

Presented by: The Manager
Presented: 02/07/2022
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-12(am)

An Ordinance Amending the Comprehensive Plan Related to the Long Range Waterfront Plan.

WHEREAS, the recent Visitor Industry Task Force provided recommendations for a framework to better manage cruise ship tourism; and

WHEREAS, adoption of this ordinance does not direct the Planning Commission to issue a permit for a fifth cruise ship dock, but this ordinance changes the Long Range Waterfront Plan to allow a fifth cruise ship dock in the Subport area; and

WHEREAS, the Assembly's intent of this ordinance is to change the Long Range Waterfront Plan to allow a fifth cruise ship dock in the Subport area if the fifth dock: provides infrastructure to prevent hot-berthing at the existing docks, especially at the AJ dock; provides infrastructure that prevents a large cruise ship from anchoring-out or using dynamic positioning technology to stay in Gastineau Channel for tourism purposes; minimizes congestion of pedestrians and tourism-related vehicles east of Seward Street; and other purposes to balance the needs of the community; and

WHEREAS, the Assembly wants large cruise ships to stay at one of the cruise ship docks for a large portion of the day to minimize congestion, to maximize authentic Alaska shore-side excursions for tourists, and to minimize harm to the community; and

WHEREAS, the Assembly directs the City Manager to continue exploring methods to achieve the intent of this ordinance, which may involve future legislation, contract negotiations, expenditures, property acquisitions, and public meetings.

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 Section. CBJC 49.05.200 Comprehensive plan, is amended to read:

49.05.200 Comprehensive plan.

(a) The City and Borough Comprehensive Plan is designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide

adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate adequate and cost-effective provision for transportation, water, sewerage, schools, parks, and other public requirements.

(b) The comprehensive plan adopted by the assembly by ordinance contains the policies that guide and direct public and private land use activities in the City and Borough. The implementation of such policies includes the adoption of ordinances in this title. Where there is a conflict between the comprehensive plan and any ordinance adopted under or pursuant to this title, such ordinance shall take precedence over the comprehensive plan.

- (1) Plan adopted. There is adopted as the comprehensive plan of the City and Borough of Juneau, that publication titled The Comprehensive Plan of the City and Borough of Juneau, Alaska, 2013 Update, including the following additions:

...

- (C) The Long Range Waterfront Plan for the City and Borough of Juneau, dated January 22, 2004, as amended including by Ordinance 2022-12;

...

Section 3. Amendment of Long Range Waterfront Plan. The Long Range Waterfront Plan, CBJC 49.05.200(b)(1)(C), is amended to read as follows:

- (a) **Page 47. Amend the text of Section 3.3 AREA B: SUBPORT as follows:**

...

Upon adoption of Ordinance 2022-12, the CBJ Assembly amended the tidelands portion of Area B (Figure 33, B2) to allow for creation of a dock facility capable of accommodating one large cruise ship as well as docking facilities for government agencies, like the U.S. Coast Guard and NOAA vessels. Criteria for this development is described in Appendix B. All other Area B recommendations and design criteria remain unchanged, including uplands development and park facilities. Located to the north of this facility is the proposed Gold Creek Waterfront Park, a new, two acre recreational area oriented to families and children (see Figure 33, Feature B1). Gold Creek Park provides an important area attraction and asset as well as a visual and functional transition point into Downtown.

...

Page 47. Repeal and replace Figure 33: Area B (Overall) 2025 Concept Plan as follows:



Figure 33: Area B (Overall) 2025 Concept Plan

(b) Page 41. Amend the text of Section 3.1 LONG RANGE PLAN OVERVIEW as follows:

...

- **Expanded Recreation and Open Space Area.** The Plan supports substantial expansion of recreation and open space areas through the creation of a 1.8 mile coastal seawalk running the length of Juneau’s Downtown waterfront. The seawalk is accentuated by a series of parks, each a special destination for active and passive recreational pursuits. A total of 6.1 net new acres of recreation and open spaces stretching from the Juneau-Douglas Bridge to the South Franklin Street Dock is provided in the Plan. Increased water recreation areas are also offered, including the introduction of new marina facilities, small boat and kayaking zones, and an environmental education/enhancement area.

...

