



HOUSING AND DEVELOPMENT TASK FORCE

Appointed by the City & Borough of Juneau's Mayor

Meeting Agenda

Friday, October 29, 2021

12:00 P.M. – 1:30 P.M.

Marine View Building, 4th Floor Conference Room & Zoom Webinar

Members of the public may listen in or watch by following one of these options.

Please click the link to join the meeting:

<https://juneau.zoom.us/j/84119638698>, or call 1-669-900-6833 or 1-253-215-8782 or 1-346-248-7799 or 1-929-436-2866 or 1-301-715-8592 or 1-312-626-6799, and enter Webinar ID: 841 1963 8698.

Assembly Charge

The purpose of this task force shall be to provide helpful advice to the Assembly regarding housing and development issues.

Specifically, the task force is asked to:

1. 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.
2. Discuss possible structures to engage a working group that interfaces with land and facility developers in the industry.
3. Consistent with Assembly goals, identify general processes and areas in existing Title 49 code that inhibit growth and development. The goal is to identify and prioritize tasks or projects that could be worked on by this task force or other groups.

- A. Call to Order
- B. Approval of Agenda
- C. Minutes
 - a. October 15, 2021 Draft Minutes
- D. Comments About Last Meeting
- E. CDD Workload & Resources
 - a. Discussion Based on Previous Documents Sent to Task Force
 - b. Memo from City Manager to Lands, Housing, & Economic Development (In Packet)
 - c. Memo from CDD Regarding Priorities (In Packet)
- F. Comments on Two Draft Documents Related to Process for Task Force to Move Recommendations from and to Another Body
- G. Public Comment (10 Minutes)
- H. Suggestions for Next Agenda
- I. Next Meeting Date is November 12, 2021

THE CITY AND BOROUGH OF JUNEAU, ALASKA
HOUSING & DEVELOPMENT TASK FORCE
October 15, 2021 – DRAFT Meeting Minutes

A. Call to Order

The meeting of the Housing and Development Task Force was held in the 4th Floor Conference Room of the Marine View Building, and was called to order by Chair Loren Jones at 11:03a.m.

Roll Call

Members Present: Loren Jones, Maria Gladziszewski, Jill Maclean, Alexandra Pierce, Nathaniel Dye, Paul Voelkers, Dave Hanna, Wayne Jensen, and Bill Heumann.

Members Absent: Michelle Hale.

Approval of Agenda

Mr. Hanna noted that the current agenda did not have a designated item for agenda approval; he added that he would prefer the agenda to have an item to allow for public participation.

MOTION to reorder the agenda to place Item D before Item C.

Hearing no objections, the motion passed by unanimous consent.

Ms. Maclean recommended placing the public participation item towards the bottom of the agenda. She spoke to her previous experience in doing this, and said that it allowed suitable time for the meeting's agenda to be addressed prior to public participation. She added that public comment at the end of the meeting gave insight on what should be featured in the next meeting's agenda.

Mr. Jones questioned the need for public comment for a task force meeting, particularly considering that there has not yet been an agenda item they have dealt with that has called for testimony.

B. Minutes for Approval

a. September 30, 2021 Draft Minutes

MOTION by Mr. Hanna to approve the September 30, 2021 Minutes, with the corrected spelling of Mr. Heumann's name throughout the document.

Hearing no objections, the minutes were approved by unanimous consent.

D. Discussion of Pre-Application Process

Ms. Maclean provided the committee with a recent pre-application conference report. She explained that the pre-application conference became a requirement after many local developers found that their application was incomplete several weeks into the process.

The rewritten subdivision ordinance was adopted in 2015, this ordinance established that pre-application conference requirement.

Ms. Maclean described the pre-application conference as a service provided by CDD staff to help developers understand all of the information they must provide in their application. This service also ensures that the developers and any involved entities are all on the same page in the process.

Ms. Pierce added that oftentimes pre-application conferences can be held via phone or email.

Mr. Hanna mentioned that there have been times in which he felt that the pre-application conference process was not needed. He asked if CDD could possibly streamline the process, or if there was a breaking point that decided whether or not the pre-application process was necessary.

Ms. Pierce explained that it is a complicated issue, and part of the reason why CDD began conducting pre-application conferences via telephone and email. She noted that the process as it stands can help applicants who might otherwise waive a service that could be beneficial to their application.

There was further discussion about the timing and the necessity of the pre-application conference.

