

OUR DOWNTOWN

The Heart of Anchorage

Municipality of Anchorage
Planning Department



A Project to Implement the Downtown Comprehensive Plan



OUR DOWNTOWN

Step 1: Downtown Zoning Districts Code Reformat

PZC Case No. 2020-0002

Exhibit A: Staff Report

Anchorage 2040 Land Use Plan
Implementation Action 3-2



OUR DOWNTOWN Project - Step 1:

This project implements the *Anchorage 2040 Land Use Plan*, Action 3-2 by formatting the Downtown Zoning Districts (*B-2A, B-2B, and B-2C*) into the current Anchorage Municipal Code Title 21 code format. This project is the first of a three-step and multi-year planning effort to update the Downtown Title 21 Zoning Districts Code and Downtown Comprehensive Plan. For more information on this multi-year project: <http://www.muni.org/Planning/2040actions.aspx>

List of Draft Documents for this Project:

Adopting Ordinance

Exhibit A: Staff Report (and Appendices A-1 to A-4)

Exhibit B: Annotated Zoning Code Amendments

Exhibit C: PZC Resolution (draft)

Exhibit D: Policy Guidance from the Comprehensive

Plan Exhibit E: Public Comments Received

PLANNING & ZONING COMMISSION PUBLIC HEARING:

The Downtown Zoning Districts Code Reformat - Public Hearing Draft will be considered by the Anchorage Planning and Zoning Commission (PZC) for recommendation of approval on February 3, 2020.

The PZC public hearing is scheduled for **Monday, February 3, 2020, at 6:30 p.m.**
Assembly Chambers, Z.J. Loussac Library, 3600 Denali Street, Anchorage.

The public is invited to submit formal comments and testimony to the PZC in writing and/or in person at the public hearing. Written comments intended for the PZC case packet are due January 17, 2020. Comments received after January 17, 2020, will be distributed to the PZC the day of the PZC Public Hearing on February 3, 2020.

Assembly Adoption: PZC recommendations will be forwarded to the Anchorage Assembly for final action. The public will have an additional opportunity to comment during the Assembly Public Hearing.

Written comments to the PZC may be submitted in the following ways:

CITYVIEW: <http://munimaps.muni.org/planning/allcomments.cfm>
Case No. 2020-0002

EMAIL: Anchorage2040@muni.org

FAX: (907) 343-7927

MAIL: Long-Range Planning Division
MOA Planning Department
P.O. Box 196650
Anchorage, AK 99519-6650

MORE INFORMATION:

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Tom Davis - Project Manager: tom.davis@anchorageak.gov



Municipality of Anchorage

Planning Department

Memorandum



Date: February 3, 2020

To: Planning and Zoning Commission

Thru: Michelle J. McNulty, AICP, Director 

Thru: Carol Wong, Long-Range Planning Manager 

From: Planning Department

Subject: Case 2020-0002: *Our Downtown Project* – Step 1, Text Amendments to Title 21 to Reformat Downtown Zoning Districts out of Old Title 21 into Current Title 21

REQUEST

The Municipality of Anchorage Planning Department is requesting recommendations from the Planning and Zoning Commission regarding Step 1 of the *Our Downtown* project, a Title 21 text amendment. The objective of this code amendment is to move the existing B-2A, B-2B, and B-2C zoning districts out of the old Title 21 zoning ordinance and into current Title 21, reformatting them in the process. The map on the following page shows the extent of each of those Downtown zoning districts. The Commission's recommendations will be forwarded to the Assembly for consideration and final action.

A Commission work session regarding this case was scheduled for January 28, from 11:30 a.m. to 1:30 p.m. in Assembly Conference Room #155, first floor of City Hall. Commissioners may email any questions or concerns to the Planning Department in advance of either the January 28 work session or the February 3 public hearing.

