

**SYSTEMIC RACISM REVIEW COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

January 3, 2022 12:00 PM

Zoom Webinar

<https://juneau.zoom.us/j/92303909454> or 1-253-215-8782 Webinar ID: 923 0390 9454

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. PUBLIC PARTICIPATION

V. AGENDA TOPICS

VI. ITEMS FOR ACTION

- A. Ordinance 2021-26(am) An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.**

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

VIII. NEXT MEETING DATE

- A. January 11, 2022 at 12:00pm via zoom**

IX. ADJOURNMENT

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

Systemic Racism Review Committee Legislation Review Summary

Serial Number/Title: Ordinance 2021-26(am), An ordinance amending the Official Zoning Map by Rezoning Channel View Lot 1, Located near 4650 North Douglas Highway from D15 to Light Commercial.

Introduced: July 12, 2021 Public Hearing Date: August 2, 2021 SRRC Review Date: January 3, 2022

Presented By: Planning Commission

Drafted By: Law

Department/Division: Community Development

Lead Staff Contact: Jill Maclean, Director, AICP

Purpose of Legislation (background/summary of intent):

The proposed rezone is a 15.41 acre property located along the uphill side of North Douglas Hwy near Mike Hatch Sales and Service. The applicant, represented by Travis Arndt, requested a rezone from D15, which allows for 15 dwelling units per acre to General Commercial (GC), which allows for 50 dwelling units per acre, plus many commercial uses.

The purpose of zoning is to steer development for the community.

For background, a rezone cannot condition the type of development that will occur, rather a rezone allows for any type of development that would be permissible in that zoning district. In addition, a rezone cannot be made contingent on a particular development proposal.

- Planning Commission heard the proposed rezone on [May 11, 2021](#)
- Assembly introduced the rezone ordinance (Ord. 2021-26) on [July 12, 2021](#)
- Assembly COW heard the proposed rezone on [July 19, 2021](#)
- Assembly held a public hearing and made amendments on [August 2, 2021](#).
- Assembly reconsidered the rezone ordinance on [August 23, 2021](#), and referred back to COW.
- Assembly COW heard the proposed rezone a second time on [December 20, 2021](#)
- Assembly will hear the proposed rezone at public hearing on January 10, 2021

The Assembly is recommending rezoning the property from D15 transition to Light Commercial (LC) with a condition to protect the public due to the higher density allowed by LC: the Planning Commission may rezone the property once additional public transportation infrastructure is constructed to ensure any allowed higher density development would not aggravate existing issues with traffic flow and pedestrian safety.

LC allows for 30 dwelling units per acres, plus many commercial uses similar to GC, and those uses generally require a conditional use permit.

Key Considerations:

1. What is the public benefit for this legislative act (rezone to LC)?
2. Who benefits from this rezone?

- Comprehensive Plan Land Use Designation is Medium Density Residential (MDR)
 - MDR allows for 5 to 20 dwelling units per acre

- A rezone to Light Commercial would not be in conformance with the Land Use Designation under the 2013 Comprehensive Plan but it may be in substantial conformance due to a 2014 Assembly decision regarding Atlin Drive rezone.
- Approving LC under MDR could be precedent setting and allow for LC in other areas mapped as MDR

Connection to adopted planning documents: [2013 Comprehensive Plan](#)

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

The lot has a Comprehensive Plan land use designation of Medium Density Residential (MDR) according to Map L of the Comprehensive Plan. This land use designation is described in the Comprehensive Plan as follows:

*Medium Density Residential – These lands are characterized by urban residential lands for multifamily dwelling units **at densities ranging from 5 to 20 units per acre**. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300). (emphasis added)*

The proposed rezone of the lot is located within Subarea 9: Douglas & West Juneau of the Comprehensive Plan. The community form of this subarea is designated as Urban in downtown Douglas and West Juneau. The Comprehensive Plan provides guidelines and considerations for this subarea that apply specifically to this rezone request:

1. *Provide for additional medium- to high-density residential development in areas with access to arterials and served by municipal sewer and water and adequate road and intersection capacity **(to Level of Service D or better)**. (emphasis added)*

