

**MEMORANDUM**

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**DATE:** December 1, 2007  
**TO:** Planning and Zoning Commission  
**FROM:** *TN* Tom Nelson, Director  
Planning Department  
**SUBJECT:** Case No. 2007-152; Issue Response for Chapter 21.04 of Title 21 Rewrite

**Chapter 21.04: Zoning Districts**

1. **Issue:** Chapter 4

In order to have infill and redevelopment, Title 21 needs to have intent language and specific guidelines that induces or requires the higher density and higher intensity uses to locate in the core areas and other designated redevelopment areas. The only place that Chapter 4 appears to guide the geographic location is in the Commercial Mixed Use District section. There should be some general statement that applies to all moderate-density, high-density, and intensive use zoning, directing these uses to centralized and redevelopment locations and not placing these uses on the periphery where they require new infrastructure and generate more numerous and longer vehicle trips.

Public and private schools are addressed with the apparent assumption that they are on stand-alone properties. Yet most of ASD's charter schools are located in commercial properties, such as commercial strip malls, office buildings, etc. Where in Chapter 4 is any reference made to educational uses in other than PLI properties? Address charter schools relative to location in appropriate districts, especially mixed-use districts.

A general point reading this chapter is that topics are covered that overlap other sections. There's a section on nonconformities (p.33 line 36) and lots of mentions of setbacks and various uses permitted. The current code is hard to use because you can read a section and think you got the full story with no indication that there's more (sometimes contradictory) somewhere else. I'd hate to see this rewrite lip (sic) down that path.

**Staff Response:** It is the role of the elements of the Comprehensive Plan including the (draft) Anchorage Bowl Land Use Plan Map (LUPM) to guide the location of higher density development. The LUPM does show that the higher/highest density residential districts are located in and around our major employment centers. The intent statements of the R-4 and R-4A multifamily residential districts support the goal to provide higher concentrations of housing and efficient use of residential land near major city centers in downtown and midtown.

The purpose of chapter 4 is to give the general purpose of the zoning districts and any district-specific standards. The specific uses that are allowed in each district are given in chapter 5. Chapter 5 shows that schools are allowed in almost all of the residential districts and many of the commercial and mixed-use districts. However, there is no zoning district specifically designed for schools and thus the descriptions and purposes of the districts do not discuss

designed for schools and thus the descriptions and purposes of the districts do not discuss educational uses.

There will be overlap in any code—the department has tried to create an organizational layout that is more intuitive and user-friendly in the rewrite. We think that once users get used to the new format, and with the help of tables of contents and an index, users will find the organization to be superior to the current code.

**Staff Recommendation:** No changes recommended.

2. **Issue:** 21.04.010, *General Provisions*

This section should have a statement of purpose that land use zoning is a long-term commitment that shapes infrastructure planning, and especially transportation planning, to ensure cost-efficient infrastructure and to ensure that services keep pace with demands. Zoning bears fruit in terms of aesthetics and efficient function over the long term, and should not be amended piecemeal for short-term or narrowly-distributed gain.

**Staff Response:** These statements are about the general purposes of zoning and land use regulations as a whole, and are addressed in chapter 1 in the general purposes of Title 21.

**Staff Recommendation:** No changes recommended.

3. **Issue:** 21.04.010.B., *Relationship to Overlay Districts*

Last sentence typo "express" should read "expressed". Revise.

**Staff Response:** In this situation, "express" is used with the meaning "That which is made known, and not left to implication. The opposite of implied." This meaning is commonly used in legal documents.

**Staff Recommendation:** No changes recommended.

4. **Issue:** 21.04.020A., *General Purpose/Intent (of Residential Districts)*

Include in General Purpose/intent that residential neighborhoods should not be created or expanded in areas where residential use would be incompatible with existing non-residential use.

**Staff Response:** The code rewrite does not propose any sort of areawide rezoning, so those areas currently zoned residential will remain residential until/unless either the property owner requests a rezone, or a neighborhood or district plan takes a more specific and localized look at an area and recommends rezonings. The Municipality cannot restrict a property owner from developing their land in accordance with allowed uses in Title 21—all that can be done is to try to mitigate anticipated conflicts with neighboring uses.

The experience in Anchorage has usually been that the existing residential land base is eroded by incremental rezonings from residential to commercial. It is not anticipated that rezonings from non-residential to residential use will occur very often within the Anchorage Bowl.

In the case of rezoning to residential, both purpose statement #1 and the rezoning criteria in chapter 21.03 adequately address the issue of compatibility with neighboring zoning.

**Staff Recommendation:** No changes recommended.

5. **Issue:** 21.04.020A., *General Purpose/Intent* (of Residential Districts)

There is a missing tenet: residential zoning is intended to give long-term predictability about residential settings, thus contributing to neighborhood stability and cohesion and to encourage investments and enhancements. We hear frequently that residents buy into a neighborhood because of the zoning, and they don't want it changed willy-nilly.

**Staff Response:** The Assembly is the legislative body that both approves or denies a zoning change request, and also has the power to change the law (Title 21). There is nothing that can be written into Title 21 to limit the power of the Assembly to approve rezones, or to enact, amend, or abolish land use regulations.

**Staff Recommendation:** No changes recommended.

6. **Issue:** 21.04.020A., *General Purpose/Intent* (of Residential Districts)

Purpose statements use the term, "... district is intended primarily for ...". Does the term 'primarily' mean that it is acceptable for 51% of the land use in that district to be devoted to the intended density and the remaining 49% not? State the intent more clearly by deleting the word "primarily."

**Staff Response:** The phrase "intended primarily for" is used because there are other uses besides residential uses allowed in residential districts (such as schools, child care, etc.). The statement does not override limitations placed on the districts in other parts of the code. The use tables of chapter 5 still show which uses are allowed, and the dimensional tables of chapter 6 still regulate the allowed lot size. Thus this statement could not be used to change the intended density of the district—more intense residential development (such as multifamily housing where multifamily is not permitted) or smaller lot sizes could not be developed.

**Staff Recommendation:** No changes recommended.

7. **Issue:** 21.04.020A., *General Purpose/Intent* (of Residential Districts)

Throughout Chapter 4 there are generic purpose statements with the terms "minimize," "consider," "avoid," and "promote." These words are not adequate for the tasks with which they are charged. Change the language to be meaningful and binding. Instead of "Minimize" change to "Protect the environment from..."

**Staff Response:** Throughout the code the purpose statements are intended to provide a broad overview of the purpose of the district/use/regulation. The purpose statements are not regulatory. The specific code requirements that follow the purpose statements are intended to realize those purpose statements.

In the residential district purpose statements, only #8 and #10 use qualifying words (“mitigate” and “minimize”). These words are appropriate for these two statements, as the risks of natural hazards can never be completely eliminated (#8), and any development will have some sort of negative impact on streams and wetlands, yet we cannot prohibit development altogether (#10).

**Staff Recommendation:** No changes recommended.

8. **Issue:** 21.04.020A., *General Purpose/Intent* (of Residential Districts)

State in appropriate locations that not all land may be developable, no matter what creative, high tech techniques are applied; neither may the underlying density, per the zoning, be guaranteed due to various environmental or other constraints. The Hillside District Plan may be completed before Title 21 is and the HDP will take precedence. Consider the HDP survey results in situations where guidance from the public is needed for decisions effecting SE Anchorage.

**Staff Response:** All property that is in private ownership is allowed to be developed in some way. Were the Municipality to deny all rights to develop a private lot, that would be considered a regulatory taking under the federal and state constitutions. That said, there are provisions to limit development in environmentally sensitive areas or areas without adequate infrastructure or services. The R-10 district requires larger lots when slopes are steeper. The wetlands and stream setback provisions protect those sensitive resources. There are provisions to limit the impacts of development in environmentally sensitive areas.

Whatever recommendations that come out of the Hillside District Plan with regard to Title 21 can be implemented at that time.

**Staff Recommendation:** No changes recommended.

9. **Issue:** 21.04.020A.2., *General Purpose/Intent* (of Residential Districts)

The intent to provide ranges of lot sizes, housing types, densities and living environments for various economic and social needs is good and reflects the goals of 2020. However, it should not be assumed--as one mis-worded 2020 goal seems to imply--that all this variety must occur within the same or even most neighborhoods. Not only would that be economically impractical, but unacceptable to residents who desire consistency in their neighborhoods. Ensure that there will be no mistaking a requirement to provide variety of housing types, densities, etc within neighborhoods. Every neighborhood character should be protected, as stated in 2020; economical development occurs by growth out from core centers per 2020's intent.

**Staff Response:** This statement applies to the residential districts in aggregate, not to each individual district, and does not mean that each residential neighborhood should have a variety of housing types and densities. The use tables in chapter 5 and the dimensional tables in chapter 6 confirm this. The rewrite proposes very little change to the low and mid density residential districts.

**Staff Recommendation:** No changes recommended.

10. **Issue:** 21.04.020A.9., *General Purpose/Intent* (of Residential Districts)

Suggest you change “planned” to “projected”. Section would read, “which are needed to accommodate projected population densities.”

**Staff Response:** Staff has no objection to the change.

**Staff Recommendation:** Page 5, line 17, change “planned” to “projected”

11. **Issue:** 21.04.020A.9., *General Purpose/Intent* (of Residential Districts)

Remove ...”religious assembly...” from the list of items. Religious assembly, (churches) are not public services and facilities. Most require membership dues and require people to have certain beliefs to join. Some don’t allow public access. If we have to add religious assembly than we have to add coffee shops as more people drink coffee on a daily basis than go to church, you don’t need to believe in anything and there is a higher demand for coffee than religion. It is less restrictive and could be allowed in any district. That would be a true public service and comfortable meeting place.

**Staff Response:** While it is arguable if a religious assembly is a public service or facility, they have historically and traditionally been found in residential neighborhoods and will continue to be allowed in residential districts. A typical religious assembly is an institutional if not a public use that is usually more similar to a school than to a commercial retail use in its neighborhood impacts. Staff has no objection to clarifying that a church is an institutional use and not necessarily a public use.

**Staff Recommendation:** Page 5, line 15, change to read, “Facilitate the provision of appropriate public and institutional services and facilities...”

12. **Issue:** 21.04.020A.9., *General Purpose/Intent* (of Residential Districts)

Add to this Purpose statement the requirement to include roads and the appropriate level of emergency public safety services when providing for public services/infrastructure in new development. These necessities are often overlooked. These impacts will be felt the most by those who currently reside in the area; while Purpose statements elsewhere in 21.04 is considerate of residential abutting commercial, there should be language on impacts for ‘residential abutting new residential.’ A case in point is the proposed elderly housing development in SE Anchorage—its higher population of elderly will require a paramedic unit for nearest fire station—which currently does not even have a paramedic on one of its shifts; neither will the collector road that is being proposed, be adequate to draw traffic from the overly congested local streets because it is not being designed by an independent source, rather by the developer.

**Staff Response:** The purpose statements are not “requirements”—they demonstrate the general purposes of the residential districts, while specific requirements are found in the regulatory portions of code. Requirements for adequate roads to serve new development are found in the *Official Streets and Highways Plan*, chapter 21.08 and through the *Design Criteria Manual*. The Fire Department determines their appropriate levels of service. However, transportation

infrastructure is a public facility that should be considered and it would be appropriate to list it in this purpose statement.

**Staff Recommendation:** Page 5, line 17, amend to read "...telecommunications and transportation infrastructure, which are needed..."

13. **Issue:** 21.04.020A.10., *General Purpose/Intent* (of Residential Districts)

'Minimizing' impacts is not strong enough language to protect natural resources from development. Include more binding language for protection. Change "Minimize negative environmental impacts of development ..." to "Protect the environment from negative impacts of development on stream corridors, wetlands and other important resources." This change should be made throughout the definitions of the zones.

Reword the statement to reflect that there will be NO negative environmental impacts of development on stream corridors, wetlands, and other important natural resources. There is no guarantee that stream setbacks will be widened in this T-21. Rewrite process to safer levels seen in most of the US, therefore minimizing impacts is not binding language for maintaining our environmental responsibilities.

Add the following: Minimize and fully mitigate all negative environmental impacts...

**Staff Response:** This is a purpose statement and not a regulatory requirement. Requiring "full mitigation of all negative environmental impacts" in the purpose statement will not add any standards or requirements on development.

It is close to impossible to develop land with NO negative environmental impacts. For example, studies show that after 10% of land area in a watershed is converted to impervious surface, the streams are negatively impacted. However, the Municipality cannot prevent the last homeowner from constructing a home if that home would put the impervious surface area over 10% of the watershed area.

The standards and requirements of the code rather than the purpose statements should be reviewed for adequacy in mitigating environmental impacts.

**Staff Recommendation:** No changes recommended.

14. **Issue:** 21.04.020A., *General Purpose/Intent* (of Residential Districts)

Add

-Avoid incompatible uses adjoining one another

-The unique appeal of individual neighborhoods shall be protected and enhanced

-Optimize existing transportation and utility infrastructure before extending these facilities to undeveloped areas.

**Staff Response:** The issue of which uses are allowed in which districts (basically which uses are compatible) is dealt with in chapter 5. In situations where different zoning districts are adjacent, staff has attempted to include standards and provisions to mitigate any negative

impacts that might arise from incompatible uses being next to each other (such as an industrial district adjacent to a residential district).

As for the second proposed statement, there are no proposals in the code rewrite that affect individual neighborhoods. The rewrite attempts to protect neighborhoods in general and the various residential zoning districts through the continuation of existing standards in most of the residential zoning districts, and by limiting and/or conditioning the nonresidential development that is allowed in neighborhoods, but the code does not try to identify the “unique appeal of individual neighborhoods”. There is a provision in chapter 3 for an overlay district that an individual neighborhood could use to set standards related to any unique features of that neighborhood.

As for the third statement, the zoning ordinance does not control the timing of development on private property or of capital improvements. If a property owner with existing transportation and utility infrastructure chooses not to develop her land, yet a different property owner in an undeveloped area wants to develop her land, we cannot force the former owner to go first. The Hillside Wastewater Management Plan controls the boundary of public water and sewer infrastructure, the CIP lays out plans for municipal road projects, and the subdivision section of Title 21 (chapter 8) explains who pays for infrastructure associated with a new subdivision. The rewrite attempts to encourage infill and redevelopment, but it cannot and should not prevent new development on private property.

