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C L A R I O N

MEMO

TO: Tom Nelson, Director of Planning

CC: Title 21 Real Estate Task Force

FROM: Chris Duerksen

RE: Anchorage Title 21 Real Estate Testing Workshop—Summary of Observations and Comments

DATE: December 11, 2004

OVERVIEW

Overall, the testing workshop was carried out in a positive problem-solving environment. While there was concern that some of the proposed Title 21 development standards might have a significant economic impact on some proposed projects, there was consensus among most participants, including the co-chair of the testing committee and planners and designers who presented their projects for consideration, that the current Title 21 development standards are not producing the kind of quality development that most citizens of Anchorage would like to see nor are up to the task of implementing the Anchorage 2020 and other official city plans (e.g., Girdwood).

Operating within that collegial atmosphere, the consulting team and other participants were able to make good progress on a number of significant and potentially controversial issues like open space set asides, tree protection, snout houses, and snow storage. I have summarized my understanding of some of the specific changes that the group (including myself) believes warrant serious consideration in the next draft of Title 21. I believe there was optimism that these changes, some of them very substantial, will go a long way towards addressing some of the most problematic provisions from the development community's perspective.

However, there remain a number of key standards and proposed zone district provisions (e.g., the mixed-use districts) that I feel were not fully addressed during the workshop that warrant further consideration. A significant number of these relate to and affect infill projects, which many of the participants agreed would constitute a significant percentage of development in Anchorage as the municipality's supply of greenfield sites dwindles over the next decade. Hopefully, the municipality will work with the real estate development committee to study and test these standards further.

Similarly, while provisions of the proposed Title 21 deal carefully with transitional issues such as those relating to non-conforming uses, further dialogue with the development community in this area would be useful to assuage concerns and consider possible alternative approaches.

At the conclusion of the three days of testing, I came away with a very positive feeling about the prospects of crafting a revised Title 21 that will implement the 2020 plan and upgrade the quality of development in Anchorage without undue economic impacts on the development community. However, there are two troublesome issues that surfaced from time-to-time during the workshop that the municipality needs to address.

First, among some in the development community there appears to be either a lack of awareness of the key recommendations and policies contained in the Anchorage 2020 Plan or a feeling that the plan is not legitimate. As a result, I sensed an undercurrent that the testing process was an avenue to amending or sidestepping the plan's key elements.

Second, I expressed several months ago my concerns regarding the comparative development cost analyses that were to accompany the comparative site plan studies. My experience is that it is difficult to nearly impossible to carry out such an exercise that really compares "apples to apples." Often proposed standards are misconstrued or misinterpreted by testers unfamiliar with the new provisions. Moreover, proposed code provisions designed to accelerate and make the development review process more efficient, less time-consuming, and less costly are often overlooked. After further reviewing the cost estimates (which were presented upon our arrival in Anchorage), I worry that my concerns have been borne out.

While some of the comparative estimates of development costs under the current versus proposed Title 21 development standards were useful, a good number were based on an understandable misinterpretation or misapplication of the proposed standards that were new to the reviewers. Furthermore, none appeared to take into account the significant cost savings that would be available through the use of revamped review procedures like the administrative modification process or alternative compliance or reduction in the use of the time-consuming and sometimes volatile conditional use procedure. Finally, at least one of the cost estimates overlooked some very significant special limitations related to landscaping and building design that had been imposed on the project under the current Title 21 and apparently were not complied with in constructing the project.

This is not to say that the proposed Title 21 standards will not have any impact on new development. They will. In some instances good, creative site design will help comply with the standards with little economic impact. In other cases the impact may be substantial. However, I think it very important that no one jump to any conclusions at this point, because it is likely that some significant modifications will be made in the proposed regulations based on the discussions

at the workshops—the public/private open space set asides is one that comes immediately to mind. Any future attempts at cost comparisons—if deemed necessary—will need to be far more rigorous and allow more time for review by planning staff and its consultants.

With that in mind, I have noted in the following section the significant changes in the proposed Title 21 regulations that were discussed at the workshop and around which there appears to be some significant degree of consensus.

KEY ISSUE ANALYSIS/POTENTIAL REVISIONS

The workshop participants considered numerous sections of the proposed Title 21 development standards during the course of the week. Set forth below are some of the more significant regulations that may warrant revision along the lines discussed. This section is organized by key issues, not by reference to specific developments reviewed during the workshop. Page number references are to the latest version of the proposed Title 21 revisions dated June 2004.

1. Alternative Compliance Process (p. 1):
 - Make available for all development standards including fencing and landscaping.
 - Add language regarding need for staff to process application in a “timely fashion.”

