MINUTES
Committee of the Whole & Waterfront Development Committee
Worksession
Friday, September 24, 2004 ~ 5pm
Assembly Chambers

Waterfront Development Committee Members Present: Jeannie Johnson, Merrill Sanford, David Stone, Johan Dybdahl, Jeff Wilson, Don Etheridge
COW Present: Bruce Botelho, Jim Powell, Dan Peterson, Randy Wanamaker, Marc Wheeler
WDC & COW Members Absent: Stan Ridgeway
Staff Present: Donna Pierce, Dale Pernula, Greg Chaney, John Hartle, Debbie Meyer

I. Call To Order
Mr. Powell called the meeting to order at 5:02p.m. Mr. Powell stated this would be a worksession with no public testimony at this time.

Ms. J. Johnson noted that the normal progression would be that the Waterfront Development Committee (WDC) would have a recommendation that would come to the Committee of the Whole (COW), but because of various reasons and because we are maybe trying to rush this plan through and wanted the other members of the WDC to understand why the COW is at the table with us tonight.

Mr. Powell said we did not want to rush this through and asked Ms. J. Johnson how we are rushing this through.

Ms. J. Johnson responded we have a schedule for introduction on September 27th, public meeting on October 7th, and another public hearing on October 11th. She thinks that if it were not for an election we probably wouldn't be having this meeting tonight and would take a little more time with this. Would like the Committee discuss this as to whether this is the best thing for the community. Do we go ahead and keep that schedule?

Mayor Botelho said we need to see what the information is tonight that would probably tell us more than anything else about the pace of further developments here.

There was no objections to Mr. Stone sitting out when Area “B” is discussed.

Ms. Pierce said that there are two kinds of decisions before the WDC & COW tonight. One set of decisions is substantive, whether to accept the recommendations that the WDC has made so far and forwarded to the COW and any other amendments the COW has to make. The other set of decisions is procedural about how and when this plan goes forward to the full Assembly as an ordinance for adoption. Because those procedural questions mostly turn on the issue of cruise ship docks and information we have or don't have on that subject, she proposes to delay the procedural discussion right now until we get to that part of the agenda and to go right into the amendments forwarded to this group by the WDC Areas "B" & "C". Those amendments do not include recommendations. Need to discuss building height bonus system from our last meeting.

II. Approval of Minutes
It was moved to approve the Joint COW/WDC minutes of August 25, 2004 with changes –
☞ 1st Pg. Under Agenda Item A, 2nd Paragraph, 3rd line, take out “at” after cruise docks.
☞ Next Paragraph, 2nd line, should say… "In waterfront users, CBJ Assembly and staff"
☞ Mr. Pernula’s August 23rd memo - In headers change date and page numbers

Hearing no objection, the minutes were approved.
II. Amendment to the Draft Long Range Waterfront Plan

A. Amendments to Areas “B” & “C” recommended by the WDC

Mr. Pernula went through the main recommendations to Areas "B" & "C" which are in his memo dated August 23, 2004.

Mayor Botelho said he assumes the recommendations from the WDC of the Plan is just a first step in the Plan and will require subsequent implementing ordinance with respect to whatever standards are in terms of the trade off of building height for amenities.

Mr. Pernula said absolutely and the wording says…consideration should be given for additional building height. Specifically how much higher they should go and what criteria as to how much you would gain in opening up a view corridor would have to be established. This would be a long public process. It is something that could be possible given this part of the Plan.

Mr. Pernula proceeded to go over his memo dated September 24th which has additional recommended changes, which have been integrated into the memorandum identifying all recommended changes to the Plan and were approved at the August 24th WDC/COW meeting.

Mayor Botelho referred to the August 23rd memo, Page 6, Area "C", #2, 1st sentence - He is perplexed as to how we can have any additional feet going into the right away than we already have. Ms. Pierce answered that when this was written the Planner was recommending that the new restrooms that were put in that side were removed in favor of these other kinds of structures. And we said that is not practicable and we need those restrooms. She thinks the Franklin Street language was a hold over from the Planner's original idea.

August 23rd memo, Page 6, Area "C", #2, 1st sentence should be changed to read:
The Plan also envisions wrapping the ground floor of the Public Library with commercial and cultural uses and to soften the hard edge of the parking structure as well as reduce its presence as a barrier to visitor circulation along the building edge.

There were no objections to the change.