(c) Page 50. Amend the text of Section 3.3 AREA B: SUBPORT as follows:

...

- **Transparency and Views.** Views along the internal streets of the Subport should be preserved, with consideration provided to use the public area, and building façade articulation to accentuate view corridors and anchor visual interest in key locations.

Views from the Gold Creek Park across the Gold Creek Protection Zone should also be maintained.

...

(d) Pages 68-69. Amend Table 8: Long Range Waterfront Master Plan: Near-, Mid-, and Long-Term Development Initiatives Master Sheet as described below and depicted in Exhibit A:

- (1) Strike NT15;
- (2) Strike MT6;
- (3) Amend MT7; and
- (4) Amend MT9.

(e) After Page 77. Insert Appendix B as described below:

Appendix B – 2022 AMENDMENT TO AREA B

This amendment applies only to the tidelands portion of AREA B: SUBPORT to allow a large cruise ship dock that accommodates one large cruise ship and provides moorage for government agencies like the Coast Guard and NOAA vessels. The LRWP Concept Plan for the uplands portions of Area B remains unchanged. In 2011, the Subport property was rezoned to Mixed Use 2 per the LRWP's guidance.

The 2022 amendments are described in Ordinance 2022-12(am).

This amendment discusses the criteria developing Area B, especially the criteria for constructing a fifth cruise ship dock at the Subport established by the CBJ Visitor Industry Task Force (VITF) in 2020. It is important to note that many of these criteria apply to the uplands portion of Area B and are excluded from the amendment. The upland provisions in the LRWP are valid and appropriate to this new tidelands use. However, the uplands-related criteria in both the LRWP and VITF final report are related to managing the impacts of a large cruise ship dock and the associated increase in pedestrian and bus traffic and should be considered strong recommendations for uplands development. Criteria excluded from this amendment are identified below.

VITF Recommendation on LRWP Update

The VITF considered whether the CBJ should undertake a complete update to the LRWP. It was determined that the CBJ Assembly should not prioritize a LRWP complete update and should instead maintain focus on better tourism management. It was determined that an amendment to the tidelands portion of Area B was warranted with the below criteria and the CBJ should continue to implement the existing plan, prioritizing Seawalk development.

VITF Criteria for Subport Dock Construction

In 2020, the CBJ VITF established the following criteria for constructing a cruise ship dock at the Subport. This amendment supports the VITF's criteria and any application for development needs to be evaluated consistent with the following:

1. One larger ship per day using one side of the facility;
2. Maximum of five larger ships in port per day;
3. No hot berthing at the new facility;
4. No larger ships allowed to anchor as the sixth ship in town. Larger ships may anchor but the number of larger ships in port would still be limited to five (CBJ to consider legal ramifications of limiting size of ships at anchor);
5. CBJ manages dock to some extent through a public private partnership or management agreement;
6. Dock is electrified;

The following criteria are related to uplands development and remain strong recommendations for uplands-related proposals:

7. High quality uplands development for community and visitors;
8. Year round development orientation.

Long Range Waterfront Plan Amendment Criteria

Section 3.9 of the LRWP establishes a framework for amendment, presented below. The manner in which each component is addressed is described in *italics*:

It is important that Long Range Waterfront Plan—which is a product of an extensive and thorough public process—maintain a substantial commitment for its implementation from the community. Therefore, amendments to the Long Range Waterfront Plan, including the addition of cruise ship docks, should be approved only after undergoing a process similar to that which was undertaken during the development of the Plan. Specifically, public workshops identifying need for the facility and development of alternatives that mitigate negative impacts identified in the Community opinion survey should be held.

On behalf of CBJ, McKinley Research (formerly McDowell Group) conducted a statistically valid public opinion survey of Juneau residents in October 2021. It found that 56% of Juneau residents were supportive or very supportive of constructing a large cruise ship dock at the Subport and 33% were opposed or very opposed. Ten percent of respondents did not know if they were supportive or opposed. Furthermore, those that said they were opposed or very opposed to a subport dock were asked whether a list of factors would increase their level of support:

- 1. A cap of five large ships per day in Juneau's harbor: 42% yes, 54% no*
- 2. Public park: 40% yes, 55% no*
- 3. Interpretive ocean center: 38% yes, 53% no*
- 4. Seawalk connection: 34% yes, 53% no*
- 5. Shore power: 33% yes, 59% no*
- 6. Housing: 27% yes, 63% no*
- 7. Underground parking: 26% yes, 68% no*
- 8. Retail and restaurants: 21% yes, 76% no*

In addition to the survey, the Visitor Industry Task Force took public testimony on tourism issues and received over 200 comments. A cruise ship dock at the subport was a major topic of discussion.

