

Anchorage Citizens Coalition

Title 21 Rewrite Project

Module 3 Questions & Answers

Memo

Page 4, 21.07.130: This section drafted by staff based on work done with ??? on the RDSM???

A few years ago, the Assembly passed a large retail store ordinance. It was adopted as an interim ordinance until a more permanent ordinance could be enacted. Planning staff was originally going to prepare the permanent ordinance. As part of that process, we brought to Anchorage two experienced architects with extensive experience in design of large retail establishments as well as with regulatory codes. (They were Bill Sears and Mark Hinshaw.) Members of the Assembly were so impressed with their presentation, they directed us to hire them to do the large retail ordinance, and provided the funds with which to have it done. They also expanded the scope to include all retail stores, not just the “big boxes.” Because the timing of Mark Hinshaw’s work overlaps with that of Title 21 rewrite, it is being incorporated into Title 21 by staff, mostly in 21.07.130.

21.07.010 General Provisions

21.07.010 page 2, line 1+: Why is alternative compliance limited to only these 3 sections?

The alternative compliance provision was specifically designed to allow developers to have more flexibility in the design of their buildings—we recognize that there are a vast variety of ways to meet the general purposes of the building design standards. For the other provisions, in some situations it isn’t an applicable provision (30% tree canopy retention is 30% tree canopy retention—there is no alternative way to meet that standard). In other situations we have tried to provide enough flexibility in the code or through the minor modification or variance process (see Chapter 3).

21.07.010 page 2, line 17: Where are applicable “decision-making” bodies found?

The applicable decision-making body for each process is listed in Chapter 2.

21.07.020 Natural Resource Protection

21.07.020 page 12, line 19: What is the mechanism to “show no significant adverse impacts” and to whom?

Project review by municipal engineers will determine any adverse impacts of modifying natural drainage patterns, the intent being to avoid adverse impacts to the property owner and to the neighboring property owners and the community as a whole. The intent of this section is elaborated in the purpose statements found on page 9.

21.07.020 page 14, line 20: Dick Tremaine indicated this section would need substantial revision. Can you confirm?

This section will need to be more closely tied to existing plans and known habitat and sensitive natural areas maps.

21.07.020 page 18, line 17+: clarify the definition of “existing tree canopy”. Is it based on total lost coverage, or % of tree canopy?? (ie., to save existing trees or cover x % of lot with trees).

“Tree canopy”, as defined in 21.13, means “[t]he area in square feet of a tree’s spread. Existing tree canopy is determined by measuring the ground’s surface area that is covered by the branch spread of a single tree or clump or grove of trees.” As stated in the table on page 18, the percentages are of existing tree canopy. Therefore, the end result will be a percentage of the existing trees saved, not a percentage of the total lot covered with trees.

21.07.020 page 19, line 36: Is clearing of underbrush and small trees in a “tree retention” area allowed? Does such clearing reduce the quantity of “canopy?”

Clarification of this issue is needed.

21.07.020 page 19: How big does a bush have to be to be a tree? Some substantial multi-stem “bushes” serve the purpose of trees.

A tree is defined, in Chapter 13, as “A woody perennial plant having a single main stem.” This section may need to be clarified to account for the “substantial multi-stem bushes”.

21.07.020 page 3, line 11-17: Why waive applicability for agricultural and especially single family use? *In the case of single family development on lots of record, lots may not be large enough or configured properly to still be buildable with increased setbacks. Properties existing prior to an ordinance change are usually given nonconforming rights especially where it may be physically impossible to comply. Existing lots of less area than needed to comply with the standard will fall into the impossible to comply category. The other option is to grant an exempt status without using nonconforming rules. This proposal is to recognize these existing small lots immediately.*

Agricultural uses are seasonally disturbing the soil with tilling, planting, and harvesting crops which exposes the soil to erosion. If such normal farm work is banned by the code the farms could not operate.

21.07.020 page 4, line 13: “delineated edge of a wetland”. What is an edge? How is it computed? *Wetlands are identified by hydrology, soils, and vegetation. Obviously a wetland does not just stop abruptly. Professionals make a judgment about the edge of a wetland based vegetative, soils, and hydrological indicators.*

21.07.020 page 4, line 31. What about wetlands NOT listed with Anch Wetland Mgt. Plan?

The MOA is working to delineate existing wetlands that are not in the Wetlands Management Plan. See also “Boundary Delineation” on page 5.

