



City and Borough of Juneau
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TO: Deputy Mayor Hale and CBJ Borough Assembly Committee of the Whole
FROM: Katie Koester, City Manager
Jill Lawhorne, Community Development Director
DATE: April 11, 2024
RE: Process for Title 49 Re-write

Purpose

At the 2023 Assembly Retreat, staff was asked to provide an overview of what it would take to completely rewrite the land [use code](#). The current process for amending Title 49 code has been time-consuming and inefficient for a variety of reasons. This proposal would help streamline the Title 49 re-write process to ensure significant changes to code can be made, yet still provide a high level of engagement and public input into the proposed changes – with the Assembly having final approval.

Structure

Title 49 re-write will be a Manager's Office project that includes a project manager, a contracted land use attorney, and a stakeholder group/ advisory committee to serve as a sounding board for the project team. This committee would be appointed by the Assembly for appropriate representation but would not have powers to approve/deny code amendments from moving forward to the Assembly. This would be a working committee, and for efficiency reasons staff recommends limiting it to 5 members. Potential membership categories include:

- A Planning Commission liaison.
- A developer liaison.* This could be the Chair of the Chamber Development Group, or someone from Southeast Alaska Building Industry Association, or similar.
- An assembly liaison.* this person would keep the Assembly notified, and provide Assembly with context during code evaluation.
- Affordable housing interest – such as a regional housing authority.
- Real estate agent.
- Business specialist, as needed. For instance, if rewriting wireless communications, we might want someone from that industry on the board. If rewriting regulations that impact hazards, we might want someone from Capital City Fire and Rescue.
- A civil engineer or land surveyor.

As a chunk of code is developed, it will be presented to the Assembly with a designated comment period for the public and other advisory bodies, including the Planning Commission, to review the work product and provide comments to the Assembly. A standing quarterly update with the T49 advisory group to check in with the Assembly on high level policy questions at the COW will help keep forward momentum.

Phased Approach

Existing Title 49 code can be broken into two categories:

- Procedural – such as permitting practices and standards for development.
- Qualitative – standards for maintaining community quality.

Staff proposes a two phased approach for a Title 49 re-write – an initial phase that addresses procedural code and a second phase that focuses on qualitative components. Ideally, the second phase would be addressed during the Comprehensive Plan update to leverage robust public outreach. Best practice for changes to zoning districts, creating new zoning districts, major changes to permissible uses, and other impactful code section are developed with the community during the Comprehensive Plan public engagement process. .

The first phase would address procedural code and could include:

- Subdivision
- Accessory dwelling units
- Access requirements
- Conditional Use Permit processes
- Public outreach requirements

These items have already been noted in numerous Planning Commission, the Mayor’s Housing & Development Task Force, special interest groups, and staff meetings as topics to address in Title 49. Work could begin as soon as the project team is in place.

The second phase, in conjunction with robust community engagement from the Comprehensive Update Plan process, would include zoning elements and the rules used to shape the built environment. Title 49 re-write efforts would focus on amendments that address these types of questions:

- What type of community does Juneau want to be?
- What types of housing does Juneau need to sustain itself?
- How densely should we develop land?
- If land is densely developed, what key infrastructure elements are needed to make that work for us?
- Where should our development nodes be?
- Where are the appropriate areas for industrial development, large-scale tourism, or other large impacts?
- What businesses are appropriate for neighborhoods? Neighborhood bar? Marijuana shop? Coffee cart?

Timing

Changes to Title 49 will take time to ensure adequate opportunity for public, stakeholder, and Assembly input. However, the phased approach works well with the workflow for the comprehensive plan; Phase 1 changes will take 12-18 months once staff is hired. The community engagement phase of the Comprehensive Plan should be in a good place to launch Phase 2 of the Title 49 re-write.

What can be done now?

The public, special interest groups, Assembly members, staff and advisory boards and commissions should be formulating their lists of things they would like to see changed in Title 49 based upon best practices recognizing Juneau’s distinctive characteristics. These will be combined with known sections of code already identified through staff, the Planning Commission, 2022 Mayor’s Housing and Development Taskforce, the [CBJ Housing Progress Tracker](#), giving the project manager a solid starting point.

Recommendation

Discuss the process for tackling Title 49 changes presented and provide staff feedback. It would be helpful to staff to get your specific feedback on the phased approach, timing, and membership and role of a stakeholder group.