



City and Borough of Juneau
 City & Borough Manager's Office
 155 Heritage Way
 Juneau, Alaska 99801
 Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly
 FROM: Rob Dumouchel, Special Project Planning Manager
 THROUGH: Katie Koester, City Manager
 DATE: 14JAN25
 RE: Title 49 Phase 1 Text Amendments, First Wave

The rewrite of Title 49 – Land Use is a multi-phase project. Phase 1 began in August 2024 and is focused on updates that are not dependent on the upcoming rewrite of the Comprehensive Plan.¹ Text amendments related to housing and efficient permitting make up the bulk of the first wave of Phase 1 text amendment proposals.

This memo is a roadmap to the materials provided for the first wave of text amendments. The proposal touches on housing, code interpretation, and discretion. This memo provides a brief overview of the proposed amendments. Attached to this memo are a series of memos discussing technical elements of the text amendments. The table below lists memo topics, the sections of code involved, and a high-level description of the impacts:

Topic	Code Sections	Overview of Changes
Accessory Dwelling Units (ADUs)	Edits: 49.25.300 – Determining Uses and Table of Permissible Uses; 49.25.510(k) – Accessory Apartments; 49.40.210 – Number of Off-Street Parking Spaces Required; 49.65.630 – Bungalow Construction Standards; and 49.80.120 – Definitions Creates: 49.25.512 – Accessory Dwelling Units (ADUs)	Modernizes Accessory Apartment/ADU program and edits associated sections of Title 49
Caretaker Units in Industrial Areas	Edits: 49.25.250 – Waterfront Districts; 49.25.300 – Determining Uses and Table of Permissible Uses; 49.40.210 - Number of Off-Street Parking Spaces Required; 49.65.300 – Mobile Homes on Individual Lots; and 49.80.120 – Definitions Creates: 49.25.514 – Caretaker Units	Defines caretaker units and creates a framework for their administration and development
Use Not Listed	Edits: 49.20.320 – Use Not Listed	Allows the Director to make equivalent use determinations
Determining Uses	Edits: 49.25.300 Determining Uses	Removes select conditional use permit triggers
Transition Zones	Edits: 49.70.720 – Zoning Upgrade	Allows Director to upzone eligible Transition (T) zoned parcels
Amendments to Approved Permits	Creates: 49.15.160 – Amendments of Approved Permits & 49.15.130(d) regarding incomplete applications Deletes: 49.15.660 – Amendments to Approved Planned Unit Development Plan; 49.15.750 – Amendments to Approved Cottage Housing Development Plan; 49.15.970 – Amendments to Approved Alternative Residential Subdivision Plan	Creates a mechanism that allows for Director-level amendments for minor changes
Rules of Construction for Title 49	Replaces: 49.05.140 – Interpretation with 49.05.140 Rules of Construction Deletes: 49.80.110 – Rules of Construction	Improves existing code related to interpretation and construction of Title 49

¹ Phase 1 is envisioned to cover the following elements: **Wayward Code** – those sections of code that would be more appropriately located elsewhere in CBJ code; **Process Improvements** – amendments that streamline permitting by increasingly clarity and efficiency; **Unfulfilled Aspirations** – concepts already vetted and approved by previous planning documents but not yet implemented; **Unfinished Business** – topics discussed at the Planning Commission level but not completed and advanced to the Assembly for consideration

The Ad Hoc Title 49 Advisory Committee was presented the concepts included in the text amendment at their October 28, 2024 meeting. The conversation was continued to their November 13, 2024 meeting where the Committee passed a motion to support the development of a text amendment containing all of the proposed concepts.² The text amendment was drafted in-house and preliminary legal review has been completed by the Title 49 Rewrite project's contract attorney.

On February 3, 2024, the Assembly will have the ability to initiate the text amendment process in accordance with 49.75.410(b).³ Staff is recommending that a 60-day "shot clock" provision be included in the motion to initiate the text amendment process. This ensures a timely return of the amendment to the Assembly for consideration.

Staff Recommendation: Introduce ordinance with proposed text amendments to Title 49 and refer to the Planning Commission for a review to be completed within 60 days.

Attachments:

- Memo: Accessory Dwelling Units
- Memo: Caretaker Units in industrial Areas
- Memo: Determining Uses – Major vs. Minor Developments
- Memo: Use Not Listed
- Memo: Transition Zone Upzoning
- Memo: Amendments to Approved Permits
- Memo: Rules of Construction for Title 49
- Text Amendment – Ordinance 2025-15

² There was disagreement over how to best implement industrial caretaker units, however, the committee generally supports a limited apartment-type use in industrial districts, more information is provided in the attached caretaker text amendment memo.

³ 49.75.410 Text Amendments. (a) **Commission initiated.** The commission shall initiate an amendment to this title by holding a public hearing to consider whether it should recommend such amendment to the assembly. The director shall provide at least ten days public notice of the hearing (b) **Assembly initiated.** The assembly shall initiate an amendment to this title by referring such amendment to the commission for proceeding in accordance with subsection (a) of this section.