B. Additional Building Height Bonus System held over from COW/WDC meeting on August 25th

Mr. Wheeler questioned Staff and the Committee. His recollection is there was planning for open space throughout the waterfront area. What's the rationale for this bonus provision and height allowances?

Mr. Pernula answered that there are some identified open space areas, one of course is the seawalk. The other is the expansion of Marine Park and there are a few other places that are identified. There are areas where you could have continuous building along the waterfront pretty much from Marine Park quite a ways to the northwest from there a continuous 35' building. Not saying specifically how high you could go, but the idea would be to identify the corridors you would want to preserve. If view corridors are preserved they might be able to get a height bonus. There is testimony from the Mental Health Trust to the effect that to have a project that is financially viable they wanted some additional stories. All he can base his knowledge of the Alaska Mental Health Trust's desires is on the Plan that was prepared for the Subport. Their height bonus provisions would allow buildings up the 75' in height. He doesn't necessarily agree with that being a height that should be attained with additional setbacks and so on. That could accommodate 7 or 8 stories.

Ms. J. Johnson said she thinks primarily this would apply to Area "B". She spoke with Barb Sheinberg, who developed this Subport Plan, concerning this height restriction. She thought if they didn't have the opportunity to go forward and were to be restricted to 35' height, there is a possibility that it won't pencil out as far as getting a developer to come in to develop. Ms. J. Johnson sees this as a beginning of a process not as the end.
Mr. Dybdahl says we have always seen this as very high priced property. Say you build a building that blocked up the entire view much like the garage building and a building that might be closer to that garage and higher, while leaving some of the area open to the water was what we had in mind.

One other thing he was wondering about is the Historic District. He was wondering if the way it was stated in the Plan that this would extend the Historic District without ever going back and taking a good look at it. He realizes it was only the front side of the buildings and now looking the Plan, the Franklin Street side actually becomes your backside if we envision the seawalk as being the front side. What we talked about in the WDC was that if we could put in some flexibility in some of these bonuses we might be able to gain, say a builder comes in and agrees to build the seawalk, otherwise we are going to have a lot of the seawalk that's on the South Franklin or on the street side, because there won't be any incentive to do that.

Mr. Powell said in looking at other community waterfronts, he wonders why does this waterfront work. The reason usually is because it is a place that gathers people and creates community that enjoy the value and function of a waterfront. If we are to allow those structures to exist under a plan, and we already have a variance process that is used by the Planning Commission, if we allow up to seven story buildings on the waterfront side of Egan you aren’t respecting public access and the value and functions of that land next to the Waterfront, this is his fear. He thinks there should be very little development on the waterside of Egan. He could have some flexibility on the other side of the road. Doesn’t think should have more than three stories on the waterside. When people come downtown it would be nice to be able to see the ocean. Feels strongly to not put in Plan preconceived for a design to encourage development up to seven stories.

Ms. J. Johnson said there are parts of Mr. Powell's comments she doesn’t agree with. The question is in Area B, the Alaska Mental Health Trust piece and she would like to be clear if they are included in Mr. Powell's comments, because they held a very long public process in this community to come up with a plan that they brought forward to the WDC and Planning Commission. They did get buy in from the community for that bonus system or some form of bonus system. She asked Mr. Powell if he was referring to the entire waterfront or a piece of property that doesn't really belong to us, but belongs to somebody else.

Mr. Powell answered that he was referring to spots in Area "B" & "C".

Mr. Wheeler said he was sure Scott from B&A had long discussions with Barbara Sheinberg, AK Mental Health Trust, and Staff, and characterized those discussions and why our consultants in the end chose to limit it to 35’ in the Plan presented to us.

Mr. Pernula said that basically there was difference of opinion. The Waterfront Plan writer thought 35’ was more appropriate building height for the waterfront. It was a matter of scale of the existing buildings and difference of opinion. In the Subport Plan the view planes were discussed in detail.

Mayor Botelho said he has mixed feelings on this. The Plan itself doesn't prescribe any particular formula. He agrees that he wouldn't want to see seven story buildings along the waterfront, but that is not being proposed here. The issue is whether conceptually we are ready to make tradeoffs between height and something else. He sat on the Assembly when there was a debate as to whether there should be a hotel placed on Merchants Wharf. But was very clear in public testimony and what was clear to staff, was creating large corridors with a canyon like effect. This is not what any of us are looking at here. His understanding with the AK Mental Health Lands Trust were looking at as well is understanding that they need to be setback, and perhaps the trade off is that you are going to go up. You are also going to step back farther with larger setbacks. So esthetically we don't have a sense of being overwhelmed or being deprived of the waterfront. He has a bias against a lot of height, but we should be prepared to have some discussion about under what circumstances we might trade some
height for some other outcome. He is not certain he would trade amenities, but he would certainly look at setbacks and that could only happen subsequent to this Plan.