PROJECT NEED AND PURPOSE

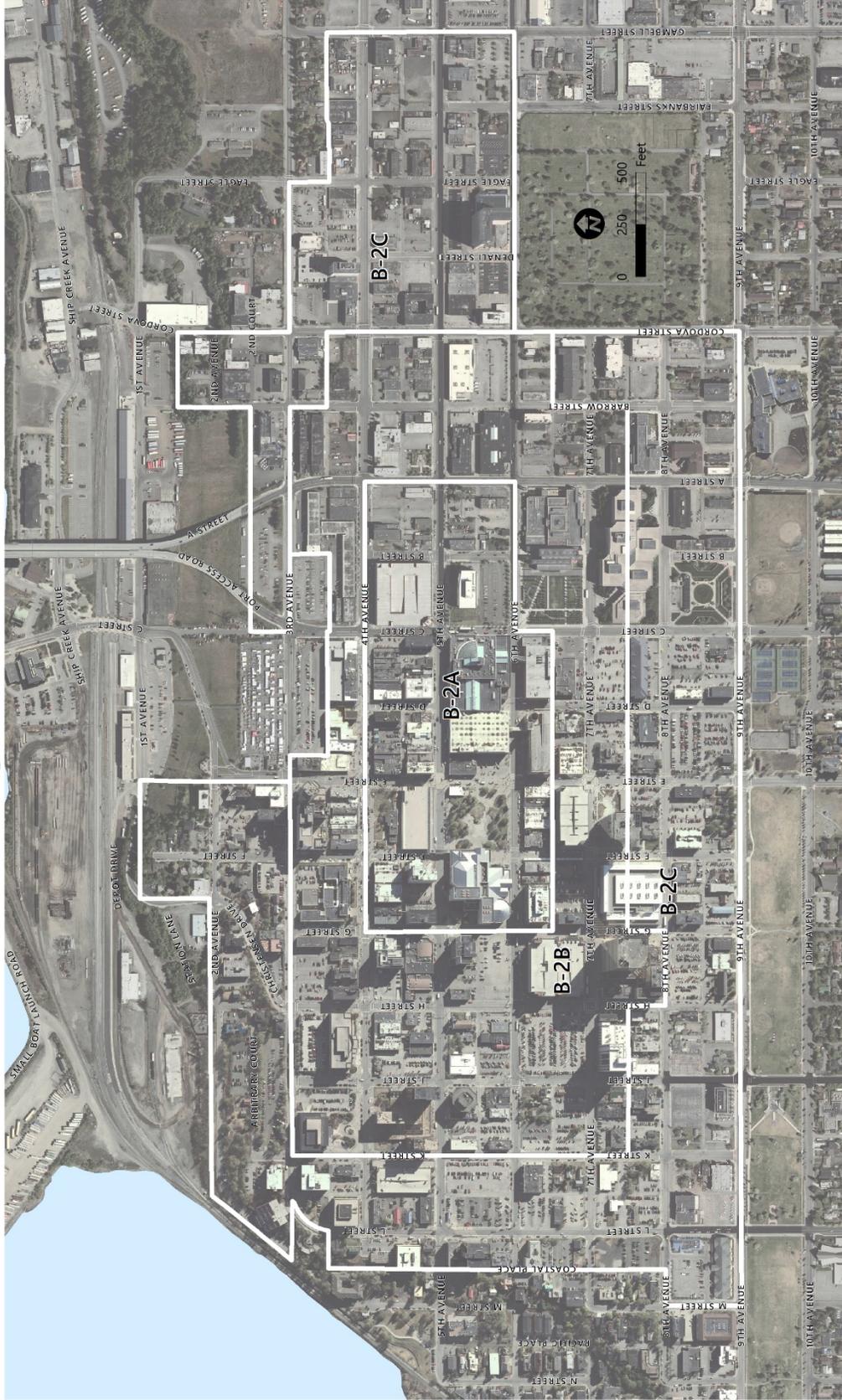
Downtown Anchorage is a major hub for employers, civic institutions, visitors, entertainment, and cultural facilities. Downtown also has a unique development environment, and its land use is still regulated by an older version of Title 21 that was originally written in the 1980s. That older version of Title 21 is becoming increasingly difficult to use in today's development context.