8. *Future development in North Douglas, West Juneau or downtown Douglas will require improvements to the Tenth Street and Egan Drive intersection and may require additional traffic capacity on the Juneau-Douglas Bridge. The two congestions points limit additional residential development on Douglas Island and impede CBJ's progress in promoting and facilitating the construction of affordable housing. The Juneau-Douglas Bridge has limited capacity for a number of reasons. A traffic circle was installed at the North Douglas Highway terminus of the Juneau-Douglas Bridge; this increased the capacity and lessened congestion from Cordova Street and southbound traffic from north of the bridge area, however, the design capacity at the Tenth Street and Egan Drive intersection continues to function at unacceptable congested Levels of Service E & F in the peak weekday morning periods. The CBJ should work with ADOT&PF to upgrade the Tenth Street and Egan Drive intersection as a top priority.*

Chapter 8 of the Comprehensive Plan also speaks to traffic and identifies transportation related issues, which include:

Key roadway intersections and bridge capacities are overburdened and inadequate to support increased development in the Mendenhall Valley and on Douglas Island. The signalized intersection of Egan Drive and Mendenhall Loop Road experiences the lowest and most congested Level of Service (LOS F) in the peak morning commute period (2003 ADOT&PF data) and 16 non-signalized intersections experience unacceptable levels of service (LOS D or worse) in the Mendenhall Valley, Glacier Highway and Egan Drive Corridors. Traffic congestion at Tenth Street and Egan Drive is at a LOS E and F during the peak morning commute period and Cordova Street and Douglas Highway is at LOS F in the peak morning period. **Motorists in areas with LOS D, E, or F experience significant delays in their commute times; those neighborhoods cannot accommodate additional peak hour single-occupancy vehicle traffic related to increased development without noticeable decreased livability and quality of life.** In those areas, staggered work hours for downtown workers, roadway and intersection improvements, and transit improvements are needed and should be analyzed, budgeted and included within the ADOT&PF Needs List for subsequent listing in the State Transportation Improvement Program (STIP) as soon as possible to await their turn in the STIP funding cycle. (Emphasis added)

The above listed policies of the Comprehensive Plan acknowledge the need for additional housing in Juneau, while balancing the need for adequate public infrastructure, including roads, water, and sewer. Additionally, the Plan identifies a need to facilitate varying densities while resolving conflicts between single-family neighborhoods and other types of development. The proposed rezone request to GC would also allow commercial development for which there may not be adequate public infrastructure, especially in regards to traffic and access. Staff finds the following aspects of the rezone request are not consistent with the CBJ Comprehensive Plan:

- The lot being reviewed presently lacks sufficient transportation infrastructure to accommodate higher residential densities or more intensive commercial development.
- Does not reduce or eliminate conflict between commercial development or medium/high density residential uses in an area where the built density is low.
- North Douglas Highway lacks sidewalks and bike lanes that are important for providing access to commercial or medium/high density residential development.

Step One: What is the impact of the proposed legislation?

- a. Does the proposed legislation negatively impact or unduly advantage a particular racial/ethnic group or otherwise perpetuate systemic racism?

If No, review is completed. If yes, go on to the next question:

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

- b. Does the legislation work to mitigate and/or eliminate structural racism
If Yes, review is completed. If No, or Undetermined, continue through the remaining steps.

<input type="checkbox"/>	<input type="checkbox"/>
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Step Two: How does the legislation perpetuate systemic racism?

- a. What are potential unintended consequences?
- b. What benefits may result?
- c. What is the potential long term impact of the proposed legislation?

Details:

- d. What quantitative and qualitative evidence of inequality exists?

Details:

- e. What steps has the department or legislation sponsor taken to notify those impacted of the proposed changes?
f. Have key stakeholders who could be potentially impacted by the proposed legislation been engaged?

Details:

- g. Has public input been received?
h. If public comment has been received, what is the substance of that comment?

Details:

Step Three: Who is affected by the Proposed Legislation?

- a. Who are the impacted group(s)?

- ☐ White ☐ Black or African American ☐ American Indian or Alaska Native
☐ Asian ☐ Native Hawaiian or Pacific Islander ☐ Two or more races ☐ Other

- b. Are there impacts on specific geographic areas?

