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August 24, 2022

MEMO

**To: Chair Maria Gladziszewski and Committee of the Whole Members
Chair Michael LeVine and Planning Commission Members**

From: Jill Maclean, AICP, Director 

**CC: Rorie Watt, City Manager
Robert Barr, Deputy City Manager**

RE: Community Development Department Overview

This memo provides background information on the Community Development Department, its key functions, and recent strategies to improve customer service and assist housing and overall development in the community.

Mission of Community Development Department

The Community Development Department facilitates sustainable and responsible development that respects and preserves the history and cultures of Juneau.

Key Functions

The Community Development Department (CDD) currently has 25 full-time positions and 21 employees currently within three divisions: Administration, Building, and Planning. Staff perform a wide-range of tasks that includes permitting, inspections, and code compliance, writing code amendments and ordinances related to city code, staffing CBJ committees, facilitating a range of public outreach, including developing short and long-term plans with community groups, and updating and maintaining the property records database and GIS mapping system.

Highlights – Maintain Operations through COVID-19

Despite the challenges with COVID-19, CDD takes pride in having continued operations amid uncertainty.

- CDD never closed and moved to online operations within three (3) days. The Permit Center, while closed to walk-in customers for several months, still accepted dropped off plans, answered phones and emails.
- CDD did not stop conducting plan reviews, inspections, site visits, and processing permit types or performing code enforcement.

- The Building Official and a minimum of two inspectors were present in the office through the height of the period.
- The Planner on Call service has been available throughout – shifting to four days a week since October 22, 2021 (the Permit Center returned to five days a week on March 11, 2022).
- **The Permit Center will be closing on Fridays beginning September 23, 2022. Inspections will be able to be scheduled for the following week.**

There was no interruption in CDD's role as facilitator of Boards, Commissions, and community groups during COVID-19. In fact, this role increased during this timeframe with additional responsibilities managing the Economic Stabilization Taskforce, the CARES Act Building Solicitation, the online COVID-19 community dashboard, and the Housing and Development Taskforce.

Community Development Department: Details

The Community Development Department is a high volume workplace with numerous official and unofficial contact with elected officials, the development community, and the general public. Below are some details of note.

Total Actions and Permitting Data:

Data shows that total official actions within the department has ranged between 4,100 and 4,425 actions per year over the past four years. These actions include 28 different activities captured in the CBJ Govern database and includes building permits, city state project reviews, utility permits, accessory apartment grant incentive applications, compliance orders, and more.

	CY18	CY19	CY20	CY21	CY22 (Jan – Aug)
Total Actions	4375	4425	4104	4277	3052

Building permits are the largest category of activity each year. The following is the breakout:

	CY18	CY19	CY20	CY21	CY22 (Jan – Aug)
CO or TCO Issued	528	582	338	320	301
Building Permit Issued	1247	1279	1052	1261	965
Application Complete	1206	1223	1296	1311	878
Totals	2981	3084	2686	2892	2144

Note: These numbers do not include general inquiries or Planner on Call (POC) or Inspector on Call (IOC) activity that does not result in a CDD official action.

Compliance

CBJ compliance activities are handled by one full-time Code Compliance Officer, and administrative support from the department. These activities include working with the public to address noncompliant issues, conducting site visits, and engaging with CBJ Law and other departments in more complex cases.

CDD receives an average of nearly 100 enforcement cases through the complaint process yearly. Compliance resources are in high demand for zoning, building, health and sanitation violations through the public-driven complaints and the occasional department referrals. Educating the public on the code, managing expectations, and seeking voluntary compliance when possible.

	CY18	CY19	CY20	CY21	CY22 (Jan – Aug)	Open Cases by Title
Title 49 (Land Use Code)	37	34	23	36	20	16
Title 19 (Building Code)	51	43	54	48	23	18
Title 36 (Health Sanitation Code)	25	22	19	14	6	11
Totals	113	99	96	98	49	45
						All Open Cases
Open Cases	6	0	5	9	25	45

Code Ordinances and Resolutions

Staff support to facilitate creation of regulations and changes to the Land Use Code requires significant staff time, technical expertise, alignment, and prioritization of a number of CBJ departments (Manager's Office, Law) and decision-making bodies (Title 49 Subcommittee, Planning Commission, Assembly) in order to bring to fruition. Additionally, CDD staff often participate in code ordinances passed through other CBJ Departments. (**Example:** *JPD-190607-1 Ordinance 2019-30 Chronic Nuisance Properties*)

An update of the ordinances and status will be provided at the August 29, 2022 Joint Assembly / Planning Commission meeting.

