the Title 49 rewrite does ask some larger questions such as ‘what should neighborhoods look like’ and ‘what businesses should be allowed in neighborhoods’ and ‘what density level is desired’.

Mr. Kelly asked about the role of the Planning Commission in this process. Ms. Koester said they did not intend to run every ordinance through the Planning Commission, but they planned to submit chunks of code changes to the Planning Commission for feedback.

#### **7. Juneau Affordable Housing Guidelines**

Ms. Koester said a resolution to formalize the Juneau Affordable Housing Fund was discussed at the January 29, 2024, Committee of the Whole and the March 11, 2024, Lands, Housing, and Economic Development (LHED) meeting. She said the LHED committee wanted to make sure the following two priorities were included in the final resolution:

1. Prioritize housing in downtown Juneau.
2. Prioritize low-income housing over workforce housing projects.

Ms. Koester noted that the above priorities were currently included in the scoring process. She said the resolution was before the Assembly to help provide structure and codification to the scoring process.

Ms. Hale said she disagreed with prioritizing downtown housing development. She said people live all over Juneau and it made her uncomfortable that CBJ would choose to spend money in one area but not another.

**MOTION** by Mr. Smith to forward Resolution 3022 v2, with the included language “D(3) Downtown Housing Development: Units developed within the boundaries established by the Downtown Juneau Residential Tax Abatement Map (ORD2021-01(c)(am))” and “E Application and Review Process: ... A complete application must include an affordability component defined as 20% of units at or below 80% AMI. Incomplete applications will not be accepted” to the full Assembly and asked for unanimous consent.

**OBJECTION** by Ms. Woll for purposes of a question. She asked Ms. Hale if she wanted to change this before it was adopted. Ms. Hale said she was fine with the resolution even though she disliked prioritizing downtown housing and would want to look at the priorities when they next looked at the guidelines. Ms. Woll removed her objection.

***Hearing no further objection, the motion to forward Resolution 3022 v2 with Mr. Smith’s amendments passed by unanimous consent.***

#### **G. STAFF REPORTS**

#### **H. NEXT MEETING DATE**

June 3, 2024, at 6:00p.m. Immediately following the Special Assembly Meeting.

#### **I. SUPPLEMENTAL MATERIALS**

8. RED FOLDER: Tax Abatement Map Ord. 2021-01(c)(am)

9. RED FOLDER: Ord. 2021-01(c)(am) Attachment A - Scoresheet

**J. ADJOURNMENT**

*Having no more business to come before the Assembly Committee of the Whole, the meeting adjourned at 6:37pm.*

# ASSEMBLY COMMITTEE OF THE WHOLE

## **DRAFT** MINUTES

June 03, 2024, at 6:10 PM



### Assembly Chambers/Zoom Webinar

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#### A. CALL TO ORDER

Deputy Mayor Hale called the Assembly Committee of the Whole to order at 6:49pm, immediately following the conclusion of the Special Assembly Meeting 2024-12.

#### B. LAND ACKNOWLEDGEMENT

Ms. Woll provided the following 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!"

#### B. ROLL CALL

Assemblymembers Present: Michelle Hale, Ella Atkison (until 9:00pm), Paul Kelly, Christine Woll, Wade Bryson, Alicia Hughes-Skandijs, Greg Smith, Mayor Beth Weldon

Assemblymembers Absent: 'Wáahlaal Gidaag

Staff Present: City Manager Katie Koester, City Attorney Robert Palmer, Deputy Manager Robert Barr, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Finance Director Angie Flick, Tourism Manager Alexandra Pierce, Lands Manager Dan Bleidorn, Port Director Carl Uchytel, Engineering/Public Works Director Denise Koch, Assistant Attorneys Sherri Layne and Nicole Lynch, Deputy Police Chief Krag Campbell, Meeting Tech Clerk Kevin Allen, Eng/PW Project Manager Nick Druyvestein, JPD Public Safety Manager Erann Kalwara

#### D. AGENDA CHANGES/APPROVAL OF AGENDA - *Approved as presented*

#### E. AGENDA TOPICS

##### 1. Telephone Hill

Ms. Koester said she wanted feedback on the following topics regarding Telephone Hill redevelopment:

1. What percentage of development did the Assembly want to be affordable?
2. How did the Assembly want to define affordability? Did they want to use 80% adjusted median income (AMI) or a different percentage? For context, in 2023, 80% AMI for a single household was \$68,480.
3. Which development incentives were the Assembly comfortable with? Ms. Koester said this might take the form of land ownership, subsidizing development, preparing the site for development, or more.

Ms. Koester noted that no decisions needed to be made today and that answers to the above questions would allow staff to come back with more options for the Assembly.

Ms. Hale asked about land ownership as an incentive. Ms. Koester said that might include transferring the land to the developer instead of selling at market value.

Nick Druyvestein, Engineering Associate with CBJ, and James Brackenhoff, a consultant from First Forty Feet, shared a presentation with the Assembly. Mr. Druyvestein said staff received directions from the February 12, 2024, Committee of the Whole to refine the highest density development concept which would provide 100-200 units, and at the April 15, 2024, meeting to expand the zero-parking zone to include Telephone Hill. He said the next steps of development design centered around the questions posed to the Assembly above.

Mr. Brackenhoff said based on community feedback, they were working on creating development recommendations that included preserving some existing landscape features, creating a developable area that was physically connected with downtown and the Aak'w Village district, height limitations, creating a diversity of housing types, a site-specific design, and preserving views to the Gastineau Channel.

Mr. Druyvestein said it would cost approximately \$400-\$500 per square foot to develop high density housing for Telephone Hill and that an affordable unit, defined as 80% AMI, would likely sell between \$252-315 per square foot. He noted that the gap between these numbers was what the Assembly would have to subsidize for affordable housing to be part of the project.

Mr. Bryson said a decision had not been made for condos verses apartments. Mr. Druyvestein agreed and said the numbers and prices presented were based on resale. He said they had also analyzed numbers for rentals but for simplicity sake, they were just presenting on ownership options.

Mr. Druyvestein said common development incentives were land purchase, deferred sale of the land, tax abatement, construction grants, site prep or road reconstruction, and parking waivers. He noted that funding from the Juneau Affordable Housing Fund and the Alaska Housing Finance Corporation might be able to assist in creating more affordable housing.

Mr. Druyvestein provided sample scenarios of potential incentives and how they affected the affordability gap. He compared Telephone Hill to the Riverview Assisted Living facility that received subsidies through the purchase of land and deferred sale, a 12-year tax abatement, and a \$2 million construction grant.

Mayor Weldon asked about making the land easier to build by changing the topography. Mr. Brackenhoff said they looked at parking and site preparation work where they calculated the volume of 'cut' on the site. He said it was good to step the site down where appropriate, as it reduced future site prep.

Mr. Druyvestein said wood frame buildings could be up to four or five stories. He said to go higher, and thus have higher density, the buildings would need to be constructed from concrete and steel. He said those materials were more expensive and required specialized construction work, resulting in costing almost 20% more per square foot. Mr. Druyvestein said they did not find a break-even point, where the increased number of units made up for the increased construction cost. Mr. Brackenhoff noted that having four nine-story buildings in the area would create a canyon-like effect and would not be desirable from a design standpoint.

Mr. Druyvestein said next steps were to create a developer outreach strategy which included affordable housing components. Mayor Weldon asked about how developers would be contacted. Mr. Druyvestein said they were planning on issuing a Request for Interest (RFI).

Mayor Weldon asked about the number of units, approximately 155, in the design plan. Mr. Brackenhoff said this number came from the height restriction, which kept buildings to four or five stories. He said to get more housing they would have to move one building to the concrete and steel frame, which could make it up to 9 stories high.

Ms. Hale asked about parking, noting that in the long-term this construction would add significant parking needs to the downtown area. Mr. Druyvestein said they have not considered parking needs after getting direction at the April 15, 2024, Committee of the Whole meeting to extend Telephone Hill into the no-parking zone.

Mr. Kelly asked about transferring the property. Mr. Palmer said they would work out an agreement with a developer that included any requirements set by the Assembly, such as number of units, affordability, or height, and a way to enforce those requirements. He said it would depend on how they set up the agreement if it still held after being sold from one developer to another.

Each Assemblymember shared their views. Mr. Bryson said he did not know if the Assembly should require affordability for this development, given the prime location in downtown Juneau. He said the Assembly should look at other factors that might impact the cost of building the units. Ms. Adkison said that 80% AMI was a good starting point; she said they should try to include as many affordable units as possible. Ms. Hughes-Skandijs said she did not feel like the project was ready for developer outreach and they needed to discuss process more. Ms.

Woll agreed with Ms. Hughes-Skandijs and said this project would have a big impact on the type of community downtown and type of economic development they wanted to create. Ms. Woll said she wanted affordable housing to be part of the project but wanted more analysis on the larger picture. Mr. Kelly said if they used taxpayer money then affordability should be required. Mr. Smith said the subsidy required for each affordable unit was high and noted they did not have unlimited funds; he said he would prefer a fewer number of affordable units given the price. Mayor Weldon said she leaned more to what Mr. Smith said. Ms. Hale said she supported affordable units, an 80% AMI and incentives. She noted that the community has lost a lot of affordable downtown units in the last 20 years with buildings burned or condemned.

Assemblymembers asked the Manager to come back with additional information. Mayor Weldon asked the Manager to discuss housing with the Coast Guard as well.

Ms. Hale noted that the more rules and stipulations placed on the project the less chance it had of successfully moving forward. She said having more units overall would eventually bring the price down. Ms. Hughes-Skandijs said a flooded market will solve a housing supply problem but would not solve a housing affordability problem, which required public subsidy.

## **2. Camping Enforcement in Some Public Places**

Mr. Barr reported that nonprofit partner organizations that serve people experiencing homelessness, The Glory Hall, St. Vincent's de Paul, and the Teal Street Center, had experienced increased threatening and disruptive behaviors from a relatively small number of individuals that have disrupted staff and other clients. They asked CBJ to consider creating a shelter safety zone in the vicinity of their buildings, which would prohibit loitering in some public spaces. Mr. Barr said the safety zone ordinance was somewhat similar to CBJ's downtown camping exclusion zone on private property that was passed pre-pandemic.

Mr. Barr said CBJ was concerned about using loitering for enforcement in this area; he said loitering was not currently used in the code, except for airport property, and they did not intend to prohibit loitering anywhere else. He said it was hard to precisely define loitering and even harder to enforce in a way that was fair and equal. He said another option was to be more specific about where camping was and was not allowed on public property. He noted that camping prohibitions were rapidly evolving, and that *Grants Pass v Johnson* was currently before the US Supreme Court. He said with current case law, CBJ could implement narrowly tailored time, place, and manner restrictions on camping in public places and the more narrowly tailored it was the safer CBJ would be to potential legal liability. He said a geographic prohibition would likely shift the challenges to neighboring property owners, who may then ask to have the zone expanded.

Mr. Barr said the Assembly could choose to take a wholistic approach to specifically define where, when, and/or how camping would be allowed on CBJ property. He provided examples such as 'no camping on sidewalks and in developed parks, but camping allowed in greenbelts and natural areas' or 'no camping in certain areas during the day but camping allowed at night'. Mr. Barr reminded the Assembly that any regulations were only for public property and that private property owners have the right to trespass individuals from their property. He said tribal property was legally complex but would generally be treated as private property under current law.

Mr. Bryson announced that he served on the Juneau Housing First/Glory Hall Board of Directors in an uncompensated position but did not feel this was a conflict of interest. The Assembly agreed that Mr. Bryson did not have a conflict and should be allowed to continue to be part of this discussion.

Mr. Kelly said he was concerned about just creating a no-camping zone and preferred something that would specify to people where they were allowed to camp. He asked about having a carve out for the Teal Street area. Mr. Barr said the Assembly could impose a geographic limitation. He said the general idea is that they would look at different categories of CBJ land and define in code where camping was not permitted at any time (examples might be playgrounds, next to facilities, in parking garages), and where enforcement action would not be taken until certain limits came into play. He said they would still enforce camping restrictions if there was a life safety concern and may enforce for concerns like trash after certain notice requirements had been met.

Ms. Woll asked about the land around The Glory Hall and other service providers. Mr. Barr said CBJ solely owned the land where people were being disruptive. Mr. Barr said organizations in the area had been doing a lot of cleanup on their own initiative. He said Parks and Recreation staff also provide clean up services and remove garbage regularly.

Mayor Weldon reminded the Assembly they decided not to have a dedicated summer campsite for people experiencing homelessness. She said she was more interested in looking at time, place, and manner restrictions to help with enforcement.

Ms. Adkison asked if the nonprofit service providers preferred the loitering or camping restrictions. Mr. Barr said they prefer the loitering restriction. Mr. Smith asked if a Bellingham ordinance about loitering, included in the packet as a reference, had been challenged in court. Mr. Palmer said it had not been challenged in court, but he did not know if Bellingham was enforcing the ordinance due to the changing legal landscape of camping, loitering, and homelessness that was with the 9<sup>th</sup> Circuit Court and Supreme Court.

Mr. Bryson said the providers and private businesses need help. He said he strongly recommended that the Assembly explore every opportunity.

**MOTION** by Mayor Weldon to direct staff to draft legislation to look at time, place, and manner restrictions on camping on public land borough wide and bring it back to a Committee of the Whole meeting. In speaking to her motion, she said she preferred looking at the problem holistically compared to piecemealing sections as needed.

**OBJECTION** by Ms. Hughes-Skandijs. She said she did not support a borough-wide camping ban, especially when it felt like CBJ had given up on obtaining an approved camping location where they would provide services.

**OBJECTION** by Ms. Woll. She said she was concerned about profiling and discrimination. She said she would rather put energy into addressing root causes than temporary fixes.

Mr. Bryson said he would support the Mayor's motion. He said Juneau was the best city in Alaska at providing services to people experiencing homelessness. He said that attracted more people experiencing homelessness and the situation would continue to get worse without being strict and setting realistic expectations for behavior.

Ms. Adkison said ordinances like the one proposed do not solve any problems and add burdens to the police force. She said she was deeply uncomfortable with moving forward with measures like this without providing alternatives.

After a follow-up question from the Assembly, Mr. Palmer said there were a lot of legal nuances on this topic. He said they were looking for direction to see if this was something the Assembly wanted to do, but they would also need to wait until after the Supreme Court issued the *Grants Pass* decision.

Ms. Hale said there was a very real problem happening now, due to decisions made at the Federal level 40 to 50 years ago. She said communities all around the nation were grappling with this issue which was unsolvable on the local level.

Mr. Smith asked if it would be harder to craft a borough wide ordinance or a specific geographic ordinance. Mr. Barr said a borough wide ordinance would be more challenging because there would be more to consider and care for with different types of CBJ property. Mr. Palmer added that it would be hard, politically, to satisfy constituents in one specific area with a borough-wide ordinance.

**MOTION** by Mayor Weldon to postpone this discussion until the next Committee of the Whole meeting. *Hearing no objection, the motion passed by unanimous consent.*

Ms. Adkison left the meeting at 9:00p.m.

### 3. Bond Ordinance

Ms. Koester talked about two proposed projects for bond ordinances on the 2024 Municipal Election. The first would be for public safety communications infrastructure and the second would be for wastewater infrastructure.

She said the initial wastewater infrastructure request was for \$10 million, with \$7 million going to a new roof for the clarifier building at the Juneau-Douglas Treatment Plant and \$3 million for structural improvements at the Mendenhall Plant. She noted that upon further research the entire clarifier building needed to be replaced, which was estimated to cost \$14.7 million. She recommended using the entire \$10 million bond authority for the JD clarifier building and removing improvements from the Mendenhall Plant from the bond package.

**MOTION** by Mayor Weldon to introduce a bond ordinance at the June 17, 2024, regular Assembly meeting for \$12.75 million for public safety communication infrastructure and asked for unanimous consent.

**OBJECTION** by Ms. Hale for purposes of a comment. She noted that while these were introduced as two separate ordinances, they did not have to be on the ballot as two separate questions. She removed her objection.

*Hearing no further objection, the motion passed by unanimous consent.*

**MOTION** by Mayor Weldon to introduce a bond ordinance at the June 17, 2024, regular Assembly meeting for \$10 million for the clarifier building replacement at the Juneau-Douglas Wastewater Treatment facility.

**OBJECTION** by Mayor Weldon for purposes of a question. She asked how this bond would affect the wastewater rate. Ms. Koester said that every \$10 million in non-rate payer revenue put towards capital projects reduced future rate increases by 3% every year over a 5-year period. Mayor Weldon removed her objection.

**AMENDEMENT #1** by Ms. Hughes-Skandijs to change the amount from \$10 million to \$14.7 million. In speaking to her amendment, she supported bonding for the entire project.

**OBJECTION** by Mayor Weldon for purposes of a question. She asked how this would affect the debt service level. Angie Flick, Finance Director, said they could maintain a 1.08 debt service mill rate for both the \$14.7 million clarifier project and the public safety communications project. She said it could be achieved by changing the length of the debt or changing how interest versus principal was paid. She cautioned the Assembly that they had to care for current debt when deciding future projects.

Mr. Bryson asked how the increased bond cost would affect wastewater rate increases. Ms. Koester estimated that this bond would save rate payers a 4.5% rate increase every year for five years.

Mayor Weldon asked about savings in the wastewater utility fund balance. Ms. Koester said for FY25, the ending fund balance was \$6.4 million. She said if the project was bonded at \$10 million, they would draw \$4.7 million from the fund balance which would drop the projected balance below the recommended two months operating budget for a fund balance.

**OBJECTION** by Ms. Hale. She said she could not support the increase. She said other projects often have funding left which gets transferred between projects and she thought there might be other mechanisms for finding funding.

Ms. Hughes-Skandijs asked about transfers within utilities. Ms. Koester said funds were transferred between utility projects but that utility funds stay within utilities. She noted there was no shortage of utility projects to fund.

**Roll Call Vote on Amendment #1** to increase the amount from \$10 million to \$14.7 million:

**Yeas:** Ms. Hughes-Skandijs, Mayor Weldon

**Nays:** Mr. Smith, Mr. Bryson, Ms. Woll, Mr. Kelly, Ms. Hale

**Amendment #1 failed to pass: 2 yeas, 5 nays.**

**Hearing no further objection, the main motion to introduce a bond ordinance for \$10 million for the clarifier building replacement at the Juneau-Douglas Wastewater Treatment facility passed by unanimous consent.**

#### 4. Seawalk Update



Ms. Koester said staff were looking for direction on a proposed land and tideland lease swap with the Franklin Dock that traded the National Guard Dock for a Seawalk easement. She said they were also looking for direction on financing the Seawalk project.

Alix Pierce, Visitor Industry Director, said to complete the Seawalk they need an easement across the Franklin Dock property. She said the owner of the Franklin Dock, Reed Stoops, proposed trading the National Guard Dock property for the easement, which would come with an associated tideland lease. She said Mr. Stoops expressed interest in creating an area to park yachts. Ms. Pierce said the current National Guard Dock was in disrepair and its only use was to host spill response vessels. The Seawalk would then continue through the Petro Marine property.

Ms. Hughes-Skandijs asked about the size of yachts that could potentially be moored in that area. Ms. Pierce said that conceptually there might be 5 vessels between 75-250 feet, when the fuel barge was not present. She said the Seawalk and mooring space for the Petro fuel barge was the higher priority, with yachts and mid-sized vessel docking as a longer-term option. Ms. Pierce said Mr. Stoops and the Petro Marine owners were both interested in coming to a beneficial arrangement.