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FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: 14JAN25
RE: Accessory Dwelling Unit Text Amendment

A heightened focus on accessory dwelling units (ADUs) has emerged as an impactful strategy to increase housing in cities across America. ADUs can be attached or detached structures located on the same parcel as an existing residential use. They use a small-scale infill development pattern to bring a "gentle density" increase to neighborhoods and take advantage of existing infrastructure such as roads, sidewalks, transit, and utilities.

The proposed ADU text amendment builds on work begun by the Community Development Department (CDD), the Planning Commission, and the Title 49 Subcommittee. The text amendment is written with the intention of integrating current best practices for ADUs to remove barriers to development and streamline permitting. The text amendment is supported by numerous policies from the Comprehensive Plan adopted in 2013 and furthers 2024 Assembly Goal #1: Housing – Assure adequate and affordable housing for all CBJ residents.

ADU Background

ADUs can either be attached or detached dwellings, with complete independent living facilities for one or more people, which are an accessory use subordinate to a primary residential use. ADUs are commonly found as backyard cottages or apartments integrated into a larger existing home. They are a low impact way to add housing to existing neighborhoods. ADUs also tend to be more affordable in nature due to their smaller size.

Common motivations for building an ADU include housing a friend or family member, increasing property value, and gaining additional income⁴. ADUs have a broad appeal as dwelling units and have often been associated with the housing of aging family members and college students. In today's housing market, renters from wide economic and social backgrounds choose to rent ADUs for a variety of reasons.

ADUs are currently allowed in the City and Borough of Juneau (CBJ) through Title 49 – Land Use section 49.25.510(k) which calls them "accessory apartments." According to permit data collected by CDD from 2013 to 2024, ADUs have accounted for approximately 13% of the new housing units added in Juneau in the last decade. Under the current code, many ADUs must go to the Planning Commission for approval via a conditional use permit, however, ADUs seldom receive conditions that aren't already covered by existing codes or laws. In total, 11 use permits for ADUs have been considered by the Planning Commission since 2021. All have been approved, and only one ADU received conditions that went beyond a restatement of existing Title 49 regulations⁵. It can be inferred from this pattern that requiring conditional use permits for ADUs has not created meaningful value for the community and use permits have become an unnecessary barrier to housing development. Figure 1 below shows the pattern of ADU approvals by year from 1990 to 2024 (note that the permits are credited to the year in which they were applied for, not necessarily the year in which they were granted).

⁴ Volker, J. M., & Handy, S. (2023). Exploring homeowners' openness to building accessory dwelling units in the Sacramento metropolitan area. *Journal of the American Planning Association*, 89(1), 45-60.

⁵ One ADU was approved for a use permit but failed to secure a parking waiver in a separate vote which effectively denied the ADU. An appeal was filed with the Assembly and rejected; however, the Assembly has encouraged the applicant to reapply for a parking waiver. If the proposed ADU text amendment is approved, the subject ADU would not require a use permit or a parking waiver.

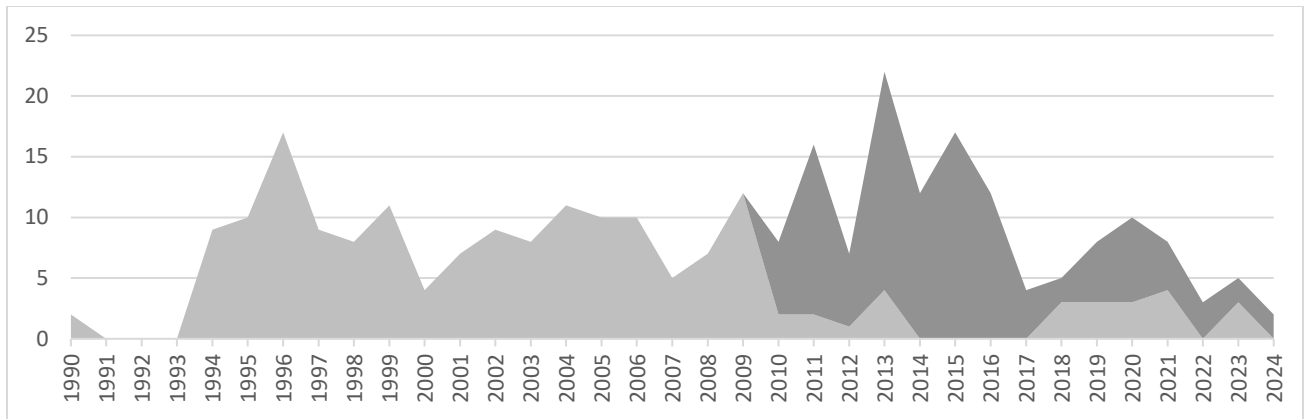


Figure 1: Approved ADU use permits (light gray) and accessory apartment permits (dark gray) by year 1990-2024

Barriers created by zoning codes, or perceived to be created by zoning codes, can deter the development of ADUs by homeowners who would otherwise have an interest in creating a unit – or encourage the development of unpermitted ADUs which can lead to unsafe housing conditions. The removal of barriers to ADU creation is a strategy that appears to have influenced a proliferation of ADUs in other parts of the country. To accelerate the use of ADUs for housing stock expansion, a growing number of state governments⁶ have taken the step to preempt local governments with ADU laws that remove barriers to development. For instance, California has passed multiple pieces of state-level ADU legislation that have been followed by a quadrupling of annual ADU permits from the early 2000s to 2022⁷. Alaska is unlikely to preempt the planning authority of local governments, however, CBJ is perfectly capable of mirroring current best practices for ADU regulations found throughout the rest of the country as a tool to incrementally relieve housing pressure.