**Staff Recommendation:** No changes recommended.

15. **Issue:** 21.04.020A., *General Purpose/Intent* (of Residential Districts)

In the 2006 draft of Chapter 4 Zoning Districts, the zones RL-2 (R-6), RL-3 (R-8 and R-9) and RL-4 (R-10) said in their "Purpose" paragraphs "Certain types of non-residential uses, such as governmental, educational, religious, or recreational uses, may be allowed subject to restrictions intended to preserve and protect the residential character of the district." This should be added back to the definitions of these zones.

**Staff Response:** In the last draft, this statement existed in the purpose statements of all the residential zoning districts. Instead of repeating it for each district, staff modified one of the general residential district purpose statements to accommodate the concept (statement #9).

**Staff Recommendation:** No changes recommended.

16. **Issue:** 21.04.020C., D., and E., R-1A, R-2A, and R-2D

The words “moderately low density” and lot sizes “slightly larger” are vague: quantify them. Compare them. Are there discrete differences in setbacks or FAR that achieve distinct differences in open space or privacy?

**Staff Response:** The district purpose statements are general descriptions of the zoning districts and are not repeating the specific standards, such as lot size, that may in some cases be the only difference between two zoning districts. Dimensional standards such as lot size are found in chapter 6. In general, the R-6 through R-10 districts are considered the “low density” districts,

while the R-1s and R-2s have “moderately low” densities, and the R-3 and R-4 districts have the “medium to high densities”. Any sort of qualifying statement about density will automatically be vague and subjective. A resident of Manhattan might be amused at our concept of high density, while a rural North Dakota farming district might be amused by our concept of low density. We are trying to offer some comparison language without restating specific requirements in the purpose statements.

**Staff Recommendation:** No changes recommended.

17. **Issue:** 21.04.020F. and G., R-2F and R-2M

Consider calling R2F and R2M Mixed *Density* rather than just Mixed. This will avoid confusion with the Mixed Use districts.

**Staff Response:** The “mixed” in the district name refers to the allowance of mixed types of housing. In the case of the R-2M, anything from single-family detached up to an eight-plex is allowed. They have a mix of residential—thus the district name.

**Staff Recommendation:** No changes recommended.

18. **Issue:** 21.04.020F., R-2F: *Mixed Residential District 1*

We appreciate that this new zoning provides a buffer between higher and lower densities. Please explain where in town this district may be appropriate, since it is so similar to the R2M district, and it is a new district, not previously anticipated on the proposed Land Use Plan Map.

**Staff Response:** The proposed Land Use Plan Map does indicate in general the areas of the Anchorage Bowl where this district may apply. This district could be applied to such areas of the Anchorage Bowl that are generally not close to town centers or major employment areas and are currently zoned R-2M but have been developed primarily with single- and/or two-family homes. In most areas any rezoning to this district will happen voluntarily—a neighborhood could come forward with a rezoning request. The Planning Department might initiate the rezoning if it was an implementation action for an adopted neighborhood or district plan.

**Staff Recommendation:** No changes recommended.

19. **Issue:** 21.04.020F.1, *Purpose*

AHBA feels the proposed language for the R-2F district is too prescriptive, need to allow for more discretion from the property owner and engineer.

**Staff Response:** Planning staff has heard repeatedly, through both the comprehensive plan process and the Title 21 rewrite process, a strong community desire to protect neighborhoods from incompatible development. Many people consider multifamily development to be incompatible with single-family development. The intent of these standards is to foster a mix of housing types in a compatible form.

The R-2F district is a new district that is not available in the current code. It does not impact the



regulations of existing zoning districts. There is no current zoning tool in between the one-/two-family districts and multifamily districts that allow 8-plexes (R-2M).

To achieve the neighborhood compatibility objectives of this new district, the size of multifamily buildings is limited to 4 units or less, and there are limits to what percentage of the area of the front yard that can be devoted to paved parking. These limitations should not be impractical and reflect the physical pattern of multifamily development in a number of neighborhoods.

**Staff Recommendation:** No changes recommended.

20. **Issue:** 21.04.020F.2.c., *R-2F District-specific Standards*

Proposed exemption for multifamily buildings in the R-2F from 21.07.100G.9, *Multifamily Residential: Entrance Feature Choices*, would create more lenient multifamily development conditions in R-2F than in R-2M or R-3 multifamily districts. It would leave no minimum physical standard for appearance or function (e.g., covered entry) of four-plex entrances. This is contrary to the intent of the new R-2F district, which is to more carefully manage the design of multifamily where it appears in primarily single- or two-family areas.

It is questionable if such exemption from the multifamily entrance feature menu choices on page 106 of Chapter 7 would promote a more single-family appearance. The page 106 menu items do not seem to be a visual threat to a single-family appearance. The items encourage an attractive entrance and improve wayfinding and sheltering. For example, a sheltered porch, side-lights or an entrance patio would not seem to take away from low-density neighborhood ambience.

Likewise, an exemption for multifamily buildings in the R-2F from 21.07.100G.11, *Accessory Elements*, seems to remove community design safeguards without achieving any purpose that would specifically benefit a lower-density neighborhood. For, example, requiring a minimum sized storage area helps avoid the unattractive use of outdoor spaces such as balconies for household storage. The trash/dumpster requirement of chapter 7 seems useful to protecting R-2F single-family ambience. Same comment for garages.

**Staff Response:** The purpose of the exemption from the Chapter 7 multifamily entrance feature requirements was to encourage or allow each unit to have its own separate entrance, and to avoid major common multifamily entrance areas in single family neighborhoods. If each residential unit had its own entrance and each entrance had to meet the multifamily entrance feature standards in chapter 7, it may be too costly and would emphasize the multi-dwelling appearance of a building in a single-family environment. However, staff acknowledges in some cases a four-plex may have a common entrance, and in such cases it would be appropriate and better for the neighborhood to apply the multifamily design standards for common entrances. Staff concurs that there is no purpose served in exempting multifamily dwelling in the R-2F from the 21.07.100G.11, *accessory elements* standards.

**Staff Recommendation:** Page 6, lines 28-29, revise as follows: “Buildings with three or four dwelling units shall also comply with the multifamily design standards in subsection 21.07.100G., except that any primary entrance serving just one individual dwelling unit is exempt from subsection 21.07.100G.9, *Entrance Feature Choices* [FOR G.7, ENTRANCES

AND PORCHES, AND G.9., ACCESSORY ELEMENTS].”

21. **Issue:** 21.04.020F.2.d, *R-2F District-specific Standards*

This standard affecting multifamily uses appears in several places in the code. It is intended to limit the portion of the front yard that is devoted to driveway, to ensure some yard, potential for a walkway connection, and avoid completely paving out the space between building and street. In R-2F and R-2M, it helps multifamily be compatible with single-family neighbors. A version of this standard first originated in the multifamily parking requirements and variations are now applied elsewhere as well. Testing of one or several sites should be conducted as to the practicality, clarity, consistency and coordination of these standards:

- 21.04.020F.2.d (Ch 4 page 6 lines 30-32 – affects all multifamily in R-2F zone
- 21.04.020G.2.c (Ch 4 page 7 lines 11-14) – affects all multifamily in R-2M zone
- 21.07.090F.3.c (Ch 7 page 75 lines 44-46) – applied with parking reductions
- 21.07.090H.8.b (Ch 7 page 85 lines 20-24) – affects all multifamily development
- 21.07.100G.6.c (Ch 7 page 103 lines 37-40) – menu choice for all multifamily

**Staff Response:** Staff is working on such testing and plans to have a response before December 19.

**Staff Recommendation:** HOLD

22. **Issue:** 21.04.020F.3., *District Location Requirements*

AHBA recommends the deletion of district location requirements.

**Staff Response:** Staff had intended to delete the district location requirements for the R-2F—leaving them in was an error.

**Staff Recommendation:** page 6, lines 33-38, delete F.3.

23. **Issue:** 21.04.020G., *R-2M: Mixed Residential District 2*

“new development should be sensitive to the existing neighborhood...” Worthy concept, but “sensitive” is vague and not enforceable. Add some details, maybe in a bulleted list. For example, similar rooflines, similar massing; vegetative bufferings; non-reflective surfaces; etc.

**Staff Response:** The clause above is from the purpose statement, expressing an intent rather than a standard. The various requirements in the code are meant to implement the intent statement, particularly the limit on number of units in a building, and the multifamily design standards.

Staff does not object to elaborating on the word “design” on line 4 of page 7, to help clarify the intent statement.

**Staff Recommendation:** Page 7, line 4, change to read, “The design of new development, such as building scale and setbacks, parking facility size and location, and yard landscaping, should be complementary [SENSITIVE] to the existing...”

24. **Issue:** 21.04.020H., I., and J., R-3, R-4, and R-4A

The moderate and high density residential districts (over 8 units/acre) need intent language to reduce the need for surface parking and to incorporate transit and pedestrian connections as a preferred mode of transportation. Our Comp 2020 plan calls for reducing vehicle dependency. These zones are the places to do it, so insert the intent language into Title 21. If Title 21 does not require non-vehicular travel incentives (such as more compact building layout and safe, separated sidewalks) high density residential will become a traffic nightmare and figuratively drive residents out of town to the outlying areas.

Be clear: pedestrian systems are an important transportation goal in these districts, not just a health and recreation amenity.

**Staff Response:** The provisions for pedestrian amenities are part of chapter 21.07, and they are more broadly applicable than just to these three higher density residential districts. Parking reduction opportunities are also provided in chapter 21.07 for areas close to Downtown, for development in mixed-use districts, for uses adjacent to transit service, etc. These issues are addressed, but they are not specific to these zones. The district-specific standards are limited to those standards that only apply in that one zoning district.

The concern raised would be most applicable to the highest density residential districts, the R-4 and R-4A, which are intended to be collocated with mixed-use centers and transit service. The draft Anchorage Bowl Land Use Plan Map provides a guiding statement for the land use designation containing these two districts, which reads, "Development is intended to orient to the sidewalk with active uses, windows and entrances, and provide pedestrian connections to nearby activity centers." The R-4A purpose statement as drafted already ends with a statement to this effect. Staff does not object to the incorporation of language to this effect in the R-4 and R-4A purpose statements.

**Staff Recommendation:** Page 7, line 33, add the following sentence: "Development is intended to be oriented to the sidewalk with windows, entrances, and walkways to provide strong pedestrian connections to nearby services and mixed-use districts."

25. **Issue:** 21.04.020I.2.d.ii, *R-4 District-specific Standards*

The proposed standard as drafted would require a parking garage to be wrapped with another use facing all street frontages. Should the requirement only apply to the first one or two street frontages abutting the building?

**Staff Response:** There may be cases in which a multifamily development has two or even three frontages. In such cases, it could be difficult or impractical to wrap a garage facing all streets. A more practical alternative would be to limit the requirement.

**Staff Recommendation:** Page 8, lines 12-13 and page 10, lines 42-44, revise as follows:  
" ...for at least 25 feet of depth facing the street for the full length of the street facing building elevation, except for vehicle entrances and exits[.]. Where the site has two or more frontages, the standard shall be met on two frontages;"

26. **Issue:** 21.04.020J., R-4A: *Multifamily Residential Mixed-Use District*

While Anchorage needs more mixed residential and commercial use areas in order to accommodate population growth and meet comprehensive plan goals, established neighborhoods are fearful of high rise residential buildings that will shade existing homes and bring commercial uses into previously quiet neighborhoods.

The first choice should be to add a significant number of residential units into commercial districts, especially in downtown and midtown centers, town and neighborhood centers.

For existing neighborhoods to accept higher residential densities and new commercial uses, people must first accept that commercial areas cannot accommodate anticipated residential demand, and that sprawl will harm the community more than increased density. Proposals for increased density and new commercial space should come with reasonable estimates of anticipated changes to traffic patterns (remembering transit and walking) and solar access.

**Staff Response:** In contrast to current code, the rewrite both allows and encourages (but does not require) residential development in the new mixed-use districts (intended to replace much of today's B-3 zoned areas). The forthcoming downtown district regulations will also encourage residential development. However, the government does not control the order of development and cannot fill up the commercial/mixed-use areas before accommodating other high-density residential development. Nor do the new mixed-use districts require or guarantee that residential development will occur on privately owned property.

The R-4A is a new zoning tool that is not available in the current code. It is a residential district that requires the majority of the floor area to be housing, and that the character of the development overall remain conducive to a residential environment. It would provide more flexibility to integrate office and retail commercial uses while ensuring a residential component, adequate residential density and protection of the surrounding residential neighborhood. By comparison the current code is all or nothing—either little or no commercial is allowed OR no residential can be guaranteed.

This district arose out of the planning process for the Land Use Plan Map, during the public process and analysis of Midtown. The planning process identified residentially zoned areas that were well-located for higher density residential with commercial. Historically, in such cases, Midtown has experienced an erosion of its residential land base, primarily through rezonings to allow commercial use. The district is designed so that the latitude to develop commercial that it grants to an individual property owner remains within the parameters of Anchorage 2020 housing policy, which is to preserve residentially zoned lands in Midtown, and use those lands efficiently in terms of housing units per acre. There are example central city districts in other cities that show the success of allowing supporting commercial uses in a primarily residential district.

The new R-4A high-density residential / mixed-use zoning tool could also be applied to certain areas currently zoned commercial. Certain properties for example along designated transit corridors could merit higher intensity residential with mixed-use redevelopment than does the current B-3 zone. In such cases the new R-4A zone would continue to allow commercial office and retail mixed-use along with high density residential.

**Staff Recommendation:** No changes recommended.

27. **Issue:** 21.04.020J.2.b.i.(A)., *Maintaining Residential Character*

If non-residential is limited to no more the 10 percent of a building's gross floor area, that would eliminate those quaint law offices and CPA Offices ensconced in little bungalows and cottages. If the residential façade of single family houses is maintained, a larger percentage could be converted to non-residential professional services uses without visible effect or high traffic.

**Staff Response:** Most such areas of bungalows, cottages, and other single-family houses that have converted to office uses will not be zoned as R-4A. This district is intended to facilitate more dense high rise apartments or condos with a limited amount of supporting commercial development.

**Staff Recommendation:** No changes recommended.

28. **Issue:** 21.04.020J.2.b.i.(D).(2)., *Maintaining Residential Character*

“not decrease the desirability of the area for housing” is vague and can't objectively be applied. Are there more specific examples of desirability for urban housing such as traffic or noise not to exceed typical ambient levels of the neighborhood, hours of operation not to continue past 9 pm, security without glaring outdoor lights, privacy for existing buildings through offset placement of windows and doors in new buildings, conservation of views and solar access, etc...”

