

Title 49 Rewrite Project Introduction & Committee Kickoff

Ad Hoc Title 49 Advisory Committee
28OCT24



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Presentation Agenda

- Why was this Project/Committee Created?
- Title 49 Project Vision
- Title 49 Basics Refresher
- Title 49 Rewrite Committee Basics
- Title 49 Project Phases Explained
- Title 49 Project Workflow



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Why Was The Title 49 Project Created?

- Title 49 has been identified as a barrier to development and Assembly goals
- Title 49 has aged to the point that a large-scale overhaul/rewrite is a very appropriate action
- The project is too large to be absorbed by existing CDD staff and required a separate team



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Title 49 Project History

- Title 49 Rewrite identified as a project at 2023 Assembly retreat
- Project approved June 2024 in FY25 budget
- Special Project Planning Manager joins CBJ August 2024
- Ad Hoc Title 49 Rewrite Advisory Committee appointed by the Mayor September 2024
- Committee meets for first time October 2024
- Contract Attorney joins team October 2024



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Project Vision

The updated Title 49 will be streamlined and easy to understand, improving the experiences of the public, the development community, and CBJ staff. Title 49 will be modernized to better meet current needs and set CBJ up for success in the future.



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What is Title 49?

- Title 49 is the Land Use portion of CBJ's Code of Ordinances
- Title 49 covers zoning districts, allowable uses, parking, dimensional standards, subdivisions, permits, and much more
- The current iteration of Title 49 was written in 1987 and has been amended many times since



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Title 49 Purpose and Intent (49.05.100)

- Enact the comprehensive plan
- Grow CBJ in a way that is aligned with the values of its residents
- Maximize benefits of growth while minimizing the negative impacts
- Ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities
- Promote public health, safety, and general welfare
- Provide adequate open space for light and air
- Recognize the economic value of land and encourage its proper and beneficial use



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Title 49 Chapters

49.05 Establishment	49.55 Financial Responsibility
49.10 Administration and Compliance	49.60 Bonus Procedures and Policies
49.15 Permits	49.65 Specified Use Provisions
49.20 Appeals, Variances and Interpretations	49.70 Specified Area Provisions
49.25 Zoning Districts	49.75 Rezoning, Special Standards, Regulations and Text Amendments
49.30 Nonconforming Situations	49.80 Definitions
49.35 Public and Private Improvements	49.85 Fees for Land Use Actions
49.40 Parking and Traffic	



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Title 49 Administration – Planning Commission

- Planning Commission has the following duties under 49.10.170:
 - Comprehensive plan review
 - Review of the capital improvements program
 - City and borough land disposals and projects
 - **Development code amendments** – The Commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezonings, indicating compliance with the provisions of this title and the comprehensive plan
 - Land use actions and related decisions – plats, permits, appeals, variances, boundary interpretations, similar use determinations, etc.



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Title 49 Administration – CDD

- CDD Director is authorized to carry out duties set forth in Title 49 (49.10.500)
- The Director may delegate authority to staff to assist in the administration of Title 49



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Ad Hoc Title 49 Rewrite Advisory Committee

- Created in September 2024
- Members Appointed by Mayor Wheldon:
 - Gregory Smith, CBJ Assembly, - Committee Chair
 - Mandy Cole, CBJ Planning Commission
 - Maggie McMillian, Juneau Chamber of Commerce
 - Lorraine DeAsis, Tlingit-Haida Regional Housing Authority
 - Corey Baxter, Building Trades Representative
 - Rich Harris, Development Community Representative
 - Bill Heumann, Development Community Representative



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Committee Purpose

- **Provide strategic advice** to the Manager's Office and the Assembly
- Advance a rewrite of Title 49, CBJ's land use code



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What is This Committee's Charge?

- Phase 1
 - Review and recommend sections of Title 49 for removal, improvement, or replacement
 - Evaluate and provide feedback on proposed Title 49 text amendment concepts before they are routed to the Assembly



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What is This Committee's Charge?

- Phase 2
 - Advise on public engagement strategies related to zoning and development topics and assist in the interpretation of feedback received
 - Review and comment on the concepts, standards, and processes to be retained, modified, or created for the next generation of Title 49
 - Ensure consistency is maintained between the updated Comprehensive Plan and the revised Title 49
 - Provide input on the form and structure of the rewritten Title 49



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Committee Output

- Strategic advice to project staff
- Recommendations to the Assembly on proposed text amendments



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What is Outside the Committee's Scope?

- Financial Issues
- Comprehensive Plan Update (Separate Project)
- CDD Operations
- Review of Specific Development Projects
- The Committee does not approve/deny Title 49 Project work product



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Phase 1 Elements

Wayward Code	Unfulfilled Aspirations
Process Improvements	Unfinished Business



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Phase 2 Elements

Transformative Change
Restructuring
Translation to Plain English



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Phase 1 – Prioritizing Considerations

- 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 Goals?



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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
- **5. Sustainable Community** – Juneau will maintain a resilient social, economic, and environmental habitat for existing population and future generations.



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Plain English Explained

- Plain English documents are organized in a consistent and logical way, with familiar words and simple sentences that maximize reader comprehension¹
- A plain English zoning code is easily understood by all users, including residents, applicants, planners, and local officials¹

¹Quoted from: Zoning Codes in Plain English by Ben Noble in 2015 for the American Planning Association



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Title 49 Project Workflow

- Title 49 Advisory Committee 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 (49.75.410);
 - 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



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Thank you!

