

Mayor's Real Estate Advisory Task Force

Report and Analysis

of the

Proposed Rewrite

of

TITLE 21

Municipality of Anchorage

Code of Ordinances

January 28, 2005

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
TASK FORCE MEMBERS.....	3
II. SUMMARY OF FUNDAMETNAL ISSUES.....	4
III. A NOTE ON APPLYING REGULATIONS IN ALASKA	5
IV. TASK FORCE REVIEW AND TESTING PROCESS.....	6
V. DISCUSSION OF FUNDAMENTAL ISSUES	9
VI. RECOMMENDATIONS.....	13
VII. TEST CASE PRESENTATIONS.....	45

APPENDICES

Appendix 1	Consultant Resumes Dick Farley Dale Porath Terry Schoenthal
Appendix 2	Consultant Reports Dick Farley Dale Porath Terry Schoenthal

I. INTRODUCTION

Anchorage has had zoning and other forms of land use regulation since before the period of major growth associated with World War II. The zoning and subdivision regulations currently in use are known as Title 21 of the Municipal Code of Ordinances. They were adopted by the Greater Anchorage Area Borough shortly after its formation in the mid 1960's. While they have been amended many times since then, they remain in tact in terms of overall form, format and approach to community development.

In the last five years, the Municipality of Anchorage (MOA) and its citizens have been involved in a process of evaluating our community, reviewing our long range plans and updating those plans to reflect changing visions of the future. In 2003, the MOA approved the Anchorage 2020: Anchorage Bowl Comprehensive Plan (2020 Plan). It sets forth goals and policies to guide the future growth of Anchorage. A necessary part of updating community plans is a review of the tools needed to implement those plans. Title 21 is the most important of those tools.

In 2002 the Municipality engaged Clarion Associates to recommend changes to Title 21. They worked with community groups and Municipal staff to develop proposals for a new code. The 2020 Plan was to be the guiding document for this rewrite. The current draft of the Title 21 rewrite is the product of that effort. It is not just a rewrite. It virtually abandons the existing regulations in favor of a completely new approach to land development regulation.

In July 2004, Mayor Mark Begich created the Real Estate Advisory Task Force and charged the Task Force with assisting the Municipality of Anchorage in rewriting the land use regulations in the MOA's Title 21. The Task Force includes local appraisers, real estate lenders, attorneys, mortgage bankers, title officers, real estate developers, brokers, builders, engineers, planners and major stakeholders in the community. Task Force meetings were attended by the appointed members, Municipal officials, including the Mayor, the Manager of the Office of Economic and Community Development, the Executive Director of the Heritage Land Bank, the Director of the Planning Department and Assembly members.

The Task Force was asked to examine the draft rewrite of Title 21 prepared by Clarion Associates and make recommendations to Mayor Begich. They were further charged with working within the industry to bring consensus on the many issues facing this community in the both the near and far term regarding land use regulations. They also oversaw a testing process whereby the proposed changes to Title 21 were applied to seven current projects to gain insight into the impacts and changes the new code may have.

The Mayor's office provided a matching grant of \$25,000 in order to fund the test case analysis described in this report. The Task Force raised over \$40,000 from the real estate industry and interested parties. This money has been used to do the case studies, write this report and publish and distribute it to interested parties. Additional funds will be needed for future case studies before the final Title 21 rewrite is completed and approved.

Anchorage has benefited significantly in appearance and quality of life as a result of the implementation of the original Title 21 requirements in the 1960's. The proposed modifications to Title 21 will have a similar impact in the future. The new Title 21 requirements will also have an economic impact, resulting in higher development costs that must be shared by the whole community. As a result, Anchorage as a community must decide what the baseline criteria for acceptable development will be.

The members of the Task Force fully endorse the need for revision of the Title 21 code. The current code is out of date and conflicts in many ways with more recent plans, such as the Anchorage 2020: Anchorage Bowl Comprehensive Plan.