**Staff Response:** The remaining part of the section, “The decision-making body may impose such conditions as listed in 21.07.070 relating to building design, traffic, privacy, floor area restrictions, restrictions against commercial above the ground floor, and other conditions to maintain a residential character”, explains the first sentence. The decision-making body may address noise, hours of operation, lighting, placement of windows, etc.

**Staff Recommendation:** No changes recommended.

29. **Issue:** 21.04.020J.2.b.ii., *Maintaining Residential Character*

If a developer of a Multi-family Residential Mixed-Use District reserves adequate acreage for a school under a PLI zoning change from R-4A, and that site is selected, acquired and the school's design and construction schedule is substantially before that of the housing, would this restrict the District from obtaining necessary certificate of zoning compliance to occupy the completed school? Please clarify.

It is assumed that, once a developer-reserved school site is rezoned to PLI, these quantitative design requirements are not applicable. Please confirm.

**Staff Response:** In the example situation, the PLI zoning would apply to the school and the requirements of the R-4A district would not apply to the school.

**Staff Recommendation:** No changes recommended.

30. **Issue:** 21.04.020J.2.b.iii.(A). and (B)., *Maintaining Residential Character*

AHBA requests the deletion of these prescriptive requirements. Section C on wall variation is reasonable.

**Staff Response:** Balancing the greater flexibility to include commercial with the preservation of the high density residential function of the district requires minimum standards for development. Areas zoned R-4A will be high density and pedestrian friendly. One of the most basic essential features to allow commercial establishments to integrate positively into a residential neighborhood is an attractive and pedestrian-friendly street frontage which includes active uses, entrances, and windows oriented to the sidewalk.

The proposed threshold for the percentage of the wall area to be windows is based on testing of local development examples and a review of examples from other cities. Research and analysis to date does not indicate the standard is exceptional, impractical, or onerous. A weaker standard is unlikely to meet the objective.

**Staff Recommendation:** No changes recommended.

31. **Issue:** 21.04.020J.2.b.iii.(C)., *Maintaining Residential Character*

Does “blank walls” mean distance between windows or just flat wall surface with no change in plane or materials?

**Staff Response:** In this context, as noted by lines 35-36 (“...the following window standards ...”) it means distance between windows.

Generally, for purposes of chapter 4 review, it can be interpreted to mean any portion of a ground-level wall that is not a window or a primary entrance. A definition will be forthcoming in the issue-response for Chapter 14, for consistent and clear application of the standard.

**Staff Recommendation:** No changes recommended.

32. **Issue:** 21.04.020J.2.c., *Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts*

What is the maximum cumulative effect from several FAR bonuses earned on a single project? Show a model project that earns several FAR bonuses compared to a standard project.

**Staff Response:** As noted on page 10, line 5, the maximum FAR “may be increased up to a maximum total FAR of 2.0 in the R-4 district and 3.0 in the R-4A district through the following bonus provisions...”.

An example project in the R-4 would be nine 1,000 sf units plus 1,000 sf of hallway and entryway area for a total of 10,000 sf on a 10,000 square foot lot. That development would have an FAR of 1.0. The maximum FAR with bonuses in the R-4 is 2.0, which would be 20,000 square feet on a 10,000 square foot lot. If this example project were to make two of its units into affordable housing units (total of 2,000 sf), it could get a bonus of 4,000 extra square feet, or an FAR bonus of 0.4. With 2,000 sf of underground parking, the project could have

another 4,000 sf of floor area. If the project adds 1,000 sf of open space in addition to what is required by the Open Space section of chapter 21.07, the development gets another 1,000 sf of floor area. And 200 linear feet of primary pedestrian walkway gives the project another 1,000 sf of floor area. Thus if the project makes two of its nine units into affordable housing, includes a 2,000 square foot underground parking area, adds 1,000 sf of additional open space, and 200 linear feet of primary pedestrian walkway, it can add another 10,000 square feet of floor area, which essentially doubles the number of units it could build.

**Staff Recommendation:** No changes recommended.

33. **Issue:** 21.04.020J.2.c.i.-iii., *Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts*

How was each type of bonus decided? Are these ratios copied from other cities? Has the staff gotten any feedback from the business community about whether any of these bonuses will be financially attractive? Unless there is some strong reality-based indication that these bonuses will be used, we shouldn't be relying on just an incentive system but should have some requirements.

**Staff Response:** The menu of special feature options include only those key features which provide a substantial public benefit that is most directly related to achieving the intent of the district. Several of these FAR bonus features are offered in other cities. However, this particular set was chosen for local conditions. For example, additional private open space above the minimum is costly for development to provide, however the community has identified usable outdoor yards and spaces as an essential component to livable high density residential areas. Likewise, underground parking and enhanced walkways would help solve the key urban design limitations in most designated redevelopment areas of Anchorage, which currently have inadequate pedestrian facilities and large surface parking facilities. Affordable housing is an emerging issue.

The calibration of these bonuses is currently being tested through the Economic Impact Analysis (EIA) process. The EIA model is testing the impact of the bonuses and the cost of providing them relative to the additional floor area bonus. This will provide staff with a source of information for staff to discuss with the community. Following the completion of the draft EIA report, staff will report to the Commission its findings as to the selection and calibration of the FAR bonuses.

**Staff Recommendation:** HOLD

34. **Issue:** 21.04.020J.2.c.iii., *Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts*

Could this below grade parking bonus be accrued for a parking lot that serves off-site users (e.g. shoppers to the broader district). Is that the intent: to make it attractive to provide lots of parking?

What if the extra FAR awarded for below grade parking creates more parking demand for the site? Must a certain percent of parking be below grade to earn FAR credits?

**Staff Response:** Parking is extremely expensive to provide. Development community sources

indicate \$60,000 per underground space is a ball-park figure. Even surface parking costs perhaps \$7,000 per stall to provide, in addition to approximately 400 square feet of site area. Because of this cost, it is unlikely that a developer will provide more parking than is absolutely necessary for the development. Underground parking may not be economically feasible. Therefore, the anticipated effect of this FAR bonus, where a developer partakes of it, would be that surface parking is replaced by underground parking, leaving more of the site for active uses, housing, landscaping and open space.

Staff strongly recommends against any minimum threshold for the amount of underground parking to provide. Research indicates that the code should avoid a magic arbitrary threshold in this case. The proposed system is very simple, and provides a continuous upward slope of increasing floor area bonuses in return for more underground parking. A little underground parking yields a little floor area. This encourages small lot infill development to use underground parking, where financially feasible. Many redevelopment areas in Anchorage consist of small sized properties under individual ownership. A minimum threshold would penalize smaller properties and benefit only the larger land holdings.

**Staff Recommendation:** No changes recommended.

35. **Issue:** 21.04.020J.2.c.iii., *Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts*

Affordable housing must be “indistinguishable” from other housing units. AHBA agrees with the Title 21 Committee, this section needs to refer to the exterior and that requiring the interiors to mirror those of more expensive units would discourage development of affordable housing beyond that proscribed in the code.

**Staff Response:** Incentives for providing affordable housing, and the minimum criteria that accompany them, appear in more than one chapter in the draft Title 21 Rewrite. The chapter 7 parking reduction for affordable housing (subsection 21.07.090F.13, page 78, lines 4-9), provides a more fully developed set of minimum standards for any affordable housing which is used to receive credit as a bonus incentives. This chapter 7 provision was drafted after the public hearing draft of chapter 4 was completed, after additional staff research of prevailing best practices related to zoning incentives for affordable housing. Among other things, the chapter 7 provision addresses comments of concern staff has received regarding the criteria for affordable housing in 21.04.020J.2.c.iii as well as in 21.04.020O.2.b.iv.

To ensure consistency, and to make sure that future amendments and improvements to the minimum criteria in one part of the code will benefit all parts of the code where the affordable housing incentive appears, staff recommends providing one set of generally applicable minimum standards for affordable housing in one location which is used toward a requirement or bonus incentive. Staff recommends that any incentive provision in the code for affordable housing should simply reference generally applicable criteria.

**Staff Recommendation:** Chapter 4, page 10, lines 24-26 AND Chapter 4, page 20, lines 11-13, revise as follows: “The affordable housing units shall be consistent with the standards of 21.07.100.H, Standards for Affordable Housing [BE DISPERSED THROUGHOUT THE RESIDENTIAL PORTION OF THE DEVELOPMENT AND SHALL BE INDISTINGUISHABLE FROM THE OTHER HOUSING UNITS].



- (1) Chapter 7, page 78, lines 3-9, revise as follows: The affordable housing units shall be consistent with the standards of 21.07.100.H, *Standards for Affordable Housing*.  
[FOLLOWING STANDARDS:

- A. [THE AFFORDABLE HOUSING UNITS SHALL BE INTERMINGLED WITH ALL OTHER DWELLING UNITS IN THE DEVELOPMENT;
- B. [THE TYPE OF TENURE AND OWNERSHIP OF THE AFFORDABLE HOUSING UNITS SHALL BE THE SAME AS THAT OF THE REST OF THE HOUSING UNITS IN THE DEVELOPMENT; AND
- C. [THE EXTERIOR APPEARANCE OF THE AFFORDABLE HOUSING UNITS SHALL BE COMPATIBLE AND COMPARABLE WITH THE REST OF THE DWELLING UNITS IN THE DEVELOPMENT.]

- (2) Chapter 7, page 108, after line 10, revise by the addition of a new subsection:

D. **Standards for Affordable Housing**

1. **Purpose**

The purpose of this subsection is to provide clarity and predictability as to the minimum acceptable standards for affordable housing units which may be counted toward a bonus incentive or any other requirement of this title, and to ensure that the affordable housing will provide a benefit to potential residents and the community overall.

2. **Standards**

Affordable housing units shall be consistent with the following standards in order to be credited toward a requirement, menu choice, or as a special feature bonus incentive of this title:

- a. The affordable housing units shall meet the definition of affordable housing as provided in 21.14.030 of this title;
- b. The affordable housing units shall be located in a story above grade plane, as defined by this title;
- c. The affordable housing units shall be intermingled with all other dwelling units in the development; and
- d. The exterior appearance of the affordable housing units shall be indistinguishable from the rest of the dwelling units in the development, except where the director determines that the exterior is compatible in appearance and consistent in quality with the other dwelling units.

36. **Issue:** 21.04.020J.3., *District Location Requirement*

This would be better at the beginning of the R-4A section to put everything in context.

**Staff Response:** As this only applies to potential rezones, and as the structure of this chapter always places any district location requirements after any district specific standards, staff prefers to maintain a consistent organizational structure.

**Staff Recommendation:** No changes recommended.

37. **Issue:** 21.04.020J.3, *R-4A District Location Requirement*

The requirement that areas to be rezoned to R-4A must be “adjacent” to designated mixed-use centers is too restrictive. The draft Anchorage Bowl Land Use Plan Map suggests the R-4A district could be applied to areas further away than directly across the street from designated mixed-use centers.

**Staff Response:** There are several areas designated on the draft Anchorage Bowl Land Use Plan Map for possible future application of the R-4A district, which are not, according to the Title 21 Rewrite definition, strictly “adjacent” to any designated mixed-use center. These further-away areas are located adjacent to designated transit supportive development corridors.

**Staff Recommendation:** Page 11, lines 11-12, revise to read, “..., and adjacent to a designated community activity center, [OR] major city center or transit-supportive development corridor in the vicinity of Downtown or Midtown.”

38. **Issue:** General Comments on Large Lot Residential Districts

I noticed that R8 thru R10 there are references being made to the suitability of sewers. Density should not be based on the ability for the MOA to sewer everything. There are areas such as R-6 that are well served by on site septic and wells. Sewers should be reserved for areas that will not add to urban sprawl and around areas where mass transportation and pedestrian facilities enable folks to walk to shopping etc. It appears that certain areas of SE Anchorage are being targeted for high density development, and sewers which does not comply with Anch 2020. Provisions in this rewrite do not address the lack of infrastructure or impact fees that would sustain the quality of life on the SE Anchorage but serve only to provide for more high end ghetto housing choking poor roads with traffic. Look at Views of Prominence, high end garbage with little regard for the surrounding area.

**Staff Response:** The descriptions of the R-8, R-9, and R-10 districts are taken from current code. They are attempting to describe the characteristics of each zoning district. The Hillside Wastewater Management Plan directs which areas of the Hillside will be sewered. The current Hillside District Plan process is re-examining this issue. The number/type of dwelling units and the minimum lot size determines the density in each district.

**Staff Recommendation:** No changes recommended.

39. **Issue:** 21.04.020K., *R-5: Rural Residential District*

The term “moderately low density” needs to be defined.

**Staff Response:** See Issue #16.

**Staff Recommendation:** No changes recommended.

40. **Issue:** 21.04.020K., *R-5: Rural Residential District*

R-5 What is range of lot sizes. What is moderately low density. Give a better sense of the flavor of this district.

**Staff Response:** It has been extremely difficult with differentiate between some of the residential districts in their purpose statements without repeating the standards of the district, either the allowed uses or the dimensional standards. The lot sizes are listed in chapter 6. Basically the R-5 is similar to the R-2A but also allows mobile homes.

**Staff Recommendation:** No changes recommended.

41. **Issue:** 21.04.020L., *R-6: Low-Density Residential (1 acre) District*

The physical and environmental features that need protection in R-6 are natural vegetation, wild life corridors, narrow roads that exist provide natural traffic calming, less than 1 d.u.a. in density, and limited alteration of drainage contours, supporting on site utilities, setbacks of 50/25 ft front and side, natural open areas, preservation of the night sky from light pollution. To ensure the integrity of R-6 define what we wish to preserve.

**Staff Response:** Most of those issues are addressed in chapters 6 (density and setbacks) and chapter 7 (drainage, lighting). The width of roads must balance the accommodation of emergency vehicles and snow storage with the desire for natural traffic calming.

The Hillside District Plan may result in recommendations affecting zoning districts such as the R-6, which can be incorporated into future amendments to the code.

**Staff Recommendation:** No changes recommended.

42. **Issue:** 21.04.020L., *R-6: Low Density Residential (1acre) District*

The term “intended primarily” needs to be deleted and replaced with “the R-6 district is for large lots for single family homes.”