Mr. Heumann added that he appreciated giving applicants the option to decide whether to opt-in to the conference process, and spoke to the preparation that often occurs prior to applying.

Mr. Dye brought up a topic of conversation from his Title 49 Committee meetings: minimum submittals for applications. He also suggested finding a way to streamline the minimum requirements for pre-applications.

There was further discussion on various aspects on the conference process, particularly in comparison to other government agencies.

MOTION by Ms. Gladziszewski to draft an ordinance that allows minor subdivisions to have the option to opt-out of the pre-application conference.

Ms. Maclean expressed concern regarding this action, as CDD had been directed by the Assembly, and explained that changes to Title 49 must be reviewed by the Title 49 Committee, the Planning Commission, the Law Department, and the Assembly.

Ms. Gladziszewski noted that the Assembly will be hosting a retreat in December, during which they can decide where the HDTF could fit within their priorities.

Mr. Dye suggested allowing all applicants to have the option to opt-out of the pre-application conference, instead of only restricting to minor subdivision applicants.

Amendment #1 by Ms. Gladziszewski. Ms. Gladziszewski amended her motion to state “to draft an ordinance that gives all applicants the option to opt-out of the required pre-application conference process.”

There was further discussion about the committee creating ordinances, and the notion to consider waiting until after the Assembly retreat to receive direct instruction on how to move forward with their priorities.

Ms. Gladziszewski clarified the intent of her motion was for the committee to draft an ordinance, and then take the time to discuss and amend it if needed.

Mr. Jones spoke to his experience in dealing with the continuous work and occasional disagreements that come with making changes to processes, especially considering the various entities represented on this committee.

Ms. Maclean had to exit the meeting.

Hearing no objections, the motion passed by unanimous consent as amended.

There was a discussion about CDD staffing levels, the workload given to CDD staff, and the amount of that workload that could be handled within the committee or by a third-party entity.

- C. Review of Documents Emailed Out to Members: Question or Discussion**
 - a. 2020 Housing Forum Presentation**
 - b. Example of a Pre-Application Conference Report**
 - c. August 2021 Title 49 Land Use Code Updates Memo to Lands, Housing, & Economic Development Committee**
 - d. July 2021 Title 49 Land Use Code and Industrial Zoning and Table of Permissible Uses Memo to Lands, Housing, & Economic Development Committee**
 - e. Community Development Department Overview**
 - f. Final Comprehensive Plan Memo to CBJ Assembly 2018**
 - g. Links to:**
 - i. Table of Permissible Uses**
 - ii. Table of Dimensional Standards**
 - iii. Upstairs Downtown**
 - iv. Comprehensive Plan**

E. Suggestions for Next Agenda

Mr. Jones mentioned that the agenda for the next two meetings would primarily focus on setting priorities for the task force prior to the Assembly retreat in December.

F. Next Meeting Date

Mr. Jones scheduled the next Housing & Development Task Force meeting to be held on October 29 at 12:00p.m.

There being no further business to come before the committee, the Housing & Development Task Force meeting was adjourned at 1:14p.m.

DRAFT



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Telephone: 586-5240 | Facsimile: 586-5385

TO: Chair Gladziszewski 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.

To: Housing and Development Task Force

From: Alexandra Pierce, Planning Manager

Re: CDD Staff Time and Priorities



CDD Department Planning Priorities

The Community Development Department (CDD)'s planning division is currently tasked with the following priorities. All are interrelated and are in support of community need and/or Assembly goals and priorities. The list below includes brief descriptions of each activity and how much planning staff time is currently devoted to that type of work. The percentages represent an average and vary between staff and their assigned primary duties. Note that these percentages do not include the Director or Planning Manager's time, these two positions spend more time on Title 49 updates and board and committee work than planning staff. Notably, the Director and Planning Manager have staffed temporary task forces such as this group, the Economic Stabilization Task Force, and the Visitor Industry Task Force.

Title 49 Updates – 7% total planning staff time

The attached August 5 memo to the Lands, Housing and Economic Development Committee provides a list of the active code amendments.