The reformat is a necessary first step in updating Downtown's land use regulations to meet contemporary needs for growth in housing, mixed-use living, commercial services, and cultural and tourism opportunities. In addition, it is important for Downtown property owners to have access to the advantages of the modern, more user-friendly format of current Title 21. The 2017 *Anchorage 2040 Land Use Plan* calls for reformatting the Downtown zoning districts into current Title 21 as a step towards modernizing Downtown's development regulations and achieving the goals of the *Anchorage Downtown Comprehensive Plan*. The case in front of the Commission carries out Action 3-2¹ from the *Anchorage 2040 Land Use Plan*.

¹ "Amend Title 21 to reformat the B-2A, B-2B, and B-2C Downtown zoning district regulations from the old Title 21 to include in current Title 21, in a simpler "form-based code" style of district. Primarily refresh existing regulations to a more transparent format. Incorporate only limited substantive revisions, anticipating that Action 3-9 will help implement the Downtown Comprehensive Plan."



STEP 1 - Current Downtown Zoning Districts



The main objective of *Our Downtown* – Step 1 is to move the existing B-2A, B-2B, and B-2C districts and their district-specific standards out of old Title 21² and reformat them into the language, format, and organization of current Title 21 as new Chapter 21.11: *Downtown*. This will retain the requirements in the existing B-2A, B-2B, and B-2C districts, but restate them in current Title 21 language.

New Chapter 21.11 will contain all Downtown-specific land use development requirements in one location, similar to Girdwood (Chapter 21.09) and Chugiak-Eagle River (Chapter 21.10). Creating a new chapter devoted to Downtown will result in greater transparency, accessibility, and flexibility.

Several sections of old Title 21 refer to parts of the 1983 *Anchorage CBD Comprehensive Development Plan*. Additionally, the approval standards for the urban design amenities that earn bonus building height in the old Title 21 B-2 districts are currently located in another policy document, “Anchorage Central Business District Urban Design Amenities,” which the Commission approved in 1990. New Chapter 21.11: *Downtown* includes the policies from those documents to ensure continuity, reduce cross-reference errors, and help streamline development review.

Our Downtown will be a three-step, multi-year process. Each step will build on the research, analysis, and public input received from the previous step. Step 2 will be a targeted plan review and update of the 2007 *Anchorage Downtown Comprehensive Plan*. Step 3 will use the results from Step 2 to inform substantive revisions to the Downtown zoning regulations that address contemporary needs and implement the *Anchorage Downtown Comprehensive Plan*. Steps 2 and 3 implement Action 3-9 of the *Anchorage 2040 Land Use Plan*³ and Action LU-1 of the *Anchorage Downtown Comprehensive Plan*.⁴

A three-step process is necessary to provide the community adequate opportunities to engage and bring new ideas forward for discussion and resolution. More broadly, the *Our Downtown* project will coordinate with other efforts by the community to create the thriving Downtown envisioned in the *Anchorage Downtown Comprehensive Plan*.

DOCUMENTS FOR REVIEW

The public hearing draft documents for review and approval include:

- **Adopting Assembly Ordinance (AO)** that would adopt, by reference, the code amendment language in *Exhibit B: Annotated Zoning Code Amendments*.
- **Exhibit B: Annotated Zoning Code Amendment**, which contains the recommended Title 21 text amendment language. It also includes annotation alongside the proposed text amendments that explains each amendment and cross-references back to the equivalent sections of old Title 21.

² Sections 21.40.150, 21.40.160, and 21.40.170.

³ “Complete a comprehensive update to the downtown zoning regulations, establishing new DT districts, as part of a targeted plan review and update to the Downtown Comprehensive Plan with an analytical report of issues and conditions.”

⁴ “Enact a new Downtown land use and development code and amend the Downtown zoning map to reflect the recommended land use strategies, design guidelines and proposed Downtown district specifications.”

Supporting materials for this case include this *Exhibit A: Staff Report*, its four appendices (A-1 through A-4), and Exhibits C, D, and E.