Mr. Sanford said the thought that the Subport Plan did that very well. If you look at some of the sketches that they did, you don't have a big wall of buildings, but you have view planes at all kinds of angles and they are still able to get 1 or 2 more stories, parking and mixed use into buildings. Which is what this guy in this Plan wants also. Sometimes to get the land used proper, you have to give a little bit to get a little bit. That is what the Subport Plan did and he thought the community bought into the Subport Plan and it just happens that we started the Waterfront Plan right at the end of that one and got it held up with this.

Mr. Pernula stated that the bonus system is considered in Areas "A" & "B". On the water side of both Areas "A" & "B", there is a much wider parcel of land then there is on the waterside further to the south in that location.

Mr. Wheeler suggested we could keep this idea to Area "B" and made the following suggestion: August 23rd memo, Page 5, Area "B", #2, two underlined sentences should be changed to read: Consideration "may" be given to permit additional building height… Also would delete it in Area "A".

Ms. J. Johnson doesn't disagree with changing the "should" to "may". The WDC spent a long time on Area "A" talking about the massing and scale in that particular area. In the Plan it recommended parking along the waters edge and we even recommended that not be allowed. Tried to protect the waters edge in that area to a great extent there are already some fairly large buildings in that area and it didn't seem to us that that was the place where you would have as many view plain problems as you would in Area "B".

Mr. Chaney said the author of the Plan agreed to disagree with the AK Mental Health Lands Trust. The author recommends minimum height restrictions. He based this on his experience as a planner on international projects.

Mr. Wheeler said if he had his druthers he would stick to what is in the Plan as a compromise. He thinks Area "A" has a lot of potential and he thinks it hasn't been developed very wisely right now and with the current development he wouldn't want to give folks any idea of going any higher. Thinks if we get the City shop out of there and did some good development, it would be a beautiful area. Folks that live in the highlands would view the big buildings there and that would really affect their view shed. Putting in the word "may" would allow us to look at the Subport Plan in the future, but it wouldn't be as directive of a language.

Mr. Wilson said that one of the reasons we talked about building heights in Area "A" was that we hoped to get more green space. We were afraid it would be one big strip mall, condos, apartments, rentals or hotels and that it would be wall to wall. If we were going to be selling the City shop and having some green space there, we were hoping we would have a trade off to get more green space and more corridors, making it more friendly for the neighborhood to use it. Realizing it would be a trade off to the condo owners across the street. We would get some green spaces and view plains and trade off on. It almost has an industrial look to it or you could say the planning on it has been done poorly so it is just a trade off.

Ms. J. Johnson asked Mr. Wheeler if he could clarify exactly what it is under Area "A" that he wants to delete.

Mr. Wheeler replied that he would delete the whole underlined section in Area "A", page 3, #1 and in Area "B" substitute the word may for should.
Ms. J. Johnson asked if he would also remove the follow-up in Area "A"? Mr. Wheeler said yes.

Mr. Wilson asked Mr. Pernula if we don't do this on Area "A", there is still a variance process and the builder could still come ask for a variance, but it would be more difficult for them to get a variance. Is that what you are saying?

Mr. Pernula replied that variances are normally the minimum necessary for a reasonable use of land and based on a hardship of some sort, for example a steep slope. You are not going to get an additional 2 or 3 stories.

Mr. Powell asked if we had every granted a variance for height?

Mr. Pernula said yes. Maybe a couple a year and never more than a story that he is familiar with.

Mr. Chaney commented that the three new buildings by the bridge were all built under current height requirements of 35' so no height variances were required there.

Mr. Dybdahl said just imagine that 35' for a huge length along the waterfront as being a canyon and that was one of the ideas that in case you did get a builder like that who could only build 35' high across that property and effectively blocking off the water anyway.

Mr. Powell replied that maybe can't we give other types of incentives to stay down. He doesn't want a long row house as it is. We shouldn't be allowing that in the first place. We should be allowing up to 35' and that is even hard for him to stomach. Or maybe building some other incentives. There have got to be something else out there. When he drives down Egan he wants to be able to see the water or think that it is for the public. He wants to think that it is for the public, not the person or the private industry that puts up that structure and it becomes his or her view. That is public! We are not doing that and we have a good plan. He doesn't want to start falling into that through these. He doesn't want to go back on it.