Long Range Planning – 21% total planning staff time

CDD staff are currently working on the following long-range planning initiatives. Recent conversations at the Lands, Housing, and Economic Development Committee have focused around debating the importance of long-range planning. This work sets priorities for the future, creates opportunities for funding, and provides a public process that informs priorities for code updates, funding, development stimulus programs, and staff resources. If done correctly, long-range planning creates opportunities for public and private investment. The following long-range planning efforts are currently underway:

- Blueprint Downtown: Nearly complete
- South Douglas/West Juneau Area Plan: In progress
- Multi-Agency Trails Plan: In progress
- Hazard Mapping: Planning Commission recommendation, Assembly Committee of the Whole presentation, next steps are further public process
- Comprehensive Plan: On hold

Boards and Committees – 7% total planning staff time

Since 2020, CDD staff have supported the following boards, committees, and task forces:

- Planning Commission

- Planning Commission Title 49 Committee
- Planning Commission Governance Committee
- Planning Commission Ad Hoc Committees (CIP, Auke Bay, etc.)
- Wetlands Review Board
- Building Advisory Board (staffed by building division)
- Juneau Commission on Sustainability
- Historic Resources Advisory Committee
- ADA Committee (staffed by building division)
- Economic Stabilization Task Force (temporary)
- Visitor Industry Task Force (temporary)
- Housing and Development Task Force (temporary)

Day to Day Permitting – 40% total planning staff time

Currently, three staff are primarily focused on permitting. The addition of a platting officer helps balance workloads for existing staff. Because the permitting/current planning staff are the most frequent users of Title 49, logically they are suited to writing code amendments. However, permitting is deadline driven and often takes precedence over Title 49 updates. Time spent conducting and preparing for pre-application conferences is included in this metric.

Planner on Call – 25% of staff time

The time commitment for Planner on Call is dependent on staffing levels. Planner on Call duties are rotated between planning staff, so when the division is short-staffed, each individual spends more time responding to on-call questions and processing permits for intake.

Other Community Involvement

In addition to the core functions of Community Development, CDD staff work on projects led by other agencies or groups including AKDOT, JEDC, DBA, US Forest Service, etc. Staff are also involved in internal CBJ projects on an as-needed basis.



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MEMO

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

CC: Chair LeVine, and Planning Commission

From: Jill Maclean, Director, AICP *Jill Maclean*

Date: August 5, 2021

RE: Assembly Priorities and Title 49 Land Use Code Update

Each year, the Assembly sets priorities with the Planning Commission (PC) at a joint meeting. Staff proceeds to prioritize those items, ensuring that Title 49 Land Use Code updates and ordinance revisions directly implement the Assembly / PC priorities or more often, support an Assembly Goal; or are required to meet new case law or federal and state regulations, e.g. signs, small cell wireless, floodplain.

Assembly 2021 Priorities Related to Community Development:

- Downtown Housing incentives (complete)
- Area Plans:
 - Auke Bay Area Plan adopted in 2015; PC recommended approval of the two new zoning districts (NC and MU3) to be added to Title 49, which may be applied throughout the borough providing the zoning conforms to the Comp Plan; PC did not recommend rezoning areas of Auke Bay to NC and MU3;
 - Blueprint Downtown Juneau Area Plan completion expected 2021;
 - S. Douglas / W. Juneau Area Plan underway, on schedule for completion winter 2022
- Comprehensive Plan cut from FY21 budget
- Protect Industrial Land (memo submitted to LHEDC July 19, no recommendation from LHEDC)

Assembly Goals, Assembly / Planning Commission Priorities, and Staff Works in Progress:

Code Revision	Last Action	Status	Next Step	Assembly 2021 Goals	Assembly / PC Priority
Floodplain Maps*		Maps adopted, in effect 09/18/2020	Complete		
Floodplain Regulations*		Effective 05/25/2021	Complete		
Auke Bay Zoning**	PC	PC hearing 06/22/2021	Complete		
Hazard Maps (Landslide / Avalanche)	Community meeting 07/21/21	Scheduled for PC Hearing 08/10/21	PC Hearing	N/A	N/A
Downtown Parking	CD staff drafted recommendation	PC hearing 05/25/2021	Second PC hearing TBD	No	New Assembly priority in 2020
New Zoning Districts NC, MU3	PC	PC recommended for approval	Assembly date TBD	Goals 1, 2	Yes
Landscape / Vegetative Cover	PC	PC recommended for approval	Assembly date TBD	Goal 2	Yes
ADOD Downtown Juneau	PC	PC recommended for approval	Assembly date TBD	Goals 1, 2	Yes
ADOD Downtown Douglas***	Assembly extended sunset date to 08/2021		N/A	Goals 1, 2	Yes
Accessory Apartments	PC COW	PC recommended for approval	Assembly date TBD	Goal 1	Yes
Common Walls (Residential / Mixed Use)	CD staff review	Law review	PC COW	Goal 1	Yes
Streamside Buffers	T49	T49	Law review; PC COW	Goal 1, 2	Yes
Lot Depth	PC hearing 07/13/2021	PC recommended for approval	Assembly 08/02/2021; 08/23/2021	Goal 1	No
Other Dimensional Standards / Forms of Zoning	LHECD requested info 07/19/2021	New priority	Assign planner	Goal 1	No
Coastal Management*	PC hearing 06/22/2021	PC recommended for approval	Assembly 08/02/2021, sent to COW 08/30/2021	N/A	N/A