- **Appendix A-1** excerpts the sections of old Title 21 code that are relevant to this amendment. A-1 also excerpts the parts of the 1983 *Anchorage CBD Comprehensive Development Plan* and the “Anchorage Central Business District Urban Design Amenities” policy documents that are referenced in the old Title 21 downtown regulations.
- **Appendix A-2** outlines the organizational structure of the reformatted Downtown provisions within current Title 21. A-2 also shows how the allowed uses in the B-2 zones in old Title 21 were translated into current Title 21 allowed use types. In addition, A-2 shows how the old bonus points system and its design amenities were translated.
- **Appendix A-3** highlights differences between the generally applicable regulations of old Title 21 and current Title 21, and how those differences are addressed in the relocation of the Downtown districts from their old code context to the current Title 21 code context.
- **Appendix A-4** provides site testing of the recommended text amendments on two recent downtown developments.
- **Exhibit C: Planning and Zoning Commission Resolution** is provided for the Commission’s convenience in order to assist Commission’s preparation of its findings. It is only initial draft material that the Commission may choose to use, adapt, or change.
- **Exhibit D: Policy Guidance from the Comprehensive Plan** documents applicable policies and strategies in the *Comprehensive Plan*.
- **Exhibit E: Public Comments Received** compiles the public comments that were received by January 17, 2020 for the Public Hearing Draft. (*Further comments received by the February 3 public hearing date will be submitted separately as Exhibit E-1.*)

REFORMATTING METHODOLOGY

Our Downtown – Step 1 places the Downtown standards from old Title 21 into current Title 21. Current Title 21 contains different general provisions that will now be applicable to projects in Downtown. For example, current Title 21 has the community meeting requirement for land use entitlements that require public hearings, and the ability for an applicant to directly request a minor modification from the Planning Director.

Appendix A-3 highlights elements of current Title 21 that differ from old Title 21 and summarizes how the draft amendment addresses these differences. This includes exemptions and adjustments from current Title 21 provisions for the Downtown zoning districts.

PUBLIC REVIEW AND COMMENT

This case follows the review and approval procedures for Title 21 text amendments established in AMC 21.03.210. A public hearing draft of the proposed amendments was published for public review on November 4, 2019. Copies of the proposed amendments were distributed with supplementary information including Appendices A-1, A-2, and A-3 to agencies and community councils on November 18.

Planning Department staff presented the ordinance at several community council meetings including Downtown, Government Hill, South Addition, and the Federation of Community

Councils Board of Delegates. Staff also presented to other stakeholder groups and to the development and design community. The Planning Department held three open houses in Downtown on October 4, October 30, and November 19. Staff also presented the project to the Anchorage Homebuilder's Association and the Anchorage Chamber of Commerce. In addition, staff conducted site testing of the draft amendments on two recent Downtown housing projects. The results of that testing are included in Appendix A-4.

Seven comments have been received as of January 17 (Exhibit E). To date, no public agency or community council has expressed concerns about the project or any specific provision.

EXPLANATION OF RECOMMENDED CHANGES TO PUBLIC HEARING DRAFT

After releasing the draft amendment, staff has continued to review all material for errors, inconsistencies, or omissions. Staff has also reviewed the results of the site tests in Appendix A-4 for any draft provisions needing correction. As a result, the Department has identified several such items that should be addressed, and requests that the Commission consider recommending approval of those changes to the public hearing draft amendment in conjunction with the Commission's recommendations for the amendment as a whole.

The proposed changes are identified below. Each change is classified as either "substantive" or "technical." In this case, substantive changes are any changes to the amendment that substantively modify a standard in order to remove ambiguities or ensure interpretations that are consistent with the intent of the project. Technical changes, on the other hand, are changes that modify the wording or phrasing of a provision to align the provision with its intended meaning. Two legal edits to the Assembly Ordinance which are recommended by the Legal Department follow at the end of the section, as well.