Research has found that the most common barriers to ADU development include zoning, permitting, construction costs, and access to capital through lending institutions⁸. This proposed text amendment would relieve some of the zoning challenges and remove the need for applicants to go through the conditional use permit process in most cases. Matched with the Accessory Dwelling Unit Grant Program within the Juneau Affordable Housing Fund, there is a real potential for increased ADU development in Juneau. If the Assembly is interested in addressing issues related to lending, that is outside the scope of Title 49 and would be best handled through public/private partnerships between CBJ and lending institutions.

The basics of a high-performance ADU program include allowing ADUs by-right (meaning that they do not require a conditional use permit); streamlining approval processes; minimizing or removing parking requirements; allowing larger units; and not creating so many rules for ADUs that they become too expensive to build or are perceived as too difficult to build⁹. Another best practice is to create pathways for the permitting of illegal units through amnesty programs that agree to not penalize homeowners for past violations if they successfully bring their unpermitted ADU into compliance with current zoning and building codes¹⁰.

ADUs in Alaska

ADU ordinances in Alaska are on a spectrum from very restrictive to very permissive. On the restrictive end, cities allow only very small units, have owner occupancy requirements, high parking standards, and require use permits. On the permissive end, unit sizes are larger, parking requirements are either relaxed or absent, and approvals are ministerial. The Table below gives a brief overview of ADU programs in six different Alaskan municipalities.

⁶ California, Connecticut, Maine, New Hampshire, Oregon, Rhode Island, Utah, Vermont, and Washington

⁷ Wielga, C. (2023). Accessory Dwelling Units and the Preemption of Land Use Regulation. *Cityscape*, 25(3), 99-122.

⁸ Chapple, K., Wegmann, J., Mashhood, F., & Coleman, R. (2017). Jumpstarting the market for accessory dwelling units: Lessons learned from Portland, Seattle, and Vancouver; Volker, J. M., & Handy, S. (2023). Exploring homeowners' openness to building accessory dwelling units in the Sacramento metropolitan area. *Journal of the American Planning Association*, 89(1), 45-60.

⁹ Alaska Municipal League. (2023). AkDU's and Don'ts: A Practical Approach to Bringing Additional Dwelling Units to Alaska Communities.

¹⁰ Ramsey-Musolf, D. (2018). Accessory dwelling units as low-income housing: California's Faustian bargain. *Urban Science*, 2(3), 89.

City/Borough	Size	Parking	Other Notable Features
Kodiak Island Borough	575 sq ft to 725 sq ft depending on zone district	2 spaces if <600 sq ft 3 spaces if >600 sq ft	Owner must live on site
Mat-Su Borough	Cannot exceed 50% of the principal dwelling floor area	Not addressed	Allow up to two ADUs
Palmer	300 sq ft minimum; 900 sq ft maximum; No more than 40% of gross floor area of principal dwelling	1 space for studio and one-bedroom units 2 spaces for two-bedroom units	Owner must live on site at least six months per year; Attached units must have interior door connecting units; ADU permits are non-transferrable
Petersburg	800 sq ft or: 40% of main dwelling on lots <.5 acres; 60% of main dwelling on lots >.5 acres and <1 acre; 80% of main dwelling on lots >1 acre	None required	ADU can't be taller than principal residence or closer to the front of the property
Sitka	800 sq ft	Parking plan required	Excluded from Short Term Rental usage; No RVs or mobile homes as ADUs; A conditional use permit can override general ADU requirements
Soldotna	750 sq ft	1 space	Excluded from Short Term Rental usage; No RVs or mobile homes as ADUs

ADU Text Amendment Proposal Highlights

The proposed text amendment removes the existing accessory apartment language in 49.25.510(k) and adds a new section for ADUs within Title 49. It also edits connected sections of code spread throughout Title 49. The proposal includes the following:

- Strikes 49.25.510(k) accessory apartments and replaces it with 49.25.512 accessory dwelling units which is written in plain English and is much shorter than the original code section.
- Reduces ADU permit application requirements contained within code which gives CDD more flexibility to adjust requirements within an evolving development context.
- Exempts ADUs from density calculations.
- Explains an ADU's relationship to a principal structure and acknowledges that a principal structure may become an accessory structure to a newly constructed single-family home.
- Exempts ADUs from minimum lot size and minimum lot width but retains maximum lot coverage and maximum height limits from the underlying zone district. Existing legal nonconforming structures converted to ADUs are not required to remedy noncompliance with lot coverage, setback, or height standards.
- Sets maximum size standard of 1000 square feet for detached ADUs.
- Sets maximum size standard of 1000 square feet or 40% of the principal residential structure, whichever is greater for attached ADUs.
- Sets a 10-foot rear setback for ADUs
- Removes on-site parking requirements for ADUs within one mile of a transit stop, as well as those created via conversion of an existing covered parking space.
- Defines Accessory Dwelling Unit in 49.80.120 – Definitions.
- Explicitly names ADUs as a minor development in single-family; multifamily; and commercial and mixed-use zone districts in 49.25.300 – Determining Uses.
- Principally permits ADUs in all residential districts.
- Allows attached ADUs within the allowable construction standards of a bungalow. The intent is that a conforming bungalow structure could have an ADU created within its footprint, to include the conversion of a covered parking area (i.e., garage).

Future Considerations

The proposed text amendment is intended to remove barriers and stimulate interest in ADU development. It is much less restrictive than the existing code for accessory apartments, but it is driven by best practices from other cities that have had success with ADUs as a housing strategy. If the Assembly chooses to adopt the changes, it would be advisable to analyze ADU interest and development patterns in the years following adoption. We may identify additional barriers to remove, or areas in the code where CBJ should become more restrictive. Additionally, ADUs should be a topic of discussion in the comprehensive plan update which begins soon.

Under the Juneau Affordable Housing Fund there is a grant program supporting ADU creation that provides up to \$16,000 to develop a new ADU. I recommend considering an increase to \$50,000 to match the per unit allocation for larger developments. A unit is a unit, regardless of whether it is an ADU or an apartment in a new multifamily complex. This increase has the potential to stimulate ADU development by property owners with less home equity or lower incomes. The Assembly could also consider a loan program to help potential ADU developers overcome the challenge of accessing the capital required to build a new unit.



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TO: Mayor Weldon and Assembly
 FROM: Rob Dumouchel, Special Project Planning Manager
 THROUGH: Katie Koester, City Manager
 DATE: 14JAN25
 RE: Caretaker Units in Industrial Areas

It is not appropriate to build extensive residential developments in industrial areas, however, caretaker units are a common and appropriate accessory residential use for industrial developments that provide management and oversight to areas that would otherwise be unsupervised outside of regular working hours. Caretaker units are currently allowed, but they are not well defined and are time consuming to review and approve under the current code. The proposed text amendments would define caretaker units in Title 49, create a section of code specifically for administration of caretaker units, make caretaker units a principally permitted use in Waterfront Industrial (WI) and Industrial (I) zone districts, and address some related issues connected to parking and mobile homes.

Caretaker Units in General

Caretaker units are an accessory residential use in an industrial setting that allows an owner, caretaker, superintendent, security guard, or other similar type of employee to live on the site of a principal industrial use and provide oversight. Caretaker units can be attached or detached, but they are not intended to be the primary use of a parcel.

Caretaker units are a limited exception for a residential use in an otherwise industrial area. Industrial zone districts, by their nature, are not well-suited to high-density residential uses. These areas can be noisy, dirty, and host to numerous physical hazards. Whis this in mind, the Alaska Department of Conservation has regulations relevant to specific industrial uses (e.g., asphalt plants) that may preclude the development of either a caretaker unit or an industrial use, depending on which was established first. Industrial zones generally do not have the amenities one would expect in a residential setting like sidewalks and parks, nor do they have the feelings of community developed through interactions with neighboring households.

There are practical benefits to caretaker units. Having a resident caretaker can increase safety and security for the principal industrial use. It can also ensure a qualified individual is on site to handle emergencies or critical maintenance tasks that may occur at any time of day or night. This could also be viewed as providing a public safety benefit as a caretaker could intervene before a situation escalates into a public health and safety hazard.

Caretake Units within Adopted CBJ Plans and Code

The 2013 Comprehensive Plan is clear that residential uses are not desired within industrial areas, with the exception that caretaker facilities should be allowed (see table below).

Light Industrial (LI)	Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.
Heavy Industrial (HI)	Residential office, retail, and personal service uses are not to be allowed, except that residential caretaker facilities should be permitted.
Waterfront Commercial/Industrial (WCI)	Residential uses would not be allowed in Waterfront Commercial/Industrial Districts, with the exception of caretaker units.

Within Juneau’s Code of Ordinances Title 49 – Land Use, caretaker units are not specifically defined, however, “single-family detached, one dwelling per lot” is listed in the table of permissible uses (49.25.300) as a principal use in Waterfront Industrial (WI) and Industrial (I) zone districts with the caveat that “a single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.” Despite being principally permitted, residential uses are not listed as a minor development in an industrial zone district under 49.25.300 which could be interpreted as a major development requiring a use permit. There is also code which allows for mobile homes to be used in lots outside of mobile home parks/subdivisions as a “caretaker residence” (49.65.300 (3)) which, in most cases, is a separate type of use from the industrial caretaker unit created by this proposed text amendment.