Working with the Planning Commission and Title 49 Committee is one of the primary focuses of Administration Division and the Planning Division work. Since 2016, there have been 242 Planning Commission and Title 49 Subcommittee meetings. (See Table on next page)

Planning Commission Meetings				
Year	Regular / Special	COW	Title 49 Subcomm.	Total
2016	21	5	12	38
2017	18	5	11	34
2018	17	5	15	37
2019	22	6	10	38
2020	21	5	6	32
2021	24	4	14	42
2022	13	1	7	21
Totals	136	31	75	242

Staffing for CBJ Committees, Commissions, Community Outreach, and Plans: CDD staff continues to provide public outreach and engagement for core CBJ Commissions as well as other community and Assembly driven initiatives. Here is a sample of activity for the past five years:

Staffing for CBJ Committees, Commissions, Community Outreach, and Plans		
Planning Commission	Downtown Blueprint	Juneau Economic Stabilization Taskforce
Title 49 Committee	Douglas West Juneau Plan	CARES Act Building Solicitation
CBJ Building Code Advisory	Lemon Creek Area Plan	
Wetlands Review Committee	Auke Bay Area Plan	
Juneau Commission on Sustainability	Aak'w Village Arts District Steering Committee	
Historic Resources Advisory Committee	Juneau Trails Master Plan	
	Landslide and Avalanche Assessment	
	Community Development Block Grant	

Notes on Staffing: Staffing levels for the department are determined by the Manager's Office and Assembly. In recent years, CDD has lost a Plan Reviewer (architectural) FTE, and two Planner I/II FTE. Through the last budget cycle, CDD has gained a Housing & Land Use Specialist FTE, a GIS Technician FTE (to be filled), and one Planner I/II FTE.

Staff turnover is a consistent challenge to recruiting and maintain staff with specific technical skills and with department and community historical knowledge. Without a career ladder within CDD, high performing staff are frequently lost as they move up within CBJ to other departments or they move on to other communities where they have an opportunity for advancing their career.

- Staff cite cost of living; need for advancement opportunities as some of the reasons for leaving.
- Good news is that many hired are promoted from within – permit techs to planner I, or are promoted to another department.
- CDD Staff Appreciation: CDD staff are often credited for assistance in understanding complex processes and for project assistance. A sample of comments from the last week:

CDD Staff Recruitments	
Year	# of recruitments
FY16	4
FY17	3
FY18	4
FY19	4
FY20	3
FY21	2
FY22	7

- “Thank you, this has indeed been a pleasant experience.” –field engineer
- “(Staff) really took the time to walk him through the issues. He also acknowledged that his situation might not be in favor, but (staff) was great to work with and has great customer service.” –property owner
- “Report format is really good, helped present the information clearly.” –city manager

Response to the Development Community

In addition to following the guidance of the Assembly and the Planning Commission--through the Manager’s Office --- CDD has been at the heart of ongoing public discussion for the past ten years.

- 2012-2014 Assembly Ad-Hoc Housing Committee
- Affordable Housing Commission (2008-2018)
- CDD organized Housing Forums (2013-2017, 2019)
- Housing Development Taskforce (current)

Many of the recommendations from the Ad-Hoc Committees’ Housing Matrix were adopted (Land Use code changes to accessory apartments, rezoning procedures, hiring a code compliance officer, etc.) or were incorporated into the [Housing Action Plan](#) that was adopted in December, 2016.

Included in the 2014 housing matrix effort was a development fee comparison with other Alaskan communities.

	Anchorage	Fairbanks	Ketchikan	Juneau
<u>\$350,00 Single Family Dwelling</u>				
Permit Fee	\$3,150.00	\$1,962.00	\$2,393.75	\$2,033.34
Plan Review Fee	\$1,977.50	\$1,472.00	-	\$1,016.67
Total	\$5,127.50	\$3,434.00	\$2,393.75	\$3,050.01
<u>\$750,000 4-Plex</u>				
Permit Fee	\$6,000.00	\$4,155.00	\$7,500.00	\$3,716.34
Plan Review Fee	\$3,712.50	\$4,570.50	\$4,875.00	\$2,415.62
Total	\$9,712.50	\$8,725.50	\$12,375.00	\$6,131.96

CDD organized Housing Forums (2013-2017) were one-day events held to engage with the development committee, provide updated guidance on changes, and take feedback. Covid-19 halted organization of a 2020 forum but CDD staff are targeting Fall 2023 for the next event. One perk provided were getting the forum approved to allow for continuing education credits for both developers and realtors.