Race Considerations - Total Community is 69.7% White Only - 30.3% Minority						Economic Considerations	
Census Tract/Block Groups	Minority Pop.	Census Tract/Block Groups	Minority Pop.	Census Tract/Block Groups	Minority Pop.	Elementary School Boundaries	
CT 1: Auke Bay/Out the Road		CT 3: Mendenhall Valley Airport/ East Valley		CT 5: Downtown		Gastineau	Title 1
BG1: Out the road	11.9%	BG1: N. of Jennifer	42.5%	BG 1: Highlands	20.6%	Harborview	Title 1
BG2: Lena area	15.5%	BG 2: Glacier Valley	39.8%	BG2: DT/Starr Hill	24.8%	Glacier Valley	Title 1
BG3: Montanna Creek	14.5%	BG 3: Airport	40.8%	BG 3: Flats/Village	30.8%	Mendenhall River	
BG4: Fritz Cove area	10.1%	BG 4: Radcliffe	24.6%			Riverbend	Title 1
						Auke Bay	
CT 2: Mendenhall Valley withn the Loop		CT 4: Salmon Creek/Lemon Creek		CT 5: Douglas Island		Lower Income Housing Areas	
BG1: Mendenhall Taki	27.8%	BG 1: DZ/Freds	60.9%	BG 1: North Douglas	15.9%	Chinook/Coho	
BG2: Upper Riverside	23.1%	BG 2: Davis	45.0%	BG 2: West Juneau	28.0%	Cedar Park Area	
BG 3: Portage/McGinnr	33.7%	BG 3: Belardi Costco	63.8%	BG 3: Crow Hill/ DT C	27.6%	Gruening Park Area	
BG 4: Long Run	19.6%	BG 4: Twin Lakes	25.9%			Switzer Area	
BG 5: Glacierwood/Vir	41.2%					Kodzhoff Area	
						Douglas Hwy Corridor	

- c. Is there a benefit to a specific census block district/neighborhood/school zone?
If Yes, does it come at the detriment of another?

Details:

YES	NO

- d. Is there a benefit to an individual, group of individuals, or business/organization?
If yes, does that come at a detriment of others?

Details:

Step Four: What solutions could remedy the legislation’s implications in perpetuating systemic racism? Check all that apply:

<input type="checkbox"/>	Recommend additional public input be gathered (Neighborhood/census block meetings, assembly/ committee meetings)
<input type="checkbox"/>	Recommend that the legislation move forward with accountability measures (sunset provisions, 6 mo./annual review of impacts/implications for system racism.) to monitor impact.
<input type="checkbox"/>	Propose revised language to strengthen the legislation or the legislation or regulations cross-referenced within the proposed legislation.
<input type="checkbox"/>	Recommend the proposed legislation not move forward.
<input type="checkbox"/>	Other: (explain)

Step Five: Further Feedback to the Assembly on systemic racism implications

The SRRC will forward to the Assembly any additional questions that arose during the legislation review that the committee feels may be important for the Assembly to consider.

If a systemic racism implication is identified, the SRRC will provide a written report to the Assembly that includes consideration of the provisions below:

What are the indicators and progress benchmarks?

Program strategies?

Policy Strategies?

Partnership Strategies?

Presented by: Planning Comm.
Presented: 07/12/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-26(am)

An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.

WHEREAS, the area of the proposed rezone, Channel View Lot 1, consists of 15.41 acres, is located near 4650 North Douglas Highway, and is currently zoned D-15; and

WHEREAS, adjacent parcels are zoned D-3, D-15, and General Commercial (GC); and

WHEREAS, the land use maps of the Comprehensive Plan identify the subject lot as Medium Density Residential (MDR); and

WHEREAS, the MDR designation is characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre and where any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses; and

WHEREAS, the LC, Light Commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the General Commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, General Commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the Light Commercial district; and

WHEREAS, the Light Commercial district allows for up to 30 units per acre, which exceeds the density limit of the Comprehensive Plan MDR designation; and

WHEREAS, the Community Development Department recommended rezoning the subject property from D-15 Transition to Light Commercial upon two conditions (1) that additional public transportation infrastructure first be constructed to ensure any allowed higher density development would not aggravate existing issues with traffic flow and pedestrian safety, and (2)

the Assembly adopt a Comprehensive Land Use Map amendment from MDR to High Density Residential (HDR) to allow the higher densities allowed in the Light Commercial zoning district; and

WHEREAS, the Planning Commission considered the Community Development Department's recommendation and concluded the Light Commercial zoning district—without any conditions—substantially conformed to the maps of the Comprehensive Plan; and

WHEREAS, the Manager recommended following the Community Development Department's recommendation to rezone the subject property from D-15 Transition to Light Commercial once additional public transportation infrastructure is constructed to ensure any allowed higher density development would not aggravate existing issues with traffic flow and pedestrian safety.