Mr. Sanford said we need to come up with some more money to buy more of that public land. It boils down to economics.

Mr. Powell said we are going to get calls. We got calls about the buildings right next to the bridge. How could Planning allow that to happen, the Assembly did anyway and I think Planning did too. Can you imagine if that happens. I think we are going to get beat up.

There was a question as to what Areas were already approved.

Ms. Pierce said the other Areas "A", "D", "E" & "F" were passed with the exception of the building height bonus system that was held over. But aside from that, before you are all the amendments on pages 5 & 6 of Areas "B" & "C". It would be great to have a recommendation from the COW.

Mr. Powell asked if we want to take up the motion first and then go back to take the rest of it off? How does that sound? Ok, motion is in front of us. Is there objection to the motion?

Mr. Wanamaker wants to object to the motion. As much as he would like it to be stated more clearly, he is not sure what we are doing.

Mr. Wheeler moved to make changes in Mr. Pernula's memo of August 23rd, Page 3 of 12, Area "A" #1, delete the underlined sentence and the follow-up section, and then on Page 5 of 12, Area "B", #2, substitute the word “should” with “may” in the two underlined sentences.

Mr. Powell asked if these should be taken bit by bit or all together.
Mr. Wheeler said he is proposing that they be taken all together.

Mr. Powell said that is the motion and asked Mr. Wanamaker if that was clear to him.

Mr. Wanamaker said no it wasn't. He said he just got his packet information this afternoon and he is still looking at it. He was out of town and hasn't had the chance to absorb all the changes. A lot of things he sees he would like to change because of the grammatical nature of them and some of the technical parts.

Mr. Powell called at ease at 6:00pm. Resumed meeting at 6:05pm

Mr. Wanamaker asked if we were going to separate them or take them as a block? He would like to separate them.

Mr. Powell asked Mr. Wheeler if he had an objection to that?

Mr. Wheeler said he was trying to propose it as a compromise sort of thing. He could give on the "should" if we could take the height variance out of Area "A".

Mr. Wanamaker said he would vote against the changes to Area "A".

Mr. Powell asked Mr. Wheeler if he wanted to split it out? Mr. Wheeler said he wants to keep it.

Mr. Powell asked Mr. Wanamaker if he was ok with as far as having the information in front of him?

Mr. Wanamaker said he was.

Mr. Stone said since part of the motion includes Area "B" he will abstain.

Mr. Powell said we have a motion in front of us. Is there any objections to the motion? This is voted on as the COW.

Mr. Powell asked for a roll call - 5 aye & 2 nay - Motion Approved.

Mr. Powell said staff wants us to move ahead on the other parts and make it clear to us as to what is in front of us as opposed to the other meeting.

Ms. Pierce stated at the last meeting the COW adopted the recommendations of the WDC for all the other areas. Tonight we have already taken care of the one question, but the other remaining amendments that Mr. Pernula brought up earlier for Areas "B" & "C" in his memo.

Mr. Wheeler made a motion to move all the proposed changes with the exception of the changed language that we just acted on.

Mr. Powell asked if we want to split up Areas "A" & "B" for Mr. Stone's benefit?

Mr. Wheeler amended his motion to accept all the changes except to Area "B".

Mr. D. Stone said that Mr. Dybdahl has brought up an important point which is, as the language is written on page 7 of 12, #7. After reading the proposed change he commented that as it currently stands we do not apply the Historic District standards to the entire building, only the façade. So we are making the far-reaching step where we are expanding the size of the Historic District by doing this without any real public process.
Mr. Dybdahl added that you would open up the possibility for those buildings or properties that now might have a façade in the Historic District, but a builder could elect to pull back as a setback on the South Franklin side and he would not have to apply with any of the Historic District boundaries. So if you are going to look at the Historic District covering any buildings on the waterfront, then I think you need to look at expanding and going through the public process in the Historic District on that side.