Moving Forward: Work to Be Done

CDD staff recognize that there is continued work to be done to meet the overall mission of the department and to improve service for the community.

Specific recommendations based on Housing and Economic Development Taskforce discussions on the need for the land use code to be more flexible, include:

1. Undertake new Comprehensive Plan
2. Review and amend Table of Permissible Uses
 - a. Specifically, what constitutes a minor vs. major development
3. Review and amend Table of Dimensional Standards
4. Review and update permit fee schedule
5. Enact the Transition Zones that meet the condition to be upzoned
6. Review application submittal requirements
7. Review plat review requirements and standards

Priorities from previous Joint Assembly and Planning Commission meetings, and the Housing & Development Task Force are attached.

Much of the land use code work can be accomplished through focused staff attention and the Planning Commission/Title 49 structure that is in place at CBJ. Given the success and work completed in the past 10 years, there is a path to make similar impact in the next few years. However, factors such as staffing and volume of other work will determine how quickly this can be accomplished. Final decision-making authority is through the Planning Commission and CBJ Assembly.



April 1, 2022

TO: Mayor and CBJ Assembly
FROM: Housing & Development Task Force, Maria Gladyszewski, Vice Chair
RE: Final Recommendations

In September 2021, the Mayor established the Housing and Development Task Force (HDTF) and asked that it provide helpful advice to the Assembly regarding housing and development issues. Specifically, the HDTF was asked to:

- Review the path that a project must take to gain approval. Identify areas where pathways may be improved, keeping in mind staff constraints.
- Evaluate the current pre-application process and make recommendations.
- Consistent with Assembly goals, identify general processes and areas in existing Title 49 code that inhibit growth and development.

The HDTF held its first meeting on September 30, 2021, and wrapped up on March 25, 2022. The Committee previously recommended changes to ordinances requiring mandatory pre-application meetings. Those recommendations are currently working their way through the Planning Commission and Assembly processes.

In addition, the HDTF makes the following recommendations for action. The items are grouped into those under the jurisdiction of the manager and those that need Planning Commission or Assembly action.

OPERATIONAL ITEMS (under the jurisdiction of the Manager and CDD Director)

- Ensure that CDD's first priority is to process permits in a timely manner. This function should not suffer when additional duties (such as regulatory reviews or plan updates) are also tackled.
- Allocate resources to enable review and revision of Title 49.
- Develop or acquire an online permit tracking system to track status of active permits.

- Improve and clarify communication with permittees.
 - Initial permit review should identify any issues that would require additional information.
 - Permittees should be provided with a list of requirements needed for approval and timeline.
 - Communicate timely with permittees.
- Review other Alaska communities' fees and work to update the permit fee schedule in line with findings.
- Investigate possibilities for subcontracting of reviews and inspections.
- Interpretations of Title 49, building code, or other CBJ ordinances should be consistent. Consistency can be achieved by upper level review, written guidelines, or possibly even adopted regulations. Similar projects should receive consistent treatment and similar conditions.

REGULATORY ITEMS (under the jurisdiction of the Assembly or Planning Commission)

- Review and amend the *Table of Dimensional Standards* to provide more consistent flexibility and facilitate housing and other development.
- Review and amend the *Table of Permissible Uses* to facilitate housing and other development.
- Enact the Transition Zones that meet the condition to be “up-zoned.”
- Review and enact explicit application submittal requirements.
- Evaluate whether denser multi-family zoning (above D10) should be more flexible, including consideration of multiple use and bonus provisions.

The Task Force — including Assembly members, Planning Commissioners, and members of the building community — thank the mayor for the opportunity to work together to serve the community. We look forward to continued progress on the above issues.



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MEMO

To: Chair Gladziszewski, and Assembly Lands, Housing, and Economic Development Committee

CC: Rorie Watt, City Manager
Robert Barr, Deputy City Manager
Sherri Layne, City Attorney

From: Jill Maclean, Director, AICP

Date: August 27, 2021

RE: Joint Assembly / Planning Commission Priorities

Attached, please find memos related to priorities identified at the Joint Assembly / Planning Commission meetings from 2016, 2018, 2019, and 2020.

November 3, 2020

Dear Mayor Weldon, Deputy Mayor Jones, and Assembly Members:

On behalf of the Planning Commission, first let me thank you for your leadership during these difficult times. We are grateful for the manner in which the Assembly has prioritized the safety of our community and continued to advance important priorities even as the global pandemic affects us.