Ms. Woll asked about the Docks and Harbors board involvement. Carl Uchytel, Port Director, said the board had not been involved in this discussion of the potential land swap and easement.

Ms. Hale said she was concerned about future increased security mandates near the Petro Marine portion of the Seawalk which may then make it unusable. Ms. Pierce said she would discuss such concerns with Petro Marine.

**MOTION** by Mayor Weldon for staff to begin work on a land swap that traded the National Guard Dock for an easement for the Franklin Dock and asked for unanimous consent.

***Hearing no objection, the motion passed by unanimous consent.***

Ms. Pierce said that to construct the Seawalk they would likely need marine passenger fee debt financing. She said one related question was whether to do a large package or focus on a single project at a time. Ms. Pierce said the remaining projects in this section of the Seawalk were the Franklin to AJ Dock connection, estimated at \$20 to \$25 million, deck-overs between the Marine Park Garage and the Tram, estimated at about \$4 million, and the Fisherman's Memorial repair, with no current estimate. She said there was about \$5 million in the Seawalk CIP.

Mayor Weldon asked if the Docks and Harbor board had discussed the deck-overs or Fisherman's Memorial. Mr. Uchytel said the board had not discussed Fisherman's Memorial as it was on private land, but the board was supportive of the deck-overs. He clarified that deck-over meant decking over the open water areas and there were two open areas, one in front of Pier 49 which was currently encumbered, and one at People's Wharf, which was not. He said the board had proposed marine passenger fees every year to deck that over and to establish a more substantial USS Juneau Memorial in the area.

Ms. Hale asked if Fisherman's Memorial was a city project, since it was on private land. Ms. Pierce said it was an Assembly decision. Ms. Pierce said she thought that it posed a risk to city property but would like to have an engineer provide more information.

**MOTION** by Mayor Weldon for staff to research one large debt package using marine passenger fees for the Franklin to AJ Seawalk connection and other related Seawalk projects and asked for unanimous consent.

**OBJECTION** by Ms. Hale. She said over many years they have appropriated money for the Seawalk without a bond package and thought they could continue to do so. She removed her objection.

***Hearing no further objection, motion passed by unanimous consent.***

## **F. STAFF REPORTS**

### **5. Downtown Office Space Verbal Report**

Ms. Koester said they had not successfully negotiated a short-term lease with the Burns Building owners to move the 35 employees from Muni Way during the building's construction. She said they were working on a month-to-

month lease with Sealaska Heritage Institute, owners of the Muni Way building. She said they were looking at moving staff temporarily into Marie Drake, which would involve purchasing furniture and cubicle walls. She said anything they purchased would be able to be used long-term in whatever final location employees ended up.

Mr. Kelly asked about timing. Ms. Koester said JSD still occupied the (Marie Drake) building and that there was a lead time on furniture. She said they thought it would be at least three months before staff could move in. She said they were hoping to finish negotiations with the Burns Building owners for a long-term lease by December, with staff moving in by the following summer.

**G. NEXT MEETING DATE:** July 15, 2024; 6:00p.m.

**H. SUPPLEMENTAL MATERIALS**

**6. Photos of Seawalk Property - Agenda Topic 4**

**I. ADJOURNMENT**

***Having no more business to come before the Assembly Committee of the Whole, the meeting adjourned at 9:40p.m.***



**TO:** Deputy Mayor Smith & Assembly Committee of the Whole  
**FROM:** George Schaaf, Parks & Recreation Director  
**CC:** Robert Barr, Deputy City Manager  
**DATE:** February 20, 2025  
**RE:** Parks & Recreation Commercial Use Analysis and Recommendations

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The Parks & Recreation Department recently completed a comprehensive review of commercial use guidelines and regulations. If approved by the Assembly, the outcomes of this process will shape the management of commercial activities in municipally owned parks and trails starting in 2025.

### **Background & Current Situation**

The current commercial use guidelines were developed over 20 years ago when visitor numbers and activity types were significantly different. At that time, approximately 600,000 cruise ship passengers visited Juneau annually, and user conflicts were primarily concentrated on hiking trails. Today, with over 1.5 million annual visitors and a shift in commercial activity from trails to parks, a new management framework is necessary to protect resources, manage public spaces effectively, and mitigate potential conflicts.

Currently, tourism-related commercial use is permitted in 12 CBJ parks and trails. Most of this activity occurs at facilities developed specifically for tourism using Marine Passenger Fees, including Overstreet Park, Homestead Park, and the Rainforest Trail. Additionally, significant use occurs at the Brotherhood Bridge parking lot, which was transferred to CBJ from DOT&PF in 2019.

In 2024, 139,209 visitors accessed CBJ parks and trails under a commercial use permit. Of these, fewer than 5% (7,200) visited a hiking trail. The vast majority of this trail use (over 95%) was concentrated at the Rainforest Trail, with only 550 commercial guests using all other CBJ trails.

### **Public Process**

To gather community input, Corvus Design and CBJ staff facilitated six public meetings throughout 2024. These meetings provided information on current commercial use levels and invited public feedback on updated management guidelines. Over 300 people participated, and staff responded to nearly 100 public comments, many of which were incorporated into the final recommendations. A full record of comments and responses is available on the project website: <https://bit.ly/CRUA24>.

While this review focused on commercial use in municipally owned parks and trails, many public comments highlighted concerns about tourism impacts in areas managed by other agencies,

departments, or empowered boards. Additionally, many participants expressed concerns about the increasing number of tourists using trails. However, this growth primarily reflects a rise in independent visitors rather than an increase in commercially guided groups operating under permits. The Parks & Recreation Department does not have the authority to restrict or manage this type of non-commercial use.

The Parks & Recreation Advisory Committee (PRAC) reviewed the plan and received public comments at their December 3, 2024 meeting. The PRAC unanimously recommended that the Assembly adopt the recommendations.

### **Recommendations**

The proposed guidelines would prohibit commercial use in 56 CBJ parks and trails. Commercial activity would continue at 10 locations, while two existing sites (Perseverance Trail and Sunshine Cove) would be closed to commercial use. Additionally, three locations (Under Thunder Trail, Telephone Hill Park, and Evergreen Cemetery) would be newly designated for limited commercial use.

Like the 2004 plan, the updated guidelines establish site-specific regulations, including group sizes, site capacity, and operational hours. The plan also introduces restrictions on activity types based on usage intensity, allowing staff to assess new and emerging commercial activities based on their potential impacts.

### **Conclusion**

The updated guidelines reflect current visitor trends, balance commercial use with resource protection, and incorporate extensive public input. By modernizing management strategies, CBJ Parks & Recreation aims to ensure that Juneau's parks and trails remain accessible, enjoyable, and well-maintained for both residents and visitors.

If approved by the Assembly, these guidelines will provide a clear framework for managing commercial activity in CBJ parks and trails beginning in 2025. The department remains committed to ongoing evaluation and adaptation as visitor needs and community priorities continue to evolve.

# Parks & Recreation Commercial Use Analysis

## Committee of the Whole

March 17, 2024

# Introduction & Purpose

---

- First update to permit guidelines in over 20 years
- Examined only CBJ-managed parks and trails
- Provides tools to manage new proposals
- Aligns with other CBJ plans:
  - CBJ Tourism Management Plan
  - Parks & Recreation Master Plan
  - Comprehensive Plan



# History

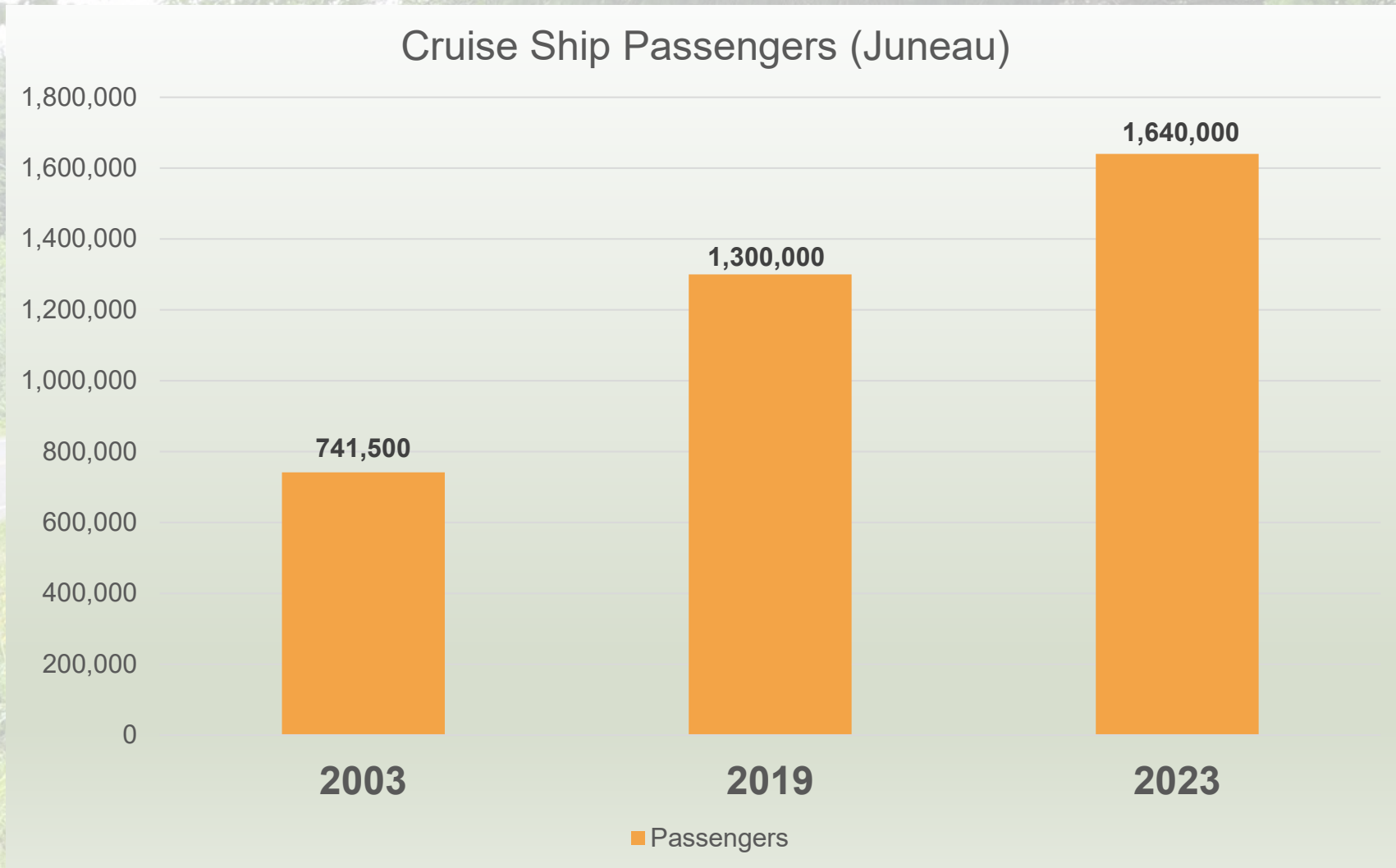
Section F, Item 3.

- 1995** First Commercial Use Regulations approved
- 2001** Trails Working Group convened
- 2003** Rainforest Trail built for commercial use with Marine Passenger Fees
- 2004** Last update to Commercial Use Regulations





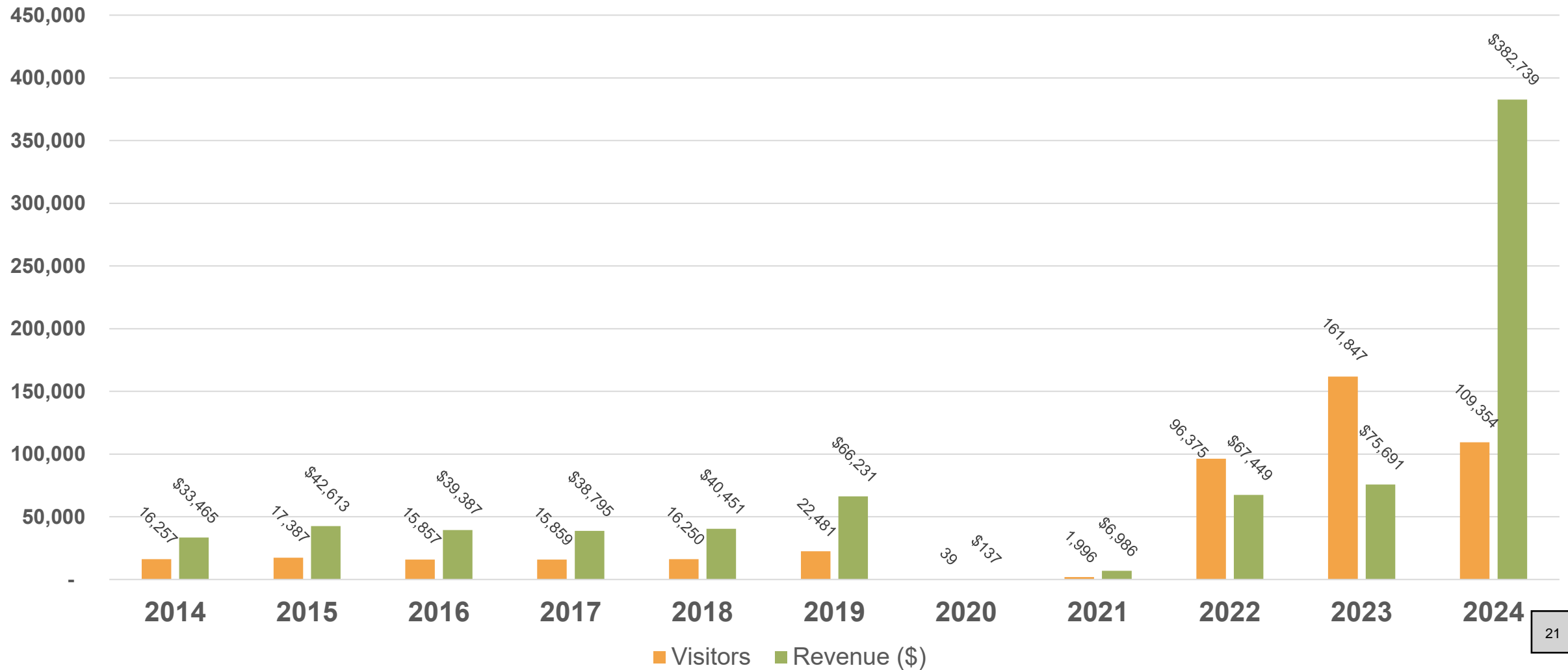
# History





# History

## Commercial Visitors & Revenue





# Purpose & Need

- **Outdated regulations and recommendations**
- **Increased visitation**
- **Creation of new parks and trails over the last 20 years**
- **Real and perceived conflicts between residents and tourism-related use**
- **Resource management**



# Public Engagement

Section F, Item 3.

- **Five Neighborhood Meetings**
- **One Communitywide Open House**
- **Parks & Recreation Advisory Committee**
- **Over 200 people provided feedback**



# Public Engagement

## Themes

1. Concerns about overcrowding and resulting impacts
2. Desire for more restrictions in certain areas
3. Support for sustainable tourism management
4. Ensuring public access and fair use
5. Impacts to trails a greater concern than parks
6. Tourism impacts are not limited to commercial use



# Recommendations

**Establish categories of Commercial Use for limited locations**

**Prohibit Commercial Use in other areas**

**Implement Adaptive Management**



# Categories of Commercial Use

## High

- Overstreet Park
- Brotherhood Bridge Wayside
- Marine Park
- Homestead Park

## Medium-High

- Channel Wayside
- Rainforest Trail

## Medium-Low

- Telephone Hill
- Under Thunder Trail
- Fish Creek Park
- Treadwell Mine Historic Park

## Low

- Amalga Meadows
- Auke Lake Wayside
- Evergreen Cemetery

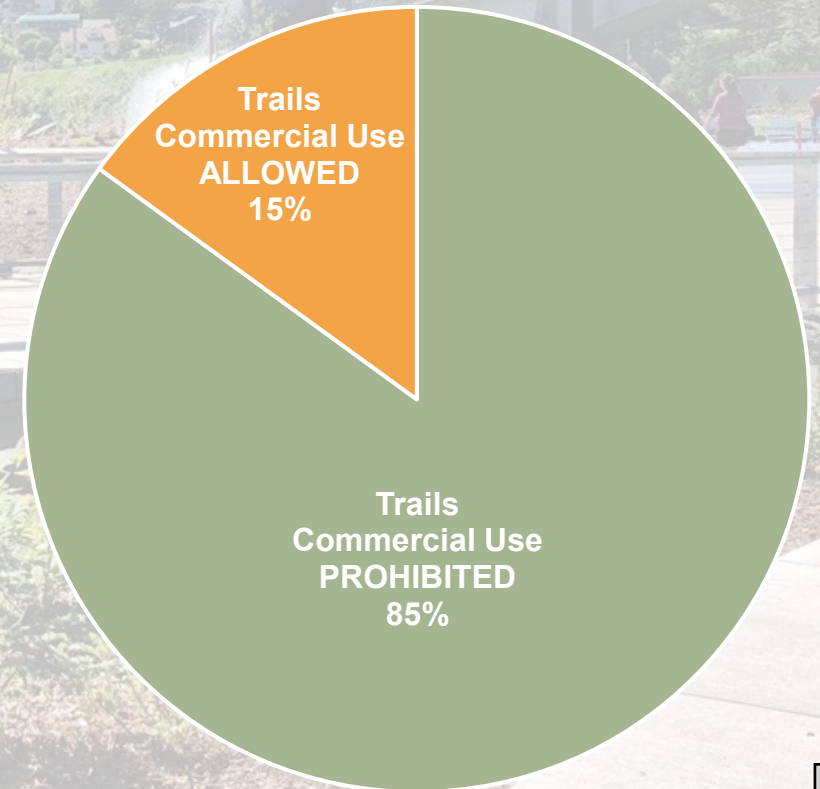


# Prohibited Commercial Use

**24 Parks**

**38 Trails**

- Includes all beach access trails & Treadwell Ditch
- Removes Perseverance Trail & Sunshine Cove





# Adaptive Management

- Regular assessments of impacts and user experience
- Monitoring visitor data (audits, cell phone data, etc.)
- Three-year cycle to review guidelines





# Next Steps

- Assembly adoption of Recommendations
- Assess infrastructure needs to protect facilities and resources
- Leverage fee revenue to provide community benefits

Presented by: The Manager  
Presented: 3/3/2025  
Drafted by: Law Department

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**  
**Serial No. 2025-22**

**An Ordinance Authorizing the Manager to Negotiate and Execute a  
Tidelands Lease for the Purpose of Waterfront Commercial Activities.**

WHEREAS, in August 2022 Huna Totem Corporation (HTC) acquired the upland parcel  
at the Subport from Norwegian Cruise Line Holdings; and

WHEREAS, in September 2022, Aak’w Landing LLC (“Aak’w”), a wholly owned  
subsidiary of HTC, applied to lease tidelands owned by the City and Borough of Juneau for  
the purpose of building a cruise ship dock; and

WHEREAS, the City and Borough of Juneau (CBJ) owns submerged lands in excess of 50  
acres in ATS 3 including a four-hundred-foot swath seaward of the Coast Guard Dock and  
Subport; and

WHEREAS, in order to construct the Aak’w dock, Aak’w will need to acquire an interest  
in certain lands and tidelands, which includes the CBJ swath of tidelands and approximately  
8 acres of unsurveyed tidelands currently owned by the State of Alaska, Department of  
Natural Resources (ADNR); and

WHEREAS, the City and Borough of Juneau has applied to the ADNR to have lands  
owned by the State conveyed for the purposes of this lease; and

WHEREAS, CBJC 53.20.020 authorizes the lease of lands owned by the City and  
Borough, including tidelands and submerged lands, by ordinance under such procedures and  
minimum terms and conditions as set forth in the ordinance; and

1           WHEREAS, maintaining year-round businesses and activities on the site is a shared  
2 priority of the CBJ and Aak’w; and

3           WHEREAS, shore power is a community priority throughout the port and it is the  
4 shared intention of the CBJ and Aak’w to electrify cruise ship docks to the degree that it’s  
5 feasible to do so; and

6           WHEREAS, the CBJ and Aak’w have a shared interest in honoring community priorities  
7 including all negotiated agreements between the CBJ and the cruise industry.  
8

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

10          **Section 1.   Classification.** This ordinance is a noncode ordinance.