The term “to encourage” should be deleted from the next sentence and replaced with “for”

The last sentence “ the availability of infrastructure and municipal services is varied” should be deleted. This serves no purpose regarding density.

**Staff Response:** Historically, the R-6 district has not been limited to single-family homes. With enough lot size, any type of multifamily development could be placed in R-6. In an

attempt to respect the common existing development patterns of the R-6, staff has proposed to limit residential development in the R-6 to single- and two-family homes—two-family homes requiring twice as much lot area as single-family homes.

Staff has no objection to changing “to encourage” to “for”.

The last sentence is descriptive of the district—it is not a statement regarding density.

**Staff Recommendation:** Page 11, line 21, change as follows: “The R-6 district is designed for for [TO ENCOURAGE] low-density residential development...”

43. **Issue:** 21.04.020L.1., *Purpose*

The Purpose statement is important, but the features that make large lots ‘desirable’ must be defined so they can be protected. Include in that definition the need to support the continuance of on-site utilities, trails, maintenance of natural vegetation, large buffers between and within subdivisions and especially when non-residential entities such as churches occur, wildlife corridors, little re-contouring, and structures that are appropriate in scale with the neighborhood.

Clarify that the intent of R6 districts (1 acre) will not be diminished by the looser requirement that allows on-site septic on a 40,000 sq ft lot. If the minimum 40K sq ft rule for septic prevails, then the result will be increased densities and the intent of R6 will be jeopardized.

R-6 The “desirability of large lot living” is too vague to be applied in zoning decisions. Insert specifics: natural vegetation, natural terrain, privacy, low traffic volumes and noise, outdoor uses such as gardening, animal rearing and private recreation.

**Staff Response:** The commenter is suggesting use-specific standards for the R-6, which would not be placed in the purpose statement.

The Hillside Wastewater Management Plan, not Title 21, directs which areas will have on-site utilities. Trails and trail alignments are determined through the Areawide Trails Plan. Staff does not believe the community would support mandatory requirements to maintain natural vegetation on private property. Nonresidential development in residential districts usually has a landscaping requirement along the property boundary to provide a buffer.

Chapter 6 clearly states that the minimum lot size in the R-6 district is 43,560 square feet, which is one acre. The fact that the existing minimum lot size is one and a quarter acres (which includes half the abutting right-of-way) while the on-site system requirement is 40,000 sf has not affected the density in the R-6. The 40,000 sf minimum for an on-site system is a requirement of Title 15 that has been in place for more than 20 years.

Rezoning decisions will be made through the approval criteria of section 21.03.160, not by the descriptions of the zoning districts.

The draft Anchorage Bowl Land Use Plan Map narrative provides statements regarding the general character intended for low intensity residential areas such as on Hillside. The Hillside District Plan will provide a more tailored land use plan map and may result in recommendations affecting zoning districts such as the R-6, which can be incorporated into future amendments to the code.

**Staff Recommendation:** No changes recommended.

44. **Issue:** 21.04.020L. to O., R-6 through R-9

Define what is meant by the statement "district is intended primarily for. . ." Is there a percentage that is attached to a primary use? Without a stronger statement, residential areas could be used for commercial or other densities when only 51% of the land is used for its intended purpose. Residential districts should be used at least 99% for their intended use.

**Staff Response:** See Issue #6.

**Staff Recommendation:** No changes recommended.

45. **Issue:** 21.04.020N., R-8: *Low-Density Residential (4 acres) District* and 21.04.020O., R-9: *Low Density Residential (2 acres) District*

The only sentence that should be in this section is "The R-8 district is intended to satisfy the needs of low density residential development." The rest just opens the door to a wide variety of interpretation. And the uses allowed in this zoning should reflect this.

The only sentence that should remain is "the R-9 district is intended for low-density residential development ." There should be no discussion of public services because density should not be connected to sewer and water.

**Staff Response:** These descriptions are taken from current code and are attempting to describe some characteristics of the district. They are not intended to connect density to sewer and water. However staff does not object to streamlining the district descriptions.

**Staff Recommendation:** Page 11, lines 31-34, amend as follows: "The R-8 district is primarily...such that higher density development [AND THE PROVISION OF PUBLIC SEWERS AND WATER] would be unfeasible [AT ANY TIME]."

Page 12, lines 3-7, amend as follows: "The R-9 district is intended primarily for low-density residential development in areas where public sewer and water are unlikely to be provided [FOR A CONSIDERABLE PERIOD OF TIME] or where topographic or other natural conditions are such that higher-density development [AND THE PROVISION OF PUBLIC SEWERS AND WATER] would be unfeasible [AT ANY TIME]."

46. **Issue:** 21.04.020N.1., *Purpose*

Change to "*potential* for ground water pollution" otherwise would it only count after the water is polluted?

**Staff Response:** Staff has no objection to this change.

**Staff Recommendation:** Page 11, line 36, amend as follows: "...landslide susceptibility, potential for groundwater pollution, and groundwater availability."

47. **Issue:** 21.04.020.N.1., *R-8: Low-Density Residential (4 acres) District*

Eliminate the loopholes that might prevent the goal for R8 to remain low-density. If 21.04.020.A and the 2020 Plan state the purpose of residential zoning is to provide for diverse economic and social needs of residents, and to protect existing neighborhood scale and character, then do not dilute that intent with language allowing higher densities where land may have fewer challenges. Home buyers want consistency. While the goal in 2020 is for 4-6K more residential units in SE Anchorage, this cannot override the often-mentioned goal to protect neighborhood character and other intents above.

Remove the statement that presumes land will automatically be developed at higher densities as well as the statement about the feasibility of public utilities. The Intent statements in 21.04.020.A are clear that some lands should be developed at lower densities for economic and social needs; that is part of providing variety in any city. There is a bias in the statement about public utilities; large lot zoning, should not, and does not need to be defined by providing public utilities. There is a lack of knowledge apparent here also because a goal in 2020 states that technology should be used to maintain on-site utilities; with the advances in wastewater treatment systems today, there is hardly an area of the MOA that can't function on a high tech on-site system—which, by the way—does not contribute to the pollution of Cook Inlet. Rather, on-site systems provide tertiary treatment within a few feet of the drain field. Public utilities should be reserved for areas that will not add to urban sprawl.

It is important to include language about the percentage of natural vegetation that should be left undisturbed in all large lot districts. The larger the lots, the more vegetation should be left, because the larger lots left in SE Anchorage are often the poorest for development. 70% retention should be a minimum retention for relatively flat parcels with 80% for sloped lands.

Clarify that the 40,000 sq ft minimum requirement for on-site septic systems will not result in increased densities in R8, nor R9.

**Staff Response:** There are no loopholes in the purpose statement that would prevent the R-8 district from remaining low-density. Staff does not believe the community would support requirements to retain natural vegetation on private property. The issue of fire safety and firewise principles also must be considered.

The 40,000 sf minimum requirement for on-site septic systems has been in place since the 80s and has not resulted in increased densities in the large lot districts. Nothing in the code rewrite is proposed to change this limit.

**Staff Recommendation:** No changes recommended.

48. **Issue:** 21.04.020N.1., *Purpose*

The purpose statement for R8, low density lots, will not be met when it includes language that allows for higher densities in cases where the land may not have as many constraints as other R8 properties, such as steep, wet slopes, geo-hazards, etc. Neighborhood character and residents who buy into a district because of the lot size, are not protected if such language is included. Remove language that allows for higher densities. While conservation subdivisions may be appropriate in this district, it does not mean higher densities should automatically follow.

**Staff Response:** Conservation subdivisions will not increase the overall density of the whole subdivision. Any lot area that is taken from the minimum lot size goes to open space—there would be no increase in the number of houses. However, the houses would be clustered together more densely. Provisions are in place in the Conservation Subdivision section of chapter 8 to provide buffers between the clustered houses and any neighboring large lot development.

**Staff Recommendation:** No changes recommended.

49. **Issue:** 21.04.020N.1. and O.1., R-8 and R-9

Technological improvements to on-site sewage systems, including newer, energy added systems, make public sewers unnecessary in some areas.

Replace [unfeasible] with unlikely or unnecessary.

Clarification of potential hazards.

**Staff Response:** See Issue #45.

**Staff Recommendation:** See Issue #45.

50. **Issue:** 21.04.020N. and O., R-8 and R-9

p.11 -12 discussion regarding R-8 and R-9 and likelihood of getting public water and sewer. Given that modern on-site water and wastewater treatment systems work on almost any lot over an acre, it's surprising to see the potential for city water and wastewater used to define a zoning of multiples of acres. These statements do not tie into the general purposes on pages 4-5, either. Lot sizes should be independent of the way waste is handled. If this isn't changed, then to be consistent, R-6 should also have mention of the unlikelihood of having public water and sewer.

**Staff Response:** See Issue #45.

**Staff Recommendation:** See Issue #45.

51. **Issue:** 21.04.020P.1., *Purpose*

The description of R10 includes challenges that require the use of 'creative' design, but the language to achieve this is not effective. Terms such as 'protect,' 'minimize,' and 'consider,' are too weak. Use defensible language.

Please explain what is meant in 21.04.010.P.1.e by "consider suitability of. . . on-site . . . disposal." Does this suggest that some soils may not accept on-site systems? If so please note the 2020 (p. 66) statement calling for the use of high tech systems. There is hardly a soil condition that is not suitable for these systems. Please revise this statement.

**Staff Response:** The terms are used in purpose statements which are not standards or regulations.

“Consider the suitability...” is not implying that high-tech systems cannot be used or that

building cannot happen. It is saying that the soil suitability must be considered, particularly during the subdivision process, when development is planned for an R-10 area. See also Issue #55.

**Staff Recommendation:** See Issue #55.

52. **Issue:** 21.04.020P., *R-10: Low-Density Residential, Alpine/Slope District*

There are 8 points made in the description of R-10 that should be made for R-6, R-7, R-9 as well. Leaving them out of the descriptions of these other zonings suggests these 8 points are not important.

**Staff Response:** The R-10 district was specially formulated for higher elevations and alpine sloped areas which have unique environmental conditions not found in areas zoned R-6, R-7, and R-9.

**Staff Recommendation:** No changes recommended.

53. **Issue:** 21.04.010.P.2.a., *Lot and Site Requirements*

Clarify the requirements for the condition when water is encountered at 16 or less ft. This should be addressed as it is a common occurrence on the remainder of undeveloped lands in SE Anchorage.

**Staff Response:** High water table levels affect percolation rates, which are analyzed by Development Services Department when an on-site permit is sought, no matter what the zoning.

**Staff Recommendation:** No changes recommended.

54. **Issue:** 21.04.020P.1.f., *Purpose*

As stated in the two previous drafts the requirement to not exceed the surface runoff of a parcel in its natural undeveloped state is not feasible. AHBA respectfully requests the Municipality to substantiate this requirement prior to imposing it on home owners.

This section requires that "drainage from developments should not exceed the surface runoff and drainage in its natural undeveloped state for all intensities and durations of surface runoff." This requirement is impossible to achieve once you put an impermeable roof or paving on the lot. The last sentence of this paragraph should be deleted. The MOA and other homeowners are protected by paragraph d of this section.

**Staff Response:** Department staff is working with Watershed Management Division staff to examine this current code provisions.

**Staff Recommendation:** HOLD

55. **Issue:** 210.04.020P.1.b., d., and e., *Purpose*

Sub section b "Take into consideration the topography" is weak and unenforceable. Substitute



with: “Demonstrate minimal disruption of the topography...” or use language from Comp 2020 such as “integrate into the natural setting”.

Subsection d Add to the end of this guideline: “and to maintain water quality and quantity of natural water bodies.”

Subsection e: replace “*consider* the suitability of soils...” with “*demonstrate* the suitability of soils...”

**Staff Response:** Staff has no objection to some revisions to these statements.

**Staff Recommendation:** Page 12, lines 20-21, amend to read, “Minimize disruption to [TAKE INTO CONSIDERATION THE] topography when siting [AND THE LOCATION OF] all physical improvements on the land;”

Page 12, lines 24-25, amend to read, “Promote the natural flow and storage capacity of any watercourse, to minimize the possibility of flooding or alteration of water boundaries, and to maintain water quality and quantity of natural water bodies;”

Page 12, lines 26-27, amend to read, “Assure that [CONSIDER THE SUITABILITY OF THE] soil[S] and subsoil[S] conditions are suitable for excavations, site preparation, and on-site sewage disposal;”

56. **Issue:** 21.04.020P.2., *District-Specific Standards*

The last paragraph interprets bedrock as having a cumulative effect with slopes. This principal should apply in any zones with slopes and bedrock, not just R10. The bedrock and slopes combination is found in numerous R3 and R6 zones in the southeast Hillside.

**Staff Response:** This provision requires the minimum R-10 lot area to be increased in anticipation that a larger area will be required for on-site sewerage disposal. If a lot in another district applied for an on-site permit, Development Services may deny the permit, require additional land, or require a specially designed system, regardless of the zoning.

There are also special requirements for steep slope lots in chapter 7.

**Staff Recommendation:** No changes recommended.

57. **Issue:** Table 21.04-2, *Lot and Site Requirements for R-10 District*

The authors of Title 21 need to come-up with a definition that is more easily understood than  $S = (I * L / A) * 0.0023$ .

**Staff Response:** The formula for calculating slope is not intended to be a definition. It is a formula for calculating the average slope of a lot. There are different ways to calculate average slope, so it is important that the code be explicit about the accepted method so that all properties are treated consistently. This formula is commonly used around the country, and will be applied by surveyors and engineers during the platting process.

**Staff Recommendation:** No changes recommended.

58. **Issue:** Table 21.04-2, *Lot and Site Requirements for R-10 District*

The requirement that if one-third or more of the borings reveal bedrock at a depth less than 18' the slope of the lot moves to the next steeper slope does not make sense and has not been justified and should be deleted. Also borings are often terminated for many reasons and should not be arbitrarily assumed to have hit bedrock.

**Staff Response:** Sloped areas with shallow bedrock are extremely fragile and are difficult to restore and stabilize once disturbed. For those areas, a larger lot size is appropriate both to minimize the disturbance and also to assure adequate space for on-site systems.

If a boring is terminated without hitting bedrock, it would not be assumed that such boring has hit bedrock, but without knowing if there is bedrock at a depth of less than 16 feet, the next larger lot size is required as a precaution.