We were looking forward to the annual Assembly-Planning Commission joint session. We value those meetings as opportunities to share priorities and to get feedback from the Assembly about our work. In light of the cancellation of this year's meeting, the Planning Commission scheduled a Committee of the Whole to discuss our work and identify some priorities for the coming year. Our liaison, Assembly member Smith, listened to that discussion.

This letter identifies the priorities we discussed at the Committee of the Whole. We are sending it in advance of the Assembly's annual retreat in the hopes that it might be useful to those conversations. In addition, we welcome feedback from the Assembly.

- Comprehensive Plan Revision: The Assembly and Commission have recognized the need to update the Comprehensive Plan. We understand the budget realities that led to delay for this year. We are ready to work on updating the plan, and we strongly encourage the Assembly to prioritize funding to move forward next year.
- Parking: The Commission understands that updating the downtown parking regulations is a priority for the Assembly, and we have been working with the Community Development Department in an effort to move forward with analysis and updates for any needed changes to parking downtown and borough-wide.
- Zoning Updates: The Commission has been working with CDD to finalize updates to the Auke Bay zoning, needed to implement to Auke Bay Area Plan. That process was disrupted by the coronavirus pandemic, and we intend to prioritize completion of those updates. We have also begun the process of updating the downtown zoning to replace the Alternative Overlay District. We will also prioritize completion of that process.
- Area Plans: The Commission continues to favor CIP allocations by the Assembly to implement the area plans that have been developed. We understand that the Assembly and CDD have prioritized completion of the Blueprint Downtown and West Juneau/Douglas processes. We will look forward to working with the Assembly to find ways to complete those plans, and to implement priorities from the existing Lemon Creek and Auke Bay plans.
- Downtown Housing: The Commission is highly supportive of efforts to increase and diversify housing downtown, including further analysis of unutilized space downtown that could support increased housing. Meaningful housing increases will likely require Assembly fiscal support in the form of tax deferrals and targeted grant programs to incentivize development.
- Other Title 49 updates: The Commission will work with CDD to complete other needed revisions to Title 49 that have been started but need additional work. We hope to work on updating code

related to common walls, accessory apartments, and vegetative cover. We also recognize the need to revisit the manner in which plats are reviewed and approved by the Commission. In addition, the Commission notes that the Conditional Use Permits awarded for marijuana facilities will soon be due for mandatory five-year reviews. We suggest that this is an opportune time to revisit the code created at that time and see whether updates are needed.

Thank you considering this letter. We would welcome feedback and a dialogue about these issues. I am available to speak with, and the Commission would be open to a more informal conversation in the absence of a joint session.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael LeVine". The signature is written in a cursive, flowing style with a large, prominent "M" and "L".

Michael LeVine
Chair, Juneau Planning Commission



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DATE: January 18, 2019

TO: CBJ Assembly and Planning Commission

FROM: Jill Maclean, AICP, Director *Jill Maclean*

SUBJECT: **Community Development Planning Division Priorities 2019**

The following seven (7) items are proposed priorities recommended for the 2019 calendar year for the Planning Division of Community Development. These priorities do not include the ongoing work that staff is undertaking with the Land Use Code, permitting and other studies.

2018 Priorities Underway:

- Blueprint Downtown Juneau
- Downtown Juneau Alternative Development Overlay District Zoning
- Auke Bay Rezoning (Implementation of the Auke Bay Area Plan)

2018 Priorities Continued (not started) and New Priorities:

- Downtown Douglas Visioning Plan
- Downtown Douglas Alternative Development Overlay District Zoning
- Mass Wasting Assessment (Landslide and Avalanche Study)
- Comprehensive Plan Revision
- Industrial Zoning Table of Permissible Uses Analysis and Update
 - Industrial Land Expansion/Identification of New Land

UPDATES ON 2018 PRIORITIES UNDERWAY:

Blueprint Downtown Juneau

Blueprint Downtown Juneau is underway, and the public visioning piece is wrapping up at the end of January. The consultants intend to have a final visioning report submitted to CDD by mid-February, 2019. Next steps include a continuous meeting cycle (approximately every 3 weeks) with the Steering Committee and staff is drafting the Blueprint based upon the input received throughout the visioning process. The draft plan is anticipated to be completed by January, 2020 with the public hearing process commencing tentatively in the spring of 2020, with a recommendation that the Blueprint is adopted into the Comprehensive Plan.