Mr. Pernula said he thinks that is an excellent point. What we have drawn for the Historic District boundaries for the waterside of South Franklin is the narrow strip of land within that area and the way it is written here is that a portion of the buildings is with the Historic District standards for the entire parcel. He thinks that Mr. Dybdahl is pointing out that bringing it back a few feet the entire building would be outside of it and there wouldn't be any Historic District standards. He thinks the intent is to have these areas within this general boundary meet the Historic District standards because it is one of the main things that we have to showcase our community with is our historic buildings. Remember this isn't the regulation, this is a plan. This is something we want to accomplish that is implemented later with regulations. Need to adjust language a little bit to say that in the waterside direction of those private parcels that the Historic District should be expanded or something to that affect.

Mr. Hartle added that if this is the policy the Assembly wants to pursue, he thinks the proper way to do it is by ordinance in this Plan.

Ms. J. Johnson said she agrees with Mr. Dybdahl. When the WDC met for some reason she didn't think we went into this or had this map or discussion. She appreciates his expertise.

Mayor Botehlo said the question remains whether we want to have any reference at this stage to the historical district boundaries and if so what the language would be, that would be more aspirational than as it is currently phrased "shall meet requirements". Two questions, do we want any reference at all and if we do should we take a moment for staff to reformulate?

Mr. Powell asked staff to correct him if he is wrong, but it is legally appropriate for us to show intent and direction in our Plan. Right? We can refer to the Historic District and say it should apply to or there should be consideration given to the water way or water front buildings.

Mr. Hartle said yes Mr. Chair, and you just said it. You said should and this says shall as if it were accomplishing that, as if it were a mandatory directive. Where really you are saying consideration should be given or something like that.

Mr. Powell asked if it is the wish of the COW and the WDC to take an at ease so staff can come up with some language that would help us move in that direction. No objection.

Mr. Powell called at 6:13pm. Resumed Meeting at 6:17pm

Mr. Pernula has some proposed language that is relative to Mr. Pernula's memo on August 23, Page 7, #7, Page 54, add the following sentence to the end of … change 1st paragraph to 2nd paragraph. It fits better under Character. Then in the first sentence...All buildings located within the Juneau Historic District boundaries "change shall to should" meet requirements of the Juneau Historic District standards. The Historic District standards "change shall to should" be applied to an entire building whenever any portion of that building is located within the Juneau Historic District. Add the following sentence...The Historic District boundary should be expanded to include all land located between South Franklin and Gastineau Channel.
Mr. Powell asked what areas in the Plan would this include? Because you are speaking under Area "C". So it is implied we are only speaking to Area "C". Correct? Mr. Pernula replied yes that is correct.

Ms. J. Johnson asked that if we do that how does it affect a property owner who is currently in compliance with the front of their building, being in the Historic District and maybe wanting to do a remodel or change to that building? How would that affect that building owner? What have we done to him by the stroke of this pen.

Mr. Pernula replied that at this time it wouldn't do anything. We would have to follow it up with an ordinance change. Once the ordinance change is done then they would have a legal non-conforming building. As they came in, if as applied was unreasonable they would ask for a variance. If not they would comply with it. So they are grandfathered as is.

Mr. Dybdahl asked if that would include any major renovation or new building, those would all be included in the ordinance specified to build a new building and then the whole thing applies to the Historic District boundaries? Mr. Pernula answered yes.

Mr. Powell asked, so we have to repeat this language in the other sections if we want to go outside of Area "B"? He was answered "yes". Why don't we take on Area "C" first.

Ms. Johnson said she wants to be very clear in my mind before she votes on this. In order to do anything to implement this we need to do an ordinance change, is that correct? And that is where the public participation would come into this process. Answered "yes".

Mr. Powell asked if there was any objection to the suggested language by Staff?

Mr. Wanamaker does object. By this act we are extending the Historic District boundaries without full consideration as to what that means. As a businessman who has owned an historic building and done renovations and worked with City and State officials in order to make modifications to an historic building, and follow historic building codes. It is really quite a burdensome process and he is afraid we may be starting something where we don't realize the full ramifications. He doesn't think enough thought has been given to what we are doing by starting the process this way. He is for an open pedestrian friendly waterfront. But there are elements of this overall Plan that he doesn't agree with. With these changes we are beginning to take away property rights and we are not engaging people that this would affect.

Mayor Botelho had a question for Staff. What lead you to make this recommendation in this section?

Mr. Pernula replied that his recollection is that it did not come from Staff. He thinks it was Mr. Dybdahl that suggested that rather than just having the front façade of the building, it didn't make any sense just having a façade meeting historic standards and the rest of the building could be anything.