11          **Section 2.   Authorization to Lease.** The Manager is authorized to negotiate and  
12 execute a lease of tidelands as generally depicted on Exhibit A, subject to the following  
13 minimum essential terms and conditions:

- 14           (A)   This lease signing is conditioned upon the conveyance of State tidelands south  
15               of the Subport to the City and Borough of Juneau from ADNRR;  
16           (B)   This lease is conditioned upon an appraisal providing legal boundaries and fair  
17               market value as required by CBJC 53.20.040 and 05 CBJAC 50.050;  
18           (C)   The leased property shall be used by Aak’w for waterfront commercial activities  
19               consistent with the application submitted to the Community Development  
20               Department January 25, 2023, Attachment 1;  
21           (D)   The lease shall be for a maximum term of 35 years (CBJC 53.20.080) effective  
22               upon signing of the lease by CBJ; the parties, upon mutual agreement and by  
23               ordinance, may execute one additional lease for a maximum term of 35 years;  
24           (E)   The annual lease rent for the first five-year period of the term shall be not less  
25               than fair market value plus sales tax. The annual rent due is divided into

1 twelve equal installments due at the beginning of each month. Rent shall accrue  
2 on the effective date of this lease. The Manager or designee shall review and  
3 adjust the annual rental payment every fifth year of the lease in accordance  
4 with CBJC 53.20.190(d) and CBJC 85.02.060(a)(5);

5 (F) Aak’w shall be responsible for obtaining all necessary permits and approvals for  
6 its use and development of the leased property;

7  
8 (G) Aak’w shall indemnify, defend, and hold harmless the City and Borough and its  
9 officers and employees for any claims related to or arising out of the Aak’w’s  
10 use, operation, or maintenance of the leased property, equipment, and  
11 improvements, or any further development of the leased property or  
12 improvements by the Aak’w; and

13 (H) The lease shall include all provisions of the standard CBJ land lease form not in  
14 conflict with ordinance, any other provisions that the Manager determines to be  
15 in the public interest, and all conditions and parameters outlined in Conditional  
16 Use Permit, USE2023 0003, approved by the Planning Commission July 20,  
17 2023, Attachment 2.

18 (I) Additional Conditions:  
19  
20 a. The dock may be used in case of emergency outside the specified CUP  
21 terms;  
22 b. The dock may only accommodate lightering from a cruise ship at anchor  
23 in the case of an emergency, no matter what size the ship is.  
24  
25

**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

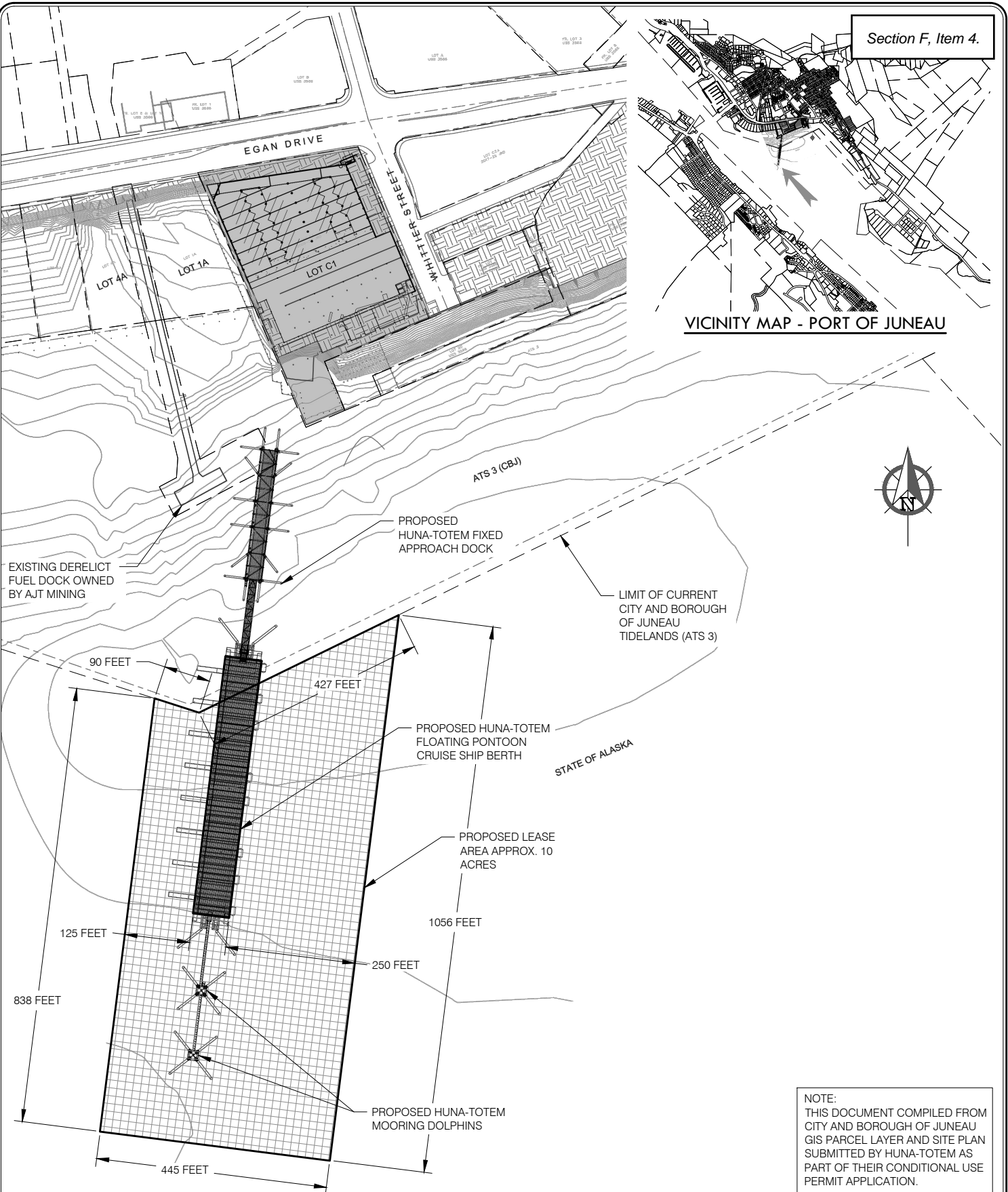
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Attest: \_\_\_\_\_  
Beth A. Weldon, Mayor

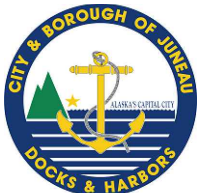
\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



VICINITY MAP - PORT OF JUNEAU



NOTE:  
THIS DOCUMENT COMPILED FROM  
CITY AND BOROUGH OF JUNEAU  
GIS PARCEL LAYER AND SITE PLAN  
SUBMITTED BY HUNA-TOTEM AS  
PART OF THEIR CONDITIONAL USE  
PERMIT APPLICATION.



CITY AND BOROUGH OF JUNEAU  
**DOCKS & HARBORS DEPT.**  
155 SOUTH SEWARD STREET  
JUNEAU, ALASKA 99801  
PHONE: 907-586-0398

**REQUESTED LEASE AREA**  
**HUNA-TOTEM DOCK TIDELANDS LEASE**

DESIGN: MS	DATE: AUGUST 16, 2024
CHECKED: MS	CONTRACT NO.
APPROVED: CU	JOB NO. PAGE 1 OF 1

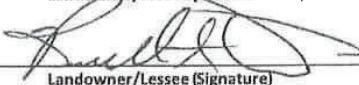



Original Application



## DEVELOPMENT PERMIT APPLICATION


NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	<b>PROPERTY LOCATION</b>		
	Physical Address <b>0 Egan Drive</b>		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <b>Juneau Subport Lot C1</b>		
	Parcel Number(s) <b>Parcel: 1C060-K01-0031 (C-1)</b>		
	<input type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which <b>No</b>		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner <b>Huna Totem Corporation</b>	Contact Person <b>Fred Parady</b>	
	Mailing Address <b>9301 Glacier Highway, Suite 200, Juneau, AK 99801</b>	Phone Number(s) <b>907.789.8504 (office) 907.723.3903 (cell)</b>	
	E-mail Address <b>fparady@hunatotem.com</b>		
	<b>LANDOWNER/ LESSEE CONSENT</b>		
Required for Planning Permits, not needed on Building/ Engineering Permits.			
Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.			
<b>Russell Dick</b> <b>Landowner</b> Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)			
X  <b>1/24/23</b> Landowner/Lessee (Signature) Date			
Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)			
X _____ Landowner/Lessee (Signature) Date			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.			
<b>APPLICANT</b>			
If same as LANDOWNER, write "SAME"			
Applicant (Printed Name) <b>Same</b>		Contact Person <b>Same</b>	
Mailing Address <b>Same</b>		Phone Number(s) <b>Same</b>	
E-mail Address <b>Same</b>			
X  <b>01.24.2023</b> Applicant's Signature Date of Application			

DEPARTMENT USE ONLY BELOW THIS LINE

## INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Intake Initials 	Date Received <b>1-25-23</b>
Case Number <b>USE23-003</b>	

Original Application



ALLOWABLE/CONDITIONAL USE  
PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

**PROJECT SUMMARY**  
The project proposed phased development of mixed use, including retail, community park, docking, and associated parking. Phase 1 includes a total of 24,800 square feet of retail, and approximately 60,000 square feet of City park area. Tourist season parking includes 124 stalls for buses and cars. In the off-season the parking area will be able to accommodate 117 cars.  
External lighting to be developed.  
The Aak'w Landing uplands project will be a concrete Bus Staging and vehicle Garage topped by a landscaped Park sloping up from Egan Drive. The project will include 34,000 sf of Retail spaces in the first phase with future phases adding 9,000 sf of additional Retail and 40,000 sf of facilities with a use yet to be determined. Total square footages are approximate at this initial design stage, but as shown on the Zoning and Parking Study, the target square footages are well below what would be allowed on the site by zoning or parking

**TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED**  
☐ Accessory Apartment – Accessory Apartment Application (AAP)  
☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)  
Table of Permissible Uses Category: See attachment regarding Aak'w Landing Zoning and Parking

**IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?** ☐ YES – Case # \_\_\_\_\_ ☒ NO

**UTILITIES PROPOSED** WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

**SITE AND BUILDING SPECIFICS**  
Total Area of Lot 125,377 square feet Total Area of Existing Structure(s) 0 square feet  
Total Area of Proposed Structure(s) Phase 1 150,000, future phase building square feet 1st PHASE 34,000 sf, per narrative

**EXTERNAL LIGHTING**  
Existing to remain ☒ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures  
Proposed ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

**ALL REQUIRED DOCUMENTS ATTACHED**  
☒ **Narrative including:**  
☒ Current use of land or building(s)  
☒ Description of project, project site, circulation, traffic etc.  
☒ Proposed use of land or building(s)  
☒ How the proposed use complies with the Comprehensive Plan  
☒ **Plans including:**  
☒ Site plan  
☒ Floor plan(s)  
☒ Elevation view of existing and proposed buildings  
☒ Proposed vegetative cover  
☒ Existing and proposed parking areas and proposed traffic circulation  
☒ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)  
*If this is a modification or extension include:*  
☐ Notice of Decision and case number  
☐ Justification for the modification or extension  
☐ Application submitted at least 30 days before expiration date

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>4,000<sup>00</sup></u>	<u>ph 1 class IV</u>		
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50<sup>00</sup></u>			
Pub. Not. Sign Deposit	\$ <u>100<sup>00</sup></u>			
Total Fee	\$ _____			

This form and all documents associated with it are public record once submitted.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
<u>USE23-003</u>	<u>1-25-23</u>

Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline in CBJ 49.15.330

**Pre-Application Conference:** A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at [permits@juneau.org](mailto:permits@juneau.org).

**Application:** An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

- 1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
- 2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
- 3. **Project Narrative:** A detailed narrative describing the project.
- 4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
  - A. Site plan, floor plan and elevation views of existing and proposed structures
  - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
  - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
  - D. Existing and proposed lighting (including cut sheets for each type of lighting)
  - E. Existing and proposed vegetation with location, area, height and type of plantings
  - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

**Document Format:** All materials submitted as part of an application shall be submitted in either of the following formats:

- 1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
- 2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

**Application Review & Hearing Procedure:** Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

**Review:** As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

**Hearing:** All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

**Public Notice Responsibilities:** Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

**The Community Development Department** will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 500-feet of the project site.

**The Applicant** will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED





# Huna Totem Corporation

WOOSH-JEE-EEN • PULLING TOGETHER

May 18, 2023

Revised Materials

Ms. Irene Gallion  
Senior Planner  
Community Development Division  
City and Borough of Juneau  
4th Floor – Marine View Center  
230 South Franklin Street  
Juneau, Alaska 99801

Dear Ms. Gallion:

As we discussed yesterday, enclosed please find the updated materials we are submitting for our Conditional Use Permit Application USE23-003 for our project Aak'w Landing project. The updated materials combine reflect the original submittal for the uplands portion of the project with the requested inclusion of the tidelands portion. Included are the following:

1. The original Development Permit Application
2. An email attachment from the additional landowner for the relevant tidelands of the State of Alaska.
3. The original Conditional Use Permit Application showing the case number.
4. An updated project summary description.
5. Two drawings of the planned dock alignment.
6. An updated Architectural Narrative dated 5.17.23.
7. An updated Zoning and Parking Study also dated 5.17.23, which updates the Site and Building Specifics numbers to reflect
8. The completed Traffic Impact Analysis.

All other attachments in the original remain as submitted. We hope to complete review in a timely manner in order to make the agenda for the Planning Commission shown on the calendar for Tuesday, July 11, 2023.

Thank you for your time in reviewing these materials and your insight into the process. We look forward to moving into the next steps necessary to advance the Aak'w Landing project.


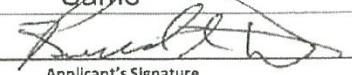
Cordially,

Fred Parady  
Chief Operating Officer



## DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

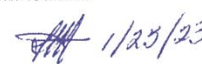
To be completed by Applicant	<b>PROPERTY LOCATION</b>		
	Physical Address <b>0 Egan Drive</b>		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <b>Juneau Subport Lot C1</b>		
	Parcel Number(s) <b>Parcel: 1C060-K01-0031 (C-1)</b>		
	<input type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which <b>No</b>		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner <b>Huna Totem Corporation</b>	Contact Person <b>Fred Parady</b>	
	Mailing Address <b>9301 Glacier Highway, Suite 200, Juneau, AK 99801</b>	Phone Number(s) <b>907.789.8504 (office) 907.723.3903 (cell)</b>	
	E-mail Address <b>fparady@hunatotem.com</b>		
	<b>LANDOWNER/ LESSEE CONSENT</b>		
Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.			
<b>Russell Dick</b> Landowner Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee) X  Date <b>1/24/23</b> Landowner/Lessee (Signature)			
Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee) X _____ Date _____ Landowner/Lessee (Signature)			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.			
<b>APPLICANT</b>			
If same as LANDOWNER, write "SAME"			
Applicant (Printed Name) <b>Same</b>		Contact Person <b>Same</b>	
Mailing Address <b>Same</b>	Phone Number(s) <b>Same</b>		
E-mail Address <b>Same</b>			
X  Date of Application <b>01.24.2023</b> Applicant's Signature			

DEPARTMENT USE ONLY BELOW THIS LINE

### INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

I:\FORMS\PLANFORM\DP\A\_Final Draft.docx

Intake Initials 
Case Number <b>USE23-003</b>
Date Received <b>1-25-23</b>

Updated 6/2022 - Page 1 of 1



## AK DNR Acknowledgement

Fred Parady

**From:** Hillgartner, Megan G (DNR) <megan.hillgartner@alaska.gov>  
**Sent:** Friday, April 21, 2023 3:14 PM  
**To:** Fred Parady  
**Subject:** RE: Aak'w Landing Tidelands  
**Attachments:** Aak'w Landing Concept Plans 2022.11.22.pdf; 2023 04 17 HTC CBJ Tidelands DEVELOPMENT PERMIT APPLICATION.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Fred,

Just gave you a call back but appears I've missed you, so figured I'd follow up via email.

As we discussed on the phone last week, it seems premature for DNR to sign the CBJ Development Permit Application (attached) as we have not seen or reviewed any application requesting use of state land for this proposal. The preliminary drawings you sent on April 17<sup>th</sup> were helpful in determining the location of the proposed tideland lease we discussed over the phone, however, I cannot sign any document granting "complete understanding and permission" for an activity until we've received, reviewed, adjudicated, and approved a complete tideland lease application from the entity requesting the use of state tidelands (whether that be CBJ or Huna Totem Corporation – as it is still unclear who is requesting this use).

The CBJ Development Permit Application does, however, note that alternative written approval may be accepted. I would like to offer this email as a proof that we have received the tentative drawings ("Aak'w Landing Concept Plans 2022.11.22") and have confirmed that this proposal, as indicated on PDF page 6, involves use of state-owned, DMLW-managed submerged lands. Placement of permanent infrastructure and long-term, commercial use of state-managed lands requires written authorization from DNR -DMLW. We look forward to receiving and reviewing your tideland lease application for this requested activity.

I hope this email will sufficiently address your needs to move forward with the City in obtaining your preliminary approvals for this project. Please feel free to give me a call if you have any questions.

Thank you,

**Megan G. Hillgartner**  
 Southeast Regional Manager  
 Department of Natural Resources  
 Division of Mining, Land and Water  
 P: (907) 465-3406

**From:** Fred Parady <FParady@hunatotem.com>  
**Sent:** Monday, April 17, 2023 11:27 AM  
**To:** Hillgartner, Megan G (DNR) <megan.hillgartner@alaska.gov>  
**Subject:** Aak'w Landing Tidelands

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.