Downtown Juneau Alternative Development Overlay District (ADOD) Zoning

The ADOD for downtown Juneau expires August 1, 2019. Staff is engaged in an effort to develop new zoning for the areas located within the overlay district. This effort is running concurrently with the Blueprint Downtown Juneau planning process. The ADOD process may identify updates to the Comprehensive Plan Land Use Maps in order for the proposed zoning to conform to the Comprehensive Plan. Staff is working together in public outreach efforts to lessen the burden on residents participating in both of these efforts and ensure that each process informs the other, creating complementary planning and zoning results. Neighborhood meetings are scheduled for January 30, February 5, and 7.

Auke Bay Rezoning

The Auke Bay Area Plan was adopted in 2015 and staff is currently engaged in an effort to develop new zoning for a portion of the planning study area. The Planning Commission has appointed a 4-person ad hoc committee to the draft zoning proposed by staff. This zoning process may identify updates to the Comprehensive Plan Land Use Maps in order for the proposed zoning to conform to the Comprehensive Plan. Staff is now working with the ad hoc committee and the Auke Bay Neighborhood Group to solicit feedback and input from the community. The next ad hoc committee meeting and Auke Bay Neighborhood Group meeting have not yet been scheduled. The intent is to have draft zoning to the Planning Commission the summer of 2019.



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DATE: February 8, 2018

TO: CBJ Assembly and Planning Commission

FROM: Beth McKibben, Planning Manager, AICP
Jill Maclean, Senior Planner, AICP

Beth McKibben
Jill Maclean

SUBJECT: *Blueprint Downtown Juneau*

The CDD Planning Division recommends creating “*Blueprint Downtown Juneau*”. After considering several options for undertaking a plan for downtown Juneau, we recommend the Blueprint, rather than a traditional area plan, since many plans have been undertaken for downtown Juneau, or include downtown Juneau, since the 1980s. The Blueprint approach differs from a traditional plan in that the history and existing conditions have been well-documented in downtown. What is missing is a community vision of how downtown Juneau should continue to grow and develop, how to harness the opportunities while addressing the challenges, and ensuring that downtown continues to be a place to live, work, and visit. We recommend using the existing plans, and the time and effort that was spent to create them, as the foundation for *Blueprint Downtown Juneau* – an action-oriented strategy to enhance downtown, leverage assets, create placemaking opportunities, update zoning, and develop a community vision for downtown Juneau, built from a dynamic public engagement process.

Blueprint Downtown Juneau

Visioning & Values

The community visioning piece of the Blueprint will focus on identifying common values and priorities necessary to create downtown Juneau for the next 20 years. The community visioning process may include:

1. Intensive public process to develop a long-term vision for sustaining downtown Juneau as the state capital, as an economic driver for Southeast Alaska, and as a cultural, social, and governmental center for the Borough through:
 - a. Steering Committee and focus groups
 - b. Neighborhood walking tours and neighborhood meetings
 - c. Soliciting public engagement through social media and community events – such as the Juneau Maritime Festival– to gather ideas on downtown, and inform the public about other ways to participate and ask questions of CDD etc.
2. Identifying Key Opportunities and Challenges by:
 - a. Involving residents, property owners, business owners, developers, and visitors to identify opportunities and challenges
 - b. Working with the core business district, the residential neighborhoods, and the shoulder areas (Rock Dump and Norway Point) to identify opportunities as a means to extend downtown Juneau, and its user base, encourage more year-

round uses, and improve connectivity

- c. Identifying opportunities and challenges may:
 - i. Inform Capital Improvement Projects
 - ii. Include a review of existing zoning

Implementation Strategies for Creative Growth – “Knitting together past initiatives”

Implementation Strategies will focus on synthesizing existing plans related to downtown Juneau, such as:

1. Developing a complete list of action items from each existing plan
2. Engaging the public to determine which actions from existing plans have been completed and which are still outstanding; which actions are still relevant and which are no longer relevant; and to identify the gaps.
 - a. Similar to the Lemon Creek Area Plan, a Work Plan will be developed of the actions, with responsible parties and timeframes for accomplishment.

Zoning for Downtown Juneau

Blueprint Downtown Juneau will include a review of the current zoning that regulates those areas of the downtown that are located outside of the Alternative Development Overlay District (ADOD). This zoning diagnostic will be part of the public outreach process, and may identify areas to update and revise existing zoning regulations and/or identify new zoning that supports the community’s vision for the downtown. The zoning diagnostic may create actions that become part of the Blueprint’s Work Plan. The zoning diagnostic may identify updates to the Comprehensive Plan Land Use Maps in order for proposed zoning to conform to the Comprehensive Plan.