The CBJ conducted public meetings on this amendment on the following dates: January 11, 2022, January 24, 2022, and February 28, 2022.

With respect to cruise ship traffic, which impacts the entire City and Borough, the Assembly concludes:

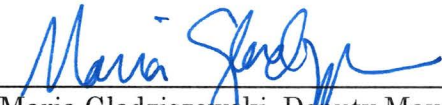
1. No cruise ship berthing or lightering facility should occur within the City and Borough outside of the area encompassed by the plan, before adoption of the borough-wide study of cruise ship alternatives or January 2007, whichever occurs first.
Accomplished by time-frame
2. The capacity within the area encompassed by the plan should not exceed five large ships (greater than 750 feet in length) whether at berth or at anchor.
Included in VITF criteria above. The 2021 survey also supports a maximum of five ships per day in Juneau's harbor. The United States Coast Guard has not yet made a formal determination that a new dock would preclude a sixth ship at anchor.
3. In addition, any proposals to develop additional berths within the area encompassed by the plan should include a design for the dock and related facilities that address the following issues with regard to the specific site and also in the context of the entire downtown waterfront planning area:
 - a. Impacts to navigation and anchorage in Juneau Harbor.
Criteria for development, evaluated through Conditional Use Permit process
 - b. Impacts to view planes.
Criteria for development, evaluated through Conditional Use Permit process
 - c. Environmental impacts, including consideration of shore power to mitigate potential air pollution.
Criteria for development, evaluated through Conditional Use Permit process. Shore power is included in the VITF criteria above.

The following criteria are related to uplands development and remain strong recommendations for uplands-related proposals:

- d. Vehicular Traffic, including necessary signalization.
- e. Staging for buses and other tour vehicles in the most efficient manner possible to provide for diverse use of uplands.
- f. Pedestrian access.
- g. Sidewalks.
- h. Extension of Seawalk from downtown to the proposed dock.
- i. Extension of bus shuttle service.

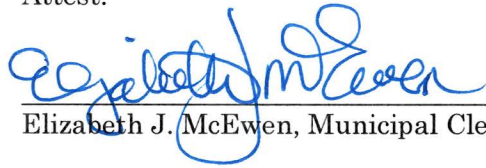
Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 14th day of March, 2022.



Maria Gladyszewski, Deputy Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk

| No. | Category | Priority | Project | Description | Responsibility | Funding Source | Duration** | Critical Path | Est. Project Cost* |
|------|----------|----------|--|---|-----------------------------------|-----------------------------------|------------|---------------------------|-----------------------|
| NT15 | Study | High | Gold Creek Marina Design and Permitting | Design Gold Creek Marina and obtain regulatory permits. | CBJ | CBJ/Port Revenues | 12 Months | none | \$ 225,000 |
| MT6 | Project | High | Gold Creek Marina Development | Creation of a 80-105 vessel marina and 1,000 foot floating exterior dock. Project includes dredging, with fill used for creation of Gold Creek Park and uplands for Subport Phase 2 development. | CBJ | CBJ/Port Revenues | 30 Months | NT15 | TBD |
| MT7 | Project | High | Gold Creek Park Development | Creation of a 2 acre park adjacent to the Subport Gold Creek Marina and Egan Drive. Project includes all programmed park facilities as well as the Seawalk linkage from the Subport to Gold Creek. | CBJ | CBJ/Port Revenues | 12 Months | NT15 | TBD |
| MT9 | Project | High | Subport Interior Access Roads and On-Street Parking Facilities | Extend internal street network and parking facilities into the Subport Phase 2 and Gold Creek Marina development. | Private (Subport Developer) / CBJ | CBJ / Private (Subport Developer) | 12 Months | NT18, Parallel to MT8, 10 | \$ 550,000 |

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