The code needs to be revised and updated to recognize evolving expectations within the community and to foster improved functionality between the public and private sectors. Simply put, many in the development community recognize that it can do better with respect to design and implementation. It further recognizes that improvements can often be made through the application of more thought, but not always by adding more cost. Improvements can and should be made, but this will require flexibility in the code that allows options and incentives for good work.

The Task Force is appreciative of the opportunity to participate in this process. We would like to take this opportunity to thank the many individuals, corporations and institutions who have contributed to this report, both monetarily and in-kind. In particular, the Task Force would like to thank GCI which contributed the services of John Hickey, who was charged with crafting this report. He has served many masters during its creation and we would like to take this opportunity to publicly thank him for his services to the Task Force and the community.

MAYOR'S REAL ESTATE TASK FORCE MEMBERS

Connie Yoshimura
Task Force Co-Chair
CY Investments, LLC.

Kim Zello
Treasurer
Eklutna, Inc.

Creta Bloxom
Vice President, Northrim Bank
Task Force Secretary/Treasurer

James H. McCollum
Attorney
Law Offices of James H. McCollum, LLC

George Porter
Managing Member
Residential Mortgage, LLC

Lottie M. Michael, CCIM
Associate Broker
Bond Stephens & Johnson

Jim Sawhill
President
Lounsbury & Associates, Inc.

Bob Petersen
President
The Petersen Group, Inc

Bob Hayes
Real Estate Appraiser
Randall, Hayes and Henderson

Debbie Sedwick
President
Alyeska Title Guarantee Agency

Neil Thomas, ABR, CCIM, CRS
Executive Vice President
Coldwell Banker Fortune, Inc.

Rick Richter
Real Estate Appraiser
Richter & Stone

Tim Potter
Director of Planning
DOWL Engineers

Bob Mintz
Carr Gottstein

Greg Jones
Vice President, Properties, GCI
Municipality of Anchorage
Planning and Zoning Commission

Sue Wolfe
Chair, Developer's Council
Anchorage Home Builders Association

Harvey Prickett
Principal Designer
Dean Architects, Inc.

II. SUMMARY OF FUNDAMENTAL ISSUES

After the Task Force completed a review and testing process, they analyzed the results and identified a number of issues. In addition, a number of general conclusions and recommendations were reached and are discussed in this report. Also included are specific recommendations that should be incorporated into the next draft of the Title 21 code.

The following list of key fundamental issues was identified by the Task Force:

- The existing code needs revision to achieve a balance between maintaining an affordable housing stock, enhancing the aesthetic value of Anchorage and increasing the quality of new development.
- The revision must be tempered to meet the social, economic and political realities of Anchorage. This includes maintaining the value of the community's real estate base and avoiding unnecessary increases in the cost of government.
- The revision must be reconciled with other existing plans such as the 2020 Plan.
- There are serious cost consequences to builders, developers and consumers inherent in implementing the revised code.
- There are unspecified revenue implications for the Municipality.
- All segments of the affected public must be involved in review and approval of the code revision. This includes community groups, professional planners, business groups and public agencies.

Everyone involved in this process, from the rewrite authors to the citizen groups to the planning staffers to this Task Force, has a guiding purpose – to improve the living environment in Anchorage. That desired improvement can be defined in many ways. In fact, everyone involved in this rewrite process may have slightly different expectations regarding the results. Arriving at language that is acceptable to the broad community, business and personal interests involved is a huge challenge. A successful rewrite of Title 21 will only result after significant effort by each of the entities involved. A great deal of work remains to be done, but the direction has been set. This Task Force is committed to this effort and to helping achieve the value envisioned by all parties involved.

III. A NOTE ON APPLYING REGULATIONS IN ALASKA

The Task Force expects that Title 21 revisions will promote improvements in building and development standards and practices that are consistent with community values and that recognize the social, political and economic impacts of this undertaking. The Task Force will support revision of the code because we believe that it needs to be updated, and because we think that the revision will result in needed improvements.