21.07.020 page 4, line 36: Why only 10’ setback for wetlands when stream setbacks say must have 25-10’ setbacks?

Currently there is no setback for wetlands. We have created what we think is a reasonable and adequate buffer to protect the hydrologic functions of wetlands.

21.07.020 page 4: What does “disturbance” mean?

A disturbance would be any change from the natural state.

21.07.020 page 5, line 1: Water bodies. Are there some basic principles or solutions to access problems that could be listed?

While section 6.c on page 6 does allow for some access, a more user-friendly provision for residential development may be necessary.

21.07.020 page 5, line 1+: Should we refer to high water mark with regard to water bodies?

Good suggestion. See also the next question/answer.

21.07.020 page 5, line 22: Define “ordinary” What does it mean?

Ordinary High Water (OHW) is commonly used regulatory terminology for the average high water mark over a 10 year period. An example would be the obvious top of a creek bank.

21.07.020 page 5, line 24: Mentions “terms defined.” Where are they in 21.13???

“Defined bank” is defined in 21.13, but “ordinary high water” is not and needs to be.

21.07.020 page 6 line 31: Recreation – What does this paragraph really mean?

It means that as long as there is guarantee (management plan) that the access area to the waterbody will not be expanded to take over the whole setback area, thus negating the setback, then access to the waterbody for certain reasons will be allowed.

21.07.020 page 6, line 34: Why allow any use inside buffer?

Regular recreational, educational, and scientific activities may need access to a waterbody. It is unreasonable to expect that these activities would be prohibited.

21.07.020 page 7, line 4-8: Are there fines associated with violation of law? Are these addressed somewhere else?

One remedy for a violation is the imposition of fines. The fines are in section 21.11.040.A4 and B2.

21.07.020 page 9& 10: What is the basis of the determination to limit or restrict development on 20 or 30% slopes?

The basis is public safety and environmental health. Recent examples of slope development failures have occurred in California after the ground was rain saturated and mudslides occurred.

21.07.020 page 9, line 20. Is this applicable to a single lot and all zoning districts? Issue came up on Platting Board; needs clarification.

As currently written, the section is applicable to single lot development and subdivisions.

21.07.020 page 15, line 2: “core habitat areas” who decides where these are? Is there a list? Is it ever feasible here?

As currently written, “Core habitat areas” would be designated in the Anchorage Coastal Resource Atlas. Staff recognizes that the Atlas is out of date, and wildlife agencies are examining Anchorage's wildlife in more detail presently. This section needs to be tied to current plans, studies, and maps, which would show the important habitat areas.

21.07.040 Drainage, Stormwater Runoff, Erosion Control

21.07.040 page 28, line 29: “...owners of the development”. Does this mean “...owners within the development”???

Yes.

21.07.040 page 29, line 32: Approvals – Dept of Public Works? I thought it had a new name and didn't exist as PW anymore?

It is true that there currently is no Department of Public Works. We will correct this in the next draft.

21.07.040 page 30, line 30: Define “soon as practical”

Obviously ground cover should not be replaced when work is still being done, nor should it be replaced when an area must be dug up again, and it cannot be replaced in the winter. Therefore, “as soon as practical” in this case means when the work in that area is finished, the area will not need to be disturbed again, and the time of year is appropriate for the survival of the groundcover.

21.07.040 page 30, line 30: Ground cover; “as soon as practical” – Is this good enough terminology? How do you measure to enforce?

See above question/answer.

21.07.050 Utility Distribution Facilities

21.07.050 page 31, line 13+: Why should areas south of Rabbit Creek Road be exempt from undergrounding?

Undergrounding in larger lot zones has not been a priority as it was believed that the costs would be too high and visibility of wires and poles was not an issue as it is in the small lot and commercial areas. This section is from our existing code, 21.90.020.B.1, which provided the general exemption for rural zones. However, 21.90.020.B.3 took away the exemption for the area bounded by Abbott Road, Rabbit Creek Road, Hillside Drive, and New Seward Highway so the area south of Rabbit Creek Road retained its exemption.

21.07.060 Transportation and Connectivity

21.07.060 General: Where in this document does it say Anchorage's Road Design Standards must meet ADA standards?

The Road Design Standards are not in Title 21. They are in the Design Criteria Manual, a document developed and used by the Project Management and Engineering Department. Implementation of ADA is mentioned in the Off-Street Parking and Loading standards, on page 92.