Title 19 – Building Regulations provides a construction-focused definition for “caretaker facilities” as a temporary building “used for occupancy as a dwelling unit on a temporary basis by a caretaker to protect property or equipment during construction or a limited time event.”

The Ad Hoc Title 49 Advisory Committee supported the concept of apartments in industrial zones but was not certain that caretaker units were the best way to implement them. Based on the Committee’s discussion, I considered different configurations like extending the accessory dwelling unit code to industrial zones or allowing an apartment with no other designations like caretaker or accessory dwelling. None of the alternatives would be aligned with the 2013 Comprehensive Plan. For that reason, I suggest approving the creation of a section for caretaker units at this time, and, if the updated Comprehensive Plan is more supportive of residential units within industrial zone districts, that we consider collapsing caretaker units into an accessory dwelling unit framework (the proposed 49.25.512 for Accessory Dwelling Units).

Caretaker Text Amendment Proposal Highlights

The proposed text amendment to Title 49 would define a caretaker unit and give guidelines for permitting and administration of this specific type of residence. The proposal:

- Creates a definition for “caretaker unit” under 49.80.120.
- Create a new code section for caretaker units – 49.25.514 which:
 - Requires a permit for development of a caretaker unit.
 - Requires caretaker units to be accessory to a principal use on the same parcel.
 - Limits residency to caretaker and family (family is defined in Title 49 as “one or more persons living as a single housekeeping unit”).
 - Exempts caretaker units from density requirements, similar to the proposal for accessory dwelling units.
 - Allows caretaker units to be up to 2000 square feet in net floor area (currently no limit exists).
- Clarifies that caretaker units are a minor development under 49.25.300 – Determining Uses
- Edits the Table of Permissible Uses to:
 - Create a line for “Caretaker units” which principally permits them in Waterfront Industrial (WI) and Industrial (I) zone districts.
 - Remove the option for “Single-family detached, one dwelling per lot” from Waterfront Industrial (WI), and Industrial (I) zone districts as it has been replaced by the new caretaker unit use.
 - Edits entry for “Caretakers mobile homes on individual lots” to instead read as “Mobile homes on individual lots outside of mobile home parks” which principally permits them in the Waterfront Industrial (WI) and Industrial (I) zone districts with the caveat that they are further governed by 49.65, Article III – Mobile Homes.
- Adds caretaker units in industrial zone districts to the rules for mobile homes on individual lots under 49.65.300.
- Adds a line for caretaker units in the parking use table and requires zero off-street parking spaces with the intent that total parking requirements for the parcel hosting a caretaker unit will be driven by the principal industrial use.

Future Considerations: Juneau is home to many highly seasonal industries which have temporary needs for housing of workers. While it would not be appropriate to pursue traditional multi-family housing developments within industrial zone districts, it would be worthwhile to investigate the allowance of Single-Room Occupancy (SROs) for seasonal worker housing in industrial districts. Additionally, with the news that the US Coast Guard is planning to homeport an icebreaker in Juneau, consideration for allowing barracks-style military housing in Waterfront Industrial (WI) is warranted. These discussions could be included as part of the upcoming Comprehensive Plan update process. If SROs and military housing become supported uses in the new Comprehensive Plan, a Title 49 text amendment would be required for implementation.



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TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: 14JAN25
RE: Determining Uses – Major vs. Minor Developments

The determination of major versus minor developments in Title 49 has created significant barriers to development, particularly the development of multifamily housing. This proposed amendment would improve interpretation of Title 49, but it would also aggressively expand the amount of housing that could be ministerially approved and greatly speed up the development process for multifamily projects.

Ministerial versus Discretionary Approval

When projects are submitted to the Community Development Department (CDD), they are divided into two major categories:

- (1) Minor developments which are projects that are principally permitted and allowed by-right through a ministerial approval process driven by objective standards in code and enforced under the authority of the CDD Director, and
- (2) Major developments which are projects that require discretionary review through a body like the Planning Commission who must make decisions at public meetings.

The determinations as to whether a use requires a discretionary use permit occurs in 49.25.300. The Table of Permissible Uses indicates if a use is allowed within a specific zone district and if it a principal use allowed by-right, or a conditional use requiring a discretionary permit. Further, 49.25.300(c)(3) defines minor developments by type of zoning district. If a project, even if it is a principal use, cannot fit within the definition of a minor use, it triggers a conditional use permit (i.e., a multifamily residence is principally permitted in multifamily residential districts unless it exceeds eight units, nine or more units require a conditional use permit).

Conditional use permits are a common discretionary permitting tool where the Planning Commission reviews a project based on objective code requirements, but also uses their collective expertise and judgement to include consideration of subjective matters when determining whether to approve a permit and apply conditions of approval (if any).

When drafting a zoning code, it is important to give thought as to whether a project should require a discretionary review or not. Every project that triggers a conditional use permit results in a significant amount of time and effort for CDD staff, as well as cost, anxiety/uncertainty, and potential conflict for applicants. If projects are meeting existing zoning standards and going through discretionary processes with no substantive conditions applied, it indicates that perhaps those projects should not be considered "major" developments in need of discretionary review. This text amendment is intended to reduce the number of projects that require discretionary review via a use permit by expanding the scope of minor developments within 49.25.300.