**Staff Recommendation:** No changes recommended.

59. **Issue:** 21.04.020P.2., *District-Specific Standards*

Please explain what the regulation would be if instead of bedrock, water is encountered. Development has occurred on parcels where about 75% of the soil tests encountered permanent water on a six acre that was used for a multi-residential project.

**Staff Response:** There is no specific regulation in the R-10 district that requires certain actions if water is encountered during test holes. The drainage section of chapter 7 has requirements for dealing with surface and subsurface water, and the wastewater regulations in Title 15 address the depth of water with regards to an on-site wastewater system.

**Staff Recommendation:** No changes recommended.

60. **Issue:** 21.04.030A., *General Purpose/Intent of Commercial Districts*

Residential development in business zones defines "mixed use," and residential use should be mentioned in the purposes for commercial and mixed-use districts since it is permitted in several business districts.

**Staff Response:** Residential development is mentioned in the purpose statements for the mixed-use districts (21.04.030I., pages 16-17) but not in the purpose for the commercial districts. Staff has no objection to adding a commercial purpose statement addressing residential development.

**Staff Recommendation:** Add a statement in 21.04.030A., which reads, "Allow and encourage residential development in conjunction with commercial development in order to provide more housing choices and more efficient use of land."

61. **Issue:** 21.04.030A.5., *General Purpose/Intent of Commercial Districts*

This intent to minimize traffic congestion is hard to apply. Most commercial uses will increase

congestion. There needs to be some language that directs high-traffic uses to parts of the circulation system where the city has already planned and scheduled and budgeted for road upgrades and transit. Add language to Intent #5: avoid inducing additional transportation upgrades that are not synchronized with planned and scheduled transportation improvements.

Add a new intent statement that separately addresses not overloading other public infrastructure and not inducing unplanned or out-of-sequence extension of public services such as schools or sewer lines.

**Staff Response:** The whole system of zoning districts, the uses allowed in those districts, and the dimensional and development standards required in those districts is intended to direct high-traffic uses (intense office and commercial uses) into those areas of town that are best developed for traffic and access. Thus the highest height limits and the least amount of setbacks, landscaping, and open space are required in the commercial and mixed-use districts intended for the highest intensity of use, while the height and size of development is limited in the more outlying commercial/mixed-use areas that have less infrastructure. By creating an intense concentration of commercial/retail/mixed-use development, transit service becomes more viable and useful, and walking between uses also becomes more viable and attractive, thus reducing traffic congestion.

The extension of sewer is government by the Hillside Wastewater Management Plan, and the School District uses population projections to plan for new schools, so it is hard to say they are “out of sequence”.

**Staff Recommendation:** Page 13, after line 21, add a purpose statement that reads, “Promote the location of higher intensity commercial uses and traffic into those areas of the municipality that are best developed for traffic and access.”

62. **Issue:** 21.04.030B, *B-1A Local and Neighborhood Business District, Purpose*

The current area limitation on the B-1A is a maximum contiguous area of 2.0 acres. It seems more consistent with the intent of the district to retain the 2.0 acre maximum rather than to increase it to 4.0 acres. 2.0 acres is approximately a full downtown city block. This is more than enough space to provide a small, compact commercial site or area that serves the immediate surrounding neighborhoods. For example, Sagaya City Market occupies only one-half of one acre. If the intent is to provide more services within walking distance or a shorter drive of more outlying neighborhoods, the 2.0 acre maximum ensures a more acceptable district for neighborhoods that may be considering new commercial areas. Other districts like the NMU are available to provide for local-serving commercial services at a larger scale. The B-1A district is retained primarily to provide a zoning tool that can assure very small-scale, compact commercial sites that neighborhoods can find acceptable. Neighborhood stakeholders could be more willing to support the retention or introduction of a small commercial corner if the size of the district and its uses are guaranteed not to grow beyond a very small size.

In addition, the minimum contiguous area in the current code is 40,000 square feet. The draft purpose statement for the revised B-1A suggests half an acre, but does not follow up with a specific enforceable minimum area. A minimum area requirement which approximates half an acre (three standard lots) should be considered.

**Staff Response:** Staff concurs. The fundamental intent of the B-1A to be a small-scale, compact district has not changed from the current code, or if anything more strongly emphasizes the small scale, through its use of statements such as, “intended for small, compact commercial sites or areas within or surrounded by residential areas”. Therefore, rather than increase the maximum contiguous area to 4.0 acres, it would be more consistent if the code were to instead increase the range of the new NMU district to between 2 and 25 acres, preserving the small-scale niche function of the B-1A.

**Staff Recommendation:** Page 14, lines 11-12, revise as follows: “B-1A centers are between one-half and two [FOUR] acres in size. The B-1A district provides for smaller commercial sites and ensures a smaller scale of development than does the NMU district. Small-scale offices...”

Page 14, after line 37, Insert new locational requirement, as follows: “a. The minimum contiguous area for a B-1A district shall be 20,000 square feet.”

Page 14, line 38, revise as follows: “New B-1A districts larger than 1.0 [1.5] acres (excluding rights-of-way) shall be located on an arterial or collector street...”

Page 15, line 1, revise as follows: “The maximum contiguous area for a B-1A district shall be 2.0 acres [NO B-1A DISTRICT SHALL BE LARGER THAN FOUR ACRES] (excluding right-of-way).”

Page 17, line 25, revise as follows: “NMU centers are generally between two [FOUR] and 25 [30] acres in size...”

63. **Issue:** 21.04.030B., B-1A: *Local and Neighborhood Business District*

Needs to have regulations on hours of operation (maybe 7 am to 9 pm) and a maximum percent of parking surface. That helps to ensure local use (including non-driving local customers) and compatibility with residential neighborhoods. Otherwise, 4 acres in a B1A zone could result in 3 acres of parking lot which is not neighborhood-enhancing.

B1A zone should have 4 sided buffering and landscaping where it adjoins or faces residential neighborhoods. Faces includes a use across the road from a neighborhood.

**Staff Response:** The need to control hours of operation is related to the location of the development and the district. Some B-1A development occurs on major streets and functions well with extended hours (such as Kinkos). Other areas are within a neighborhood and late hours could severely impact the adjacent residential areas.

Required open space and landscaping provisions will prevent the whole lot from being developed with parking.

Landscaping is required along all B-1A property lines that abut residential districts.

**Staff Recommendation:** Page 14, after line 24, add a new b.iii. to read, “Non-residential development that does not have access from a street of collector class or greater in the OSHP shall not be open to the public between 10pm and 7am.”

64. **Issue:** 21.04.030B.1., *Purpose*

The B1A district needs definitions and rules to ensure that *local services* truly do serve the surrounding residents and do not just create further cross-town traffic. A small law office, a specialty doctor, a specialty repair store could all fit into the small square footage of a B1A but could serve a far-flung clientele and bring a lot of traffic but no benefits to a neighborhood. There should be categories of uses that local neighborhoods need.

**Staff Response:** Staff has attempted to allow those uses in the B-1A district that are compatible with neighborhoods. See chapter 5 for the uses allowed in B-1A. However, we cannot restrict a neighborhood grocery for example (like City Market) to only those nearby residents.

**Staff Recommendation:** No changes recommended.

65. **Issue:** 21.04.030B.2.b.ii., *Prohibitions*

What about a Connex container? Is that considered outside storage? There are a lot of those used in B1 areas.

**Staff Response:** Connex containers are considered structures, and therefore storage inside of them are not considered outdoor storage. See the definition of “Outdoor storage” in chapter 5. Chapter 5 proposes to prohibit connex containers from residential and commercial districts

**Staff Recommendation:** No changes recommended.

66. **Issue:** 21.04.030C.1., *Purpose*

In the General Business B3 district, where controlled traffic movement is expected, how will access to existing small businesses be protected? Shutting off a direct turn can kill existing businesses?

**Staff Response:** Access will depend on the type of road that is adjacent to the property, and access is controlled either by the state if the road is a state-owned road, or by the Traffic Department. Title 21 does not regulate this type of situation.

**Staff Recommendation:** No changes recommended.

67. **Issue:** 21.04.030G.2.a., *Limitations on Retail Uses*

In the RO, what is the difference between a food kiosk and a drive-through? If kiosk is intended to be smaller and generate less traffic, then include a restrictive square footage limit. A drive-through with numerous turning and idling cars can be disruptive to many types of office uses.

**Staff Response:** A food and beverage kiosk is usually a trailer that includes drive-through windows. A review by the Traffic Department is required to ensure that the queuing lanes for the kiosk do not disrupt the traffic circulation on the lot.

**Staff Recommendation:** No changes recommended.

68. **Issue:** 21.04.030I., *General Purpose/Intent of Mixed-Use Districts*

Please be aware that there is potential for noise nuisance issues between residential and commercial land uses in the mixed-use districts and between areas re-zoned for commercial or industrial uses and residential areas. Inhabitants of residential areas may be disturbed when low-density residential becomes zoned to high-density, or when surrounding areas become high volume traffic or noise areas. A requirement for noise barriers may diminish potential noise problems in these areas, as well as more clearly defining what commercial or industrial use is appropriate for the area. Examples of problem situations encountered by DHHS include traffic and noise from patrons of a 24-hour car wash situated next to a senior assisted living complex (Commercial vs. Residential), snow removal/loading dock noise at grocery stores abutting residential (Commercial vs. Residential), and a topsoil extraction company located next to residential after residents were promised a quiet industrial company if they approved the zoning of the neighboring land to industrial (industrial vs. Residential).

**Staff Response:** The Neighborhood Protection section of chapter 7 exists to address this sort of situation. Additionally, many uses in the mixed-use districts are required to go through an administrative site plan review (or greater level of review) so that these issues can be identified and mitigated.

**Staff Recommendation:** No changes recommended.

69. **Issue:** 21.04.030I.4., *General Purpose/Intent of Mixed-Use Districts*

Add safety to guideline 4: “Create a *safe and* compact pedestrian-oriented environment that....

**Staff Response:** Staff has no objection to this change.

**Staff Recommendation:** Amend as proposed.

70. **Issue:** 21.04.030I.9., *General Purpose/Intent of Mixed-Use Districts*

Change wording to do reflect NO negative impacts to streams, etc. occur.

**Staff Response:** Setting an infinite standard of “no negative impacts” is impossible to enforce or comply. See also Issue #13.

**Staff Recommendation:** No changes recommended.

71. **Issue:** 21.04.030J., *NMU: Neighborhood Mixed Use District*

It is disconcerting to hear of a “neighborhood” commercial and residential district that can be “30 acres” in size. While we understand that some existing suburban commercial districts may be that large, and the goal is to transition them into neighborhood mixed use districts, there must be another way to limit the size of neighborhood mixed use districts to say, one to three acres, while transitioning overly large (30 acre) commercial districts into livable spaces, than allowing Neighborhood Mixed Use Districts to be 30 acres in size.

Another issue needs to be resolved here. Multifamily residential development is “allowed.” It should be a primary use, along with retail uses. In the past, language has described residential commercial districts “surrounded by” residential uses. J. 1 needs to be rewritten to encourage neighborhood retail services integrated with residential development in the same buildings. Residential uses adjacent to retail and commercial uses (along with convenient transit service) dramatically reduces auto ownership and use.

**Staff Response:** The size threshold for the NMU district is based on existing neighborhood commercial centers and the planning process for the Anchorage Bowl Land Use Plan Map. The LUPM analysis indicates that some existing neighborhood commercial centers designated by the Anchorage 2020 / Anchorage Bowl Comprehensive Plan are already 20-30 acres in size.

Staff has recommended adjusting the size ranges for the B-1A and NMU districts in the response to Issue #62 above.

**Staff Recommendation:** See Issue #62.

72. **Issue:** 21.04.030J., *NMU: Neighborhood Mixed-Use District*

Will new NMU be located where they compete with existing business districts. This could cause obsolescence instead of infill and redevelopment.

**Staff Response:** Generally the NMU district is proposed for areas that are currently zoned as commercial property. The Anchorage 2020 Comprehensive Plan directs the retention of residentially zoned land for residential use. The department, through the Land Use Plan Map, is not proposing to create any new commercial areas or nodes.

**Staff Recommendation:** No changes recommended.

73. **Issue:** 21.04.030J.1., *Purpose*

“NMU centers are generally between four and 30 acres in size ...” compare with p.18 line 9  
“The maximum size of an NMU district shall be 25 acres.”

AHBA request that the 30 acres be changed to 25, or that subsection be altered or deleted. NMUs “can be used for the “neighborhood commercial centers” identified in ... 2020.”

A 25 acre neighborhood commercial center?? This seems higher than the concept I have. Neighborhood Commercial Centers should be B-1A with special limitations. See p.15 line 2 requirement for B1-A “The subject property shall be in an established neighborhood commercial area ...” I’d recommend deleting p.17 lines 34 -36 starting with “and may also be used for ..” If this change can’t be made, then add some wording that that any reference to a Neighborhood Commercial Center will specify the zoning it is under i.e. “NCC-B1A” or “NCC-NMU.”

**Staff Response:** As explained in Issue #62 above, the size threshold for the NMU district is based on existing neighborhood commercial centers and the planning process for the Anchorage Bowl Land Use Plan Map. The LUPM analysis indicates that some existing neighborhood commercial centers designated by the Anchorage 2020 / Anchorage Bowl Comprehensive Plan

are already 20-30 acres in size. The NMU was created very early in the Title 21 Rewrite process to address the Anchorage 2020 neighborhood commercial centers, and the existence in general of commercial areas smaller in scale than town centers but much larger than a typical B-1A commercial site.

Staff acknowledges that it should perhaps clarify the NMU district's intended function relative to the smaller-scale B-1A district.

**Staff Recommendation:** 21.04.030J.1. (page 17, lines 27-30, revise as follows “The emphasis of the district is on commercial uses that primarily serve the daily needs of nearby neighborhoods (eg., small-to-medium size grocery/convenience store, drug store, religious assembly, service station) located in close proximity to one another. This district typically serves more neighborhoods and can provide a greater collection of commercial services at a larger scale than does the B-1A district. Multifamily...”

74. **Issue:** 21.04.030J.1., *Purpose*

If NMU is to acquire a compact and walkable environment as stated in the Purpose, there must be a limit on what services fit into this category with an emphasis on ones that use land compactly and are for daily needs of residents. Certain facilities do not fit within this NMU due to size, the requirement to drive and infrequency of use, such as gas stations and churches. Limit commercial uses to smaller facilities that fit better within NMUs and that do not require driving in order to use their services, such as gas stations.