2. Snow Storage (p. 81):
 - Clarify definition of permeable cover for snow storage on landscaped areas—not a blue plastic tarp.
 - Consider different standards for infill areas such as Midtown—don’t want to push developments apart.
 - Consider options to 20% snow storage set aside—confirmed contract for snow-removal, mandatory homeowners association covenant, mandatory membership in a snow removal district.
 - Target for snow storage standards should be multi-family developments. Commercial has incentive to comply.

3. Commercial Building Design (p. 101)
 - Offsets on rear façade are expensive if area to be used for loading, docks, etc. Consider other options to address blank façade issue.
 - Orientation—don’t require primary entry to “face” street. Allow other configurations if it is “visible” from street and connected to the street with a sidewalk.

4. Tree Protection (p. 16):
 - Consider an alternative approach for infill areas like Midtown. E.g., require caliper for caliper replacement of significant trees or off-site mitigation, contribution to city tree fund. Some consultants said that they could readily comply with a retention requirement of 6-7% of existing vegetation.

- Use menu approach in addition to canopy retention. Allow applicant to mitigate partially off-site or contribute to tree fund.
 - Create more significant incentives for retention as part of landscaping regulations. Give more points for trees retained vs. new landscaping.
 - Add minor exception for pre-development geotechnical work that require some tree removal.
5. Landscaping (p. 41);
- Make clear that a double fence/buffer is not required when two commercial or industrial uses are adjacent.
 - The 10-foot wide minimum landscape strip requirement is too wide, especially around buildings. 6-8 feet would be sufficient.
 - Don't require perimeter landscaping in infill areas, only between parking lots.
 - Consider allowing developer to do self-certification for landscape compliance if done by qualified professional. Current inspections/enforcement lacking.
 - Reconsider credit for landscaping on utility easements (e.g., if utilities in conduit and easily repairable; if can control Chugach Electric and require replanting).
 - Must choose between simple landscaping approach embodied in Parking Lot standards and more complex approach in General Landscaping.
6. Parking Lot Landscaping (p. 83):
- 9-foot minimum width for planting areas would be OK vs. 10 feet—same width as parking stall.
 - Examine potential conflict between perimeter site landscaping and perimeter parking lot landscaping. Eliminate any overlap.
 - Consider requiring landscape buffer between internal parking and front door of units in multi-family development.
7. Definitions (Chapter 21.13):
- Define infill by reference to a map (e.g., Midtown) or based on surrounding uses, not what is or has been on property. See LEED for potential definition.
 - Ornamental fencing—make clear what this includes (e.g., ornamental metal, masonry, etc.)
 - Define significant tree and tree. Should it include alders and black spruce?
8. Parking (p. 55):
- Re maximum parking (125% of minimum), consider sliding scale to allow for 150% for smaller lots (<20 spaces). Maybe a 3-tier system with most control on very large lots associated with big-box retail. See p. 66.
9. Open Space (p. 22):
- Draft alternative standards for the CBD and infill areas—less open space in return for street furniture, other amenities on site.
 - Focus primarily on private open space set aside, not public dedication. Consensus seemed to be that developers could live with a 10 acre/1000 resident (or fraction thereof) private land set aside in residential developments with no public land set aside. Will still need some set aside for non-residential.

- Consider reducing open space requirement in developments with alleys.
- Make clear in master planned communities that each individual development pod need not satisfy open space requirement, just development as a whole.

10. Multi-Family Residential (p. 97)

- Consider eliminating 100-foot building length limitation and requiring a variety of building forms in multi-building developments.
- Revise menu for building façade variety. Combine offsets with other techniques discussed. Add more to menu. (p. 98).
- Add menu approach for allowed materials. Don't prohibit reflective glass, metal, or split-faced block. Preclude "standard" concrete block, not other forms.
- Siding material can extend to 18" from grade (vs. 9"), but require foundation planting to hide bare foundation wall.
- Drop solar exposure requirements (p. 97). All consultants agreed.
- Reconsider setback requirements (p. 97). Apply on in less dense developments. Use as transition between higher and lower density districts.

11. Single-Family Residential (p. 95):

- Garage standards (p. 95): provide more options to ensure less visibility. (balcony, door treatment, tandem parking, etc.) Consider reducing 50% façade limit to 50% of overall front façade area with a 60-70% linear limit.
- Consider recommendation to reduce minimum lot depth in some districts. Will help fit in less obtrusive garages.
- Allow reduction of minimum ROW/pavement in some instances to create more open space, etc. Also, allow reduced ROW, paving on steep slopes.
- Cul-de-sacs: concentrate on requiring connectivity with and between developments vs. discouraging cul-de-sacs.