CBJ Use Permit Review

I conducted a review of Planning Commission meeting minutes spanning from January 2021 to September 2024. As part of that review, I collected data on all use permits which went before the Planning Commission. In total, 66 permits were agendized. 64 permits were approved, 1 permit was rejected, and 1 permit was withdrawn by the applicant. Many use permits were approved on consent (28%), and the Planning Commission

only made modifications to the Director's recommendation in 21% of cases. Objections to approval were uncommon with only 15% of cases experiencing a split vote. What I infer from this information is that:

- (1) CDD staff is doing a good job in helping applicants develop projects with a high chance of success.
- (2) Many projects are unnecessarily subjected to the use permit process.

Digging deeper into the use permits, I reviewed Notices of Determination which contain the conditions, if any, imposed upon the approved projects. Most projects (~65%) have two conditions or less applied to their use permits, and most conditions are just restatements of existing code. Common existing regulations as conditions include restatements of parking requirements (49.40), required adherence to building code regulations (Title 19), restatements of setbacks (49.25.400), signage rules (49.45), and requirements for bear-resistant trash cans (36.20.056).

Determining Uses Text Amendment Highlights

The existing code for determining uses is restrictive and perceived as being somewhat confusing by staff and the public. The proposed text amendment would remove some unnecessary text, clarify that multiple minor developments can be combined and still considered a minor development, and modify dwelling unit restrictions from multi-family and commercial/mixed-use districts¹¹. The proposal:

- Removes outdated references to bedrooms leased on a daily or weekly basis
- Clarifies that a project can combine minor developments 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

Multifamily Unit Cap Removal

The most ambitious portion of this proposal is the removal of specific number limits for dwelling units in multifamily and commercial/mixed-use districts. **This is a very aggressive move to support housing.** As currently written, this section designates multifamily housing projects that meet the allowable density in a district but exceed a specific number of units (i.e., over eight units in multifamily residential districts, or twelve in commercial/mixed-use districts) as major developments requiring a conditional use permit. The proposed text amendment removes the numerical standard and instead relies on the density standard of an underlying zone district. So, for instance, if a 20-unit multifamily residence is proposed for a 2-acre parcel in D-15, no use permit would be required because it does not exceed the underlying density standard of the zone district. Theoretically, a very large multifamily project could be permitted as a minor development as long as it meets existing standards in code. This increases certainty for housing developers and reduces carrying costs associated with waiting for discretionary permits.

¹¹ The amendments for accessory dwelling units and caretaker units would also make changes to this section of code.



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RE: Use Not Listed

Title 49 – Land Use is very restrictive when it comes to making equivalent use-related decisions. Updating the use not listed regulations is intended to streamline permitting processes by giving the Community Development Director the ability to approve new and innovative land uses more quickly, a benefit to the business community and supported by 2024 Assembly goal #2 – assure Juneau has a vibrant, diverse local economy.

Title 49 has an existing mechanism for approval of uses not listed in the table of permissible uses that requires any equivalent use determination to go to the Planning Commission for a public hearing. In many cases, this is inefficient and a poor use of the Planning Commission's time and creates significant work for Community Development staff.

The proposed text amendment would allow the Community Development Director to consider a use not listed and approve it if it meets certain specific conditions. This is an important tool to be able to handle evolutions of business and local land uses that are similar to existing uses in a timely fashion.

The Director would have the option to refer an equivalent use determination to the Planning Commission, and Director-level decisions would be appealable to the Planning Commission. If there is no logical equivalent use connection, the use would need to be considered through a text amendment as outlined in 49.75.410.



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RE: Transition Zone Upzoning

The City and Borough of Juneau (CBJ) had the foresight to designate certain lands as eligible for upzoning¹² once certain triggers are met. This can be a powerful and effective tool to allow the CBJ to evolve as public water and sewer infrastructure is developed. Unfortunately, despite the clear intent to automatically upzone eligible parcels, no mechanism exists in code to allow that to happen. This issue was identified in the 2013 Comprehensive Plan and Implementing Action 3.1-IA1¹³ suggested that this tool would be better implemented if the Community Development Department (CDD) Director were granted the authority to approve the upzoning of transition zones. This proposed text amendment would give the CDD Director the ability to identify lands eligible for upzoning and ministerially enact the change, saving significant costs in both staff time and financial resources.

Transition Zones in General

Transition zones are governed by 49.70.700 et seq. which states the purpose of a transition zone as follows:

A transition zone is an overlay zone district for certain lands located in the urban service boundary that are set aside for higher density development after public water and sewer have been provided. Transition zones shall be identified as such by the designator "T" on the official zoning maps adopted pursuant to section 49.25.110. The overlay district specifies the current lower density zoning classification as well as the proposed increase. The increase in density will take place at the time public services are provided.