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 to the Official Zoning Map. The Official Zoning Map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Channel View Lot 1 (Parcel # 6D0601150011) from D-15 transition to Light Commercial when the following condition is satisfied: there are infrastructure improvements to allow higher density development and to allow for protecting public safety along North Douglas Highway.

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

Adopted this 2nd day of August, 2021.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk

Objection by Ms. Gladziszewski for purposes of a question. She asked Mr. Palmer to clarify how eliminating procedural steps would ensure public certainty.

Mr. Palmer explained that the public does not understand that the Board of Adjustment is the Planning Commission, and this ordinance would clear up any confusion.

Ms. Gladziszewski removed her objection.

Hearing no objections, Ordinance 2021-19 was adopted by unanimous consent.

E. Ordinance 2021-31 An Ordinance Authorizing the Manager to Convey Approximately 380 Square Feet of City Property, Three Permanent Easements, and Ten Temporary Construction Easements to the Alaska Department of Transportation and Public Facilities for a Douglas Highway Reconstruction Project.

The Department of Transportation and Public Facilities (DOT&PF) is reconstructing Douglas Highway and submitted an application to acquire a small portion of CBJ property and multiple small easements. This ordinance would authorize the Manager to sell 380 square feet of CBJ property, which is located outside the fence at 750 St. Ann's Avenue at the Mayflower Building.

This ordinance would also authorize the Manager to convey four permanent easements totaling approximately 1,000 square feet and ten temporary construction easements totaling approximately 8,750 square feet. The CBJ property is necessary for the Douglas Highway reconstruction project.

The Lands, Housing and Economic Development Committee reviewed this proposed CBJ land disposal and easement request at its meeting on April 12, 2021, and passed a motion of support for disposing of City property through negotiated sale to the DOT&PF for fair market value.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Woll for the Assembly to adopt Ordinance 2021-31 and asked for unanimous consent. *Hearing no objections, Ordinance 2021-31 was adopted by unanimous consent.*

The Assembly took a break at 8:01p.m. The meeting resumed at 8:16p.m.

F. Ordinance 2021-27 An Ordinance Amending the Comprehensive Plan Land Use Designation Map near 4650 North Douglas Highway from Medium Density Residential to High Density Residential.

This ordinance would amend the Comprehensive Plan for a 15-acre parcel near 4650 North Douglas Highway.

The applicant requested a rezone from D15 to General Commercial. General Commercial allows 50 dwelling units per acre, which exceeds the maximum density permitted by the Comprehensive Plan MDR designation of 5-20 dwelling units per acre. Instead of General Commercial, the Planning Commission recommends the Assembly rezone the property to Light Commercial, which allows for 30 dwelling units per acre. The Planning Commission also recommended the Assembly amend the Comprehensive Plan land use designation from MDR to HDR, which accommodates higher densities of 18-60 units per acre. The Community Development Department agrees that a Comprehensive Plan amendment from MDR to HDR is necessary before the Light Commercial rezone can be appropriate.

The Committee of the Whole discussed this topic at its meeting on July 19, 2021.

The City Manager recommends that the Assembly not adopt this ordinance.

Public Comment:

Travis Arndt, a valley resident (and a member of the Planning Commission), spoke in support of this ordinance, and said that he was surprised that the City Manager recommended the Assembly to not adopt this ordinance. He noted that there had been no negative public comment or objections against this ordinance whenever the Planning Commission asked for public comment.

Mr. Bryson asked if Mr. Arndt was directly involved with Items F and G.

Mr. Arndt confirmed that was correct, as it is a map amendment in the area where he is asking for a rezone.

Mr. Bryson asked Mr. Arndt that if the Assembly were able to make the zoning correction without making a change in the Comprehensive Map, would that avoid impacting his project. Mr. Arndt said that was correct.

Mayor Weldon asked Mr. Arndt if he was speaking on behalf of the Planning Commission. Mr. Arndt said that he was not, rather he was speaking on behalf of himself as an applicant for the rezone.

Assembly Action:

MOTION by Mr. Bryson for the Assembly to table Ordinance 2021-27 and asked for unanimous consent.