RECOMMENDATIONS

A. The Planning Department recommends **APPROVAL** of the Public Hearing Draft ordinance and its recommended Title 21 text amendments in Exhibit B, with the following changes:

1. **Substantive** edits as follows:

a. Table 21.02-1 (Exhibit B, page 1):

- i. ADD "21.11.050., Use Regulations" to Table 21.02-1 as shown below. This row of Table 21.02-1 is not currently in the proposed amendment, so it would be added.

Reason for change: to ensure that variances to use-specific standards are allowed for uses listed in 21.11. Such variances are already allowed for all other uses in Title 21.

Reason for change: to use the same language as in Chapters 21.09 (Girdwood) and 21.10 (Chugiak-Eagle River).

- e. Section 21.11.070D.2., *Screening* (Exhibit B, page 62 beginning on line 37):
- i. Line 37: ADD new subsection letter “a.” in front of the provision on lines 37-38.
 - ii. After line 38: ADD new subsection b. to read as follows:
“Rooftop mechanical equipment shall be screened as provided in subsection 21.07.080G.4.c.”
Reason for change: to ensure that rooftop mechanical equipment is screened, as was required under old Title 21.
 - iii. ADD new subsection c. to read as follows:
“Outdoor refuse collection receptacles shall be screened as provided in subsection 21.07.080G.2.”
Reason for change: to trigger the requirement to screen refuse collection receptacles in the DT districts.
- f. Edit Section 21.11.070E. (Page 63, lines 4-20): Replace with the following:

E. Private Open Space

Multifamily dwellings shall provide private open space as established in Section 21.07.030, with the following exceptions from the standards:

1. The minimum inside dimension of ground-level individual private open space is reduced from 15 feet to 10 feet. The minimum inside dimension of common private open space is reduced from 18 feet to 10 feet. The 10-foot dimension may be reduced by three feet where abutting required site perimeter landscaping on the site, as long as the open space and the landscaping are not separated by a fence or other separating feature.
2. Individual private open space on balconies, roofs, decks, stoops, and unenclosed porches that have no less than one 10-foot inside dimension may count toward the open space requirement, except that balconies, decks, stoops, and unenclosed porches with dimensions of less than 10 feet and containing at least 20 square feet may be counted for up to 50 percent of the required private open space area. These standards replace the requirements of 21.07.030D.1.ii. and iii. for these spaces.
3. Multifamily development in the DT districts is exempt from the requirement in subsection 21.07.030B.1. for at least half of the required open space to be provided as common private open space. Required private open space in the DT districts may be any mix of common and/or individual private open space.

4. Multifamily development in the DT districts is exempt from the prohibition in subsection 21.07.030D.1.a. against counting setbacks with slopes over 10 percent towards required private open space.
5. Multifamily development in the DT districts is exempt from the requirement in subsection 21.07.030D.2.b.i. for at least half of the required common private open space to be contiguous.
6. Multifamily development in the DT districts is exempt from the limitation in subsection 21.07.030D.2.b.iv. that no more than 25 percent of the total required open space area may be developed for active recreation.

Reason for change: to apply the private open space standards in current Title 21 (Section 21.07.030) to the DT districts. Site testing has found that the current Title 21 standards for private open space are more flexible and require less lot area than the usable open space standards from old Title 21 than were previously incorporated into the amendment. Six exceptions from the development standards in 21.07.030 are included, where those current standards are more restrictive than old Title 21 usable yard and are not consistent with Downtown. These exceptions revert to the old Title 21 usable yard standard.

- g. Section 21.12.060. *Characteristics of Use* (section to be added to amendment):
 - i. EDIT subsection 21.12.060A. *Developments are Conforming*, by editing subsection 1. and inserting a new subsection 2 to read as follows (and re-number existing subsection 2 to subsection 3):
 1. “Development that was legally established before January 1, 2014 (except as provided in subsection 2 below) that does not comply with the district-specific standards of chapters 21.04, 21.09, [AND] 21.10, and 21.11; the use-specific standards of chapters 21.05, 21.09, [AND] 21.10, and 21.11;...”
 2. For development in the DT districts, the threshold date that is applicable to the provisions in subsection 1 is [*effective date*] instead of January 1, 2014.