Code Revision	Last Action	Status	Next Step	Assembly 2021 Goals	Assembly / PC Priority
Small Cell Wireless*		CD staff review	Law review; T49	N/A	N/A
Signs*	CD drafted ord.	On Hold	CD leadership review; T49	N/A	N/A
Urban Agriculture	PC COW; Law review	CD staff review	T49 date TBD	No	Yes
Mobile Homes / RVs***	CD staff review	On Hold	CD leadership review; Law review	N/A	N/A
Private Shared Access	First revision adopted	On Hold	TBD	Goal 1	No
ROWs Phrasing Cleanup	CD staff review	On Hold	CD leadership review	Goal 2	No

* Required to meet new regulations, case law, etc.

**49.75.130, the commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request

***South Douglas / West Juneau Area Plan is progressing on schedule, zoning is expected to follow spring 2022; ADOD has not been used in Douglas and is not recommended to extend the sunset date of August 2021

Recommendation

None at this time.

Housing and Development Task Force

At the October 15 meeting there was a general discussion of process for this group to make their recommendations to CBJ Administration, Planning Commission and/or Assembly. I thought it might be appropriate if I develop a first draft of what could be the process for this Task Force to use.

First I think are some ground rules.

- The charge from the Mayor states the “purpose of the committee shall be to provide helpful advice to the Assembly...”
- The charge from the Mayor states the “committee shall report to the Assembly Committee of the Whole as scheduled by the Deputy Mayor.”
- Mayor’s Memo (September 24, 2021) states: “...this task force needs to stay at the policy level and not drop into the task level.”
- No matter the recommendation any Administrative recommendations must go through the City Manager. Any recommendations for changes to existing ordinance must follow the process established for review, comment, public hearings and final passage by the Assembly.

Using the recommendation coming from the October 15 meeting is a good example. The Task Force recommended that “pre-application” in all instances be an “opt out” process. This would require an ordinance to change the process. In alerting Law Department I found out they had started a file on this subject. They sent me a draft ordinance and it is 13 pages long.

I was also told that they were in process of working on 8 ordinances related to Title 49. Each is in a different stage of development or review. In addition there are about 6 additional issues under discussion that could lead to CDD/Law work efforts.

The rules for ordinances, among lots of them, is the single subject rule. Given that rule it is possible that some recommendations could result in a single ordinance but most often each recommendation will result in a single ordinance.

I have attached a draft document that we can keep a running list of recommendations. This document will list the recommendation, which CBJ Department/Division might be impacted and what might need to happen to set in motion implementation.

Housing and Development Task Force
Compiled Recommendations

A. Recommendation made at October 15, 2021 meeting.

Motion: Draft an “opt out” ordinance for all requirements for a “pre-application”

Affects CDD and Law

CDD and Law would need to begin a process to review the draft discussed below and to add the “opt out” process and form.

Status: Law has been drafting changes to the pre-application process and that draft is still internal to Law and CDD. It is 13 pages and covers the following sections of current law.

- 49.15.310 Minor Development
- 49.15.320 Allowable Use
- 49.15.330 CUP
- 49.15.401 Minor Subdivision
- 49.15.402 Major Subdivision
- 49.15.404 Public Way Vacations
- 49.15.620 Planned Unit Development
- 49.15.720 Cottage Housing Development
- 49.15.930 Alternative Residential Subdivision
- 49.60.130 Procedures for Bonus
- 49.65.920 Special Use Permit
- 49.70.130 New Growth Area Application
- 49.70.1230 Alternative Development Procedures

None of these changes in the draft ordinance addresses “opt out” process recommended.