Additionally, the ADOD for downtown Juneau expires August 1, 2019. Staff is engaged in an effort to develop new zoning for the areas located within the overlay. This effort will run concurrent with the *Blueprint Downtown Juneau* planning process. Similar to the zoning diagnostic conducted through the Blueprint, the ADOD process may identify updates to the Comprehensive Plan Land Use Maps in order for the proposed zoning to conform to the Comprehensive Plan. Community Development staff will work together in public outreach efforts to lessen the burden on residents of participating in both of these efforts and ensure that each process informs the other, creating complementary planning and zoning results.

Placemaking

Placemaking is about creating public places that promote people’s health, happiness, and well-being. Placemaking facilitates creating desirable neighborhoods and shaping their surroundings; it leverages a neighborhood’s character. Placemaking may include enhanced pedestrian connections with wayfinding signage, branding neighborhoods by creating gateways, and encouraging festivals or block parties. Placemaking encourages community engagement and activity. Working with downtown organizations, such as JEDC (specifically the Downtown Coordinator) the Main Street Program, the Downtown Business Association, the Downtown Improvement Group, and other neighborhood groups, residents, and businesses (permanent and seasonal) will be critical to the success of any placemaking initiatives

Timeframe and Deliverables

Blueprint Downtown Juneau requires approximately 18 to 24 months to complete. *Blueprint Downtown Juneau* will consist of:

1. Community Vision for Downtown Juneau 2040
2. Implementation Strategy
 - a. Actions and Policies
 - b. Key Challenges and Opportunities
 - c. Capital Improvement Projects
 - d. Proposed Zoning Revisions/Updates
 - e. Work Plan identifying Actions, Responsible Parties, Timeframes (similar to the Lemon Creek Area Plan)
 - f. Comprehensive Plan updates (potentially)

Staff is enthusiastic to undertake *Blueprint Downtown Juneau*, and your input into the process is appreciated. We look forward to working with the Assembly and the Planning Commission to bring this effort to completion.



Community Development Department

MEMORANDUM

Date: April 21, 2016
To: Assembly and Planning Commission
From: Rob Steedle
Subject: Land Use Legislation Priorities

Updating Title 49, CBJ's land use code, is an ongoing effort that takes a great deal of time for Community Development and Law staff, the Planning Commission, and the Assembly. The Planning Commission's Title 49 Committee and Community Development recently reviewed the work currently in progress or contemplated and recommend that these items be priorities. There is a much longer list of updates and some of the other items on that list may come before you sooner, depending on circumstances.

Auke Bay zoning changes and development incentives

The Auke Bay Area Plan was adopted in March, 2015. We need to make zoning changes and provide development incentives to help the community realize the plan. Law and CDD staff have been working on those changes and expect to bring an ordinance to the Planning Commission and then the Assembly by the end of this summer.

Shared Access

Juneau's challenging terrain can make orderly development of the community problematic. In many instances, shared, private access to lots is the most expedient and affordable way to allow development to take place. Such development can pose challenges for fire and rescue vehicles and can also lead to friction among neighbors. When considering the subdivision code changes adopted last summer, the Assembly directed staff to address this issue. A draft ordinance is nearly complete and will be before the Planning Commission and the Assembly this summer.

Variances

Variances are needed to provide relief from land use regulations when peculiarities of lots prevent them from being usable. They are intended to be used only to provide relief in exceptional circumstances. In Juneau, for many years this remedy has been applied overly liberally. For example, from 2011-2015, 160 variances were considered, and 109 were approved. This is a clear sign that the current land use code does not fit the community's needs. Staff has begun work on developing codes that provide flexibility for development in order to reduce the number of variance requests. Streamside setbacks and setbacks for eagle trees may be folded into the general ordinance, or they may come before you in separate ordinances.

Street Standards

Street standards are under review now to ensure that requirements are not overly costly for developers. There will be a provision codifying practice: reconstruction of existing streets by the CBJ does not need to conform to the same standards as new construction.

Parking

Staff will be reviewing CBJ's parking requirements and recommending changes, likely reducing the requirements in some instances.

Signs

The US Supreme Court ruled last year that signs cannot be regulated on the basis of content. CBJ needs to revise its sign code in order to conform to that ruling.