## CBJ Lands Acknowledgement

**DEVELOPMENT PERMIT APPLICATION**

**NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.**

To be completed by Applicant	<b>PROPERTY LOCATION</b>		
	Physical Address <b>O Egan Drive</b>		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <b>Juneau Subport Lot C1 Tidelands</b>		
	Parcel Number(s) <b>n/a</b>		
	<input type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which <b>No</b>		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner <b>Huna Totem Corporation</b>	Contact Person <b>Fred Parady</b>	
	Mailing Address <b>9301 Glacier Highway, Suite 200, Juneau 99801</b>	Phone Number(s) <b>907.789.8504</b> <b>907.723.3903</b>	
	E-mail Address <b>fparady</b>		
	<b>LANDOWNER/ LESSEE CONSENT</b>		
Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.			
<b>Dan Bleidorn</b> <span style="float: right;"><b>CBJ Lands Manager</b></span> Landowner/Lessee (Printed Name) <span style="float: right;">Title (e.g.: Landowner, Lessee)</span>			
X <u><i>Daniel Bleidorn</i></u> <span style="float: right;"><u>05/26/2023</u></span> Landowner/Lessee (Signature) <span style="float: right;">Date</span>			
Landowner/Lessee (Printed Name) <span style="float: right;">Title (e.g.: Landowner, Lessee)</span>			
X _____ Landowner/Lessee (Signature) <span style="float: right;">Date</span>			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.			
<b>APPLICANT</b> <span style="float: right;">If same as LANDOWNER, write "SAME"</span>			
Applicant (Printed Name) <b>Huna Totem Application</b>		Contact Person <b>Fred Parady</b>	
Mailing Address <b>Same</b>	Phone Number(s) <b>907.789.8504</b> <b>907.723.3903</b>		
E-mail Address <b>Same</b>			
X <u><i>[Signature]</i></u> Applicant's Signature		<u>5.26.2023</u> Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

For assistance filling out this form, contact the Permit Center at 586-0770.

Intake Initials	
Case Number	Date Received



# ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

**PROJECT SUMMARY**  
The project proposed phased development of mixed use, including retail, community park, docking, and associated parking. Phase 1 includes a total of 24,600 square feet of retail, and approximately 60,000 square feet of City park area. Tourist season parking includes 124 stalls for buses and cars. In the off-season the parking area will be able to accommodate 117 cars.  
External lighting to be developed.  
The Aak'w Landing solenids project will be a concrete Bus Staging and vehicle Garage topped by a landscaped Park sloping up from Egan Drive. The project will include 34,000 sf of Retail spaces in the first phase with future phases adding 9,000 sf of additional Retail and 40,000 sf of facilities with a use yet to be determined. Total square footages are approximate at this initial design stage, but as shown on the Zoning and Parking Study, the target square footages are well below what would be allowed on the site by zoning or parking.

**TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED**  
☐ Accessory Apartment – Accessory Apartment Application (AAP)  
☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)  
Table of Permissible Uses Category: See attachment regarding Aak'w Landing Zoning and Parking

**IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?** ☐ YES – Case # \_\_\_\_\_ ☒ NO

**UTILITIES PROPOSED**      **WATER:** ☒ Public ☐ On Site      **SEWER:** ☒ Public ☐ On Site

**SITE AND BUILDING SPECIFICS**  
Total Area of Lot 125,377 square feet      Total Area of Existing Structure(s) 0 square feet  
Total Area of Proposed Structure(s) Phase 1 150,000, future phase build square feet 1st PHASE 34,000 sf, per narrative All Phases

**EXTERNAL LIGHTING**  
Existing to remain ☒ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures  
Proposed ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

**ALL REQUIRED DOCUMENTS ATTACHED**  
☒ **Narrative including:**  
☒ Current use of land or building(s)  
☒ Description of project, project site, circulation, traffic etc.  
☒ Proposed use of land or building(s)  
☒ How the proposed use complies with the Comprehensive Plan  
☒ **Plans including:**  
☒ Site plan  
☒ Floor plan(s)  
☒ Elevation view of existing and proposed buildings  
☒ Proposed vegetative cover  
☒ Existing and proposed parking areas and proposed traffic circulation  
☒ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)  

*If this is a modification or extension include:*  
☐ Notice of Decision and case number  
☐ Justification for the modification or extension  
☐ Application submitted at least 30 days before expiration date

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>1,000<sup>00</sup></u>	<u>ph 1 class IV</u>		
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50<sup>00</sup></u>			
Pub. Not. Sign Deposit	\$ <u>100<sup>00</sup></u>			
Total Fee	\$ _____			

This form and all documents associated with it are public record once submitted.

## INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
<u>USE23-003</u>	<u>1-25-23</u>



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

## Huna Totem Dock

Case Number: PAC2022 0047  
Applicant: Huna Totem Corporation, Fred Parady  
Property Owner: Aak W Landing LLC  
Property Address: Egan Dr.  
Parcel Code Number: 1C060K010031  
Site Size: 125,406 SF/2.8789 Acres  
Zoning: MU2 Mixed Use 2 (Willoughby)  
Existing Land Use: Seasonal restaurant/Construction trailer

Conference Date:	October 26, 2022
Report Issued:	November 2, 2022
<b>DISCLAIMER:</b> Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.	

## List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Fred Parady	Huna Totem, COO	<a href="mailto:FParady@hunatotem.com">FParady@hunatotem.com</a>
Russell Dick	Huna Totem, President/CEO	<a href="mailto:Russell.Dick@hunatotem.com">Russell.Dick@hunatotem.com</a>
Mickey Richardson	Huna Totem, Dir of Marketing	<a href="mailto:Mickey@hunatotem.com">Mickey@hunatotem.com</a>
Wayne Jensen	JYW Architects, President	<a href="mailto:Wayne@jensenyorbawall.com">Wayne@jensenyorbawall.com</a>
Corey Wall	JYW Architects, Vice President	<a href="mailto:Corey@jensenyorbawall.com">Corey@jensenyorbawall.com</a>
Irene Gallion	Planning	<a href="mailto:Irene.Gallion@juneau.org">Irene.Gallion@juneau.org</a>
Emily Suarez		<a href="mailto:Emily.Suarez@juneau.org">Emily.Suarez@juneau.org</a>
David Peterson		<a href="mailto:David.Peterson@juneau.org">David.Peterson@juneau.org</a>



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Sydney Hawkins	Permit Tech II	<a href="mailto:Sydney.Hawkins@juneau.org">Sydney.Hawkins@juneau.org</a>
Jill Maclean	CBJ CDD Director	<a href="mailto:Jill.Maclean@juneau.org">Jill.Maclean@juneau.org</a>
Alex Pierce	CBJ Tourism Manager	<a href="mailto:Alexandra.Pierce@juneau.org">Alexandra.Pierce@juneau.org</a>
Dan Bleidorn	CBJ Lands Manager	<a href="mailto:Dan.Bleidorn@juneau.org">Dan.Bleidorn@juneau.org</a>

## Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Flood plain development: FEMA mapping shows the flood plain area ending at the beach. Elements of the proposal closer to Egan Drive are below the 27 foot special flood hazard area elevation, but are outside of the mapped area. The Director has determined that flood proofing will not be required for development outside of the mapped area.

Lot coverage: See #7 below.

Construction across lot lines: A reminder that CDD cannot permit construction that crosses lot lines (CBJ 49.25.430).

Tidewater Lot Line setbacks: According to CBJ 49.25.430(4)(G): In any zoning district, yard setbacks are not required from tidewater lot lines. Reference #3 below.

Seawalk requirements: See the attached Ordinance 2005-29(am). Property owners within the area of the Long Range Waterfront Plan shall dedicate all easements necessary for construction of a seawalk 16 feet in width.

## Project Overview

The project proposed phased development of mixed use, including retail, community park, docking, and associated parking.

Phase 1 includes a total of 24,800 square feet of retail, and approximately 60,000 square feet of City park area. Tourist season parking includes 124 stalls for buses and cars. In the off-season the parking area will be able to accommodate 180 cars.

Materials provided by the applicant include:

- Existing Site Plan
- Seawalk (Grade) Level and Site Plan (with bus parking).
- Seawalk (Grade) Level and Site Plan (with off-season parking).
- Upper Plaza Level Phase 1.
- Upper Plaza Level Future Phases.
- Site Section.
- Zoning and parking study.
- Architectural Narrative for CBJ Pre-Application Conference.

The Applicant is working through early development stages. There are two meetings on November 7, 2022:

- Assembly Lands, Resources and Economic Development: The lease of the tidelands will be discussed in light of 53.09.260. Coast Guard land ownership and seawalk requirements will be discussed. Focus is on the specifics of the lease.
- Assembly Committee of the Whole: Huna Totem will be presenting development ideas and concepts to the Assembly. Focus will be on the vision for the community.

Coast Guard land ownership negotiations may result in modifications to the

The project will require a conditional use permit (CUP), because of public interest will be require a public meeting before the application goes to the Planning Commission.

### Planning Division

1. **Zoning** – MU2, Town Center Parking area
2. **Subdivision** – Not applicable.
3. **Setbacks** –
  - a. Minimum front yard setback: 5 feet
  - b. Minimum street side yard setback: 5 feet
  - c. Minimum rear yard setback: 5 feet
  - d. Minimum side yard setback: 5 feet
  - e. 49.25.430 (4)(G) - Yard setbacks. Tidewater lot line setback is zero (0)
4. **Height** – Maximum height permissible use: 45 feet
5. **Access** – Primary access is from Whittier Street. At this time the Applicant is unsure if access off Egan Drive will be required. Egan Drive is an Arterial. If access off Egan Drive is proposed, a driveway permit will be required from The Alaska Department of Transportation and Public Facilities.

**Contact:** Michael K. Schuler

Email: michael.schuler@alaska.gov

Phone: 465-4499

6. **Parking & Circulation**– Parking per submitted materials. Note that the parking shown on Whittier is illustrative, and is not considered in parking calculations provided by the Applicant. CBJ does not permit back-out parking for commercial operations (CBJ 49.40.235(b)(6))

The Applicant does not anticipate pursuing a waiver for parking at this time. If pursued, a waiver application should be made at the same time as the Conditional Use Permit application.

7. **Lot Coverage** – Maximum lot coverage is 80%. CDD’s interpretation is that the park area on top of the garage is not lot coverage.



The definition of “lot coverage” means the percentage of horizontal lot area that is occupied by all buildings on the lot, each measured at the outside of those exterior walls of the floor having the greatest horizontal dimensions. The garage creates horizontal lot area by providing park space on the roof.

Phase 1 proposal current lot coverage is 8%.

- 8. **Vegetative Coverage** – Per CBJ 49.50.300 - Minimum vegetative cover is 5%. (Met)
- 9. **Lighting** – Proposed lighting will need to be downward cast full cut off. Lighting conditions established by the commission. Verified during building permit process.
- 10. **Noise** – Anticipated noise from this project is not expected to be excessive for the zoning district.
- 11. **Flood** –



Elements of the proposed structure and improvements are in the VE flood zone with elevations of 23 to 26 feet. VE Zone is a Special Flood Hazard Area (SFHA) inundated by 1% annual chance flood; coastal floods with velocity hazards. New development that follows within the definitions stipulated in 49.80 shall obtain a floodplain development permit (FDP). Proposed structures will need to be design to meet the requirements of CBJ 49.70 Article IV, and 49.70.400(j) for additional provisions in zones VE and V.

- 12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The project is not within a mapped hazard area. The project does not appear to need a Hillside Endorsement. A Hillside Endorsement will be required if slopes in excess of 18% are created, or cut into.

13. **Wetlands** – Wetlands are not anticipated on this lot. Fill of wetlands will require a United States Army Corp of Engineers fill permit.

Contact them at: 907-753-2689

14. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.

15. **Plat or Covenant Restrictions** – There were not applicable Plat notes in Plat number 2009-37.

16. **Traffic** – A traffic impact analysis (TIA) will be required per CBJ 49.40.300 (a)(1)

Parking level: 5,300 SF and 9,500 SF: Total SF: 14,500 SF (Retail)

Phase 1: 10,000 SF Plaza level (Retail)

Total: 24,800 SF retail

According to the Institute of Transportation Engineers Trip Generation Manual 9<sup>th</sup> edition a variety store generates 64.03 average annual daily traffic (AADT). Generating 1,587.94 AADT.

Per plans parks are approximately 60,000 SF, or approximately 1.4 Acres (Scaled off Plaza Level Phase 1 drawings) According to the Institute of Transportation Engineers Trip Generation Manual 9<sup>th</sup> edition a City park generates 1.89 average annual daily traffic (AADT).

The applicant will review the parking analysis done by the previous applicant, and modify if necessary.

17. **Nonconforming situations** – There are not nonconforming situations evident

#### **Building Division**

18. **Building** – Building plans will be reviewed during the permitting process, no comments at this time.

19. **Outstanding Permits** –

- a. BLD20190242 – “Temp power for job trailer.”

#### **General Engineering/Public Works**

20. **Engineering** –

- a. Note that a single water meter would be required. Does not anticipate many challenges since the project will have engineers involved.
- b. Per discussion above, review building elevations with FEMA elevation requirements for this area.

21. **Drainage** – None at this time.

22. **Utilities** – (water, power, sewer, etc.) None at this time.

#### **Fire Marshal**

23. **Fire Items/Access** – No comments at this time.

#### **Other Applicable Agency Review**

Created: 2022-10-12 14:40:45 [EST]

(Supp. No. 145)

- 24. The Traffic Impact Analysis will be submitted to the Alaska Department of Transportation and Public Facilities for their evaluation and review. If they have concerns, the Commission may condition the project to address them.
- 25. The application will be circulated to the Alaska Department of Transportation and Public Facilities, the United States Army Corps of Engineers, the Alaska Department of Natural Resources, the United States Fish and Wildlife Service, the Alaska Department of Fish and Game, the Federal Aviation Administration, and the United States Coast Guard.

**List of required applications**

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

- 1. Development Permit Application
- 2. Allowable/Conditional Use Permit Application

**Additional Submittal Requirements**

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

- 1. A copy of this pre-application conference report.
- 2. Traffic Impact Analysis. The Final draft will be required to go to the Planning Commission.

**Exceptions to Submittal Requirements**

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

- 1. None

**Fee Estimates**

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

- 1. \$1,000 Class IV Permit
- 2. Public Notice Sign \$150. \$100 refundable if the sign is brought back by the Monday after the Commission meeting.

For informational handouts with submittal requirements for development applications, please visit our website at [www.juneau.org/community-development](http://www.juneau.org/community-development).

**Submit your Completed Application**

You may submit your application(s) online via email to [permits@juneau.org](mailto:permits@juneau.org)  
OR in person with payment made to:



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City & Borough of Juneau, Permit Center  
230 South Franklin Street  
Fourth Floor Marine View Center  
Juneau, AK 99801

Phone: (907) 586-0715  
Web: [www.juneau.org/community-development](http://www.juneau.org/community-development)

Attachments:

49.70 Article IV  
49.15.330  
Ordinance 2005-29(am)  
Development Permit Application  
Allowable/Conditional Use Permit Application

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49.15.330 Conditional use permit.

- (a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.
- (b) *Preapplication conference.* Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the conditional use permit procedure. The director shall discuss with the developer, regulation which may limit the proposed development as well as standards or bonus regulations which may create opportunities for the developer. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this subsection shall be provided to the developer at the conference.
- (c) *Submission.* The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.
- (d) *Director's review procedure.*
  - (1) The director shall endeavor to determine whether the application accurately reflects the developer intentions, shall advise the applicant whether or not the application is acceptable and, if it is not, what corrective action may be taken.
  - (2) After accepting the application, the director shall schedule it for a hearing before the commission and shall give notice to the developer and the public in accordance with section 49.15.230.
  - (3) The director shall forward the application to the planning commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor. The director shall make those determinations specified in subsections (1)(A)–(1)(C) of subsection (e) of this section.
  - (4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.
  - (5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:
    - (A) Will materially endanger the public health or safety;
    - (B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
    - (C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.
- (e) *Review of director's determinations.*

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- (1) At the hearing on the conditional use permit, the planning commission shall review the director's report to consider:
    - (A) Whether the proposed use is appropriate according to the table of permissible uses;
    - (B) Whether the application is complete; and
    - (C) Whether the development as proposed will comply with the other requirements of this title.
  - (2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.
  - (f) *Commission determinations; standards.* Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:
    - (1) Materially endanger the public health or safety;
    - (2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or
    - (3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.
  - (g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:
    - (1) *Development schedule.* A reasonable time limit may be imposed on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighborhood, to ensure that development is not used or occupied prior to substantial completion of required public or quasi-public improvements, or to implement other requirements.
    - (2) *Use.* Use of the development may be restricted to that indicated in the application.
    - (3) *Owners' association.* The formation of an association or other agreement among developers, homeowners or merchants, or the creation of a special district may be required for the purpose of holding or maintaining common property.
    - (4) *Dedications.* Conveyance of title, easements, licenses, or other property interests to government entities, private or public utilities, owners' associations, or other common entities may be required.
    - (5) *Performance bonds.* The commission may require the posting of a bond or other surety or collateral approved as to form by the city attorney to guarantee the satisfactory completion of all improvements required by the commission. The instrument posted may provide for partial releases.
    - (6) *Commitment letter.* The commission may require a letter from a public utility or public agency legally committing it to serve the development if such service is required by the commission.
    - (7) *Covenants.* The commission may require the execution and recording of covenants, servitudes, or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants.
    - (8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the sole responsibility of the owner to apply for a new permit. In other cases, any order revoking a permit shall state with particularity the grounds therefor and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance.

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- (9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.
- (10) *Habitat.* Development in the following areas may be required to minimize environmental impact:
  - (A) Developments in wetlands and intertidal areas.
- (11) *Sound.* Conditions may be imposed to discourage production of more than 65 dBa at the property line during the day or 55 dBa at night.
- (12) *Traffic mitigation.* Conditions may be imposed on development to mitigate existing or potential traffic problems on arterial or collector streets.
- (13) *Water access.* Conditions may be imposed to require dedication of public access easements to streams, lake shores and tidewater.
- (14) *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.
- (15) *Lot size or development size.* Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.
- (16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.
- (17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.
- (18) *Other conditions.* Such other conditions as may be reasonably necessary pursuant to the standards listed in subsection (f) of this section.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 2, 6-5-2006; Serial No. 2015-03(c)(am), § 9, 8-31-2015 ; Serial No. 2017-29, § 3, 1-8-2018, eff. 2-8-2018 )

#### **49.70.400 Floodplain.**

- (a) *Purpose.* The purpose of this article is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. Other purposes are to:
  - (1) Reserved;
  - (2) Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions, or other hazards;
  - (3) Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage;
  - (4) Reduce the financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods and overflow of lands;
  - (5) Reserved;
  - (6) Ensure that potential buyers are notified that property is in a special flood hazard area; and
  - (7) Ensure that those who occupy the special flood hazard area assume financial responsibility for their development.
- (b) *Interpretation.*
  - (1) In the interpretation and application of this article, all provisions are considered minimum requirements and are liberally construed in favor of the governing body.