While the Task Force favors a comprehensive rewrite of the Title 21 code, we caution that such revisions must be made in a realistic and appropriate context. Anchorage has many characteristics that contribute to its unique qualities. Task Force Members are committed to protect and maintain this uniqueness and these qualities, but do not think that one size fits all. Therefore, the code revisions must be tailored to our community in order to retain its values and to meet the needs of this community.

In a report to the Task Force, Anchorage landscape architect and planner Terry Schoenthal wrote,

“It has been repeatedly noted that portions of the new Title 21 are in common use in other communities throughout the U. S. While this provides a certain level of confidence that these requirements are practicable, it should not serve as sole justification for their implementation here. The new Title 21 should be very carefully customized to meet the economic, social and physical needs of Anchorage.”

The Task Force concurs with this analysis. Anchorage has many developments that represent the skills, knowledge and excellence of local architects, planners, engineers and other development professionals who work in this community. While Anchorage is a community in transition, we are not starting on a new course without experience and knowledge of how things can work and should be done.

The code, as proposed, will be scrutinized by other public and professional organizations. The Task Force welcomes this involvement because we know that the greater the involvement, the better the final document will be. That process will also ensure that the unique features of Anchorage and Alaska will be infused into the regulations.

IV. TASK FORCE REVIEW AND TESTING PROCESS

A. Task Force Organization

The Task Force met weekly from September 2004 through January 2005. After the initial organizing meetings, the meetings were used to plan and review the project testing, to review specific provisions of the draft rewrite of Title 21 and to analyze, discuss and debate recommendations to the MOA for changes. The Task Force divided in several subcommittees tasked with assessment of the regulations on residential projects and commercial development. Other subcommittees oversaw the testing and the writing of this report. All of the members of the Task Force are volunteers. The Task Force was supported in these efforts by the Director of the Planning Department and members of his staff.

The Task Force retained a group of experienced planning and community design professionals. They are: Dale Porath, AIA, Dick Farley, FAIA and Terry Schoenthal, ASLA. Professional resumes for these three consultants are appended to this report. In addition to advising the Task Force on matters related to the code revision, their role was to oversee and comment on the project testing process. Their involvement assured a clear and unbiased review of the impacts of the new code on the projects tested.

Local professionals were selected to present developments for the test case reviews. These included Tim Potter, DOWL Engineers; Harvey Prickett, Dean Architects; Jim Sawhill, Lounsbury & Associates, Inc.; Dave Grenier and Tom Dreyer, Triad Engineering/Landtech. These individuals have extensive experience working with the existing Title 21. They each selected projects they had worked on that were recently completed or were nearly complete. Their task was to review these test case developments and present their analysis of the effects of the proposed code rewrite on the projects. Test cases were selected based on their representation of typical development and also on the availability of the local architect/engineer to perform the test work.

In addition to the regular weekly meetings and subcommittee meetings, the Task Force Members, the consultants, Chris Duerksen, Clarion Associates (the Municipal consultant for rewrite of Title 21) and Municipal employees all met for three and a half days in early December to review the project test results. This included a visit to each of the projects. A summary of these presentations is included in this report in Section VII Test Case Presentations. The summary includes an outline of the issues that were identified relative to the effects of the code revisions on the projects, a summary of the subsequent discussion and specific recommendations made by two of the consultants, Porath and Farley. The consultants submitted reports based on their participation in the test case reviews, site visits and analysis of the proposed code. Their reports are appended.

B. Projects Tested

The Task Force and consultants performed analyses of seven projects that were completed or nearing completion, to determine what effect the proposed code would have on these projects if it were to be applied, as drafted. The test projects included two commercial buildings and five residential projects. The commercial projects included a new large “big box” store and a

small single tenant office structure. Two of the residential projects were single-family developments. The other three were multi-family projects. All of the test projects were selected based on their representation of typical development as well as on the availability of local consultants to review and present the cases in the analytical process.