November 3, 2020

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We were looking forward to the annual Assembly-Planning Commission joint session. We value those meetings as opportunities to share priorities and to get feedback from the Assembly about our work. In light of the cancellation of this year's meeting, the Planning Commission scheduled a Committee of the Whole to discuss our work and identify some priorities for the coming year. Our liaison, Assembly member Smith, listened to that discussion.

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- Zoning Updates: The Commission has been working with CDD to finalize updates to the Auke Bay zoning, needed to implement to Auke Bay Area Plan. That process was disrupted by the coronavirus pandemic, and we intend to prioritize completion of those updates. We have also begun the process of updating the downtown zoning to replace the Alternative Overlay District. We will also prioritize completion of that process.
- Area Plans: The Commission continues to favor CIP allocations by the Assembly to implement the area plans that have been developed. We understand that the Assembly and CDD have prioritized completion of the Blueprint Downtown and West Juneau/Douglas processes. We will look forward to working with the Assembly to find ways to complete those plans, and to implement priorities from the existing Lemon Creek and Auke Bay plans.
- Downtown Housing: The Commission is highly supportive of efforts to increase and diversify housing downtown, including further analysis of unutilized space downtown that could support increased housing. Meaningful housing increases will likely require Assembly fiscal support in the form of tax deferrals and targeted grant programs to incentivize development.
- Other Title 49 updates: The Commission will work with CDD to complete other needed revisions to Title 49 that have been started but need additional work. We hope to work on updating code

related to common walls, accessory apartments, and vegetative cover. We also recognize the need to revisit the manner in which plats are reviewed and approved by the Commission. In addition, the Commission notes that the Conditional Use Permits awarded for marijuana facilities will soon be due for mandatory five-year reviews. We suggest that this is an opportune time to revisit the code created at that time and see whether updates are needed.

Thank you considering this letter. We would welcome feedback and a dialogue about these issues. I am available to speak with, and the Commission would be open to a more informal conversation in the absence of a joint session.

Sincerely,

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Michael LeVine
Chair, Juneau Planning Commission



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DATE: January 18, 2019

TO: CBJ Assembly and Planning Commission

FROM: Jill Maclean, AICP, Director *Jill Maclean*

SUBJECT: **Community Development Planning Division Priorities 2019**

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- Downtown Douglas Visioning Plan
- Downtown Douglas Alternative Development Overlay District Zoning
- Mass Wasting Assessment (Landslide and Avalanche Study)
- Comprehensive Plan Revision
- Industrial Zoning Table of Permissible Uses Analysis and Update
 - Industrial Land Expansion/Identification of New Land

UPDATES ON 2018 PRIORITIES UNDERWAY:

Blueprint Downtown Juneau

Blueprint Downtown Juneau is underway, and the public visioning piece is wrapping up at the end of January. The consultants intend to have a final visioning report submitted to CDD by mid-February, 2019. Next steps include a continuous meeting cycle (approximately every 3 weeks) with the Steering Committee and staff is drafting the Blueprint based upon the input received throughout the visioning process. The draft plan is anticipated to be completed by January, 2020 with the public hearing process commencing tentatively in the spring of 2020, with a recommendation that the Blueprint is adopted into the Comprehensive Plan.

Downtown Juneau Alternative Development Overlay District (ADOD) Zoning

The ADOD for downtown Juneau expires August 1, 2019. Staff is engaged in an effort to develop new zoning for the areas located within the overlay district. This effort is running concurrently with the Blueprint Downtown Juneau planning process. The ADOD process may identify updates to the Comprehensive Plan Land Use Maps in order for the proposed zoning to conform to the Comprehensive Plan. Staff is working together in public outreach efforts to lessen the burden on residents participating in both of these efforts and ensure that each process informs the other, creating complementary planning and zoning results. Neighborhood meetings are scheduled for January 30, February 5, and 7.

Auke Bay Rezoning

The Auke Bay Area Plan was adopted in 2015 and staff is currently engaged in an effort to develop new zoning for a portion of the planning study area. The Planning Commission has appointed a 4-person ad hoc committee to the draft zoning proposed by staff. This zoning process may identify updates to the Comprehensive Plan Land Use Maps in order for the proposed zoning to conform to the Comprehensive Plan. Staff is now working with the ad hoc committee and the Auke Bay Neighborhood Group to solicit feedback and input from the community. The next ad hoc committee meeting and Auke Bay Neighborhood Group meeting have not yet been scheduled. The intent is to have draft zoning to the Planning Commission the summer of 2019.