Reason for change: to declare that developments in the DT districts receive the same nonconforming rights as developments in Girdwood and Chugiak-Eagle River.

- ii. EDIT subsection 21.12.060C.1.a. *Bringing Characteristics into Compliance (Applicability)* to read as follows:

“Do not comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, [OR] the design and development standards of chapter 21.07 (except for section 21.07.020B., Stream, Water Body, and Wetland Protection), or any standards of 21.11;”

Reason for change: to apply the same requirement to bring characteristics into compliance to the DT districts that other zoning districts are already subject to.

2. **Technical** edits as follows:

- a. Section 21.03.105B. (Exhibit B, page 3, line 18): insert “table” after “and.”
- b. Section 21.07.115B.3. (Exhibit B, page 22, line 12): change “adjoins” to “abuts.”
- c. Section 21.11.050E.1. (Exhibit B, page 44, line 20):

EDIT the sentence to read as follows:

“Establishments whose guestrooms’ primary entrances are individually accessible from the outdoors are prohibited.”

Reason for change: to clarify that only primary entrances to rooms are included in this provision, not balcony entrances or other secondary entrances.

- d. Sections 21.11.050B., 21.11.050C., 21.11.050D., 21.11.050E., and 21.11.050F. (Exhibit B, pages 43-44), make the following clarifications and corrections:

- i. Section 21.11.050B. on page 43, line 4, add a subsection number 1. in front of “See section 21.05.020.”

- ii. ADD new subsection 2. in Section 21.11.050B. that reads as follows:

“The use-specific definitions and standards of this section 21.11.050 apply in place of any use-specific definitions or standards established in chapter 21.05, unless otherwise specified. If this section does not establish use-specific standards for a certain use, then the use-specific standards in chapter 21.05 shall apply for that use in the DT districts.”

- iii. EDIT the four section headers by changing the words “Use-Specific Standards” to “Definitions and Use-Specific Standards.”

- iv. DELETE the first two sentences underneath each of the four section headers C, D, E, and F.

Reason for change: to replicate clearer language from another section that establishes the applicability of use-specific standards in Chapter 21.11 and Chapter 21.05.

- e. Section 21.11.050G.1., Table 21.11.-3 (Exhibit B, page 47): Delete footnote 3, and renumber footnote 4 to footnote 1. Add renumbered footnote 1 to the use types “Telecommunications antenna only, large” and “Type 4 tower.”

- f. Section 21.11.060B.1., Table 21.11-4: Table of Dimensional Standards – Downtown Districts (Exhibit B, page 50):

- i. EDIT the use in the first row of the “Use” column for each zoning district as follows:

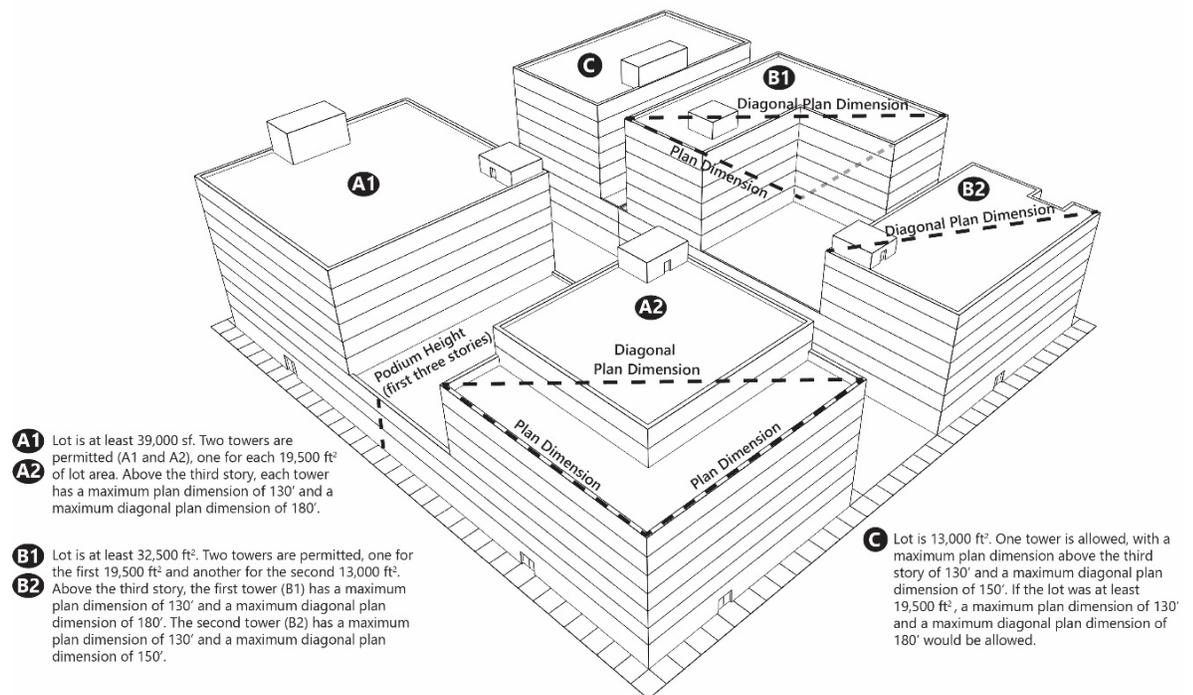
“Residential household living uses, except mixed-use dwellings.”