Mr. Dybdahl said that is correct and we were talking about where is the view when visitors are approaching would basically be approaching the backside of the building. Almost all of the old buildings in the Historic District look pretty bad from that view. But how we were going to get there from that discussion he thinks is where we are now. He thinks you need to look at the actual extensions of the Historic District and he supposed it should be noticed so that all the private landowners down there can be heard. They are very stringent to types of materials. Builders have argued for more modern materials that last and it gets to be an expensive proposition and long term maintenance. All kinds of things like that are considered every time somebody has to comply.
Mr. Wheeler said he thinks of Skagway and how the folks there have to deal with the Park Service, which is probably more stringent than what we have. That place is booming and it is a great asset for the visitors. He likes the idea of having a good face for our visitors with the Historic District. It is one of the neat qualities of Juneau and something we shouldn't be ashamed of. It may be a little more onerous, but that property value from being so close to the cruise docks he thinks should compensate for that.

Ms. J. Johnson said she is not so sure that she agrees or disagrees with everything that has been said here. Her concern is that there hasn't been a public process on it and she just wants to make sure that there is the public process for the property owners.

Mr. Wheeler replied that we are just a work session, then it would go with an ordinance, then we would have a public hearing on the ordinance to adopt this Plan and then if we have to have another ordinance to adopt this Plan. There is going to be a lot of process. We aren't just making this decision. We are putting it forward to start the process.

Ms. J. Johnson said she understands that. But from Mr. Wheeler's comment she thought he sounded like he was selling it.

Mr. Powell said that is what we have in front of us. Is there more discussion? Anybody opposed?

Mr. Powell asked for a roll call - 6 aye & 2 nay. Motion approved.

Ms. J. Johnson said for the record there needs to be more public process.

Ms. Pierce said if you look at Mr. Pernula's memo of August 23, page 8 of 12, Area "D", #2, she is assuming the COW would like the language to now match the language of Area "B" & "C".

Mr. Powell asked because some of this goes into Area "B"?

Ms. Pierce replied "yes".

Mr. Sanford doesn't feel that this is the appropriate place to be doing this. This is a big step and there is lots of pros and cons. We need input of Staff giving us a full picture of this. What the cause and affect is of all this stuff is. We are not getting that here. We are just changing the Historical District here that has been affect for a good many years and doing it at the whim of our thoughts right here tonight.

Ms. J. Johnson commented that actually on Area "B" when she looked at the map she thought that Area "C" is probably a little easier to do, but Area "D" she wouldn't agree on doing, even though we have already did it.

Mr. Powell said he feels good about the grandfathering in. We have the WDC here and they share the Planning Commission and if they don't have the experience, nobody does and he thinks Mr. Dybdahl has over 12 years experience on there and if he comes forward and says we should consider this. Mr. Powell sees this as a plan that people are going to refer to when it goes through an ordinance change. We don't have all the details before us tonight, but we do have the experience in front of us. He believes we need to move forward with the Plan, because this is just one small part of the Plan.
Mr. Dybdahl said he doesn't have a problem about saying "should" because a review of that is going to have to consider a complete review of the Historic District standards. There was a very good reason that all those old buildings down there had metal siding as ugly as it might be, because of the prevailing southeast winds. So if you want to preserve that look you still might have to look at the standards and allow some flexibility with modern materials that look like the old buildings did. It will still receive the wind and rain in the winter and fall. It would be a very good exercise and it has been a long time since Staff has had time even to go back and take a really good look at Historic District standards.

Mayor Botelho wanted to respond to Mr. Sanford's concerns. He thinks what we need to do with the COW is try to get the best version we can from the public. Maybe there is a little bit of apples and oranges of attentions created is the expectations that we are immediately going to go to public hearing on this. He doesn't think we have made that decision yet. He personally hasn't, because it is going to be different in part by how much we decide to depart from this Plan. The more depart, the more we are going to be under an obligation to give the public greater opportunity to comment. He does think it is appropriate to made these kind of changes if it is our best judgement about what we should be putting in front of the public. Whether it is next week or two or three weeks from now in public process. He is comfortable making changes tonight to give it our best shot at what we think it must say.

Mr. Powell said he thinks we have similar language for "D".

Ms. J. Johnson said she wanted to be sure that includes that additional sentence that we added, the "should" and are we going to then leave this in ….see we took the last one out of Massing and Scale and put it into Character. It might make it more consistent.

Mr. Powell stated that there was a suggestion by Ms. J. Johnson that it would be better located under Character on Page 56 of the Plan. Any objection to that? Any other discussion on this one?