The current code requires either the applicant for a major development permit, or the Planning Commission, to initiate the upzoning of a transition zone and move it forward to a public hearing. Creating staff reports, hosting public meetings, and considering the action at a hearing is a significant amount of work for an action that was predetermined when the land's current zone was adopted.

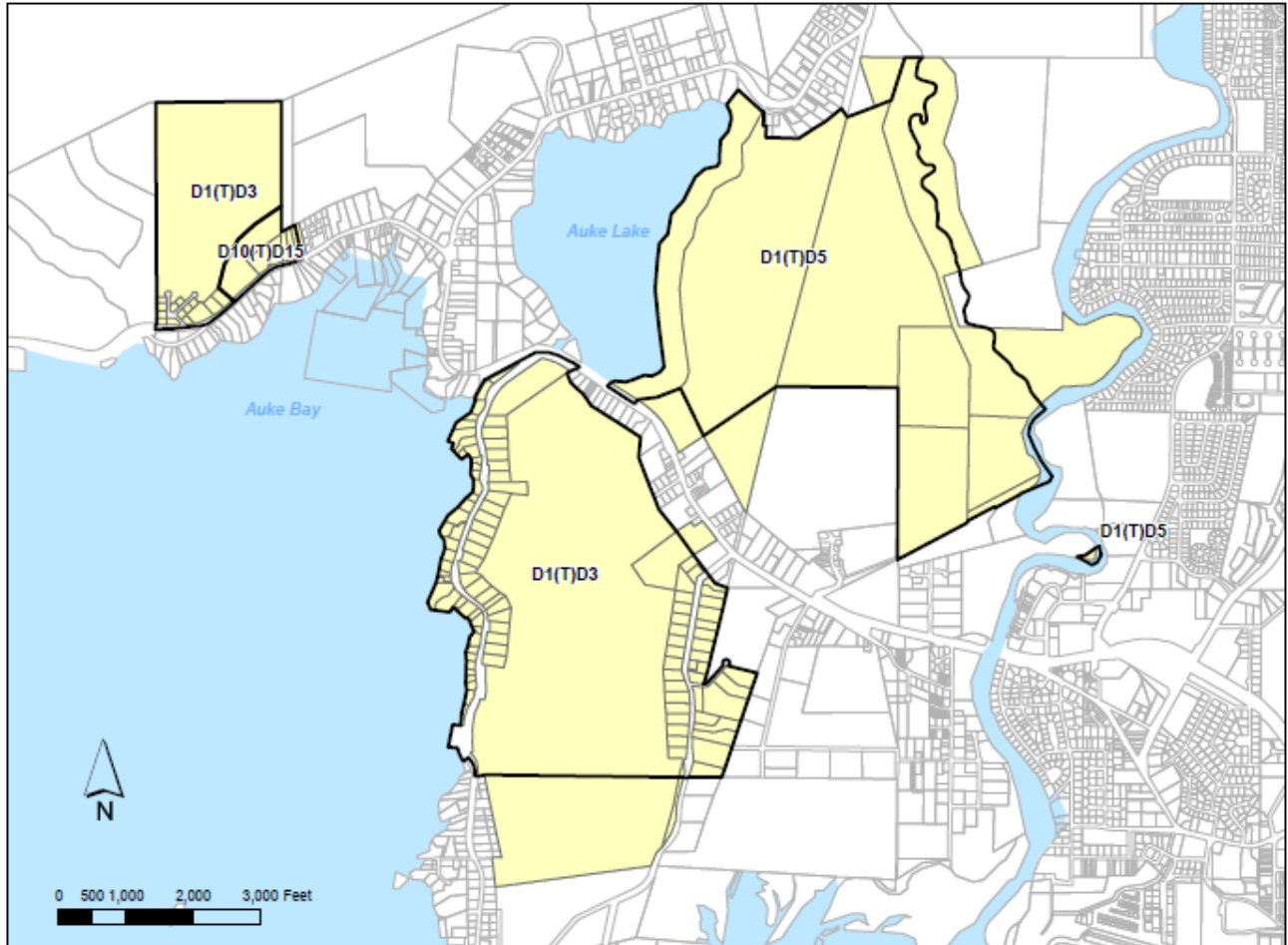
Current Transition Zoned Parcels Eligible for Upzoning

At this time, there are approximately 140 (T) zoned parcels located within the Auke Bay area. The vast majority are zoned to move from D-1 to either D-3 or D-5. While there are relatively few parcels that would be affected by this proposal, having a ministerial upzoning tool available will be very useful as the CBJ water and sewer system expands over time. Additionally, after the Comprehensive Plan update is completed, there is a high

¹² Title 49 refers to upzoning as a "zoning upgrade."

¹³ 3.1 - IA1 Revise the Land Use Code to allow, in zoning Transitional (T) zones, the higher density zoning designation to be allowed upon petition by the property owner and approval by the Community Development Department (CDD) Director, rather than by a rezoning action, provided that, as a condition of approval, the property owner ensures the provision of adequate municipal water and sewer service and provides adequate roadway capacity to serve the increased population. For example, a D-3 (T) D-10 could transition to D-10, and a D-1 (T) D-5 could transition to a D-5 as a zoning map amendment, with CDD Director's approval, upon the financial assurance of provision of the water, sewer, road and intersection capacity at a LOS D or better prior to its development.

likelihood that new transition zones will be identified, and it will be very advantageous to the efficient administration of those zone districts to have a ministerial approval process for the upzoning of eligible parcels.