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TO: Chair Gladyszewski and Assembly Lands, Housing and Economic Development Committee
DATE: June 24, 2021
FROM: Rorie Watt, City Manager
RE: Amending the Land Use Code (Title 49)

At the 6/7/21 meeting, the Committee expressed some frustration at the length of time it takes to make amendments to the Land Use Code (Title 49), particularly regarding requirements that pose barriers to housing projects.

I think it is helpful to paint the historical landscape to inform our current situation. For years, the Planning Commission (PC) frequently issued Variances as a means to "practicalize" the code. They would hear from applicants and neighbors and in a transactional manner would apply the code in a way that felt fair to the public and developers – everyone felt like they had their "day in court."

However, upon legal review in around 2015, the Municipal Attorney determined that this use of Variances actually undermines the authority of the entire Land Use code and that the practice should cease (this legal opinion is not disputed); and that if the Assembly or the PC wanted flexibility in the code, then it should be imbedded in Code amendments.

Ironically, a reduction in the issuance of Variances may actually be responsible for an increase in Appeals – applicants feel that a more rigid application of the code is not fair, they desire the transactional approach. These appeals can be enormously burdensome on staff and the PC (as well as the Assembly).

The Assembly may wish to consider current practice for code review and the associated workloads of all groups that work on code amendments (Community Development, Law). In general, it takes a lot of time and coordination to research other community codes and case law and game out intended and unintended consequences of various ideas. In brief, the process is:

- A. Code prioritization is discussed at the annual meeting of Assembly and PC
- B. Staff from CDD and Law work with the PC on proposed amendments at the PC Title 49 Committee, the PC COW and eventually the full PC.
- C. Assembly reviews and works on the PC product (usually with committee work at Lands and/or COW)

It is not uncommon for a code amendment to take a year, or so. Analyzing obstacles to workloads, I offer the following analysis/comments:

Planning Commission:

We currently ask the PC to do the following:

- Review the CIP
- Review Land Disposals
- Hear Conditional and Special Use Permits, Variances, and Major Subdivisions
- Work on Code Amendments
- Work on Area Plans
- Work on Comprehensive Plan Updates

In short, we should consider whether we ask too much of our PC volunteers. If we want the PC to focus on Code amendments, then given their current duties, we have to be realistic about their ability to prioritize workload.

Community Development Department:

CDD's budget was cut last year (and partially restored this year) and the Assembly has prioritized area plans and the Comp Plan. Complex code analysis can be time intensive. Reducing code complexity, prioritizing code work and trying to reduce Appeals should be prioritized.

Law Department:

Spends an enormous amount of time whenever we have an Appeal. Appeal work takes priority over code amendments and often derails code projects. Appeal reduction should be a priority.

Assembly:

The Assembly deals with a remarkably diverse number of issues. The Land Use Code is detailed and technical. It is unusual for the Assembly to be able to digest and agree to a code amendment in one pass. System changes that take some burden off of the Assembly could be prioritized. Prior Assemblies have been generally reluctant to reduce code complexity by removing requirements and have been interested in the details of proposed code changes.

The Assembly has charged the Systemic Racism Review Committee with reviewing all ordinances. At a national level, the President has suggested policy consideration of zoning rules that have exclusionary effects. The Assembly may need to conceptually address this issue at a macro level.

The Juneau Chamber of Commerce has also formed a sub-committee that desires to work on ideas to streamline permitting requirements. Organized involvement from the development community may help streamline consideration of ideas.

Big Picture Concepts:

1. The Assembly should continue to prioritize the Comprehensive Plan as it should be a driving force for code amendments.
2. The Assembly could prioritize making the code less complex. A recent example is our layered jurisdiction to anadromous stream permitting. Similar to when CBJ removed our codes regarding Bald Eagles, the Assembly could leave some issues to more expert environmental regulatory agencies.
3. The Assembly could consider reducing the workload of the PC in several ways, including:
 - a. Splitting the duties between two appointed boards. One would work on code, Comprehensive and area plans, focusing on the policy issues, the other would retain the permitting duties, focusing on the implementation of the code and policies; or
 - b. Appointing a Hearing Officer who would hear all permitting issues; or
 - c. Deciding to reduce the PC's workload, perhaps removing the duty to analyze land sales or the CIP.

Recommendation:

No recommendation at this time. The Assembly should consider whether it prefers to explore different code amendment processes, taking into account the delicate balance of careful deliberation and timely action. All changes to Title 49 are required by code to go to the PC. We should ask for their advice and opinion. Our goal should be to have expectations that match the level of staffing that is funded and the time constraints placed on both the PC and the Assembly.