Mr. Stone abstained.

Mr. Powell asked for a roll call - 5 aye & 2 nay, approved.

Mr. Sanford said he thinks it should be relooked at in-depth, but this is not the place to do it.

Mayor Botelho asked just for the record have we approved all other changes in Areas "B" & "C"? He thinks there is some ambiguity because we got sidetracked at the point we decided to move and deal with these.

Mr. Pernula said he did not recall a motion. There was originally a motion to amend all of Areas "B" & "C" and then it got sidetracked on this issue.

Mr. Powell said he thinks that the "may" he is referring to is that where we are on that?

Mayor Botelho said he believes Mr. Wheeler started a motion to that affect.

Mr. Wheeler said he would like to recommend that all the changes outlined in the memo of August 23rd, except for the ones changed tonight and the additional memo dated September 24th that we received today be included in the Plan.

Ms. J. Johnson would like to discuss the additional memo separately if we could. She has a change she would like to recommend to that memo.
Mayor Botelho suggested that we divide the questions, dispose of all others and then deal with the Page 71, Management issue separately. He noted that Mr. Wheeler has indicated that his motion includes everything other than those items we have already acted on and approved. By dividing the question we would also treat the recommendation on Page 71 to act on.

Mr. Powell asked if there were any objections? Hearing none, so approved.

Mayor Botelho said he thinks Mr. Wheeler was going to move that we deal with Page 71 separately. And Mr. Wheeler stated that he moved that we adopt changes in the September 24th memo.

Ms. J. Johnson said she would like to add to this under "Management" and in the 9th line after the word "group". She would like to add "and forwarded to the Assembly for approval". Without that it appears that the WDC will set its own policy. Not so sure that is what we want.

Mr. Wheeler said that would be a friendly amendment.

Mr. Powell asked if there were any objections? Hearing none, so approved.

Mr. Powell said as an amendment to that, now we are going to a motion that is on Page 71 of the Plan referred to in the September 24th memo.

Mayor Botello said should we ask for unanimous consent?

Mr. Powell asked if there were any objections? Hearing none, so approved.

Mr. Powell asked if there were anything to come before us on this item?

Ms. Pierce said the other remaining issue we need to process is in the memo dated September 21, Page 2, 3.9 Amendments to the Long Range Waterfront Plan.

Tape did not record on the last side

Ms. Pierce said the Draft Plan recommends extension of the City cruise ship dock & proposed the Assembly proceed with adoption of the Draft Plan without further review of additional information regarding cruise ship docks in Area "A" or "B". Then it is recommended the following be added as a new subscription 3.9.

Proceeded to go through timeline of how this all came to this point. Have not yet gotten response back from the NorthWest Cruise Agency (NWCA). WDC hasn’t made any recommendations for a cruise ship dock in Area "B". WDC decided to recommend having a discussion at a later time when all the information is on the table.

Mr. Wanamaker said it is prudent to hold and wait for NWCA’s information and have WDC then make their recommendation and follow that with a public hearing.

Mr. Wheeler disagrees and said it is time to act now.

Mr. Powell called at ease at 6:45pm. Resumed meeting at 6:50pm.
Mayor Botelho said the Assembly hasn’t had a discussion regarding how big the industry should be allowed to grow. Single biggest issue in Plan. The public, industry, and Harbor Board need a sense of direction. The Assembly needs to express their views.

Mr. Dybdahl suggested we look at other waterfronts besides the downtown. We may need to focus on another area to develop.

Mr. Wheeler said the consultant says we have reached max downtown. Public have expressed this too through surveys. We are geographically at our maximum downtown.

Mr. Dybdahl stated that nobody looks at this as close as the cruise ship agencies. They will go elsewhere if the experience is not here.

Mayor Botelho feels we have reached our capacity downtown. Need to look at other possible areas in Juneau. Agrees with the Harbor Board regarding an extension. The idea of finger piers in Areas "C" or "B" pose similar problems of staging of 1000’ ships. Message is consistent with the public. They don’t want to see that area developed for cruise ships. 6 large ships max - 4 at berth, 2 at anchor. That will benefit community and industry and relieve the pressure we are experiencing.

Mr. Powell asked has the cruise agency looked at Plan as part of the process?

Ms. Pierce answered that in the last conversation she had with John Hansen of NWCA, he indicated they would give a response on technical and economic issues. They would also comment on upland capacity. They are meeting in November. She asked for an outside date from Mr. Hansen.