Remaining Parcels within Transition Zones as of December 2024 (approx. 140 parcels)

Transition Zone Text Amendment Proposal Highlights

This proposed text amendment to Title 49 would grant the CDD Director authority to ministerially upzone parcels with the transition zone (T) indicator if they have met the eligibility requirements of having water and sewer utilities. The amendment does the following:

- Identifies the CDD Director as having the authority to upzone an eligible transition zone parcel.
- Allows the CDD Director to initiate the upzoning of an eligible transition zone parcel.
- Removes the procedure and hearing sections. **If a rezone exceeds the Director's authority it will go through the normal rezoning process under 49.75.130.**

Future Considerations

It's important to ensure that there is ongoing communication between CDD and the City Engineer regarding the expansion of utility services to new parcels throughout the CBJ. It may also be worthwhile to consider other potential triggers for upzoning transition zones in the upcoming Comprehensive Plan update process. As Juneau goes through stages of development and densification, there may be other logical reasons to automatically upzone areas in the future to achieve CBJ transportation and development goals.



City and Borough of Juneau
City & Borough Manager's Office
155 Heritage Way
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: 14JAN25
RE: Amendments to Approved Permits

It is common for development projects to require modifications after approval. Under current regulations, some relatively insignificant changes end up returning to the Planning Commission. Re-entry to a discretionary process can add months to a project and significant costs for the developer. The intent of this proposed text amendment is to give the Community Development Department (CDD) Director the ability to review minor amendments to approved permits without having to repeat a trip to the Planning Commission for review.

Currently, Title 49 has specific sections for amendments to approved planned unit development plans (49.15.660), approved cottage housing development plans (49.15.750), and approved alternative residential subdivisions plans (49.15.970). Title 49 does not, however, have a globally applicable pathway for amendments to approved permits. This text amendment would create a new section for "Amendments of approved permits" that applies to all zoning permits (except for exploration and mining), clarifies the differences between minor and major amendments, and allows the CDD Director to approve minor amendments. Major amendments would return to the original permit approval authority and would be required to repeat noticing and public hearing steps required for the original permit.

Proposal Highlights

The proposal includes the following:

- The creation of 49.15.160 – Amendments of Approved Permits.
- The deletion of 49.15.660, 49.15.750, and 49.15.970 as they will be replaced by 49.15.160.
- Creation of an amendment request/application process.
- Defines a minor amendment as:
 - Not expanding or intensifying uses or structures beyond original approval;
 - Having an insignificant change in the outward appearance of the development;
 - Having an insignificant impact on surrounding properties;
 - Having an insignificant impact on the location of buildings;
 - Not impacting a feature that was the basis for conditions of approval or a feature specifically considered by the review authority in granting the original permit;
 - Not reducing parking below the original requirement; and
 - Not creating a delay of more than one year for the project's completion.
- Director has 15 working days to determine if an amendment is minor or major.
- Requires major amendments to return to the same review authority as the original approval with the same public notice and hearing requirements as the original permit.
- Exploration and mining permits are an exception to this new section, they are governed by Chapter 49.65 Article I – Exploration and mining permits.
- Appeal language is not included as 49.20.110 already covers appeals to the planning commission.
- Creation of 49.15.130(d) that clarifies how to deal with an incomplete application.



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TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: 14JAN25
RE: Rules of Construction for Title 49

In a zoning code, like Title 49, the 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 the code. Rules for construction are commonly found in either the general provisions at the beginning of the code, or they are packaged with the definitions section. At this time, CBJ's rules of construction are located in section 49.80.110 which immediately precedes 49.80.120 – Definitions. I'm uncertain of the context in which 49.80.110 was created. It is not very comprehensive and does not add much value to those interpreting Title 49.

I am recommending the deletion of 49.80.110 – Rules of construction and the replacement of 49.05.140 – Interpretation with the creation of 49.05.140 - Rules of construction which is significantly more comprehensive. The proposed update provides more relevant definitions and resolves common ambiguities that arise in code interpretation which is intended to allow for the more efficient review and approval of permits.

The proposed update includes guidelines for the following:

- General interpretation of Title 49
- Cross reference to CBJ 01.15.020 regarding word usage and grammatical rules
- The use of lists
- Measurement of time
- Rules of rounding for fractions
- References to other documents and regulations
- The delegation of authority in the zoning code
- How to solve conflicts between provisions

Having a clear and comprehensive set of rules of construction is an important tool for the Community Development Department. This upgrade will allow the Director and staff to more efficiently and consistently interpret Title 49 which will likely improve the experience for permit applicants and reduce wait times for permit approvals. A future amendment will address the related concept of "rules of measurement" which are provisions that set rules for how developments are measured for compliance with zoning regulations (i.e. height, distances, etc.).