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- (2) This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where the provisions of this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
  - (3) This article shall apply to all areas of special flood hazard areas (SFHAs) within the jurisdiction of the City and Borough of Juneau.
  - (4) The special flood hazard areas identified by the Federal Insurance Administrator (FIA) in a scientific and engineering report entitled the "Flood Insurance Study" (FIS) and the flood insurance rate maps (FIRMs) dated September 18, 2020 for the City and Borough of Juneau, Alaska are adopted. The FIS and FIRMs shall be on file with the community development department and available to the public at 155 South Seward Street, Juneau, Alaska.
- (c) *Implementation.* The director is responsible for administering and implementing the provisions of this chapter and is responsible for maintaining for public use and inspection appropriate records and information relevant to implementation of this chapter. Such records and information must include:
- (1) Actual elevations, in relation to mean lower low water, of the lowest floor, including basement, of all new or substantially improved structures located in the special flood hazard area (SFHA), and whether or not such structures have basements;
  - (2) Actual elevations, in relation to mean lower low water, of all new and substantially improved floodproofed structures and the required floodproofing certifications;
  - (3) Flood insurance studies (FISs);
  - (4) Flood insurance rate maps (FIRMs);
  - (5) Any reports or studies on flood hazards in the community, such as written reports by the U.S. Army Corps of Engineers, U.S. Geological Survey, or private firms provided to the director; and
  - (6) A file of all floodplain permit applications, permits, exceptions, and supporting documentation.
- (d) *Enforcement.* Enforcement of this chapter is per CBJ 49.10.600—49.10.660.
- (e) *Floodplain development permit required.* A floodplain development permit is required for any development or industrial uses located within a special flood hazard area, including placement of manufactured homes. The director must:
- (1) Review all floodplain development permit applications for development in the special flood hazard area for compliance with the provisions of this chapter, and to determine if other permits may be necessary from local, state, or federal governmental agencies.
  - (2) Interpret the location of the special flood hazard area boundaries and regulatory floodway. If there appears to be a conflict between a mapped boundary and actual field conditions, the director must determine and interpret the documents. When base flood elevation data has not been provided, the director shall obtain, review, and reasonably utilize base flood elevation and floodway data available from any federal, state, municipal, or any other source to implement the provisions of this chapter.
  - (3) If the director determines that a proposed development is within a special flood hazard area, a permit fee must be collected and the following information must be provided before processing a floodplain development permit:
    - (A) Elevation of the lowest floor, including a basement, of all structures;
    - (B) Elevation to which any structure has been floodproofed;
    - (C) Certification by an engineer or architect that the floodproofing methods for any nonresidential structure meet generally accepted floodproofing standards;

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- (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
  - (E) Description of the plan for maintenance of the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished; and
  - (F) When base flood elevation data have not been provided, the director shall obtain, review and reasonably apply any base flood elevation and floodway data available from federal, state or other sources.
- (f) *Methods of reducing losses.* In order to accomplish its purpose, this article includes methods and provisions to:
- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or flood heights or velocities;
  - (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
  - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
  - (4) Control filling, grading, dredging, and other development that may increase flood damage; and
  - (5) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards in other areas.
- (g) *General standards for flood hazard protection.* In special flood hazard areas the following standards apply:
- (1) *Anchoring.*
    - (A) Design, modify, and anchor new construction and substantial improvements to prevent flotation, collapse, or lateral movement of the structure(s).
    - (B) A manufactured home must be anchored to prevent flotation, collapse, or lateral movement and be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
    - (C) An alternative method of anchoring may be used if the system is designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the director that this standard is met.
  - (2) *Construction materials and methods.*
    - (A) Construct new construction and substantial improvements with materials and utility equipment resistant to flood damage.
    - (B) Use methods and practices that minimize flood damage for new construction and substantial improvements.
    - (C) Design or locate electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities so as to prevent water from entering or accumulating within the components during conditions of flooding.
    - (D) Require adequate drainage paths around structures on slopes to guide floodwaters away from existing and proposed structures for new construction and substantial improvements within zones AH and AO.
  - (3) *Utilities.*



- (A) Design new and replacement water supply systems to minimize or eliminate infiltration of floodwaters into the system.
  - (B) Design new and replacement sanitary sewage systems to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
  - (C) Locate on-site waste disposal systems to avoid impairment to them or contamination from them during flooding.
- (4) *[Subdivision and development proposal criteria.]* Subdivision and development proposals must meet the following criteria:
- (A) Be designed to minimize flood damage;
  - (B) Locate and construct utilities and facilities, such as sewer, gas, electrical, and water systems to minimize flood damage;
  - (C) Provide adequate drainage to reduce exposure to flood damage; and
  - (D) Include base flood elevation data if the development consists of at least 50 lots or five acres, whichever is the lesser. If base flood elevation data is not available, the proposal must provide the data and backup information for how the base flood elevation data was generated for the proposal.
- (5) *[Floodplain development permit requirements.]* Review of floodplain development permits must include:
- (A) Review of the flood insurance rate map and flood insurance study for flood zone determinations for new or substantially improved structures;
  - (B) For new or substantially improved structures:
    - (i) Submittal of the proposed and finished lowest floor elevations in zones A, AE, AO, and AH.
    - (ii) Submittal of the proposed and finished bottom elevation of the lowest horizontal structural member of the lowest floor and its distance from the mean lower low water mark in zones V and VE; and
    - (iii) Submittal of specific requirements for zones V and VE as set forth in subsection 49.70.400(i).
  - (C) In zones A and V, where elevation data are not available through the flood insurance study or from another authoritative source, applications for floodplain development permit shall be reviewed to ensure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and may be based on historical data, high water marks, photographs of past flooding, and other similar or relevant data. Failure to elevate construction at least two feet above grade in these zones may result in higher insurance rates.
  - (D) Provision of an elevation certificate to demonstrate that the lowest floor of a structure is at or above base flood elevation. The certification must be provided on a form approved by the National Flood Insurance Program and prepared by a registered land surveyor or professional engineer who is licensed in the State of Alaska and authorized to certify such information. This requirement may be waived by the director if an approved record elevation demonstrates that the lowest floor is substantially above the base flood elevation due to natural ground level.
- (6) *Other permits.* The applicant must certify that all other necessary permits have been obtained from any federal or state governmental agencies.
- (7) *[Maintaining watercourse.]* Maintain altered or relocated portions of a special flood hazard area mapped watercourse so that the flood-carrying capacity is not diminished. The department must notify the state coordinating agency, if any, and the Federal Emergency Management Agency prior to

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issuance of a floodplain development permit that seeks to alter or relocate any watercourse within a special flood hazard area.

- (h) *Specific standards for flood hazards protection.* In special flood hazard areas where base flood elevation data is provided, the following provisions are required:
- (1) *New structures or substantial improvements.* Fully enclosed areas below the lowest floor of new construction or substantial improvements, that are useable solely for parking of vehicles, building access, or storage in an area other than a basement, must automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect licensed in the State of Alaska or must meet or exceed the following minimum criteria:
    - (A) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - (B) Height of the bottom of all openings must be no higher than one foot above grade; and
    - (C) Openings may be equipped with screens, louvers, or other coverings or devices provided that the automatic entry and exit of floodwaters is allowed.
  - (2) *Residential construction.* New construction and substantial improvement of any residential structure:
    - (A) Construct the lowest floor, including basement, elevated to or above the base flood elevation within zones A, AE, or AH; or
    - (B) Construct the lowest floor elevated to the base flood depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO.
  - (3) *Manufactured homes.* New or substantially improved manufactured homes must:
    - (A) Be placed at or above, the base flood elevation, within zones A, AH, or AE, and shall be elevated to, or above, the base flood elevation, and comply with subsection (g); or
    - (B) Elevate the lowest floor to the depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO; and meet the provisions of subsection (g)(1).
  - (4) *Recreational vehicles.* Recreational vehicles placed within any special flood hazard area must be:
    - (A) Situated on the site for fewer than 180 consecutive days;
    - (B) Fully licensed, operational, and approved for road use; or
    - (C) Meet the requirements of subsection (h)(3).
  - (5) *Nonresidential construction.* New construction or substantial improvement of any nonresidential structure must:
    - (A) Elevate the lowest floor, including basement, to or above the base flood elevation within zones A, AE, and AH;
    - (B) Elevate the lowest floor to the depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO; or
    - (C) Floodproof the area below the base flood elevation within zones A, AE, AH, and AO, so that:
      - (i) The structure and utility and sanitary facilities are watertight with walls substantially impermeable to the passage of water;

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- (ii) Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - (D) A floodproof structure must be designed by an engineer or architect licensed in the State of Alaska, certifying that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on the engineer's or architect's development or review of the structural design, specifications, and plans. Certification must be provided to the director;
  - (E) Applicants proposing to floodproof nonresidential buildings must be notified at the time of floodplain development permit application that flood insurance premiums are based on rates that are one foot below the floodproofed level.
- (6) *Industrial uses.* Industrial uses within the special flood hazard area are subject to the following provisions:
  - (A) Sand and gravel operations, recreation activities, open space, and parking lots may be allowed in 100-year floodplains if the use does not increase the flood hazard.
  - (B) Industrial equipment and raw materials stored in 100-year floodplains must be adequately bermed or otherwise protected.
  - (C) Disposal of hazardous materials in 100-year floodplains is prohibited. No new development that involves storage of hazardous materials will be permitted in the 100-year floodplain unless there is no feasible and prudent alternative and adequate safety measures are provided to prevent accidental discharge.
  - (D) Establishment of sanitary landfills in floodplains is prohibited.
- (7) *Increasing water surface elevation in special flood hazard area mapped watercourses where floodways are not mapped.* Notwithstanding any other provisions of this article, development in zones A, AE, and AH may increase the water surface elevation of the base flood:
  - (A) Up to one foot with the submittal of an analysis completed by an engineer licensed in the State of Alaska demonstrating the cumulative effects of the proposed, existing and anticipated, development to the base flood; or
  - (B) By more than one foot only after a conditional letter of map revision and final letter of map revision is approved by the Federal Emergency Management Agency flood insurance administrator.
- (i) *Additional provisions in floodways.*
  - (1) Residential and nonresidential structures are prohibited in floodways, no exceptions apply. Culverts and bridges are not subject to this prohibition.
  - (2) Encroachments, including fill, new construction, and other development, except subdivisions, within a floodway are prohibited unless an engineer licensed in the State of Alaska submits a hydrologic and hydraulic analyses to the director indicating that the encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. The hydrologic and hydraulic analyses must be performed in accordance with standard engineering practice acceptable by the Federal Emergency Management Agency.
  - (3) Development along a floodway cannot increase the water surface elevation unless a conditional letter of map revision and final letter of map revision that revises the floodway are approved by the Federal Emergency Management Agency.
- (j) *Additional provisions in zones VE and V.*

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- (1) New construction and substantial improvements in zones V and VE must be elevated on pilings and columns so that:
    - (A) The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood elevation; and
    - (B) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used are those required by applicable state statute and local code. A registered professional engineer or architect licensed in the State of Alaska must develop or review the structural design, specifications, and plans for the construction and must certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (j)(1)(A) and (B) of this section.
    - (C) The use of fill for structural support of buildings is prohibited.
  - (2) In zones VE and V, new habitable construction must be located landward of the reach of mean high tide.
  - (3) In zones VE and V, new construction and substantial improvements must have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
  - (4) Breakaway walls must have a design safe loading resistance of not less than ten pounds per square foot and no more than 20 pounds per square foot. Use of breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect licensed in the State of Alaska certifies that the designs proposed meet the following conditions:
    - (A) Breakaway wall collapse must result from a water load less than that which would occur during the base flood; and
    - (B) The elevated portion of the building and supporting foundation system must not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used shall be those required by applicable state statute and local code.
    - (C) Enclosed space within breakaway walls are limited to parking of vehicles, building access, or storage. Such space must not be used for human habitation.
  - (k) *Warning and disclaimer of liability.* The degree of flood protection required by this article is intended for minimum regulatory purposes only and is based on general scientific and engineering principles. Floods larger than expected, can and will occur. Flood heights may be increased by human or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City and Borough, any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision made thereunder.

(Serial No. 87-49, § 2, 1987; Serial No. 90-46, §§ 2—9, 1990; Serial No. 2013-19(b), § 2, 7-15-2013 ; Serial No. 2020-42, § 2, 8-24-2020, eff. 9-23-2020 ; Serial No. 2021-06, § 2, 4-26-2021, eff. 5-26-2021)

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**49.70.410 Exceptions.**

- (a) The planning commission shall hear all applications for an exception from the provisions of this article, and are limited to the powers granted in this article and those necessarily implied to ensure due process and to implement the policies of this article.
- (b) In passing upon such application, the planning commission must consider all technical evaluations, relevant factors, standards specified in other sections of this article, and:
  - (1) The danger that materials may be swept onto other lands and cause injury to other persons or property;
  - (2) The danger to life and property due to flooding or erosion damage;
  - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) The importance of the services provided by the proposed facility to the community;
  - (5) The necessity to the facility of a waterfront location, where applicable;
  - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (7) The compatibility of the proposed use with existing and anticipated development;
  - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (c) Exceptions may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (b)(1)—(b)(11) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the exception increases.
- (d) Upon consideration of the factors of subsection (b) of this section and the purposes of this article, the commission may deny or grant the application and may attach such conditions to the grant of an exception as it deems necessary to further the purposes of this article.
- (e) Exceptions may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
- (f) Exceptions must not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (g) Exceptions must only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.
- (h) Exceptions must only be issued upon:
  - (1) A showing of good and sufficient cause;
  - (2) A determination that failure to grant the exception would result in exceptional hardship to the applicant; and
  - (3) A determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances or conflict with existing local laws or ordinances.
- (i) Reserved.
- (j) Warning and disclaimer of liability. The degree of flood protection required by this article is intended for minimum regulatory purposes only and is based on general scientific and engineering principles. Floods larger than expected,

Revised 5/07/2021

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Pre-Application Conference Final Report

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can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City and Borough, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Serial No. 87-49, § 2, 1987; Serial No. 90-46, § 10, 1990; Serial No. 2021-06, § 3, 4-26-2021, eff. 5-24-2021)



Presented by: The Manager  
Introduced: 09/12/2005  
Drafted by: J.W. Hartle

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2005-29(am)

An Ordinance Relating to the Seawalk in the Area  
Encompassed by the Long Range Waterfront Plan.

WHEREAS, the Assembly has adopted the Long Range Waterfront Plan; and

WHEREAS, that plan includes a seawalk extending along the entire downtown waterfront to provide a useable transportation corridor; and

WHEREAS, the CBJ Land Use Code currently requires property owners developing or redeveloping their property to construct the seawalk and dedicate an easement for it; and

WHEREAS, having the City and Borough construct the seawalk will facilitate development of a coherent, useable corridor; and

WHEREAS, the LID process can be used to provide for construction of the seawalk along properties not under development.

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

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough code.

**Section 2. Amendment of Subsection.** CBJ 49.70.960 Special waterfront areas, is amended at subsection (c)(6) to read:

...

(6) Seawalk. A pedestrian access easement and walkway intended to provide a continuous pedestrian path along the entire downtown waterfront area, shall be included with all future development or redevelopment along the downtown waterfront shoreline. This walkway, to be known as the seawalk, shall be a continuous path along the entire downtown waterfront as depicted in the Long Range Waterfront Plan. In lieu of constructing the required seawalk, property owners developing or redeveloping property along the waterfront shoreline within the area encompassed by the Long Range Waterfront Plan shall pay a fee to the City and Borough equal to twenty percent of the final project cost for a seawalk constructed to public assembly standards for the section abutting their property. Unless the alignment of the seawalk requires otherwise, owners of property along

the waterfront shoreline within the area encompassed by the Long Range Waterfront Plan developing or redeveloping their property shall dedicate all easements necessary for construction of a seawalk sixteen feet in width.

(A) *Reserved.*

(B) *Reserved.*

(C) The seawalk shall not be required for existing buildings located along the water's edge until additions or alterations, or both, in excess of 50 percent of the gross square footage of the existing structure are proposed or undertaken within a 36-month period as determined by the City and Borough building division. General maintenance or repair work is exempt from this requirement.

(D) *Reserved.*

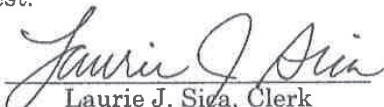
...

**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 10<sup>th</sup> day of October, 2005.

  
Bruce Botelho, Mayor

Attest:

  
Laurie J. Sica, Clerk



522 West 10th Street, Juneau, Alaska 99801 907.586.1070 jensenyorbawall.com

*Designing Community Since 1935*

Date: June 19, 2023  
Re: Aak'w Landing (JYW No. 21021)  
**Zoning and Planning Study**

### **Total Project Area**

475,377 sf.

*Discussion: Area of Uplands and Dock are combined for the Conditional Use Permit and to show the total size of the project. The two portions of the project are considered individually below.*

### **Uplands Portion of Project**

Parcel: 1C060-K01-0031 (C-1)

Area: 125,377 sf (2.88 Acres)

Property Zoning: MU2

Maximum Lot Coverage: 80% (100,302 sf)

Minimum Vegetative Cover: 5% (6,269 sf)

Maximum Height (Permissible Uses): 45'

Minimum Setbacks: 5' (0' where property line is adjacent to tidelands)

Allowable Uses:

- Phase 1:
  - Visitor, Cultural Facilities Related to the Site: 3
  - Storage and Display of Goods with greater than 5,000 sf: 1,3
  - Restaurants & Bars without Drive-Through Service: 3
  - Seasonal Open Air Food Service: 1,3
  - Open Space: 1
  - Automobile Parking Garage: 1,3
- Future Phases:
  - Offices Greater than 2,500 sf: 1,3
  - Libraries, Museums, Art Galleries: 1,3
  - Theaters from 201 – 1,000: 1

(1. Department approval requires the department of community development approval only.

1, 3. Department approval required if minor dev., conditional use permit required if major development.

3. Conditional use permit requires planning commission approval.)

*Discussion: The project will comply with all zoning requirements, including the height restriction. The footprint of the building is larger than the Maximum Lot Coverage area by approximately 2,800 sf, but since almost 50,000 sf of the building is to be covered in a landscaped and publicly-accessible Park, it is believed this will comply with requirements.*

**Proposed Phase 1 Development:** Parking Structure with Park above. Retail both at Seawalk and Upper Plaza (Park) level. 103,100 sf footprint

- 150,000 sf total developed area, including:
  - One-story bus parking and loading garage
  - Two-story car parking garage
  - 34,000 sf Retail, including:
    - 4,700 sf Whittier Street-facing (Seawalk Level)
    - 19,300 sf Seawalk-facing (Seawalk Level & Mezzanine)
    - 10,000 sf Welcome Center (Upper Plaza Level)
- 1+ acre of Park and Plaza over bus and vehicle garage

**Proposed Future Phase Development:** Additional Retail and Use TBD facilities at Upper Plaza (Park) level

- 9,000 sf additional Retail (43,000 sf total, including Phase 1)
- 40,000 sf Future Phase, Use TBD

**Parking**

Parking Provided. Phase 1 development will have 93 passenger vehicle parking stalls in the garage and 24 coach, bus, and van parking stalls, for a total of 117 bus and car stalls. Alternate “Off-Hours” striping in the bus garage will allow for passenger car parking after-hours or off-season for a total of 79 car stalls (plus the Circulator) in this area of the garage for a building total of 172 car stalls.

Discussion: CBJ Codes calculations are based on car-sized parking stalls. Given the large capacity of the buses, using the “Off-Hours” striping stall total to determine parking capacity seems reasonable. However, the proposed development is allowable even if parking capacity is determined with bus stalls counted as a single stall.