Mr. Bryson said that it was not necessary to change the Comprehensive Plan at this time. Assembly and Planning Commission charge to use “owner’s manual” i.e. the Comprehensive Plan. He added that it was the Planning Commission’s responsibility to designate between commercial and residential areas.

Objection by Ms. Hale for purposes of a question. She asked for Mr. Palmer to clarify that the Assembly did not need to pass Item F in order to adopt a rezone.

Mr. Palmer confirmed that was correct.

Objection by Ms. Woll for purposes of a question. She asked what would happen if the Assembly were to table this ordinance.

Mr. Palmer explained that tabling this item would indefinitely kill this ordinance.

Hearing no further objections, Ordinance 2021-27 was tabled indefinitely by unanimous consent.

G. Ordinance 2021-26 An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.

The ordinance would rezone a 15-acre parcel near 4650 North Douglas Highway.

The applicant requested a rezone from D15 to General Commercial. The Community Development Department recommended a transition rezone from D15 to Light Commercial with conditions to comply with the Comprehensive Plan. The Planning Commission, instead, recommended a rezone from D15 to Light Commercial without conditions because it concluded Light Commercial conforms to the Comprehensive Plan, yet the Planning Commission also recommended the Assembly amend the Comprehensive Plan to allow the requested higher residential densities allowed in commercial districts.

The Committee of the Whole discussed this topic at its meeting on July 19, 2021.

The City Manager recommends that the Assembly adopt the staff recommendation, as heard at the Planning Commission on May 11, 2021, to change the zoning from D-15 to D-15/Transition to Light Commercial.

Public Comment:

Mandy Cole, a valley resident, shared that she is a member of the Planning Commission, but was not testifying on behalf of the Planning Commission. She spoke to the difficulty CDD experienced in regards to this project developer. She strongly felt that the developer has no way to meet the conditions recommended by staff, and that it would be appropriate for the Assembly to adopt the recommendations made by CDD staff.

Ms. Gladziszewski asked Ms. Cole if she recalled the vote made by the Planning Commission on this matter. Ms. Cole reminded the Assembly that she could not speak on behalf of the Planning Commission, and could not confirm if the vote was unanimous.

Mr. Bryson asked if the unanimous vote was for Light Commercial or General Commercial. Ms. Cole explained that the unanimous vote was for Light Commercial.

Travis Arndt, a valley resident, spoke to the transitions and conditions related to this project. He clarified that he was not asking to increase residential density (such as boat condos), but rather a combination of buildings, both with and without residences.

Mr. Bryson asked Mr. Arndt asked if the transition to Light Commercial would be adequate for his project. Mr. Arndt explained that General Commercial would be preferred, but Light Commercial would also be sufficient.

Assembly Action:

MOTION by Ms. Gladziszewski for the Assembly to adopt Ordinance 2021-26 and asked for unanimous consent.

Objection by Ms. Hughes-Skandijs. She said that this was discussed at the July 12 COW, and she watched the Planning Commission meeting. She said it is on the Assembly to look at the Comprehensive Plan, entirety of uses and to look long range rather than a single project proposed by an applicant. She also expressed concern regarding North Douglas traffic infrastructure. Ms. Hughes-Skandijs shared that in looking at the land use maps and the area overall, she did not think Light Commercial would be in agreement with Comprehensive Plan and land use maps for this area.

Objection by Mr. Jones.

Ord 2021-26 Amendment #1 (via Assemblymember Jones)

Motion by Mr. Jones to amend Ordinance 2021-26 as follows (three parts):

1. *Amend the last Whereas clause, page 2 lines 8-9:*

~~*"WHEREAS, the Planning Commission separately recommended the Assembly amend the Comprehensive Land Use Map from MDR to HDR for the subject property, which is the purpose of Ordinance 2021-31;"*~~

2. *Add an additional Whereas clause, page 2:*

"WHEREAS, the Manager recommended following the Community Development Department's recommendation to rezone of the subject property from D-15 Transition to Light Commercial once additional public transportation infrastructure is constructed to ensure any allowed higher density development would not aggravate existing issues with traffic flow and pedestrian safety."