**Staff Response:** Anchorage 2020 recognizes that some designated neighborhood commercial centers will remain more auto-oriented in character due to location and traffic patterns. Many fueling stations tend to be located in designated neighborhood centers. This use is a regular necessary service for the majority of neighborhood residents and depending on site design and location is legitimate and compatible with a neighborhood commercial center. See chapter 5 for the uses allowed in the NMU district—staff has attempted to limit the uses to those that are neighborhood serving.

**Staff Recommendation:** No changes recommended.

75. **Issue:** 21.04.030J.2.b., *Maximum Building Size*

Is 85,000 sf compatible with neighborhoods? Provide an example of a local store of that size that serves a neighborhood? These sized-buildings need bigger setbacks and buffers if they are in mixed residential areas. Add buffer requirements of ....? 40 feet? Also, a community space or gathering area should be required, since these NMU areas of 25 acres are de facto town centers.

**Staff Response:** The 85,000 sf limit for grocery stores was chosen to accommodate existing development, such as the Eastgate Carrs (DeBarr and Boniface) that serves as a neighborhood center. Buildings with other uses are limited to 45,000 square feet, which is consistent with what some other communities allow for this type of district.

It would be difficult to require each individual development site to provide or contribute to an



overall community gathering space for a mixed-use center. Development in the NMU district is required in Chapter 7 to provide private open space to serve the need for community space generated on-site. However, a broader open space or town square serving the wider commercial area would more likely be provided through a community planning or land acquisition process.

The issue of adequate landscape buffers between districts will be addressed in the chapter 7 issue-response discussion of the site perimeter landscaping standards in 21.07.080.

**Staff Recommendation:** No changes recommended.

76. **Issue:** 21.04.030J.2.b., *Maximum Building Size*

We object to the reduction in building size permitted in NMU districts compared to the existing B-3. Proposed 21.04.030.3.2.(b) limits buildings containing grocery stores to 85,000 square feet. The current Carrs Muldoon building is 92,700 square feet.

**Staff Response:** It was staff's intent to accommodate existing development such as the Muldoon Carrs, for which we seem to have different size information. Staff proposes to amend this section to apply only to new development.

**Staff Recommendation:** Page 17, lines 42-43, amend to read, "The gross floor area of each building[S] and/or structure[S] constructed after [date of passage] [ON EACH LOT] in the NMU district shall be no greater than...up to 85,000 square feet. Buildings or structures existing before [date of passage] shall not be enlarged to a gross floor area over these limits."

77. **Issue:** 21.04.030J.3.a, *NMU District Location Requirements*

The first district location requirement for the NMU seems so geographically inclusive it would seem to refer to just about anywhere in the Bowl. What is the rationale for so specific a market-size threshold? If there should be a market-area size threshold in order to allow this district, it should be tested against actual locations in the Bowl.

**Staff Response:** The purpose of this criteria is to ensure a minimum market area and to avoid impacts on other, existing commercial areas. It is based on research as to minimum market size necessary to support commercial scale centers. However, staff acknowledges that the criteria may be too specific for application as a legal requirement. The third and fourth locational criteria, "c" and "d" on lines 11-15, already discourage unnecessary rezonings to commercial, and allow for the location and extent of neighborhood commercial centers to be established through neighborhood or district plans.

**Staff Recommendation:** Page 18, lines 6-8, revise as follows: "New NMU districts [AREAS] and NMU districts proposed for expansion shall be located [WITHIN ONE TO TWO MILES OF A RESIDENTIAL POPULATION OF AT LEAST 10,000 PEOPLE, AND] at the intersection of two arterials or an arterial and a collector street (or streets of greater classification on the OSHP)."

78. **Issue:** 21.04.030K.1., *Purpose*

AHBA requests that staff define what community scale means and what a commercially-designated transit supportive development corridor is.

**Staff Response:** There is no prescriptive answer to this question; however, land use planning practices at the community scale maintain efficient infrastructures and ensure close-knit neighborhoods and a sense of community. “Transit-supportive development corridor”, which is defined in Anchorage 2020, encourages a mix of housing, retail, and employment uses to promote transit ridership, and specific transit and community goals within a quarter mile of designated transit routes.

The Anchorage 2020 Comprehensive Plan designates “transit supportive development corridors”. Anchorage 2020 designates these corridors to represent optimal locations for more intensive land use patterns which can support higher levels of transit service. Transit supportive development corridors do not represent a transit route map, but illustrate where new medium- to high-density housing development could occur, according to Anchorage 2020. Other plans, such as district or neighborhood plans, may in the future designate transit-supportive development corridors at a more area-specific level.

The phrase “commercially designated” is intended to specify that the CMU mixed-use district is only appropriate for locations along a transit-supportive development corridor that are designated by an adopted plan for commercial or mixed use. For example, many areas along the Spenard Road transit supportive development corridor are currently zoned and designated by adopted plan to remain residential. A rezoning to CMU would not be appropriate for residentially designated areas. However, staff acknowledges that the phrase “commercial designated” in the CMU district locational requirement adds to potential confusion for the reader, and proposes a modification below in Issue #80.

**Staff Recommendation:** For clarity, staff recommends amending page 18, lines 21-25 as follows: “The CMU area is intended to include commercial, residential, institutional, recreational,...Medium- to higher-density housing should be located in and around the district...”

79. **Issue:** 21.04.030K.3, *CMU District Location Requirement*

Unlike the NMU, the CMU district lacks a locational requirement specifically to discourage the strip-zoning of more residential areas. Such a criteria should be established.

**Staff Response:** It would be consistent with the treatment of the NMU district on lines 11-12 of the same page, as well as consistent with the purpose of the CMU district and the intent of the commercial and mixed-use districts overall, to discourage expansion along street corridors or into adjacent residentially zoned areas.

**Staff Recommendation:** Page 18, lines 31-34, revise as follows:

**3. District Location Requirements**

In addition to the general rezoning approval criteria, the following requirements shall apply to the creation or expansion of the CMU district.

- a. The subject property shall be in an area designated by adopted plan as

community activity center, town center, or [COMMERCIALY-DESIGNATED] transit-supportive development corridor which has a commercial or mixed-use designation on an adopted plan.

- b. The CMU district shall not be expanded along street corridors or into adjacent residentially or industrially zoned areas unless consistent with an adopted plan.

80. **Issue:** 21.04.030L., *RMU: Regional Mixed Use District*

The emphasis on “auto-oriented” is surprising. The RMUs are a great opportunity to take advantage of transit and meet comprehensive plan goals to reduce reliance on the automobile. To make the Dimond Center a better RMU, it would help to decrease the amount of car traffic. The bus transfer station and the proposed rail link are examples. This opportunity should be highlighted and encouraged in RMUs.

There’s lots of encouragement here for auto centric uses in the Dimond Center area. This is odd. That area is suffering from gridlock from cars! Joe Ashlock, the owner of the Dimond Center, said three weeks ago, we need to get all those cars off the road, we need more buses. This guy is pure business. He knows firsthand that what is going on there now is not working. Add some wording to highlight that RMUs are our best candidates for bus terminals and regional transit and light rail. Both of those are features the Dimond Center is actively working towards.

**Staff Response:** The statements regarding auto-oriented character and function are intended to refer to the existing conditions which are anticipated to continue for some time. Dimond Center area development places the structures too far apart for pedestrians. This legacy of parking lots in front and buildings in the rear will be difficult to overcome in the near term. We do not have the population density to have cost effective light-rail. This district sets the stage for change, but recognizes that it will take decades to accomplish the RMU potential.

**Staff Recommendation:** Page 19, line 2, amend to read, “...district is appropriate for [AUTO-ORIENTED] regional commercial centers such as the Dimond...”

81. **Issue:** 21.04.030L.3., *District Location Requirements*

Add a requirement for regional commercial sites that transportation infrastructure to handle regional traffic flows is a pre-requisite and any transportation upgrades must fit into the segments and connections previously adopted in the LRTP and District Plan rather than force new high-volume or high speed traffic patterns and connections.

**Staff Response:** The recommended district location requirement for the RMU requires that a community planning process and land use plan designate an area for a regional-scale mixed-use center. Issues such as the availability of transportation infrastructure, compatibility with the surrounding area, and impacts on other commercial centers are anticipated to be addressed through that planning process.

The approval criteria for rezonings in Chapter 3 of the Title 21 Rewrite also address the need for adequate infrastructure as a prerequisite for a rezoning.

**Staff Recommendation:** No changes recommended.

82. **Issue:** 21.04.0300.1., *Applicability*

It says “All development in the R-4A, NMU , CMU ...” follows the standards in this section. But page 8 line 32 starts a long section on standards for R-4A and says R-4A does not follow the standards in part 2 starting on page 19. That should be reiterated here.

**Staff Response:** Staff agrees that some clarification would be beneficial.

**Staff Recommendation:** Page 19, lines 17-20, amend to read, “All development in the [R-4A,] NMU, CMU, RMU, MT-1, and MT-2 districts shall comply with the appropriate development standards in chapter 21.07, and also the standards in this subsection 21.04.0300. All development in the R-4A district shall comply with the standards in the subsection 21.04.0300, with the exception of subsection O.2. When the standards of this subsection and sections 21.07.100 and 21.07.110 are in conflict, the standards of this subsection shall control.”

83. **Issue:** 21.04.0300.2.b., *FAR Incentives*

1sq ft residential gets 2sq ft additional floor area.

1sq ft open space gets 1sq ft additional floor area.

1sq ft below grade parking gets 2sq ft additional floor area.

1sq ft affordable housing gets 3sq ft additional floor area.

1 linear ft sidewalk gets 5sq ft additional floor area.

Comparing these incentives to the list for R-4 and R4A on page 10, there is additional bonus for residential. There’s also a 3sq ft bonus for affordable housing, but for R4A, it’s only 2 sq ft. Why the difference?

**Staff Response:** The mixed-use districts include a bonus incentive for providing market-rate housing as well as HUD affordable housing. The provision of housing has been deemed by the community to be of great public benefit in the mixed-use districts. The R-4 and R-4A districts do not incentivize market rate housing because that is already the primary intended/required use of those districts.

Therefore, the bonus for providing market-rate housing in the mixed-use district is equivalent in value to the bonus for providing affordable housing in the R-4/R-4A districts. This is intended to reflect that ANY housing in the mixed-use districts is encouraged by the community. The incentive bonus for providing affordable housing in mixed-use districts is even higher, reflecting the greater public benefit of affordable relative to market-rate housing.

Staff is awaiting the completion of the draft EIA model and will provide an issue-response specific to the FAR bonus system as soon as possible.

**Staff Recommendation:** No changes recommended.

84. **Issue:** 21.04.0300.2.b.iv., *Affordable Housing Bonus*

“indistinguishable from ..” Following the August 30 Assembly work session discussion on this point, the wording should be changed to something like “comparable” or “visually similar.”

**Staff Response:** See Issue #35.

**Staff Recommendation:** See Issue #35.

85. **Issue:** 21.04.0300.4.a. and b., *Building Placement and Orientation*

Building placement and orientation, section ‘a’, states that “building frontages should” be oriented to the street. Section 2 ‘b’ states that “buildings shall be built to or close to the public sidewalk”. Question arises as to what is meant by “public sidewalk”? Is it the sidewalk within the public right of way or one built on property? By the designation “public” it would seem that the requirement is that the structure is required to abut the public right of way, (see 21.14.030 Sidewalks) thus restricting site development and requiring a variance to this section if a property owner wishes, or the site conditions dictate, otherwise.

**Staff Response:** The sentence in subsection b. is not intended to imply that “close to” is a separate, discretionary standard in and of itself. The sentence only references another standard. Staff suggests clarifying the sentence and correcting the table reference, including making the reference inclusive of R-4A district. The “public sidewalk” is in the right-of-way.

**Staff Recommendation:** 21.04.0300.4.b (lines 33-34), revise as follows: “In order to be closer to the sidewalk and to have a stronger interface with the street, [B]buildings shall comply with the maximum setbacks established in 21.06.020, Table of Dimensional Standards [BE BUILT TO OR CLOSE TO THE PUBLIC SIDEWALK, USING THE SETBACKS REQUIRED IN TABLE 21.06-3].”

86. **Issue:** 21.04.0300., *Mixed-Use District Development Standards*

The previous draft required Public Focus areas in mixed use development in Midtown. These are sorely needed. There is no “there” there in most of midtown; no history, no geographical features. Re-print this language for the public, the P&Z and Assembly to consider.

**Staff Response:** Staff analysis of the previous draft indicated that it would be impractical or onerous to require each individual parcel development to provide an overall community space serving a mixed-use center area. Research indicated it was not a typical practice in other cities, either. Development in the mixed-use districts would be required in Chapter 7 to provide private open space to serve the need for on-site community space generated by the individual development. However, a broader open space or town square serving the wider commercial area would more likely be provided through a community planning or land acquisition process.

**Staff Recommendation:** No changes recommended.

87. **Issue:** 21.04.0300.5., *Sidewalks and Walkways*

Midtown pedestrian amenities were gutted since the last draft. Why? But the relation of vehicle speed to pedestrian use needs to be reconsidered. Midtown sidewalks adjoin so many high speed roads. Add a requirement of a pathway separation of at least 3 feet on roads with speeds over 25 mph and 6 feet on roads of 40 mph or up...

**Staff Response:** Since the last draft, the Municipality has started the Midtown District Plan. Specific regulations for midtown zoning districts should await the completion of this plan to be sure that all issues have been addressed. So the Midtown zoning districts are a placeholder.

**Staff Recommendation:** No changes recommended.

88. **Issue:** 21.04.0300.4.b., *Building Placement and Street Setbacks*

The building codes allow increase in building areas for set backs. By stipulating minimum [does the commenter mean “maximum”?] setbacks in mixed-use districts, opportunities to develop buildings adequate to house residential, commercial and institutional (such as school) uses could be reduced by not affording the latitude of building codes.

Consider impact of restricting setbacks in Title 21 on ability to use incentive of increasing setbacks provided by building code.

**Staff Response:** The purposes of the building code are different from the purposes of the zoning code. Development complies with both codes and can benefit from any bonus or incentive in either code, as long as that doesn’t conflict with the other code. The dimensional standards in the zoning code regulate the mass and location of development to address issues of compatibility with surrounding development and relationship to the public realm. The building code addresses structural, mechanical, electrical, and fire safety.