Mr. Powell asked do we go ahead with this plan and we would just hear from the industry next year?

Ms. Pierce said the ordinance will be introduced on September 27th and the public hearing will be on October 7th.

Ms. J. Johnson said the WDC has dealt with this Plan for a year. No one on the WDC has wanted to slow down the process. Suggested we move plan forward as far as dates of public hearings with inclusion of changes 3.9 and go on with changes to Areas "B" & "A" with recommendations for possible docks in Borough.

Mr. Wheeler said he is not comfortable with 3.9. It is not comprehensive enough.

Mr. Wanamaker stated he is in favor of waiting to hear from industry. Supports 3.9 recommendations. Has grammatical changes to do at later date.

Mayor Botelho supports the motion with reservations of 3.9. Would expect to see some amendments to this.

Mr. Wheeler said it is geared towards a cruise ship dock. Maybe should be broader and not focused on this one issue.

Mr. Pernula explained memo. Currently we have a waterfront plan that was written in 1986. It has odd options as we look at it now. They show the Rock Dump to be developed as a residential area. Didn’t anticipate docks south of City docks. We need a mechanism to change the Plan over a period of time. Would like document to be able to continue to be maintained. He referred to the last three points in the last bullet on Page 2 of 2 of the September 21st memo.
Ms. Pierce said the WDC didn’t discuss additional docks. 3.9 would be added to protect public process. Concerns in survey, can it be mitigated? Agrees with Mr. Wheeler that it could be broader. Work to keep a current plan.

**Mr. Wheeler recommended the following changes be made to the new subsection 3.9, listed in Mr. Pernula’s memo dated September 21**:

- Move bottom bulleted list - "Incorporate a review process similar…” so that it comes before the words "Proposals to develop additional berths should:"
- Add another point to the other bulleted list "Include a design for the dock…” so that it says "Examination of alternative locations other than the downtown waterfront area."

**Mr. Powell asked for any objections. Hearing none, so approved.**

Ms. Pierce discussed funding for the supplemental plan.

Mr. Powell called at ease at 7:27pm. Resumed meeting at 7:32pm.

**Mr. Wanamaker moved that in the 3.9 amendment we should change the sentence to say…”Impacts to navigation and anchorage in Juneau Harbor, which currently accommodates five large cruise ships (four at dock and one ship at anchor)."

Mr. Kirby Day verified that in a real life scenario this would be the ideal number the harbor could accommodate.

**Mr. Wheeler made an amendment to the motion to delete the sentence.”Proposals to develop additional berths should:” and take off bullet off of list.**

Ms. J. Johnson objected because this will come out looking different. WDC hasn’t even had the opportunity to discuss.

Mr. Wheeler said this is not a new issue and we need to stick to this plan as the spirit of the amendment.

Mr. Wanamaker said he is willing to keep the concept of amendment intact. Public will have opportunity to comment.

**Mr. Powell asked if the COW agreed with Mr. Wheeler's amendment. 3 yes – 5 no. Motion to amend failed.**

Motion was made to forward the Draft Waterfront Plan as corrected to the Full Assembly; 7 yes – 1 no. Motion carried.

Mayor Botelho recommends Assembly direct Staff to move ahead for study of cruise berth possibilities outside the downtown waterfront.

**Mr. Powell asked if there were any objections. Hearing none, so approved.**

There was a discussion regarding the management of seawalk capitol projects.

Ms. Pierce said this is timely now because the Assembly has designated marine passenger fees for initial design of a seawalk project.
Mr. Stone asked to be excused on the topic of the seawalk.

**Ms. J. Johnson moved that the oversight of seawalk would rest with Assembly.**

Ms. Pierce stated there are different owners of property along seawalk, many of which require negotiated easements, such as the one just completed by CDD. Also the primary purpose of the seawalk is recreational. Any seawalk project adjacent to docks would require close consultation with Harbors. These projects would be initiated by the Assembly with recommendations from the Manager and the Engineering Department. Discussed by WDC that this is something diverse enough so it would be under the Assembly.

Mayor Botelho asked didn't we adopt a resolution or was it a discussion?

Mr. Hartle replied that it was prepared but not adopted.

Ms. Pierce said the resolution will go to the Assembly on October 11th.

**Mr. Powell asked if there were any objections. Hearing none, so approved**

**B. Cruiseship berths in the Waterfront Planning area**

It was determined that this would be discussed at a later date.

**IV. Adjournment - 7:50pm**