3. *Amend Section 2, page 2 lines 13-15:*

***"Section 2. Amendment to the Official Zoning Map.** The Official Zoning Map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Channel View Lot 1 (Parcel # 6D0601150011) from D-15 transition to Light Commercial when the following condition is satisfied: there are infrastructure improvements to allow higher density development and to allow for protecting public safety along North Douglas Highway."*

He said this ordinance is trying to "shoehorn" in commercial development in residential area. He spoke to the reversal of Planning Commission recommendation, not their decision. He added that the decision lies with the Assembly.

Objection by Ms. Gladziszewski. She explained that TPU 49.25.300 (CUPs) would fail traffic at the bridge. She discussed at length the inherent requirements and permissions that come with General Commercial projects and CUPs. Light Commercial versus General Commercial by Right under General Commercial versus CUP. She felt that it was appropriate to be Light Commercial for North Douglas Hwy. She said that she supported the rezone, and for this reason she objected the amendment.

Ms. Triem asked if Amendment #1 would fulfill the Manager's recommendation.

Mr. Watt said that this is fundamentally the issue in his recommendation.

Mr. Bryson said that this would stop development on North and West Douglas. There are people who are trying to build. The conditions would stop the project, and described this amendment as splitting hairs with Comprehensive Plan. He added that CDD has a playbook and they must follow the rules.

Further discussion about the Light Commercial and General Commercial Conditional Use Permits.

Objection by Ms. Hale. She felt that this amendment would reverse the Planning Commission's decision, and does not believe the Assembly should negate the work they put into their decision.

Mr. Jones agreed with Ms. Gladziszewski's comments regarding the Light Commercial designation. He felt that "shoehorning" would be an appropriate term, as they were not fully aware of the project's intended results with the developed area. He confirmed that this was a reversal of the Planning Commission's recommendation; however, he clarified that this was not the PC's decision, it is the Assembly's decision.

Roll Call Vote on Amendment #1:

Ayes: Jones, Triem, Hughes-Skandijs, Woll, Mayor Weldon.

Nays: Gladziszewski, Hale, Bryson.

Amendment passed. Five (5) Ayes, Three (3) Nays.

Ms. Gladziszewski said that she would support the ordinance as amended, but believed that the Assembly in doing so had done a great disservice to the community; effectively turning neighborhoods into deserts that are increasingly difficult to develop.

Mayor Weldon shared that she had issues with the ordinance. She noted that Mr. Arndt could come back to the Assembly with a parcel smaller than the current fifteen acres of land. She added that one of the Assembly Goals was to address Housing, and wiping out fifteen acres of residential land for commercial was concerning. She also expressed concern with the project and with the Planning Commission recommendations. She said that she would object to this ordinance.

Ms. Gladziszewski asked Mr. Palmer to explain what the consequences were for the Assembly if they were to deny this ordinance.

Mr. Palmer referred to 49.75.120, which would permit the applicant to return to the Planning Commission with a substantially different rezone request after twelve months had passed.

Roll Call Vote on Ordinance 2021-26 as amended:

Ayes: Gladziszewski, Jones, Triem, Hughes-Skandijs, Bryson, Woll.

Nays: Hale, Mayor Weldon.

Motion passed. Six (6) Ayes, Two (2) Nays.

Ms. Gladziszewski gave Notice of Reconsideration. Mayor Weldon noted the Reconsideration.

The Assembly took a break at 9:13p.m. The meeting resumed at 9:25p.m.

X. UNFINISHED BUSINESS

None.

XI. NEW BUSINESS

A. NCL Request to Lease Municipal Tidelands

In June 2021, the City received an application from Norwegian Cruise Lines (NCL) to lease City owned tidelands. NCL acquired an upland parcel that is adjacent to the requested tideland lease in 2019 from the Alaska Mental Health Trust Land Office. In January 2021, the City Manager provided the Assembly Committee of the Whole with the attached Subport Development Memo on the topic of Assembly consideration process, discussion and draft approach.

Because an application has been received, the Assembly must determine “whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land” (53.09.260).

If the Assembly provides a motion of support to work with the original proposer, staff will direct NCL to apply for City permits, outline the public process, and negotiate terms and conditions of a lease. Staff will provide regular reports to the Lands, Housing and Economic Development (LHED) Committee on progress of this lease. If the Assembly fails to provide a motion to work with the original proposer and determines a lease should not be considered, then the application process will be concluded. If the Assembly provides a motion to seek further proposals then a request for proposals will be advertised and the results will be brought forward to the LHED for review.