**Staff Recommendation:** No changes recommended.

89. **Issue:** 21.04.040, *Industrial Districts*

Reinstate the IC zone with office, business and professional, general personal service, instructional service, general retail, and general industrial service as permitted uses and applied to business parks.

**Staff Response:** Response to be provided by December 19.

**Staff Recommendation:** HOLD

90. **Issue:** 21.04.040A.4, *General Purpose/Intent*

“... employment opportunities close to home for residents of the municipality and surrounding communities.” “Surrounding communities” means Mat-Su and we are not “close to home” for the Mat-Su. No zoning will change that. (A fast train or express bus might!)

**Staff Response:** One of the intents of retaining an industrial land base is to allow industrial employment opportunities for Anchorage residents.

**Staff Recommendation:** Page 21, lines 10-11, amend to read, “...employment opportunities

close to home for residents of the municipality [AND SURROUNDING COMMUNITIES].”

91. **Issue:** 21.04.040A.7., *General Purpose/Intent*

Uses on industrial lands should do more than minimize negative impacts to streams, wetlands, etc. Action: there must be NO impacts. Insert stronger language to ensure no impacts occur to water bodies and wetlands.

**Staff Response:** See Issue #70.

**Staff Recommendation:** No changes recommended.

92. **Issue:** 21.04.040B. and C., I-1 and I-2

Regarding industrial districts. Where in the definitions here does the proposed shopping mall anchored by Target at the south end of C St. fit into this? It's on industrial zoned land.

**Staff Response:** Currently large retail establishments are permitted in industrial districts. The proposed Target store is in the process of receiving approvals under the current code. The department anticipates adjustments to the zoning boundaries after the new code is adopted, to reflect existing development.

The rewrite proposes to limit development on industrially-zoned lands to industrial uses with a few types of commercial uses that support industrial uses. The draft LUPM proposes that the South Anchorage Industrial Reserve identified in Anchorage 2020 be preserved for future industrial use.

**Staff Recommendation:** No changes recommended.

93. **Issue:** 21.04.050A.2.a and b

The Airport Development district (AD) will be subject to the adopted master plans of the Municipality, at Merrill Field, and the State of Alaska, at International. The question is: Why does the MOA require a conditional use for areas outside of the airport plan but still on airport property? This seems very onerous. If development continuity is a problem then a 30 day site plan review would seem more applicable to address use, landscaping and parking.

**Staff Response:** The conditional use as proposed is not for areas outside the airport plan, but rather any areas identified by the airport plan (and on airport property) as being unnecessary for aviation-dependent or aviation-related uses. The conditional use process allows the municipality to review the appropriateness and the impacts of non-airport uses on airport property.

**Staff Recommendation:** No changes recommended.

94. **Issue:** 21.04.050A., *AD: Airport Development District*

ANC again suggests that 21.04.050.A be changed to the following narrative:

## "AD: Airport Development District

### Purpose

The AD district includes all lands and water areas within the Ted Stevens Anchorage International Airport and Merrill Field Airport. The AD district is intended to provide for aviation-dependent and aviation-related uses, to protect and enhance the operations of commercial airports, to foster aeronautics and safe flying operations and to provide for revenue generation to allow the airport to be as self-sustaining as possible under the circumstances existing at the particular airport. The airport master planning process shall be used to identify and locate aviation-dependent and aviation-related uses, and to address potential impacts of airport uses on adjacent schools and residential districts.

### District-Specific Standards

For the AD district affecting the Ted Stevens Anchorage International Airport, uses shall be governed by the most current airport master plan documents and subsequent amendments that are approved by the Federal Aviation Administration (FAA). Any question concerning compliance with the FAA-approved master plan are to be determined by and under the governmental decision-making procedures and authority of the Ted Stevens Anchorage International Airport in compliance with 17 AAC Chapter 42 and applicable FAA Grant Assurances. The planning department shall request and retain in its files a copy of the record of public hearings, public meetings, and other documentation leading up to approval of the master plan or its amendments. Within this AD district, secure areas of the airport that are closed to the general public are not subject to the standards of this Title. Outside those secure areas, the Ted Stevens Anchorage International Airport agrees, where appropriate, to subject projects on the Airport to municipal review for compliance with only sections 21.07.020, Natural Resource Protection; 21.07.040, Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited Discharges; 21.07.080, Landscaping, Screening, and Fences; 21.07.090, Off-Street Parking and Loading; and 21.07.130, Exterior Lighting. However, variance from, or waiver of these sections shall be determined by and under the governmental decision-making procedures and authority of the Ted Stevens Anchorage International Airport as part the airport building permit process under 17 AAC 42.280.

For the AD district affecting Merrill Field, aviation-dependent and aviation-related uses shall be identified and mapped in the most current airport master plan and subsequent amendments adopted by the assembly. For areas of the airport that the master plan identifies as unnecessary for aviation-dependent or aviation related uses, proposed development shall be subject to a conditional use process. The applicable provisions of chapter 21.07, as applied to all development within this AD district, except for secure areas of the airport that are closed to the general public, are limited to sections 21.07.020, *Natural Resource Protection*; 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited Discharges*; 21.07.080, *Landscaping, Screening, and Fences*; 21.07.090, *Off-Street Parking and Loading*; and 21.07.130, *Exterior Lighting*."

**Staff Response:** The department does not agree to relinquish the municipality's authority over development and design standards as proposed by ANC.

**Staff Recommendation:** No changes recommended.



95. **Issue:** 21.04.050A., *AD: Airport Development District*

TCC submitted comments March 2, 2006, regarding the creation of an airport zoning district through the Title 21 Rewrite process: “No such district should be designated for Ted Stevens Anchorage International Airport until such time as the West Anchorage District Plan has been developed.” I still support this position.

The concept of a West Anchorage District Plan was included in the Anchorage 2020 Plan. As stated on page 47 of the Plan, “Once located in an undeveloped section of West Anchorage, a modernized airport now sits among established neighborhoods, main transportation corridors and several of Anchorage’s premiere recreational facilities....Because of these complex land use interrelationships and the continued growth of the airport, there are mutual concerns about impacts from land uses on municipal, private and airport lands. These concerns can only be addressed and resolved through a collaborative planning process.”

Unfortunately, a West Anchorage District Plan has yet to be developed. It is premature for an Airport Development District to be created under the Title 21 rewrite process until this major land use initiative, as directed by the 2020 Plan, is undertaken.

**Staff Response:** The Title 21 rewrite process cannot be held up in anticipation of the preparation of all the neighborhood and district plans that would benefit the municipality. The zoning scheme at the International Airport is dysfunctional and needs to be addressed in the rewrite. Any recommendations for changes to Title 21 that result from the West Anchorage District Plan can be added to Title 21 at that time.

**Staff Recommendation:** No changes recommended.

96. **Issue:** 21.04.050A.1., *Purpose*

If unsuccessful in the above request, I strongly propose the zoning designation in the Title 21 Rewrite be changed from “Airport Development District” to “Airport District.” Including the term “Development” in this zoning category implies that all the property within the Ted Stevens Anchorage International Airport (TSAIA) should be developed for airport purposes. However, that contradicts how portions of land within the airport’s boundaries are currently being used and essentially limits the scope of how that land could be used in the future. (See elaboration of this point in the next section.)

**Current Draft Text Limits Scope of Land Uses within Airport Boundaries**

The current draft wording for an airport zoning district is too limiting and restrictive in its scope. It states, “The AD district is intended to provide for aviation-dependent and aviation-related uses, to protect and enhance the operations of commercial airports, and to foster aeronautics and safe flying operations.” I do not support development of all the lands in this district for aviation-related purposes only and do not think the zoning district should express such a goal. A significant portion of the land within the boundaries of the Ted Stevens Anchorage International Airport (TSAIA) is undeveloped and those undeveloped areas act as important open space/natural buffers between airport development/operations and adjoining neighborhoods and municipal parkland. Additionally, there are areas within the airport

boundaries that are leased by the Municipality as parkland (i.e., Little Campbell Lake area in Kincaid Park, Spenard Beach Park, Pt. Woronzof Viewing area) as well as the Tony Knowles Coastal Trail running through airport property. These are important assets used by this community for nonairport purposes even though they fall within TSAIA-owned land. Only making reference to aviation-related and aviation-dependent land uses occurring within this zoning designation does not serve the community well, does not account for long-term, established nonairport-related uses, and implies that all lands within this zoning designation should be limited to aviation-related/aviation-dependent development. As TCC stated in its March 2, 2006, comments, "Any standards for the airport districts must protect lands that have historically and traditionally been used and are being used now as parkland or community use land in perpetuity." It also must protect areas that are now serving as essential open space/natural buffers between highly incompatible land uses. Current draft text does not include provisions for these important land uses within an airport district zoning designation. I propose changing 21.04.050A.1. Purpose to read: The Airport district is intended to provide for aviation-dependent and aviation-related uses, to protect and enhance the operations of commercial airports consistent with minimizing impacts on surrounding neighborhoods and recreational land uses, and to foster aeronautics and safe flying operations while protecting open space and natural areas within the districts that are currently being used for parkland and recreational uses and that act as important impact buffers between the airports and the surrounding neighborhoods and recreational land uses.

**Staff Response:** Staff does not object to changing the name of the district, nor to clarifying the purpose statement.

The draft Anchorage Bowl Land Use Plan Map narrative, which underwent extensive review by ANC and adjacent Community Councils, provides language for its land use classifications which establishes a community interest in preserving existing recreational use areas within Major Transportation Facility lands. These areas, such as the active portion of Sitka Street Park, the Coastal Trail corridor or Spenard Beach Park, serve another purpose besides buffering neighborhoods. Staff acknowledges that it would be consistent with the draft LUPM to reference the community interest in the future of these recreation areas.

**Staff Recommendation:** Page 22, line 6, amend to read, "AD: Airport [DEVELOPMENT] District".

Page 22, lines 8-14, amend to read, "The AD [DISTRICT] includes all lands and water areas within the Ted Stevens Anchorage International Airport and Merrill Field Airport. The AD [DISTRICT] is intended to provide for aviation-dependent and aviation-related uses, to protect and enhance the operations of commercial airports, [AND] to foster aeronautics and safe flying operations, and to maintain natural areas to alleviate the impacts of such uses and activities on surrounding neighborhoods and recreation areas. The Airport District also includes lands that by formal agreement, subdivision, easement or permit are allowed for park or natural resource use, and lands where there is a public interest in preserving natural buffers or park use areas. The airport master planning process shall be used to identify and locate aviation-dependent and aviation-related uses and, in conjunction with the West Anchorage District Plan, to address potential impacts of airport uses on adjacent schools and residential districts."

97. **Issue:** 21.04.050A.1., *Purpose*

Current Draft Text Ignores Impacts to be Addressed by West Anchorage District Plan :  
The current draft text continues to state, “The airport master planning process shall be used to identify and locate aviation-dependent and aviation-related uses and to address potential impacts of airport uses on adjacent schools and residential districts.” I strongly disagree with this premise. The Anchorage 2020 Plan states on page 47, “The Municipality will develop a West Anchorage District Plan through a collaborative planning process involving the State, the Municipality, and the community. This plan will address airport activities and their impacts on the community, as well as impacts from adjacent land uses on the airport.” While working with the airport during its master planning process is an essential component for the Municipality and the community to provide input on airport land use planning, it should not stand alone in addressing airport-generated impacts on land uses within and surrounding airport boundaries.

The Anchorage 2020 Plan specifically identifies the West Anchorage District Plan as the conduit for addressing impacts, not the airport master plan. The city should not abdicate its authority or responsibility to the community in Title 21 with regard to this important issue (identified as “Issue #3” on page 47 of the Anchorage 2020 Plan).

**Staff Response:** Unfortunately the timing of the Title 21 rewrite and the West Anchorage District Plan has not meshed. The rewrite process cannot wait for the development of the West Anchorage District Plan. Any recommendations for changes to Title 21 that result from the West Anchorage District Plan can be added to Title 21 at that time.

**Staff Recommendation:** See changes in Issue #96.

98. **Issue:** 21.04.050A.2., *District-Specific Standards*

We have not had an opportunity to thoroughly review the portions of proposed Chapter 21.07 associated with the AD narrative, which were just recently released for public review. Our revision to AD language A.2.a is based on our assumption that the applicable portions of 21.07 associated with the AD narrative are for the most part currently being addressed by the ANC's building permit process requirement for a MOA building permit review.

21.04.060 (NEW Proposal for a Airport Noise Overlay District) - A prime objective of good land-use planning for land within an identified zone of relatively high airport noise impact is to discourage new or increased uses that are generally considered to be incompatible with an airport (such as residential use, schools, and churches). Land beyond the area identified as impacted by noise above an appropriately-determined threshold is better suited for such uses. Good land-use planning encourages that land with the greatest airport noise impact, perhaps designated within an airport noise overlay district, be identified for future uses that are more compatible with airports (such as industrial and commercial uses).

The Federal Aviation Administration noise compatibility regulations currently permit the use of federal funds for noise mitigation purposes only for development that occurred prior to October 1, 1998. In light of this change, it is more important than ever to notify - potential homebuyers of a property's location within the Airport's noise contours, the potential noise impacts on the property, and to ensure that residences constructed in this area are designed with noise

mitigation.

During the Airport's Part 150 update process, the Municipality and the State entered into a 1994 land exchange agreement that, among other things, provided the site for the future Kincaid Elementary School. Under that agreement, the Municipality agreed to work with the Airport and the FAA to establish land use measures necessary to integrate airport considerations into the local land use planning process. The establishment of an airport noise overlay district, along with special requirements applied to land within the Airport's noise contours, will help minimize additional development of non-compatible land uses and allow thoughtful zoning modifications by policy makers.

It is recommended that the Municipality of Anchorage take the current Title 21 re-write opportunity to establish an airport noise overlay district now to avoid additional incompatible land uses. Municipal staff has suggested that this topic await completion of the West Anchorage District Plan associated with Anchorage 2020. However, ANC believes it is critical that airport noise compatibility measures be developed promptly to avoid any new incompatibilities, and to allow the considerations that go into such measures to inform the West Anchorage District Plan as it is eventually developed. ANC would appreciate the opportunity to work with municipal staff to develop comprehensive provisions that will help prevent new or increased incompatibilities between ANC and its neighbors, and result, over time, in more mutually beneficial land-use patterns.