<u>Phase 1 Parking Required:</u>	34,000 sf Retail (1 stall per 750 sf):	<b>46 stalls required</b>
<u>Future Total Parking Required:</u>	43,000 sf Retail (including Phase 1):	57 stalls required
	40,000 sf of Use TBD	
	If Cultural (1 stall per 1,500):	27 stalls required
	If Retail (1 stall per 750 sf):	53 stalls required
	If Housing (32 one-bedroom):	<u>13 stalls required</u>
		<b>70-110 stalls required total</b>

CBJ Parking Requirement:

- Commercial/Retail 1 per 750 sf
- Restaurants 1 per 750 sf
- Museum 1 per 1,500
- Recreational Space 1 per 10 seats
- Housing, 400 sf Eff. .3 spaces per
- Housing, 1-bedroom .4 spaces per
- Housing 2-bedroom .6 spaces per

Discussion: Given the amount of parking available, future phase development options are almost certainly going to be restricted by height or other considerations, not parking.



**Dock Portion of Project**

Parcel: 1C100-K83-0032 (CBJ Tidelands) and unlabeled adjacent Alaska State Tidelands

Project Area: 350,000 sf (125,000 sf on CBJ Tidelands, 225,000 sf on State Tidelands).

*Discussion: Project Area is only a portion of the much larger CBJ- and State-owned parcels. Project Area includes area physically occupied by the Dock structures, the “shadow” of the 360-meter long cruise ship floating above, and approximately 20% additional space around the dock and ship to ensure compliance.*

Property Zoning: MU2 (taken from adjacent C-1 Lot Zoning)

Maximum Lot Coverage: 80% (280,000 sf)

Minimum Vegetative Cover: 5% (17,500 sf)

Maximum Height (Permissible Uses): 45'

Minimum Setbacks: 5' (0' where property line is adjacent to tidelands)

*Discussion: Dimensional standards and requirements listed are for MU2 zoning. Not clear how all standards—particularly vegetative cover—apply to tideland lots which are entirely over water. However, the project will comply with a strict reading of all requirements:*

- *The constructed Dock takes up an area much smaller than the allowable Maximum Lot Coverage (143,960 sf vs the allowable 280,000 sf)*
- *The Park on the Uplands is large enough to fulfill Minimum Vegetative Cover requirements (50,000 sf vs. the required 23,769 sf for the Uplands and Dock together)*
- *The Dock height will be lower than the 45' Maximum Height as determined from the datum on the Uplands.*

Allowable Uses:

- Private Moorage: 1,3 (49.25.300, 10.520)

*(1, 3. Department approval required if minor dev., conditional use permit required if major development.)*

**Proposed Development:** Floating Dock with access ramps to the adjacent C-1 parcel. No occupiable buildings are proposed in this portion of the development.

**Parking:** As noted above, all parking is being provided on the Uplands portion of the project.

*Discussion: Parking requirements for the project have been determined by the Uplands development areas without modifiers—i.e., the parking calculations assume that all visitors to the Uplands facilities—even the Welcome Center—arrive via personal vehicle and not on the cruise ship. As noted above, the project provides 172 parking stalls for a total build-out requirement of 70-110 stalls.*

*Parking requirements for the vehicles serving the cruise ship and dock itself are not defined by code. The project includes more parking areas for buses, vans, and coaches than are currently provided at the other cruise ship docks. (For example, the AJ Dock facility provides 21 dedicated coach and bus stalls, the proposed Aak'w Landing project proposes 24 dedicated coaches and bus stalls).*

## Other Planning Considerations

**Circulation:** The project has been designed to prioritize safe and efficient movement of pedestrians and vehicles. The goal is to create a high-quality experience both for visitors arriving to Juneau for the first time via the adjacent cruise ship dock and for local residents who want to enjoy the publicly-accessible Park and view areas or waterfront retail / restaurant facilities on the site.

### Cruise Ship Arrival

- Pedestrian traffic to and from the cruise ship arrives onto the site via the Dock SkyBridge, which connects at the Upper Plaza (Park) level. This will provide a location for large groups of newly-arrived visitors to get sorted and organized in an area away from the more linear Seawalk-level retail areas below. This level will be entirely pedestrian, with all vehicles located a level or two below.
- The curving Skybridge will provide orienting views to and through the upper-level buildings before visitors arrive at the Upper Plaza. Major pedestrian routes are marked with large canopies supported by totem pole columns and other artwork.
- Directly in front of a visitor arriving at the Upper Plaza is a 10,000 sf Welcome Center—a unique facility for any dock in Juneau. Visitors can walk around or through the Welcome Center to be sorted into tours or provided maps and suggestions for independent activities.
- The slowly rising SkyBridge arcs over the dining Deck and gives visitors a view of the Seawalk-level retail and other enticing attractions below. The large dining Deck and SkyBridge act as visual markers to orient visitors when they return to the site.

### Tour Departure

- To the rear of the Welcome Center, two separate sets of escalators and stairs take visitors to the loading islands on the parking level below. Electronic and static signage helps separate and efficiently guide the visitors to their tour departure areas.
- In the parking garage, visitors are loaded and unloaded from raised loading islands. Pedestrians do not ever cross bus or car traffic lanes on foot in the garage.
- Buses and commercial traffic have a separate entrance and traffic patterns from passenger vehicles. During on-hours, commercial traffic and passenger vehicles are entirely separate.

### Park and Upper Plaza

- Over half of the upper level of the project is devoted to Park and open Plaza spaces. The Park gently slopes towards Egan Drive and the sidewalk to provide easy pedestrian access to this very prominent feature.
- The Park will be heavily landscaped with a variety of activity and leisure spaces such as: performance stages for music and dance, open areas for play and gathering, landscaped natural areas to display native art, covered seating areas with hook-ups for food trucks and carts, etc.

### Pedestrian Traffic and Seawalks

- Based on current predictions, the majority of visitors will leave the site via commercial vehicles as described above. However, pedestrians to and from the Upper Plaza will have number of clear and attractive walking options.
- Pedestrians descending through the Park towards Egan will be routed either to the NE corner (Whitter/Egan signalized intersection) or to the NW corner and onto the Egan sidewalk walking towards Gold Creek. The landscaped berm at the rear of the Park will not allow pedestrian traffic at random locations down to the Egan sidewalk.



- A large stair and elevator are located at the open SW corner of the Upper Plaza to take pedestrians down towards the dining Deck and Seawalk-level retail below. This corner of the site is open to the Tidelands and is one of the only portions of the site which will always have open waterfront views.
- The large (75- 95' deep) dining Deck is located on the "flagpole" portion of the site and will also always be open to the waterfront to the south.
- Adjacent to the dining Deck, a 16' wide Seawalk will take pedestrians along retail spaces as they walk east towards Whittier. The corner retail space at the SE corner of the site will have stairs and elevators which can take visitors back up to the Upper Plaza Level.
- Pedestrians on Whittier can proceed either to the wide sidewalks and signalized intersection / pedestrian crossing at Whittier/Egan, or they can proceed down Heat Street towards downtown. CBJ improvements to Heat Street to create an attractive extension of the Seawalk from downtown would enhance the visitor's walking experience but are not seen as a critical or immediate need.
- A portion of 16'+ Seawalk is planned at the SW corner of the project along the adjacent Tidelands property. The Seawalk is shown as a possible future project along the west side of the project on CBJ Lot 1A, but this project will depend on CBJ plans for this property. A Seawalk here would link the Seawalk near the SW dining Deck back to Egan, but is not required since pedestrians can route up to the Upper Plaza and along the west side of the Park down to Egan.

#### **Emergency Access**

- Emergency vehicles can access the site from Egan and Whittier and will have complete access to the parking levels.
- A controlled vehicle access lane through the parking level, onto the SW Seawalk and to an at-grade vehicle bridge to the cruise ship dock will allow for emergency vehicle access to the entire dock. This route is not anticipated to be used for non-emergency vehicles.
- It is hoped to develop the Park access ramps and walkways such that food trucks and service vehicles could be brought to the Upper Plaza level without needing a driveway off Egan. Such access ramps would allow for emergency vehicle access to the Upper Plaza, although such access is not required by code.

**Snow Storage and Drainage:** All vehicle traffic on the site is inside the covered parking garage, with covered canopies over the access drive lanes from Whittier. Canopies over the south-facing Seawalk protect walking traffic and the majority of the retail spaces are accessible directly from the interior parking garage. Snow removal at the non-canopy covered Seawalks and at the Park / Upper Plaza is anticipated to be intermittent with no off-site snow storage required. Snow will not be pushed off the site into the water.

Drainage off the site will be internally collected and routed to the channel. Catch basins in vehicle traffic areas will have oil-water separators as required.

**FEMA and Floodplain Requirements:** All retail and permanently-occupied spaces at the lower Seawalk Level have floors above the flood plain level. The rear portion of the parking garage slopes below the floodplain and this portion of the garage will be engineered to withstand flooding and tidally-caused uplift pressures.

**Lighting:** Exterior lighting—both on the buildings and in the exterior spaces--will comply with code requirements.



Date: May 17, 2023

Re: Aak'w Landing (JYW No. 21021)

**Architectural Narrative for CBJ Conditional Use Application**

The Aak'w Landing uplands project will be a concrete Bus Staging and vehicle Garage topped by a landscaped Park sloping up from Egan Drive. The project will include 34,000 sf of Retail spaces in the first phase with future phases adding 9,000 sf of additional Retail and 40,000 sf of facilities with a use yet to be determined. Total square footages are approximate at this initial design stage, but as shown on the Zoning and Parking Study, the target square footages are well below what would be allowed on the site by zoning or parking.

Exceptional Cruise Ship Visitor Pedestrian Traffic Flow. The Aak'w Landing concept provides the surges of pedestrian traffic flow off the cruise ships with a unique and greatly enhanced experience—an experience we believe will set our facility apart from any other cruise ship port. The dock, architecture and landscape will all be designed to guide visitors efficiently through the site while providing an abundance of opportunities for views, shopping, and cultural activities.

- The passenger Gangway from the ship will gently ascend so visitors will enter the site at the Upper Plaza elevation, 20' above grade and the Seawalk below. By bringing the visitors onto the site at this elevation, we will be able to curate and direct their initial experience on the Plaza. The length of the Gangway will allow this elevation gain to occur gradually, without becoming a full ADA ramp requiring landings and constricting guardrails.
- The Gangway will curve around the bow of the ship with view areas providing unique perspectives and photo opportunities during embarking and disembarking.
- The Gangway will arc over the dining and activities on the Seawalk below, enticing visitors to further explore the entire Aak'w Landing area.
- The Gangway and Welcome Center building will direct the flow of passengers around the southeast corner of the Plaza. The flow will be efficient and clear, but will not directly lead to an exit, providing a large amount of retail frontage and opportunities.
- Large Canopies around the Welcome Center and Retail buildings will provide pooling locations for the visitors where orientation and sorting will occur. Once on the north side of the Welcome Center, passengers will be directed towards one of two large stair/escalators to the Bus Staging below, or down further into the Park to cultural events and walking tours, or down the large West Stair to independent exploration of the Seawalk.
- Passengers descending West Stair will be routed to the wide curving Seawalk across the south-facing side of the building. This walk will provide 300' of south-facing waterfront Restaurant and Retail frontage.



Efficient, Ample, Safe, and Hidden Vehicular Traffic. We recognize that maximizing vehicular access and parking will be key to successfully moving visitors to and through Aak'w Landing. Our concept proposes a parking and bus staging plan focusing on efficiency and safety.

- Bus and vehicle parking is maximized while still remaining hidden. By raising the Plaza to 20' above grade, two levels of passenger vehicles totaling about 93 stalls are available in the Garage. Two separate pedestrian islands surrounded by angled loading stalls will allow for up to 24 coaches and busses in the Bus Staging area. Preliminary design includes: (13) 45' coaches, (7) 35' busses, (3) 25' busses, and a large Circulator trolley/bus.
- Bus Staging access lanes and the lower level of the parking Garage are level with Whittier Ave. This will provide easy and friendly vehicular access to the building and eliminate steep ramp transitions. The level access lanes will also allow vehicle passage through the building to the CBJ Tideland Lots to the west if this is desired in the future.
- The entire Bus Staging area descends downward from the level access lane towards the rear of the building. This will allow the Park above to slope down towards Egan Drive while still providing easy-to-navigate and accessible walking and driving paths in the Bus Staging area.
- Visitor pedestrian traffic flows never cross the vehicle traffic lanes. Visitors descend stairs/escalators directly to protected islands in Bus Staging, or out to the Seawalk away from the vehicle area altogether.
- Bus and passenger vehicle traffic are entirely separated. Individual entrances to Bus Staging and the vehicle parking Garage are located off Whittier Ave.
- The vehicle areas are entirely hidden from view from most pedestrians. Grade-level Retail spaces front the building along Whittier Ave. and the Seawalk, while the sloping Park and flat Plaza roof the entire vehicle areas below.

A Vibrant, Engaging, Landmark Park and Plaza. The preliminary design includes 1.14 acres (49,513sf) of landscaped park and public performance area, as well as .68 acres (29,694sf) of public plaza at the upper (Park) elevation, and .48 acres (22,559sf) of public area at the lower (Seawalk) elevation.

- The Park gently climbs from the north edge along Egan Drive with a series of flat hardscaped outdoor spaces throughout for year-round activities. Wide walkways with vehicle-control bollards will allow food trucks and equipment access to activate the park with pop-up activities and events.
- After the Park rises to the Upper Plaza elevation, it levels out to become a wide Plaza where the Welcome Center will be located. Visitors at this level can get unimpeded views out over Gastineau Channel to the south and west as well as access to and from the Gangway to the ship.

Art Integration Throughout the Project. Because of our team's cultural focus, we view art as an opportunity to tell the story of Aak'w Landing both subtly and overtly throughout the project.

- From the moment they step off the ship, visitors will be shown they are in a special and unique place. Art will be integrated with the dock structure itself with large dock supports and pilings wrapped in graphics and art to recall traditional house posts and totems. Other smaller items such as railings and guards will incorporate art and sculpture.
- Shop and Cultural buildings on the Plaza will be designed in conjunction with local artists to incorporate Alaskan Native forms and materials. Art will be integrated into the architecture and structure as well as displayed on the buildings.

- Local Indigenous Native art will inform the macro layout of the landscaped Park as well as the specific planting and landscaping. An initial idea being worked out by the artists and designers on our team is to have the plan of the walkways, landscaping and hardscaping form an image of Raven Stealing the Sun.

#### Cruise Ship Dock.

- 500' x 70' steel floating dock of similar construction to that utilized at Icy Strait Point Berth II and Ward Cove Cruise Facility with an 8-foot-high constant freeboard.
- Able to accommodate a single 240,000 Gross Tons, 360-meter-long design vessel during cruise season weather conditions.
- The dock will be fitted with foam filled floating fenders suitably designed for the cruise fleet.
- The floating berth shall be accessed with a 140-foot-long gangway rated for port of call standard equipment.
- Mooring locations to be equipped with electric capstans for line handling and will be accessible by catwalks.
- The dock includes basic facility lighting, electrical service, and wash down water from the abutment seaward.
- The proposed design includes the cable trays and structure for integrating future shore power connections once the municipal feed is available.

## **Project Summary**

### **Aak'W Landing Conditional Use Permit Application**

The project proposes a phased development of mixed use, including retail, food and beverage, community park, docking, and associated parking. Phase 1 includes a total of 24,800 square feet of retail and food and beverage operations, and approximately 60,000 square feet of City park area. Tourist season parking includes 124 stalls for buses and cars. In the off-season the parking area will be able to accommodate 117 cars.

External lighting is to be developed.

The Aak'w Landing uplands project will be a concrete Bus Staging and vehicle Garage topped by a landscaped Park sloping up from Egan Drive. The project will include 34,000 sf of Retail spaces in the first phase with future phases adding 9,000 sf of additional Retail and 40,000 sf of facilities with a use yet to be determined.

Total square footages are approximate at this initial design stage, but as shown on the Zoning and Parking Study, the target square footages are well below what would be allowed on the site by zoning or parking

The pier portion of the project will utilize a proven steel float solution that will be built with a deck up to 70-feet wide and 500 feetlong, allowing for the best facility layout and passenger handling solution.

Drawings for the above project are attached.





522 West 10th Street, Juneau, Alaska 99801 907.586.1070 jensenyorbawall.com

Designing Community Since 1935

Date: May 17, 2023  
Re: Aak’w Landing (JYW No. 21021)  
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- Bus and vehicle parking is maximized while still remaining hidden. By raising the Plaza to 20' above grade, two levels of passenger vehicles totaling about 93 stalls are available in the Garage. Two separate pedestrian islands surrounded by angled loading stalls will allow for up to 24 coaches and busses in the Bus Staging area. Preliminary design includes: (13) 45' coaches, (7) 35' busses, (3) 25' busses, and a large Circulator trolley/bus.
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- Visitor pedestrian traffic flows never cross the vehicle traffic lanes. Visitors descend stairs/escalators directly to protected islands in Bus Staging, or out to the Seawalk away from the vehicle area altogether.
- Bus and passenger vehicle traffic are entirely separated. Individual entrances to Bus Staging and the vehicle parking Garage are located off Whittier Ave.
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graphics and art to recall traditional house posts and totems. Other smaller items such as railings and guards will incorporate art and sculpture.

- Shop and Cultural buildings on the Plaza will be designed in conjunction with local artists to incorporate Alaskan Native forms and materials. Art will be integrated into the architecture and structure as well as displayed on the buildings.
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#### Cruise Ship Dock.

- 500' x 70' steel floating dock of similar construction to that utilized at Icy Strait Point Berth II and Ward Cove Cruise Facility with an 8-foot-high constant freeboard.
- Able to accommodate a single 240,000 Gross Tons, 360-meter-long design vessel during cruise season weather conditions.
- The dock will be fitted with foam filled floating fenders suitably designed for the cruise fleet.
- The opposite side of the dock from the cruise ship berth will not be constructed to take the structural loads of large ships, but could be configured for tour day boat, tenders and other small watercraft such as canoes or kayaks.
- The floating berth shall be accessed with a 140-foot-long gangway rated for port of call standard equipment.
- Mooring locations to be equipped with electric capstans for line handling and will be accessible by catwalks.
- The dock includes basic facility lighting, electrical service, and wash down water from the abutment seaward.
- The proposed design includes the cable trays and structure for integrating future shore power connections once the municipal feed is available.



## Planning Commission

(907) 586-0715

PC\_Comments@juneau.org

[www.juneau.org/community-development/planning-commission](http://www.juneau.org/community-development/planning-commission)

155 S. Seward Street • Juneau, AK 99801

### PLANNING COMMISSION NOTICE OF DECISION

Date: July 20, 2023  
Case No.: USE2023 0003

Huna Totem Corporation  
9301 Glacier Hwy, Ste. 200  
Juneau, AK 99801

Proposal: Conditional Use Permit for mixed use development: Up to 50,000 square feet of retail and related uses, underground bus staging and vehicle parking, and a park. Includes floating steel dock up to 70 feet wide and 500 feet long.