21.07.060 page 35, line 10: Is a TIA required for ALL developments? If so, suggest developments <100 units do not need a TIA.

This section (C.1, starting on line 7) states when a TIA is required and when it is not.

21.07.060 page 35, line 33. What does “increased” land use intensity mean? (Increased from being empty, or un or underutilized, or zoning change, or what?)

“Increased land use intensity” means anything that would increase the impacts on adjacent or surrounding properties. The increase would be from what it is without the proposed development.

21.07.060 page 36, line 4. Why should the applicant be the one to recommend changes? And at what point would a TIA determine that a development could NOT proceed?

It is the applicant’s responsibility to propose his or her desired development in a manner that complies with rules and regulations. It is the responsibility of the professional staff at the Muni and DOT to judge whether or not an applicant’s proposal complies with the rules and regulations. If the proposal does not comply, the applicant must bring an alternate proposal. A traffic impact analysis never determines a development cannot proceed. That is not the purpose of a traffic impact analysis. A traffic impact analysis is to determine traffic impacts and the mitigation necessary to correct those impacts.

21.07.060 page 36: “any development of more than 100 res. units” – how will “development” be defined? If individual lots are developed side by side, and not called a development, this is a problem!

“Development” is defined in Chapter 13 (21.13, page 9).

21.07.060 page 37, line 28-30: Does this provision provide for designated pedestrian walkways through parking lots?

Pedestrian walkways through parking lots is covered in the Off-Street Parking and Loading section (21.07.090.G.3, page 78).

21.07.060 page 37, line 37: I’m unclear about this: does it mean the parking lots will blend into each other if on the same stretch of road, i.e., no fences or other barriers between 2 adjacent lots?

This proposal suggests requiring access drives between adjacent properties.

21.07.060 page 38, line 17: What provisions will be made for pedestrians in districts where lots are 40,000 sq ft or greater?

In large lot districts, pedestrian trails may be provided, as noted on the Areawide Trails Plan.

21.07.060 page 39, line 40: What does “as appropriate” mean in terms of sidewalk snow removal?

This provision applies to trails as well as sidewalks, and some trails are groomed for skiing rather than plowed.

21.07.060 page 39, line 41: How will the MOA enforce compliance for maintenance given budgetary restraints?

The MOA must do its best to enforce all rules and regulations. Limited enforcement resources is not a good reason to set low development standards as it is a temporary and variable condition.

21.07.060 page 39, line 42: What does “usable condition” mean for sidewalk maintenance?

It means safe for walking, biking, or skiing, depending on what is appropriate.

21.07.060 page 40, line 37: What is the definition of “clear width” here?

“Clear width” needs to be defined.

21.07.060 page 40, line 6: Why are bike lanes only encouraged on “roads with low traffic speeds and volumes”?

So that bicyclists and motorists may safely share the same roadway.

21.07.070 Neighborhood Protections Standards

21.07.070 page 40, line 15: What does “discretionary” approval mean? Why should this be discretionary?

This section allows the decision-making body the discretion to impose conditions based on the details of the particular characteristics of the proposed development and any nearby neighborhoods. This section does not allow the decision-making body to lessen any of the required standards, but instead to impose further standards, recognizing that every situation is unique and may require special conditions.

21.07.080 Landscaping, Screening, and Fences

21.07.080 page 43, Table 2: Does the low points for grass discourage grassy open space?

Grass fulfills very few of the purposes of landscaping, as listed on page 41.

21.07.080 page 45: Table 21-07-03: Level 3 buffer is required for AD – please clarify the intent behind this requirement.

Level 3 is “the highest level buffer to separate the most incompatible land uses” (page 44). A level 3 buffer is required between the Airport Development district (AD) and all residential districts, recognizing that these are two extremely incompatible uses.

21.070.080 page 45, line 1: Table is not clear in what it refers to. What do the numbers refer to? Maybe it would be better with footnotes or see definitions section.

The numbers refer to the Required Level of Buffer, which is explained on the previous page.

21.070.080 page 50, line 24. What are front yard fences – how far back is considered “front”?

“Front yard fences” are fences placed in the front setback (this needs clarification). The front setbacks for each zoning district are listed in Chapter 6: Dimensional Standards and Measurements (in Module 2).