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TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: 10SEPT24
RE: Vision for Phase 1 & 2 of Title 49 – Land Use Code Rewrite

A rewrite of Title 49 (land use code) was identified as a project during the 2023 Assembly Retreat and funded as a capital improvement project priority for fiscal year 2025. This project is based in the Manager's Office. Project funds became available in July 2024, and I joined the team as a Special Project Planning Manager in August. I have been meeting with internal and external stakeholders, reviewing existing planning documents, and analyzing the current code in order to develop a vision for how to move this project forward efficiently.

Improving and modernizing Title 49 was scoped as a three-year process broken down into two phases. Phase 1 will focus on general code housekeeping, process streamlining, and the pursuit of existing planning goals that have not yet been realized. The second phase is expected to be a more transformative rewrite driven by the outcome of the upcoming Comprehensive Plan update.

Phase 1: This phase consists of text amendments that are not dependent upon the update of the 2013 Comprehensive Plan. These items are driven by a need to quickly provide the Assembly, Community Development Department (CDD), developers, and the public, improved tools to pursue critical needs like the streamlined development of more housing of all types.

Phase 1 Elements	
Wayward Code: There are sections of Title 49 that would be more appropriately housed elsewhere within CBJ's Code of Ordinances (e.g., hillside endorsement – 49.70.200 et seq.)	Unfulfilled Aspirations: There are suggested actions existing within adopted planning documents that remain aligned with current Assembly and public interests.
Process Improvements: Many planning processes would benefit from streamlining efforts aimed at increasing clarity and efficiency.	Unfinished Business: This includes code updates that have been initiated but not completed due to staff capacity, issues in legal review, and other complications (e.g., accessory dwelling units, etc.).

Phase 1 initiatives will be considered/prioritized based on answers to the following questions:

- Is it supported by the 2013 Comprehensive Plan and/or other adopted plans?
- Does it streamline a process and/or remove barriers to reasonable development?
- Does it move forward one or more 2024 Assembly Goals¹.

Phase 2: Phase two will be driven by the updated Comprehensive Plan. CDD long-range planning staff will have the project out for proposals shortly, and the plan update should be initiated within the next few months.

¹ **2024 Assembly Goals:** 1. Housing – Assure adequate and affordable housing for all CBJ residents; 2. Economic Development – Assure Juneau has a vibrant, diverse local economy; 3. Sustainable Budget and Organization – Assure CBJ is able to deliver services in a cost efficient and effective manner that meets the needs of the community; 4. Community Wellness, and Public Safety – Juneau is safe and welcoming for all citizens; and, 5. Sustainable Community – Juneau will maintain a resilient social, economic, and environmental habitat for existing population and future generations.

Once the plan is complete, a more transformative rewrite will be possible using the policies, standard operating procedures, development goals, and implementing actions targeted in the plan. This phase will also be an opportune time to review how Title 49 is written, and work to “translate” it into plain English which makes the code easier to interpret at the staff level, and easier for applicants to develop projects that comply with the code.

Phase 2 Elements
Transformative Change: It is anticipated that the updated Comprehensive Plan will adopt a vision that requires significant changes to Title 49 such as rezones, changes to dimensional standards, changes to the table of permissible uses, etc.
Restructuring: Title 49 would benefit from an update that restructures the title in a more logical and easier to use fashion.
Plain English: Title 49 can be transitioned into a writing style that is easier to comprehend and work with for all parties

Process & Public Engagement: In the past, amendments to Title 49 tended to take a very long time, due, in part, to the processes followed for review and approval. It has not been uncommon for an amendment to span two years of development, meetings, public review, and legal review. Often a change at one level would reset the process sending a draft back to various committees and commissions to re-review an amendment, a cycle which could be repeated numerous times.

An objective of the Title 49 Rewrite project is to reduce the time from development of an amendment to its final consideration by the Assembly while still maintaining a public and transparent process. This will be accomplished, in part, by using a Special Project Planning Manager focused on this project, a contracted land use attorney, and the selective use of technical planning consultants who specialize in niche code disciplines. The Special Project Planning Manager and contract attorney exist outside the typical departments for Title 49 text amendments and are not impacted by day-to-day short-term planning or emergency events the same way as CBJ planners and lawyers. The project team will also be encouraging the Assembly to provide a “shot clock” for review when it sends amendments to the Planning Commission. Without a firm deadline for review, it has not been unusual for an amendment to go back and forth for over a year between the Planning Commission, Title 49 Committee, CDD, and legal. Staff will be suggesting that the Assembly provide amendments to the Planning Commission with a 60-day window for policy review.

Despite the desire for a faster pace, public engagement remains extremely important to this the Title 49 rewrite project. The mayor is set to appoint a stakeholder committee that will provide guidance to project staff. The text amendments will be subject to traditional public comment opportunities at the Assembly and Planning Commission levels. The project intends to work collaboratively with the Comprehensive Plan update to conduct public engagement activities which will be an efficient use of time and money resources while also reducing the odds of public participation burnout among stakeholders.

The current vision for the flow of text amendments is as follows:

- A mayor-appointed advisory stakeholder group provides guidance on code amendment initiatives.
- Manager's Office develops amendment to Title 49 in collaboration with CDD and contract attorney.
- Assembly decides whether to initiate text amendment process; if yes, Assembly sends draft to Planning Commission for comments/recommendation with a targeted return date (i.e., 60 days).
- Planning Commission reviews amendment and holds a public hearing; Commission may refer amendment to subordinate committees if desired but must adhere to the Assembly's timeline.
- Amendment returns to Assembly and is routed to Assembly-level committees as needed.
- Assembly considers adoption of amendment.
- If adopted, text amendment is implemented by CDD