Property Address: O Egan Drive

Legal Description: Juneau Subport Lot C1

Parcel Code No.: 1C060K010031

Hearing Date: July 11, 2023

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 29, 2023 as they pertain to the floating dock. The Commission approved a Conditional Use Permit for a floating steel dock up to 70 feet wide and 500 feet long. The project is to be conducted as described in the project description and project drawings submitted with the application, and with the following conditions:

1. A Temporary Certificate of Occupancy will not be issued for the dock until the tidelands lease is recorded.
2. The minimum width of the Applicant – constructed seawalk on the south side of the lot will be 16 feet wide. The minimum width of the Applicant-constructed seawalk on the west side of the lot will be 20 feet.
3. Before Temporary Certificate of Occupancy for any phase or element of the project, the Applicant will record an easement for CBJ maintenance and management of the seawalk. The easement will be at least 16 feet wide on the south side of the lot, and 20 feet wide on the west side of the



Huna Totem Corporation  
 File No: USE2023 0003  
 July 20, 2023  
 Page 2 of 3

- lot. The easement will be comparable to such easements in place for other dock owners.
4. The Applicant will maintain and operate paths, parks, landscaping, and other amenities (other than the seawalk) for year-round use.
  5. The dock owner will, at their own expense, provide shore power within 24 months after an appropriately-sized power line is within 25 feet of the property line. When shore power is provided, large ships using the dock will be required to use shore power instead of ship power.
  6. Prior to issuance of a building permit, the Applicant must provide a navigability study that includes explicit consideration of access impacts to:
    - Alaska Steam Dock.
    - Cruise Ship Terminal.
    - USCG/NOAA docks.
    - Large traffic, such as material or fuel barges, transiting Gastineau Channel under the bridge.
    - The AJT Mining Properties, Inc. dock.
    - Aircraft using the area for landing and taxiing to the float plane docks.
  7. The dock is limited to one (1) large cruise ship (750 feet or more in length OR 950 or more passengers) each 24 hour period beginning at midnight.
  8. The dock will not accommodate hot berthing.
  9. The dock will not accommodate lightering from a cruise ship at anchor if that ship is over 750 feet in length or accommodates more than 950 passengers at full capacity.

The Commission (Commission) did not adopt the analysis and findings that relate to the uplands portion of the application. The Commission found that the uplands portion of the application did not contain sufficiently specific information, particularly about the portion designated Phase 3, to support a conclusion that the project as a whole would comport with Title 49, including the MU2 land use designation.

Attachments: June 29, 2023 memorandum from Irene Gallion, Community Development, to the CBJ Planning Commission regarding USE2023 0003.

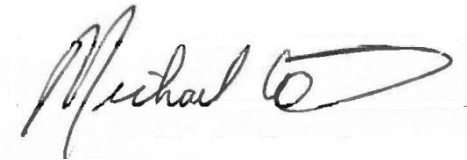
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030(c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, July 11, 2023.

Huna Totem Corporation  
File No: USE2023 0003  
July 20, 2023  
Page 3 of 3

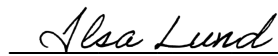
Expiration Date: The permit will expire 18 months after the effective date, or January 11, 2025, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.



\_\_\_\_\_  
Michael LeVine, Chair  
Planning Commission

\_\_\_\_\_  
July 19, 2023

\_\_\_\_\_  
Date



\_\_\_\_\_  
Filed With City Clerk

\_\_\_\_\_  
July 20, 2032

\_\_\_\_\_  
Date

cc: Plan Review

**NOTE:** The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

Assemblymember Mayor Weldon Amendment to 2025-22

Amendment \_\_\_\_.

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

The dock may only accommodate vessels with no more than 4050 passengers lower berth capacity.

Amendment \_\_\_\_.

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

The seawalk must remain unobstructed by commercial activities, except for special events or activities.

Amendment \_\_\_\_.

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

No rental car facilities, including Turo or other peer-to-peer car rental marketplace services, will be authorized for operation at Aak’w Landing. The applicant will provide a circulator pick up and drop off area for licensed commercial passenger vehicles.

Amendment \_\_\_\_.

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

Huna Totem will be permitted to begin building on city tidelands, while the parties wait for a decision from the state. Once the state tideland lease is approved, the City Manager will negotiate an amendment which encompasses the state tideland area.

Assemblymember Deputy Mayor Smith Amendment to 2025-22

**Amendment \_\_\_\_.**

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

HTC/Aak'w Landing must provide the CBJ with written assurance from the US Coast Guard which demonstrates that the project will not impede icebreaker docking in Juneau. Huna Totem can start preparatory work with the understanding any work undertaken is at their own risk.



Assemblymember Kelly Amendment to 2025-22

**Amendment \_\_\_\_.**

Whereas, workforce housing is a priority of the CBJ and Aak'w, therefore the Assembly intends that a portion of the lease amount be allocated to the Affordable Housing Fund.

**Amendment \_\_\_\_.**

Whereas, the CBJ recognizes the environmental impact that the cruise industry has on our pristine waters, and will work to identify lease incentive options to increase clean fuel usage and shore power development.

Assemblymember Woll Amendment to 2025-22

**Amendment \_\_\_\_.**

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

The City Manager shall include a right of first refusal clause in any lease of the tidelands, for purchase of the docks.

Assemblymember Hughes-Skandijs Amendment to 2025-22

**Amendment \_\_\_\_.**

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

**Adjustment of Rental.** Lessee agrees to a review and adjustment of the annual rental payment by the Port Director not less often than every fifth year of the lease term beginning with the rental due after completion of each review period. Any changes or adjustments shall be based primarily upon the values of comparable land in the same or similar areas; such evaluations shall also include all improvements, placed upon or made to the land, to which the City has right or title, excluding landfill placed upon the land by Lessee, except that the value of any improvements credited against rentals shall be included in the value.

**Amendment \_\_\_\_.**

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

**Cancellation and Forfeiture.**

...

If Lessee violates any term or condition of the lease, including those detailed in the conditional use permit, the City may subject Lessee to enforcement action under CBJ 49.10.600-660 and impose a \$5,000 per violation, per day penalty.

**Amendment \_\_\_\_.**

Whereas, the Assembly fully supports the use of project labor agreements (PLAs) and their use in city project, the Assembly encourages Huna Totem to work closely with local construction companies and utilize our union hiring halls and apprenticeship programs.

**Amendment \_\_\_\_.**

Whereas, the Assembly prioritizes the collaborative scheduling of cruise ships in our community, to ensure that all parties adhere to the five ship limit as well as the agreed upon passenger limits, Assembly encourages Huna Totem to actively participate in the annual scheduling meetings.

1 Presented by: The Manager  
2 Presented: 3/3/2025  
3 Drafted by: Law Department  
4

5 **RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

6 **Serial No. 3098**

7 **A Resolution in Support of the City and Borough of Juneau’s**  
8 **Application to Acquire Tideland from the State of Alaska.**  
9

10 WHEREAS, the City and Borough of Juneau (CBJ) currently manages much of the  
11 Downtown waterfront, tidal, and submerged lands; and  
12

13 WHEREAS, the CBJ has patented submerged lands in excess of 50 acres in ATS 3  
14 including a four-hundred-foot swath seaward of the Coast Guard Dock and Subport; and  
15

16 WHEREAS, in August 2022, Huna-Totem Corporation (HTC) acquired the upland  
17 parcel at the Subport from Norwegian Cruise Line Holdings; and  
18

19 WHEREAS, Huna-Totem Corporation desires to construct a cruise ship dock adjoining  
20 its property at the Subport Lot and to continue the Seawalk along their property; and  
21

22 WHEREAS, in October 2022, the CBJ received an application from Aak’w Landing  
23 LLC (“Aak’w”), wholly owned subsidiary of HTC, to lease CBJ-owned tidelands; and  
24

25 WHEREAS, in order to construct the Huna-Totem Corporation dock as envisioned,  
26 Huna-Totem Corporation will need to acquire an interest in certain tidelands, which  
27 includes the CBJ swath of tidelands and an additional contiguous parcel of approximately 8  
28 acres of unsurveyed tidelands currently owned by the State of Alaska; and  
29

30 WHEREAS, the CBJ has applied for conveyance of the additional contiguous parcel  
31 area from the Alaska Department of Natural Resources (ADNR); and  
32

33 WHEREAS, the requested parcel is depicted on Exhibit A; and  
34

35 WHEREAS, if the conveyance is approved, the CBJ will fund and conduct a tideland  
36 survey of the area to provide legal boundaries; and  
37

38 WHEREAS, a navigation study of the proposed cruise ship dock is a necessary  
39 condition for the Conditional Use Permit approved by the CBJ Planning Commission.  
40  
41  
42



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

44

45 **Section 1.** The Assembly of the City and Borough of Juneau intends to receive  
46 and requests that the State of Alaska Department of Natural Resources approve the CBJ's  
47 application to acquire the additional tidelands depicted in Exhibit A.

48

49 **Section 2.** In conformity with AS 38.08.825 for application of the requested  
50 tidelands from the ADNR, the following is true:

51

- 52 A. The requested parcel is contiguous to the boundaries of the municipality;
- 53 B. The use of the requested parcel will not unreasonably interfere with
- 54 navigation or public access;
- 55 C. The CBJ has applied to the Commissioner of ADNR for conveyance of the land
- 56 under section AS 38.05.825;
- 57 D. The requested parcel is not subject to a shore fishery;
- 58 E. The lands are classified for waterfront development under the CBJ Long
- 59 Range Waterfront Plan, as amended;
- 60 F. The requested parcel is required to accomplish the CBJ's vision to manage the
- 61 Juneau waterfront at the local level, is a necessary step in the process of
- 62 leasing the tidelands to Huna-Totem Corporation, and toward completing the
- 63 Seawalk.

64

65 **Section 3. Effective Date.** This resolution shall be effective immediately after  
66 its adoption.

67

68 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

69

70

71 \_\_\_\_\_  
Beth A. Weldon, Mayor

72 Attest:

73

74

75

76 \_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

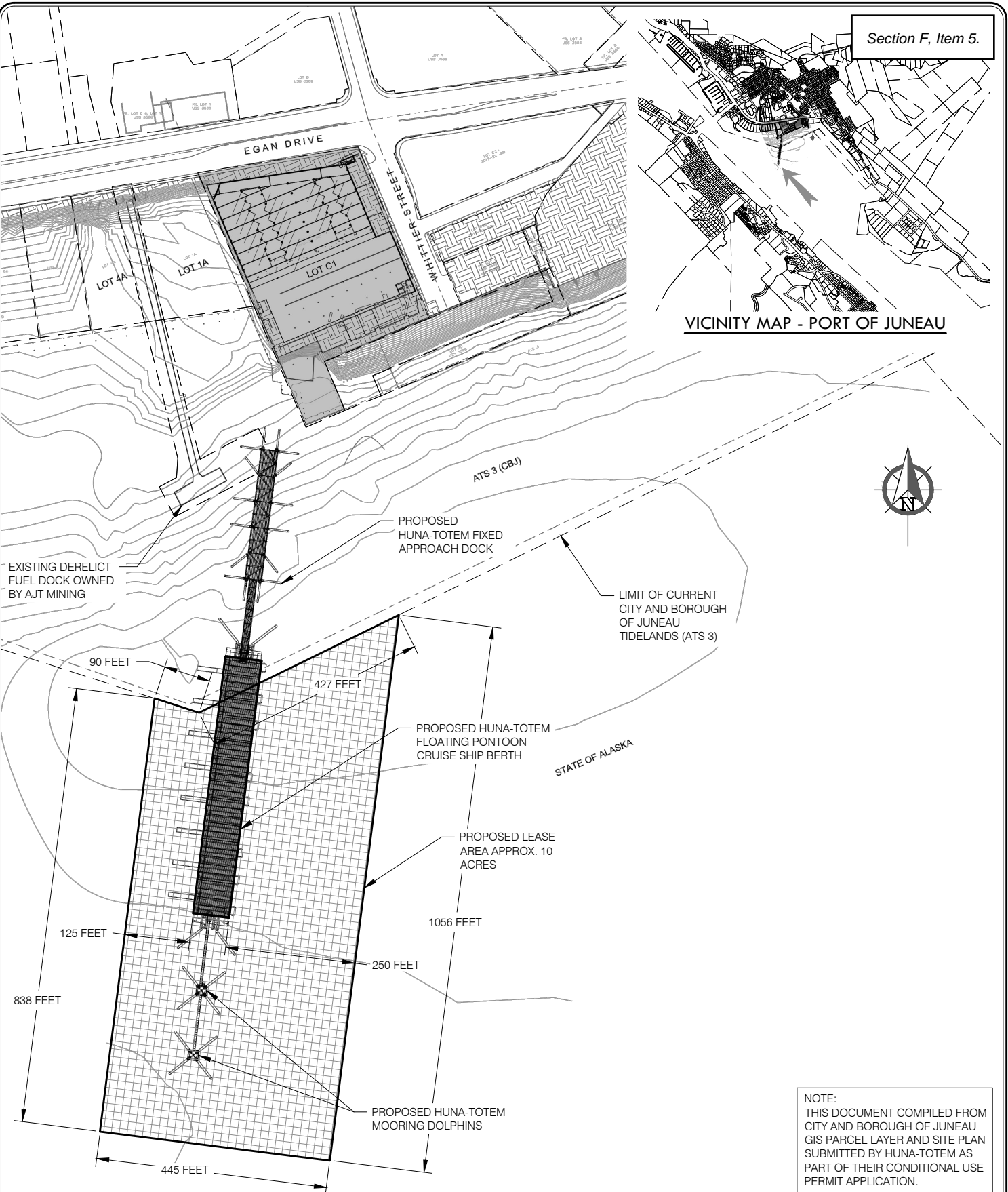
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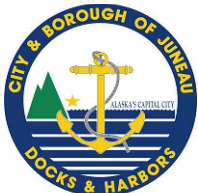
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80

VICINITY MAP - PORT OF JUNEAU



NOTE:  
THIS DOCUMENT COMPILED FROM  
CITY AND BOROUGH OF JUNEAU  
GIS PARCEL LAYER AND SITE PLAN  
SUBMITTED BY HUNA-TOTEM AS  
PART OF THEIR CONDITIONAL USE  
PERMIT APPLICATION.



CITY AND BOROUGH OF JUNEAU  
**DOCKS & HARBORS DEPT.**  
155 SOUTH SEWARD STREET  
JUNEAU, ALASKA 99801  
PHONE: 907-586-0398

**REQUESTED LEASE AREA**  
**HUNA-TOTEM DOCK TIDELANDS LEASE**

DESIGN: MS	DATE: AUGUST 16, 2024
CHECKED: MS	CONTRACT NO.
APPROVED: CU	JOB NO. PAGE 1 OF 1

# MEMORANDUM

**DATE:** 3/17/2025  
**TO:** Assembly  
**FROM:** Emily Wright, City Attorney  
**SUBJECT:** Ordinance 2025-05, Body Worn Cameras



155 Heritage Way  
 Juneau, AK 99801  
 Phone: (907) 586-5242

In the fall of 2024, the Assembly and Juneau Police Department Chief Bos requested that the Law Department draft an ordinance to provide clarity on the process for the release of body worn camera footage in the case of officer involved shootings. The ordinance before you has been reviewed by the City Manager's Office, Chief Bos, and Assemblymembers Hughes-Skandijs, Kelly, and Adkison.

The Juneau Police Department has been using body worn cameras (BWCs) since December 2017. Policies and Procedures are in place for their use.<sup>1</sup> However, additional guidance from the Assembly is necessary to address the timing of the release of BWCs in officer-involved post-shooting/traumatic incidents.<sup>2</sup>

Fundamentally, as the law-making body of government, your primary decision points will be a balance between the need for government accountability and transparency versus the impact the release of BWC footage may have on the ability of prosecutors to pursue a criminal prosecution.

The State Office of Special Prosecutions (OSP) is tasked with the review of officer-involved shootings in Alaska and have done so since 2009.<sup>3</sup> OSP has requested that BWC footage not be released prior to the completion of their investigation, or at the earliest 60 days after the incident. Their primary concern is that early release of footage may impact the ability of a defendant, should charges be brought, to have fair trial (a right protected by the Alaska and US Constitutions).

The following is a sample of policies throughout the country which may be useful in your discussion:

1. The Anchorage Police Department (APD) recently implemented Operational Procedure 3.10.110, a BWC policy which OSP has approved:<sup>4</sup>
  - F. Releasing Body-Worn Camera Recordings
    1. **Critical Incident Body-Worn Camera Video Release**
      - a. BWC video of "Critical Incidents" involving APD officers shall be released to the public within 45 days of the incident.
      - b. The release shall consist of relevant video imagery (including accompanying audio footage) that accurately depicts the actions and events leading up to and including the "Critical Incident."
      - c. All video of the "Critical Incident" itself may not be released. For example, all the shots fired or moments immediately following shots fired may not be released.
      - d. Video shall not be released when prohibited by law; however, where redactions can cure the legal issue, video shall be redacted and released. For example, in situations where unredacted release would violate personal privacy rights, but redactions (such as blurring faces) could avoid such violation, the video shall be redacted accordingly.
      - e. The release of the video will be accompanied by (1) additional information to provide context based on the evidence available at the time of release and (2) a brief summary of the redactions.

<sup>1</sup> See Chapter 4.028, <https://public.powerdms.com/JUNEAUAK/tree/documents/149330>.

<sup>2</sup> See Chapter 2.001, <https://public.powerdms.com/JUNEAUAK/tree/documents/46377>.

<sup>3</sup> <https://law.alaska.gov/pdf/press/240717-Handout.pdf>

<sup>4</sup> See PI 3.10.110(F), <https://public.powerdms.com/ANCHOR/tree/documents/3186656>. See also, Video Release Pages, <https://www.anchoragepolice.com/video-releases>.

## 2. **Delayed Release.**

- a. The Chief of Police retains the discretion to identify additional circumstances under which the release of the video must be delayed to protect one or more of the following:
  - 1) The safety of involved individuals, including officers, witnesses, bystanders, or other third parties;
  - 2) Integrity of an active investigation (including criminal or administrative);
  - 3) Confidential sources or investigative techniques; or,
  - 4) Constitutional rights of an accused.
- b. Any delay in release must have a factual basis, be specific to the individual case, and be explained in a detailed public statement by the Chief of Police or designee. The video imagery in question shall be released as soon as the reason for delay has been resolved.

## 3. **Notifications:** Absent exigent circumstances, reasonable attempts shall be made to notify the following individuals or entities at least 48-hours prior to the release of video imagery:

- a. Officer depicted in the video and/or significantly involved in the use of force;
- b. The subject upon whom force was used.
  - 1) If the subject is deceased, the next of kin or personal representative, if known, will be notified.
  - 2) If the subject is a juvenile, the subject's parents or legal guardian will be notified.
  - 3) If the subject is known by APD to be represented by legal counsel, that representative will be notified.
- c. The State of Alaska Office of Special Prosecution and the Municipal Attorney's Office.
- d. The Anchorage Police Department Employees Association.

## 4. **Streamlined Process for Private Family Viewing Requests.**

In situations where the subject upon whom force was used is deceased, the subject's next-of-kin or personal representative may make a streamlined request for a private viewing of the video to the Chief of Police.

- a. Beginning no sooner than fourteen (14) days after the Critical Incident, the streamlined request may be e-mailed to the Chief of Police at [apdchief@anchorageak.gov](mailto:apdchief@anchorageak.gov). It must contain the following information:
  - the name of the requester;
  - the relationship of the requester to the subject;
  - the names of up to five (5) additional individuals requested to attend the viewing; and
  - the relationship of those additional persons to the subject and/or requester.
- b. The video shown at the private viewing shall follow the requirements of Section I.F.1(b)-(d) above and be shown at no cost.
- c. All attendees of the private viewing must agree not to record or disclose the content of the video (including audio) for the pendency of any administrative investigation, criminal investigation, or criminal case, or until public release of the video, whichever occurs first.
- d. The Chief of Police shall have discretion to grant the request, deny the request, or grant the request on a modified basis.