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Phase 1 Wave 1 Text Amendment Proposals

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Text Amendment Proposals

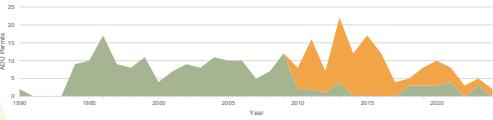
- Accessory Dwelling Units and Caretaker Units
- Use Not Listed and Determination of Use (minor vs. major development)
- Transition Zones
- Adjustments to Approved Permits
- Rules of Construction (Interpretation of Title 49)



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Accessory Dwelling Units (ADUs)

- Concept: Loosen regulations on ADUs to allow for an easier pathway to development of a popular, low impact housing type that can have a significant cumulative impact on housing availability over time.




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Accessory Dwelling Units (ADUs)

- Proposed amendment concept:
 - Creates ADU definition to replace accessory apartment
 - Exempt ADUs from density calculations
 - Exempt ADUs from minimum lot size and width
 - Maximum detached ADU size of 1000 square feet
 - Maximum attached ADU size of 1000 square feet or 40% of the principal residential structure, whichever is greater
 - 10-foot rear setback for ADUs, unless zone allows less
 - Removes parking requirements within 1 mile of transit
 - Principally permits ADUs in all residential districts
 - Makes ADUs a minor development under 49.25.300
 - Allows attached ADUs within the footprint of a bungalow



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Caretaker Units

- Concept: Create a more formal structure for caretaker units which exist in Title 49 as a TPU footnote and have virtually no rules, definitions, or standards



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Caretaker Units

- Proposed amendment concept:
 - Creates definition for caretaker unit
 - Exempts caretaker units from density calculations
 - Allows caretaker units up to 2000 square feet (currently unlimited)
 - Makes caretaker units a minor development under 49.25.300
 - Adds caretaker units to the TPU in WI and I zone districts
 - Cleans up other references in code (i.e. mobile homes 49.65.300)

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Determination of Use – Major vs Minor

- Concept: Modify language to make 49.25.300(c)(3) less confusion and avoid triggering use permits for projects that would otherwise easily meet existing objective development standards.

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Determination of Use – Major vs Minor

- Proposed amendment concept:
 - Removes references to bedrooms leased on a daily or weekly basis
 - Clarifies that a project can combine minor uses without triggering a major development determination
 - Removes specific number limits for dwelling units in multifamily and commercial/mixed-use districts and instead relies on existing density and development standards
 - Specifies ADUs are minor uses in residential districts
 - Specifies that caretaker units are minor uses in industrial districts

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Use Not Listed

- Concept: Create a streamlined mechanism that allows for Director-level approval of equivalent use determinations which speeds up approval process for new businesses. Uses not reasonably equivalent to existing uses must be considered by the Planning Commission.

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Use Not Listed

- Proposed amendment concept:
 - Allows the CDD Director to consider a use not listed and approve it if it meets certain specific conditions
 - Director can instead refer to Planning Commission at their discretion
 - Director decisions are appealable to the Planning Commission
 - If a use does not meet conditions, it would have to go through a text amendment process to be added to the TPU

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Transition Zones

- Concept: Title 49 has zones that are pre-approved for upzoning but there is not an efficient mechanism to make the change when eligible, this amendment would create a streamlined process for upzoning (T) zoned parcels

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Transition Zones

- Proposed amendment concept:
 - Allows the CDD Director to initiate and ministerially approve upzoning of (T) parcels
 - Confirms that rezones of (T) parcels that differ from the pre-determined future zone, must go through the normal rezoning procedure in 49.75.130

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Adjustments to Approved Permits

- Concept: Create a globally applicable permit modification mechanism for Title 49 which will allow for more flexibility in making minor modifications to dynamic development projects

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Adjustments to Approved Permits

- Proposed amendment concept:
 - Creates a section for amendments of approved permits
 - Creates a definition for a minor amendment
 - Allows CDD Director to approve minor amendments
 - Routes major amendments back to the body that originally approved the permit complete with any public notices and public hearings
 - Deletes sections made redundant by this new section

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Rules of Construction

- **Concept:** Improve the ability of planning commission, staff, developers, and the public to interpret Title 49 through clear and comprehensive rules of construction
- Rules of construction contain guidelines for how words are to be used, how the code is to be interpreted, and how to resolve conflicts between different elements of code

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Rules of Construction

- Proposed amendment concept:
 - Deletes 49.80.110 – Rules of construction and replaces 49.05.140 – Interpretation with a new 49.05.140 – Rules of Construction, and address:
 - Addresses word usage issues like
 - Grammatical items such as tense, singular/plural, gendered terms
 - Meaning of words like "will," "must," "shall," "should," and "may"
 - The use of terms like "Department" or "Commission" to specifically mean Community Development Department or Planning Commission
 - The meaning of "and" and "or"
 - Addresses usage of lists
 - Clarifies measurement of time
 - Sets rules for rounding of fractions
 - Discusses delegation of authority in T49
 - Sets rules for solving conflicts between provisions

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Discussion

Options for today:

1. Discuss proposal concepts and vote to support all, some, or none of the concepts for development and forwarding to the Assembly
2. Discuss proposal concepts and continue to a future meeting for further discussion

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Thank you!

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