**Staff Response:** The Department is not opposed to the creation of a noise overlay district, but there are issues, such as the appropriate code location for such a concept, that need to be worked out. The limited resources of the Department have been focused on other rewrite issues—the issue of a noise overlay is intended to be addressed in the future.

**Staff Recommendation:** No changes recommended.

99. **Issue:** 21.04.060.C.4.c., *Additional Height Limits in Airport Height Overlay District*

It is unclear whether the exemption for structures permitted prior to June 17, 1986, would allow such a building to be reconstructed if damaged or destroyed without complying with the Airport Height Overlay District. We recommend any reconstruction be limited to conformity with the requirement of the Airport Height Overlay District.

**Staff Response:** If a building needs a new building permit, it would have to meet current height limits with regard to FAA Part 77.

**Staff Recommendation:** No changes recommended.

100. **Issue:** 21.04.050D., *PCD: Planned Community Development District*

Planned Community Development districts needs to define “holding capacity of the land”. Also, there should be some integration into the existing neighborhoods. Add language about integration and shared benefits with adjoining neighborhoods through transition densities and buffering around the perimeter, and through public access to pathways and visual access to open space.

**Staff Response:** The “holding capacity of the land” is determined by the density designation of the area on applicable land use plan maps, the availability of infrastructure, and any environmental issues that are identified in the process of rezoning to a PCD. Rezoning to a PCD is a public process with all the design information required up front. Compatibility, transitions, buffers, and other design issues are determined through that process.

**Staff Recommendation:** No changes recommended.

101. **Issue:** 21.04.050E., *PLI: Public Lands and Institutions District*

Where in this definition does Legacy Pointe, the senior housing condos proposed for the Hillside, fit? Better think about new wording to encompass what really goes on with PLI land.

**Staff Response:** The use “housing for the elderly” was added to the PLI district in current code to accommodate the Chugiak Senior Center’s senior housing. It was never intended to create the situation we now find at Legacy Pointe. The PLI district is not intended to provide market rate housing, either for the general population or for some subgroup. The Public Hearing Draft of the Title 21 rewrite does not allow any sort of market-rate housing in the PLI and it will be most appropriate for Legacy Pointe to be rezoned after the rewrite is passed. Chapter 5 will clarify what types of non-market rate housing will be allowed in the PLI district.

**Staff Recommendation:** No changes recommended.

102. **Issue:** 21.04.050E.1., *Purpose*

AHBA and the Committee agree that the word “major” should be removed the sentence would then read “The PLI district is intended to include public...uses and activities.”

**Staff Response:** The word “major” (carried forward from current code) is included to indicate that minor public uses, such as utility substations, are not intended to be rezoned into the PLI district, although they could be. The word expresses an intent for the district, but is not a limitation. The Department supports retaining the word “major”.

**Staff Recommendation:** No changes recommended.

103. **Issue:** 21.04.050F.2., *District-Specific Standards*

This requirement for PR zoning sports fields to have an L3 buffer could be translated to apply to schools which are designated to have L2 buffers. L3 is more intensive and requires wider land allotment, which runs contrary to MOA's desire to reduce school site sizes. Clarify that this does not refer to school fields.

**Staff Response:** This would not apply to school fields because schools are zoned PLI or are in a residential zone, and the PR zone only applies to dedicated parks.

**Staff Recommendation:** No changes recommended.

104. **Issue:** 21.04.050G., TA District

Title 21 must have specific rules for development and conservation and/or those rules that are devolved to the Turnagain Arm Area Plan **MUST** be specifically referenced in Title 21.

What is going to be the strategy to deal with the current weakness in the Title 21 language and timing related to specific references to Turnagain Arm designation?

Why has current language in Title 21 concerning permitted, prohibited and conditional uses Turnagain Arm simply been eliminated?

Language suitable for “intent” is unsuitable for specific rule-making:

The new re-write concerning Conditional Use for Turnagain Arm moves language that was language of “intent” in the current (“old” Title 21) version to language governing “use” in the proposed draft. This creates significant problems.

Commercial and Institutional permitted uses based solely on a size criteria is arbitrary.

Conditional use should not be the general process and catch-all for use in TA

TA district must provide specifics as to what is allowed and not allowed, but must also be flexible.

**Staff Response:** The TA district in the rewrite simplifies the existing R-11 district, but generally carries forward the intent of what the community desired in the R-11 district. The communities that make up the R-11/TA district have different characters, but rather than divide them into separate zoning districts, the zoning code refers to the area’s comprehensive plan to guide development. As the comprehensive plan is being updated, revisions may be made to the TA district.

**Staff Recommendation:** Changes may be proposed by December 19.

105. **Issue:** 21.04.050H., *W: Watershed District*

Clarify reasons not to allow the unspecified” other uses”. The reasons might include: disturbance of vegetation beyond pedestrian trails; slope alteration, or creation of impervious surfaces or other changes in run-off and recharge.

**Staff Response:** Not sure why this is necessary. Staff recommends a clarifying amendment, since some development (such as utilities) is allowed in the W district.

**Staff Recommendation:** Page 24, line 35, amend to read, “...Agricultural, residential, commercial, industrial, or other urban land uses...”

106. **Issue:** 21.04.060C.4.c., *Additional Height Limitations in Airport Height Overlay District*

In Public Review Draft #1, footnote 48 indicated "HBA asks if this provision applies also to undeveloped property. We are unsure of the answer (or origin of the 1986 date) and will discuss further with staff" The issue raised is worthy of a public response which has not yet occurred.

**Staff Response:** If a valid and current building or land use permit exists on an undeveloped

property, this section would apply. If no such permit exists, then the exemption of 4.c. would not apply and any subsequent development on the property would need to comply with the Airport Height Overlay District.

**Staff Recommendation:** No changes recommended.

107. **Issue:** 21.04.060D., *FHO: Flood Hazard Overlay District*

During the Assembly Workshop on September 20, 2007 the Planning Department indicated that they were using "the best available information" in determining where Flood Hazards existed. This unwritten process produced "conditional flood hazard areas" which were not consistent with the process outlined in the existing Title 21 or the purposed re-write version. This process needs to be reduced to writing and included in the Title 21 Re-write.

During the same meeting the Planning Department indicated that the MOA was notifying existing land owners when a change is proposed which placed them in a new or revised flood hazard area, There does not appear to be a written procedure that anyone was following. It would be in everyone's best, interest if the MOA were to develop a written process to notify existing land owners directly since newspaper ads would not be acceptable if a property were to be included in a new or revised flood hazard area. This notification should be within 90 days of the proposed change and should allow a process for property owners to object to the classification.

**Staff Response:** Staff from the Watershed Management Division of the Project Management and Engineering Department will be proposing amendments to this section to address the issues raised in the comment.

**Staff Recommendation:** HOLD

108. **Issue:** 21.04.060.D.2.a.ii., *Interpretation of Section; Disclaimer of Liability*

AGC suggests that the sentence that reads "Liberally construed in favor of the governing body:" be deleted. The citizens of the MOA expect that the MOA will prepare a balanced and equitable Title 21. This sentence is neither.

**Staff Response:** This language (the whole section) comes from the federal government and is necessary to maintain our status in the federal flood insurance program. This language has also been in the code for many years and we are unaware of any problems it has caused.

**Staff Recommendation:** No changes recommended.

109. **Issue:** 21.04.060D.6.a.iv., *Floodway Area*

Include in prohibited uses in the Floodway Area, vehicle storage and 'junk' yards. These have already proved to cause harm when they are situated near water bodies as occurred with a towing facility adjacent to Campbell Creek.

**Staff Response:** 6.a.iii. notes that storage yards are permitted by flood hazard permit.

Junkyards would not be allowed, as they are not included in sections i.-iii. and thus fall under section iv.

**Staff Recommendation:** No changes recommended.

110. **Issue:** 21.04.060D.9.d., *Nonconforming Uses*

The word "nuisances" needs to be defined.

**Staff Response:** "Nuisance" is defined in Title 15.

**Staff Recommendation:** No changes recommended.

111. **Issue:** 21.04.060, Seismic Overlay District

Considering seismic hazard is as common, should there be a seismic overlay? Or do we rely on the local building code amendments? Coordinate with local building code amendments to determine if seismic zones are adequately addressed. If they are, perhaps Title 21 should reference the applicable documents.

**Staff Response:** The draft Downtown Comprehensive Plan recommends an interim seismic ground failure overlay zone be considered in the near term, probably as part of the Downtown development code rewrite. The interim overlay zone would provide information about current building code requirements and geotechnical review procedures for areas of potential ground failure. Any substantive changes to current municipal requirements regarding appropriate land uses and building design criteria would have to follow a community seismic risk assessment, which is recommended in the Downtown Plan to be conducted as soon as possible. A community seismic risk assessment allows the community to identify an acceptable level of risk and then adjust its land use regulations in the seismic overlay zone accordingly.

**Staff Recommendation:** No changes recommended at this time.

112. **Issue:** 21.04.080, *NCO: Neighborhood Conservation Overlay District*

The subject of a neighborhood conservation overlay district was initially proposed in the January 2006 Public Review Draft #2. Since it is not included in this section of the current draft is it safe to assume that the topic was eliminated?

**Staff Response:** Yes.

**Staff Recommendation:** No changes recommended.

### Technical Edits and Clarifications

1. Page 6 line 12, 21.04.020F.1., *R-2F, Purpose*, clarify the sentence as follows: "This district may [IS INTENDED TO] be applied to..."



The change helps to avoid an impression that the Municipality would actively initiate or support applying this district in *all* existing neighborhoods described in the purpose.

2. Page 6, line 29, 21.04.020F.2.c., change “G.9” to “G.11”.

3. Page 8, line 7, 21.04.020I.2.d., revise as follows: “...to encourage the provision of light and air at the ground [PEDESTRIAN] level...”.

This corrects grammar and expands the statement of benefits to include not only pedestrians on the sidewalk but to residents indoors and users of private open space.

4. Page 9, line 7, 21.04.020J.2.b.i.(B)., change the phrase “between 10.1 and 20 percent” to read “greater than 10 and less than or equal to 20 percent”.

This provides clarity and continuity in the range of possible percentages to be addressed.

5. Page 9, line 10, 21.04.020J.2.b.i.(C)., change the phrase “between 20.1 and 49 percent” to read “greater than 20 and less than or equal to 49 percent”.

6. Page 9, line 34, 21.04.020J.2.b.iii., revise as follows: “Ground [FIRST] floor building façades...”

7. Page 9, line 34, 21.04.020J.2.b.iii. and (page 20, line 40) 21.04.020O.4.c.ii. and (page 20, line 42) 21.04.020O.5., define “primary circulation drive” for clarity. A definition will be forthcoming in Chapter 14 issue-response.

8. Page 10, line 3, 21.04.020J.2.b.iv., revise as follows: “Outdoor [EXTERIOR] storage or display of goods accessory to a commercial use...”.

9. Page 13, lines 2-7, 21.04.020P.2., make the paragraph into subsection b of 21.04.020P.2.

10. Page 13, line 10, 21.04.030A.1., remove the subsection number “1” from the front of the sentence. Line 12 should be subsection number “1”.

11. Page 14, line 19, 21.04.030B.2., revise as follows: “...street-facing building elevation [FAÇADE] ...”

12. Page 14, line 33, 21.04.030B.2.c.iii., revise as follows: “...provided that the overall site has [SUCH ESTABLISHMENTS HAVE] a floor area ratio of at least 0.35.”

A conceptual example of the difference would be a grocery store establishment in a multi-use building that also contains a restaurant and a video store. The total FAR of the building including all establishments together will be higher than that of the grocery store use alone. The overall FAR is a better measure of the overall intensity of use and physical bulk on the site, and can benefit applicants in that it recognizes and gives credit for multi-use developments.

13. Page 16, line 2, 21.04.030G.2.b., add the letter “s” to the end of the word “accommodation”.

14. Page 17, lines 27-30, 21.04.030J.1., revise as follows to help clarify the NMU district’s intended function relative to the smaller-scale B-1A district: “The emphasis of the district is on commercial uses that primarily serve the daily needs of nearby neighborhoods (eg., small-to-medium size grocery/convenience store, drug store, religious assembly, service station) located in close proximity to one another. This district typically serves more neighborhoods and can provide a greater collection of commercial services at a larger scale than does the B-1A district. Multifamily...”

15. Page 18, lines 18-19, 21.04.030K.1., revise as follows to clarify the intended scale of the CMU district: “The CMU district is intended primarily to facilitate the development of mixed-use centers at the town center, or sub-regional [COMMUNITY] scale.”

16. Page 18, line 41, 21.04.030L.1., revise as follows to more clearly distinguish RMU from CMU [by elaborating on the intended market area and function of the RMU relative to the CMU]: “...serving a metropolitan region-scale trading area. Usually the market area is larger and less oriented to one certain part of town than in the CMU district. Shopping malls and/or large retail establishments typically anchor the center.”

17. Page 20, lines 33-34, 21.04.030O.4.b., revise as follows to clarify that the sentence only references another standard: “In order to be closer to the sidewalk and to have a stronger interface with the street, [B]buildings shall comply with the maximum setbacks established in 21.06.020, Table of Dimensional Standards [BE BUILT TO OR CLOSE TO THE PUBLIC SIDEWALK, USING THE SETBACKS REQUIRED IN TABLE 21.06-3].”

The change clarifies that the sentence is not implying that “close to” is a separate, discretionary standard in and of itself. It also corrects the table reference and makes it inclusive of R-4A.

18. Page 20, lines 36-37, 21.04.030O.4.c.i., revise as follows to clarify that the provision only applies on one street frontage—i.e., only on that street frontage where the maximum setback is required: “Buildings located at or within the maximum setback line in order to comply with a maximum setback requirement shall have at least one primary entrance located within 20 feet of the maximum setback line of the applicable street frontage.”
  
19. Page 20, line 42, 21.04.030O.5., revise as follows to clarify and avoid confusing usage of a word: “Sidewalks and walkways extended along [ADJACENT TO] public streets...”
  
20. Page 22, line 35, 21.04.050A.2., correct the section title of 21.07.040 as follows: “...21.07.040, Drainage, Storm Water Treatment, Erosion [AND SEDIMENT] Control, [STORM WATER RUNOFF,] and Prohibited Discharges...”
  
21. Page 30, line 19, 21.04.060D.6.a., delete the word “special”.