## 5. **Release – Limited Waiver**

The release of any specific video imagery does not waive APD's right to withhold other video imagery or investigative materials in the same case or any other case, as permitted by law. This policy is not intended to displace or supersede any legal right or remedy available to any person or entity, and it is also not intended to prevent or hinder compliance by the Department with respect to any legal disclosure requirements, including but not limited to, any court order or disclosure provisions of Anchorage Municipal Code 3.90 (Access to Public Records).

2. The Alaska State Troopers policy 24.330, *Public Dissemination*, reads: <sup>5</sup>

**C. Release of critical incident MAVR** [mobile audio and video recording] **recordings.** In consultation with the Commissioner's Office and applicable Division Directors the Public Information

<sup>5</sup> <https://dps.alaska.gov/getmedia/74138e18-b406-45c8-8409-54d66e17294f/241-Mobile-Audio-and-Video-Recording-05012023.pdf>



Office (PIO) may proactively release MAVR recordings associated with officer involved shootings or other critical incidents before an investigation or criminal court proceedings are complete. PIO will notify the member and applicable Associations prior to public release. Criminal investigator interviews with the involved officers, witnesses, and victims should be completed prior to the public release.

3. *Model Body Worn Camera Policy for Police: An Aid for Prosecutors*, created by the Prosecutor Center for Excellence provides the following note:<sup>6</sup>

The dissemination to the media of recordings from BWC can play a vital role in reassuring the public after a controversial enforcement action. Great care must be taken to ensure that recordings are not released pre-maturely in a manner that could jeopardize on-going investigations and prosecutions. However, agencies must have a consistent policy so that they are not accused of only releasing the recordings that they deem helpful.

4. The United States Department of the Interior requires:<sup>7</sup>

#### 6. **Timing**

Bureaus/Offices must expedite the public release of BWC and VMC recordings following incidents listed in this LEB no later than 30 days after an incident. Bureaus may establish a stricter timetable and are encouraged to release their recordings as soon as practical after the incident. The Department recognizes that certain incidents present unique challenges and obstacles to public releases. In exceptional cases, upon request from the Bureau/Office, the Director OLES may grant an extension to the 30-day requirement.

5. The International Association of Chiefs of Police *Model BWC Policy* suggests:<sup>8</sup>

8. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.

6. Austin Police Department, 117 *Critical Incident – Public Release*, reads:<sup>9</sup>

#### **117.2 POLICY**

It is the policy of the Austin Police Department that video evidence in the Department's possession of critical incidents involving APD be released to the public within 60 days of the incident. Such video evidence will be made available to the public prior to the final adjudication of all criminal matters and prior to the conclusion of all related administrative investigations. For the purpose of this policy, a law enforcement purpose may include solving a crime, locating a suspect or a witness, or enhancing police-community relations. This release shall consist of relevant video imagery that depicts the actions and events leading up to and including the critical incident. Relevant video imagery is video and accompanying audio footage, which may include relevant portions of 911 calls, Combined Transportation, Emergency & Communication Center (CTECC) dispatch recordings, and the Department's radio calls, that are typically considered by the Chief of Police and criminal prosecutors to determine the propriety of an officer's conduct during a critical incident. The release of video shall be accompanied by additional information to provide context based on the evidence available at the time of release.

7. Baltimore County Police Department *Field Manual*:<sup>10</sup>

At the discretion of the Chief of Police, after consultation with the prosecuting authority, the Department may publicly release BWC footage within 30 business days of the incident, provided that any initial use of force investigation is completed, and the required notifications have been made. **EXCEPTION:** When a non-disclosure period has been granted pursuant to an agreement with the prosecuting authority. The prosecuting authority may request, in writing, a 30-day extension to the Department's release of critical incident BWC footage to the public. In its request, the prosecuting authority should explain, with specificity, how deviating from the standard timeframe for disclosure set forth by the Department is necessary to further the administration of justice. The prosecuting authority's request for an

<sup>6</sup> Page 6, <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/20150714-best-practices-bwc-model-policy-pceandcdaafoundation.pdf>

<sup>7</sup> <https://www.doi.gov/sites/doi.gov/files/oles-lespb-23-01-expedited-public-release-of-bwc-and-vmc-footage.pdf>

<sup>8</sup> <https://www.theiacp.org/sites/default/files/all/b/BodyWornCamerasPolicy.pdf>

<sup>9</sup> [https://www.austintexas.gov/sites/default/files/files/117%20Critical%20Incident%20-%20Public%20Release\(2\).pdf](https://www.austintexas.gov/sites/default/files/files/117%20Critical%20Incident%20-%20Public%20Release(2).pdf)

<sup>10</sup> Page 53, <https://bcg-prod.baltimorecountymd.gov/files/departments/police/documents/fieldmanual202301.pdf>

extension will be carefully considered by the Department and the final decision to release BWC footage ultimately rests with the Chief of Police. If the prosecuting authority seeks an additional extension(s), such request(s) should be made in the same manner for each 30-day period, or until the scheduled trial date. If additional trial dates arise, an additional request for extension will be made.

8. Colorado State Law (Senate Bill 20-217):<sup>11</sup>

(2) (a) For all incidents in which there is a complaint of peace officer misconduct by another peace officer, a civilian, or nonprofit organization, through notice to the law enforcement agency involved in the alleged misconduct, the local law enforcement agency or the Colorado State Patrol shall release all unedited video and audio recordings of the incident, including those from body-worn-cameras, dash cameras, or otherwise collected through investigation, to the public within twenty-one days after the local law enforcement agency or the Colorado State patrol received the complaint of misconduct.

...  
(III) Any video that would substantially interfere with or jeopardize an active or ongoing investigation may be withheld from the public; except that the video shall be released no later than forty-five days from the date of the allegation of misconduct. In all cases when release of a video is delayed in reliance on this subsection (2)(b)(III), the prosecuting attorney shall prepare a written explanation of the interference or jeopardy that justifies the delayed release, contemporaneous with the refusal to release the video. Upon release of the video, the prosecuting attorney shall release the written explanation to the public.

9. California State Law (Assembly Bill No. 748):<sup>12</sup>

(A) (i) During an active criminal or administrative investigation, disclosure of a recording related to a critical incident may be delayed for no longer than 45 calendar days after the date the agency knew or reasonably should have known about the incident, if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. If an agency delays disclosure pursuant to this paragraph, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation and the estimated date for disclosure.

(ii) After 45 days from the date the agency knew or reasonably should have known about the incident, and up to one year from that date, the agency may continue to delay disclosure of a recording if the agency demonstrates that disclosure would substantially interfere with the investigation. After one year from the date the agency knew or reasonably should have known about the incident, the agency may continue to delay disclosure of a recording only if the agency demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation. If an agency delays disclosure pursuant to this clause, the agency shall promptly provide in writing to the requester the specific basis for the agency's determination that the interest in preventing interference with an active investigation outweighs the public interest in disclosure and provide the estimated date for the disclosure. The agency shall reassess withholding and notify the requester every 30 days. A recording withheld by the agency shall be disclosed promptly when the specific basis for withholding is resolved.

10. Portland, Oregon Police Department (0620.00 *Body-Worn Camera Use and Management*):<sup>13</sup>

14. Affirmative Release of Recordings.

14.1. As a general rule, the Bureau shall release BWC recordings of Category I force incidents upon conclusion of the Grand Jury or, if no Grand Jury is convened, once a disposition is determined by the DA. As an exception to the general rule and when in the public interest, the Commissioner in Charge or Chief of Police may release BWC recordings sooner.

<sup>11</sup> [https://leg.colorado.gov/sites/default/files/2020a\\_217\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2020a_217_signed.pdf)

<sup>12</sup> [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB748](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB748)

<sup>13</sup> <https://www.portland.gov/policies/police-directives/field-operations-0600/062000-body-worn-camera-use-and-management>

11. Minnesota State Law (13.825 *Portable Recording Systems*):<sup>14</sup>**Subd. 2. Data classification; court-authorized disclosure.**

(b) Notwithstanding section [13.82, subdivision 7](#), when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, subject to paragraphs (c) and (d):

- (1) the deceased individual's next of kin;
- (2) the legal representative of the deceased individual's next of kin; and
- (3) the other parent of the deceased individual's child.

(c) A law enforcement agency may deny a request to inspect portable recording system data under paragraph (b) if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access under this paragraph, the chief law enforcement officer must provide a prompt, written denial to the individual in paragraph (b) who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82, subdivision 7.

(d) When an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency shall release all portable recording system data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the chief law enforcement officer asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82, subdivision 7.

12. Michigan State Law (*Law Enforcement Body-Worn Camera Privacy Act*, Act 85 of 2017):<sup>15</sup>**780.315 Audio or video recording from body-worn camera; retention by law enforcement agency; disclosure as public record; limitation.**

Sec. 5. (1) An audio or video recording from a body-worn camera that is retained by a law enforcement agency in connection with an ongoing criminal investigation or an ongoing internal investigation is not a public record and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, but only to the extent that disclosure as a public record would do any of the following:

- (a) Interfere with law enforcement proceedings.
- (b) Deprive a person of the right to a fair trial or impartial adjudication.
- (c) Constitute an unwarranted invasion of personal privacy.
- (d) Disclose the identity of a confidential source or, if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.
- (e) Disclose law enforcement investigative techniques or procedures.
- (f) Endanger the life or physical safety of law enforcement personnel.
- (g) Disclose information regarding a crime victim in violation of sections 8, 19, 19a, 21, 34, 38, 48, 62, 68, and 80 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.758, 780.769, 780.769a, 780.771, 780.784, 780.788, 780.798, 780.812, 780.818, and 780.830.

(2) An audio or video recording from a body-worn camera that is retained by a law enforcement agency relating to a civil action in which the requesting party and the public body are parties is not a public record and is exempt from disclosure under section 13(1)(v) of the freedom of information act, 1976 PA 442, MCL 15.243.

<sup>14</sup> <https://www.revisor.mn.gov/statutes/cite/13.825>

<sup>15</sup> <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-85-of-2017.pdf>

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Presented by: The Manager  
Presented: 03/17/2025  
Drafted by: Law Department

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2025-05**

**An Ordinance Setting Forth the Policy and Procedures for the Release of  
Body Worn Camera Video Footage in Critical Incidents.**

WHEREAS, the Assembly of the City and Borough of Juneau believes that the use of body worn cameras provides the community with increased transparency; and

WHEREAS, critical incidents require careful consideration and thoughtful community outreach; and

WHEREAS, often critical incidents are discussed and personal video is shared on social media immediately following such incidents; and

WHEREAS, nationwide, police departments have transitioned to releasing footage to the community as early as possible; and

WHEREAS, there is a strong public interest in releasing footage in a timely manner; and

WHEREAS, the Constitutional rights of all parties remain protected, despite the timing of the release of footage.

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

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

**Section 2. Amendment of Title.** Title 55, Police, is amended to add the following chapters and sections:

**Chapter 55.60 BODY WORN CAMERAS**



**55.60.010     Body worn camera policy.**

The Juneau Police Department shall establish policies and procedures for the use of body worn cameras and the release of video footage.

**55.60.020     Release of body worn camera footage in officer involved traumatic incidents.**

If a traumatic incident occurs involving Juneau police officers, the Juneau Police Department will proceed as follows:

- (1)     Release body worn camera footage no later than 30 days after the incident. Family may be provided the opportunity to review the footage in-person or virtually up to 24 hours prior to planned public release.
  - (A)     The release shall consist of relevant video imagery (including accompanying audio recording) that accurately depicts the actions and events leading up to and including the incident.
  - (B)     The release of the footage will be accompanied by (1) additional information to provide context based on the evidence available at the time of release and (2) a brief summary of the redactions.
  - (C)     Footage will not be released if JPD is in receipt of a valid court order prohibiting release.
- (2)     *Delayed release.*
  - (A)     The prosecuting authority may request, in writing, up to a 10-day delay in the release of video to the public. In its request, the prosecuting authority should explain, with specificity, the interference or jeopardy that justifies the delayed release. Neither a delay in completing the investigation nor

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pending prosecution review constitute a circumstance in which a delay in release is justified. The prosecuting authority’s request for an extension will be carefully considered by the manager and chief of police, with the final decision granting a delay ultimately resting with the manager.

- (i) Only one 10-day delay may be requested.
- (ii) If granted, the manager shall inform the assembly, at the next scheduled meeting, of the delay.
- (iii) If granted, upon release of the video, the prosecuting attorney’s explanation for delay shall be released to the public.

(B) The manager or chief of police retain the discretion to identify circumstances under which the release of the video must be delayed to protect:

- (i) The safety of involved individuals, including officers, witnesses, bystanders, or other third parties; or
- (ii) Confidential sources or investigative techniques.

(C) In no case shall a delay exceed 10 days. The video imagery in question shall be released as soon as the reason for delay has been resolved.

(D) If delayed by the manager or chief of police, upon release of the video, an explanation for delay shall be released to the public.

(3) *Notification.* Absent exigent circumstances, all reasonable attempts shall be made to notify the following individuals or entities at least 48-hours prior to the release of video imagery:

- (A) Officer who is depicted in the video and/or significantly involved;

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- (B) The subject upon whom force was used upon;
  - (i) If the subject is deceased or unable to consent, the next of kin or personal representative, if known, will be notified;
  - (ii) If the subject is a juvenile, the subject’s parents or legal guardian will be notified;
- (C) The State of Alaska Office of Special Prosecutions and the Juneau Municipal Attorney’s Office.

**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Attest:

\_\_\_\_\_  
Beth A. Weldon, Mayor

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

**March 17, 2025, CBJ Assembly Committee of the Whole Meeting  
(Recap of COW Amendments to Ordinance 2025-22)**

Section I, Item 7.

**Ordinance 2025-22** *An Ordinance Authorizing the Manager to Negotiate and Execute a Tidelands Lease for the Purpose of Waterfront Commercial Activities.*

The following are the proposed Amendments to Ordinance 2025-22 that were voted upon at the March 17, 2025, Assembly Committee of the Whole (COW) Meeting. Highlights indicate changes made to the amendments from any original version that was published in the initial 3/17/2025 COW packet.

**Amendment #1** (proposed by Deputy Mayor Smith):

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

HTC/Aak'w Landing must provide the CBJ with written assurance from the US Coast Guard which demonstrates that the project will not impede icebreaker docking in Juneau. Huna Totem can start **preparatory** work with the understanding any work undertaken is at their own risk.

**Yeas: Smith, Hall, Adkison, Kelly, Woll, Hughes-Skandijs, Bryson, Weldon**

**Nay: Steininger**

**Amendment #1 passed 8 Yeas : 1 Nay**

**Amendment #2** (proposed by Paul Kelly):

Whereas, workforce housing is a priority of the CBJ and Aak'w, therefore the Assembly intends that a portion of the lease amount be allocated to the Affordable Housing Fund.

**Yeas: Kelly, Smith, Hughes-Skandijs**

**Nay: Steininger, Hall, Adkison, Woll, Bryson, Weldon**

**Amendment #2 failed 3 Yeas : 6 Nays**

**Amendment #3** (proposed by Paul Kelly):

Whereas, the CBJ recognizes the environmental impact that the cruise industry has on our pristine waters, and will work to identify lease incentive options to increase clean fuel usage and shore power development.

**Yeas: Kelly**

**Nay: Smith, Hughes-Skandijs, Steininger, Hall, Adkison, Woll, Bryson, Weldon**

**Amendment #3 failed 1 Yea : 8 Nays**

**Amendment #4** (proposed by Christine Woll):

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

The City Manager shall include a right of first refusal clause in any lease of the tidelands, for purchase of the docks **and adjacent upland property.**



March 17, 2025, CBJ Assembly Committee of the Whole Meeting  
(Recap of COW Amendments to Ordinance 2025-22)

Section I, Item 7.

**Yeas: Woll, Hughes-Skandijs, Adkison, Bryson,  
Nay: Kelly, Smith, Hall, Steininger, Weldon  
Amendment #4 failed 4 Yeas : 5 Nays**

**Amendment #5** (proposed by Alicia Hughes-Skandijs):

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

**Cancellation and Forfeiture.**

...

If Lessee violates any term or condition of the lease, including those detailed in the conditional use permit, the City may subject Lessee to enforcement action under CBJ 49.10.600-660 and impose a per violation, per day penalty.

***Amendment #5 passed by unanimous consent.***

**Amendment #6** (proposed by Alicia Hughes-Skandijs):

Whereas, the Assembly fully supports the use of project labor agreements (PLAs) and their use in city project, the Assembly encourages Huna Totem to work closely with local construction companies and utilize our union hiring halls and apprenticeship programs.

***Amendment #6 passed by unanimous consent.***

**Amendment #7** (proposed by Alicia Hughes-Skandijs):

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

The Assembly prioritizes the collaborative scheduling of cruise ships in our community, to ensure that all parties adhere to the five-ship limit as well as the agreed upon passenger limits. Huna Totem will participate in an annual scheduling meeting for their dock.

***Amendment #7 passed by unanimous consent.***

**Amendment #8** (proposed by Alicia Hughes-Skandijs):

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

**Lease Amount and Adjustment of Rental.** The annual lease rent for the first five-year period of the term shall be not less than \_\_\_\_\_ plus sales tax. The annual rent due is divided into twelve equal installments due at the beginning of each month. Rent shall accrue on the effective date of this lease. The Manager or designee shall

**March 17, 2025, CBJ Assembly Committee of the Whole Meeting  
(Recap of COW Amendments to Ordinance 2025-22)**

Section I, Item 7.

review and adjust the annual rental payment every fifth year of the lease in accordance with CBJC 53.20.190(d) and CBJC 85.02.060(a)(5);

***Amendment #8 withdrawn by Ms. Hughes-Skandijs.***

**Amendment #9** (proposed by Mayor Beth Weldon):

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

The dock may only accommodate vessels with no more than 4400-4400 passengers lower berth capacity.

***Yeas: Weldon, Hall, Adkison, Kelly, Hughes-Skandijs,  
Nays: Bryson, Steininger, Woll, Smith  
Amendment #9 passed 5 Yeas : 4 Nay***

**Amendment #10** (proposed by Mayor Beth Weldon):

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

The seawalk must remain unobstructed by commercial activities, except for special events or activities.

***Amendment #10 passed by unanimous consent.***

**Amendment #11** (proposed by Mayor Beth Weldon):

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

No rental car facilities, including Turo or other peer-to-peer car rental marketplace services, will be authorized for operation at Aak'w Landing. The applicant will provide a circulator pick up and drop off area for licensed commercial passenger vehicles.

***Amendment #11 passed by unanimous consent.***

**Amendment #12** (proposed by Mayor Beth Weldon):

**Section 2. Authorization to Lease. The Manager is authorized to negotiate and execute a lease of tidelands as generally depicted on Exhibit A, subject to the following minimum essential terms and conditions:**

**March 17, 2025, CBJ Assembly Committee of the Whole Meeting  
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Huna Totem will be permitted to begin building on city tidelands, while the parties wait for a decision from the state. Once the state **tidelands are conveyed**, the City Manager will negotiate an amendment which encompasses the state tideland area.

***Amendment #12 passed by unanimous consent.***

*Meeting Recap Excerpt provided by Municipal Clerk Beth McEwen, MMC.  
March 18, 2025*