

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, 2022

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

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.

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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: Raddcliffe	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/McGinr	33.7%	BG 3: Belardi Costco	63.8%	BG 3: Crow Hill/ DT D	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?

YES	NO

Details:

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:

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