- ii. EDIT the use in the second row of the “Use” column for each zoning district as follows:

“All other uses, including mixed-use dwellings.”

Reason for change: to clarify that mixed-use dwellings are not subject to certain dimensional standards.

- g. Section 21.11.060C.1. (Exhibit B, illustration on page 51): Edit the form of building tower B2 as shown below:



Reason for change: to resolve possible confusion about which diagonal measurement to use on a given building plan.

- h. Section 21.11.060C.3. (Exhibit B, page 52, line 19): insert “of” after “addition.”
- i. Section 21.11.060C.2. (Exhibit B, page 59, line 7) replace "and" with "or.”
Reason for change: The intent is to list options, not require both options.
- j. Table 21.11-8 (Exhibit B, page 60):
 - i. Replace “highest” with “the higher.” Revise footnote 1 to reflect the same.
- k. Section 21.11.070C.2. (Exhibit B, page 59, line 7): replace “and” with “or.”
- l. Section 21.11.070C.4.a. (Exhibit B, page 61, line 4): insert “the” after “on.”
- m. Section 21.11.070D.1., *Landscaping* (Exhibit B, page 62, line 4):
 - i. CHANGE the header of subsection 21.11.070D.1. from “Landscaping” to “Parking Lot Landscaping Requirements.”
- n. Section 21.11.080A.2. (Exhibit B, page 76, line 7): change “affects” to “effects.”

- o. Section 21.11.080D.4. (page 79, line 13): change “felling” to “feeling.”
 - p. Section 21.15.040, Definitions (Exhibit B, page 83, lines 10-11):
EDIT the definition of “Plan Dimension, Diagonal” to read as follows:
“The total longest horizontal length from the corner of a building elevation to the opposite corner of the opposite building elevation.”
Reason for change: to resolve possible confusion about which diagonal measurement to use on a given building plan.
3. **Legal** edits to the adopting ordinance as follows:
- a. Assembly Ordinance, Section 1 (page 2, lines 12-17): Re-format Section 1 of the adopting ordinance into multiple sections that bring over all of the Title 21 text amendment language from Exhibit B (with any changes to the February 3, 2020 public hearing draft code text that PZC approves). This re-format does not change any content of the amendment language.
Reason for change: to put the adopting ordinance back into the format of a typical Assembly Ordinance. Most AOs include the Title 21 code amendment language in the body of the ordinance rather than adopting by reference code text amendments located in a separate document.
 - b. Assembly Ordinance, Section 2 (page 2, line 20): Change the phrase “are hereby repealed and replaced by” to instead read, “no longer apply and are replaced by.”
Reason for change: Clarification.



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www.muni.org/Planning/2040Actions.aspx