The Manager recommends the pass a motion of support to work with NCL as the original proposer in accordance with City Code 53.09.260.

Public Comment:

Karla Hart, a Juneau resident, urged the Assembly to vote against this motion under no conditions. She said that any other response at this time would not benefit the community at this time. She referenced

Hearing no objections, Ordinance 2021-37 was adopted by unanimous consent.

The Assembly took a break at 8:03p.m. The meeting resumed at 8:15p.m.

XI. UNFINISHED BUSINESS

A. Potential Reconsideration Ord. 2021-26(am) An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.

At the last regular Assembly meeting, this ordinance was adopted, as amended, and Assemblymember Gladziszewski gave notice of reconsideration. If the Assembly has an interest in reconsidering this ordinance, then an Assemblymember would need to move for reconsideration.

Mayor Weldon asked Ms. Gladziszewski if she still wished to reconsider Ordinance 2021-26(am). Ms. Gladziszewski said that she did not wish to reconsider Ordinance 2021-26(am).
The Assembly took a two minute at-ease.

MOTION by Mr. Bryson for the Assembly to reconsider Ordinance 2021-26(am).

Roll Call Vote on Motion for Reconsideration:

Ayes: Bryson, Hale, Gladziszewski, Woll, Hughes-Skandijs, Smith, Mayor Weldon.

Nays: Triem, Jones.

Motion passed. Seven (7) Ayes, Two (2) Nays.

MOTION by Ms. Gladziszewski for the Assembly to adopt Ordinance 2021-26(am).

Ms. Hughes-Skandijs shared that she had reflected upon this ordinance in the time since it was last brought to the Assembly, she felt that Juneau's community would not benefit from a transition to Light Commercial. She said that she had previously voted in favor of this ordinance, however this time she would be a "no" vote.

Ms. Gladziszewski recommended sending this ordinance to a committee for further discussion, and mentioned that there had been new possibilities made available for this land that could be considered.

Mayor Weldon asked Ms. Bowen if it was possible to refer a reconsidered motion to committee, or would the Assembly be required to vote on this ordinance at tonight's meeting.

The Assembly meeting took a two minute recess.

Ms. Bowen asked Ms. Gladziszewski to restate her motion.

MOTION by Ms. Gladziszewski to refer Ordinance 2021-26(am) to the Committee of the Whole for further consideration.

Objection by Ms. Woll. Ms. Woll commented that she had spent a considerable amount of time at Planning Commission meetings, talking to CBJ staff, and doing their own research to come to a conclusion. She said that she was ready to make her decision now.

Ms. Hale felt that the Assembly's decision was made in a convoluted manner. She said that it would be helpful to discuss this ordinance in a committee setting, to gain a more thorough understanding while not being under a vote.

Mr. Bryson mentioned that the recent introduction of Mixed Use-3 in Neighborhood Commercial Zoning may impact the area in this ordinance. He said that this might be worth another discussion and he is in favor of this motion.

Ms. Hughes-Skandijs said that she would support discussing this further at the COW, but added that this ordinance refers to a specific type of zoning. She asked if any future discussion would include amendments with possible new zoning, as mentioned by Mr. Bryson in his comments.

Ms. Gladziszewski confirmed that would be the case, the COW would allow for the land owner and the Planning Commission to weigh in as needed, and to allow for discussion without being held under a vote.

Mr. Jones shared that he would voting on this reluctantly. He explained the process for any amendments made to the Title, and due to re-introduction required, any potential action on this ordinance is not likely to occur until December at the earliest. Mr. Jones advised the Assembly to be very careful when considering this change, especially given that a transition to MU-3 could result in the ordinance being referred back to the Planning Commission.

Mayor Weldon appreciated Ms. Gladziszewski's motion, but she agreed with Ms. Woll's comments and she was ready to vote on this ordinance. She said that she will be voting against the motion; as she felt that the Assembly should allow the Planning Commission and the developers to decide the zoning that would suit this property.

Roll Call Vote to Refer Ordinance 2021-26(am) to the COW:

Ayes: Gladziszewski, Smith, Jones, Hale, Bryson.

Nays: Woll, Hughes-Skandijs, Triem, Mayor Weldon.

Motion passed. Five (5) Ayes, Four (4) Nays.

XII. NEW BUSINESS

A. Hardship and Senior Citizen/Disabled Veteran Late-Filed Real Property Tax Exemption Applications