The projects that were tested are listed here:

Commercial Projects.

- The Fred Meyer Complex - North Eagle River Access and Old Glenn Highway
- The Stewart Title Building - 2601 Denali Street

Residential Projects

- Seclusion Bay Subdivision – Southport Planned Development
- Lakeview Condominiums – Jewel Lake Road and West 86th Avenue
- Town Square Condominiums –Lake Otis Parkway and East 15th Avenue
- 7th Place Condominiums – East 7th Avenue and Cordova Street
- Golden View Subdivision – Rabbit Creek Road and Goldenview Drive

C. Testing Results

In each case, application of the proposed code would have had severe impact on the project. Nearly all of the projects would have had a difficult time complying with the proposed code. The result would have been substantially increased costs to the developer and eventual occupant or they simply would not have been built because of the economics of the project. A review of the Test Case Presentations in Section VII of this report demonstrates the detailed impacts of the proposed code on each of the projects.

The Task Force recognizes that this testing was an exercise intended to demonstrate how the proposed code would affect selected projects that were approved under the existing code. This was a valuable exercise that precisely accomplished its intended purpose. It demonstrated how existing projects would have to be modified in order to be developed under the proposed requirements. Many of the modifications discussed by the Task Force were positive. Some added interest to the streetscape. Others increased the amount or locations of open space and landscaping. Architectural details were discussed that would enhance both aesthetics and functionality of the buildings.

The testing also showed the cost impacts of the proposed regulations. The impacts of those costs affect everyone associated with real estate in Anchorage including landowners, developers, businesses, homebuyers and the Municipality.

The tests done by this Task Force expose some problems with the code revision, but they cannot be characterized as a comprehensive analysis of the regulatory impact. In our view, this points out the necessity for further testing and analysis to determine real impacts of code provisions as revisions are presented. It is absolutely necessary that the public be fully informed of these impacts and that the public be fully involved in subsequent review and approval processes.

The Task Force understands there will be changes made to the current draft of the code revisions. The authors of the current draft contend that it contains provisions which could mitigate or offset some of the cost increases that would result from implementing the revisions. However, this was not demonstrated in the testing exercise. It was clear that the proposed changes to the code including design features, requirements related to open space, tree retention, landscaping and snow storage, as well as site design criteria intended to meet mixed use and density objectives would have significant impact on development costs. The Task Force also believes that the implementation of these regulations will not necessarily result in the achievement of the goals and objectives of the 2020 Plan.

We do not expect that the revised code, when finally approved, will completely prohibit development of projects similar to those tested. As a group, the Task Force envisions a community with a mix of commercial development and a full range of single and multi-family housing including affordable and “workforce” housing.

V. DISCUSSION OF FUNDAMENTAL ISSUES

There are a number of fundamental trends and characteristics of Anchorage that must be considered in the rewrite of Title 21. There are also regulatory disconnects and contradictions associated with the draft code and other Municipal plans and regulations. Some of the more significant of these are outlined below. Many of the issues have the potential to generate significant impacts on Municipal government in terms of workload and finances. The Task Force believes that these fundamental issues must be addressed as part of the redrafting process currently underway. The issues are grouped in broad categories below.

A. Land Availability and Cost Issues

1. Land Inventory. Anchorage is nearly out of undeveloped land. There is little highly desirable land available for new developments. What little land that is available is located on hillsides or in areas of marginal soil conditions or wetlands. These are the most difficult and expensive lands to develop. They typically require extensive preparatory work, sophisticated building techniques and substantial investment. The new code needs to recognize the value of keeping these lands in the developable inventory and encourage development techniques that will allow the land to be successfully used to accommodate community growth such as private single loaded streets on the upper hillside.

2. Redevelopment Trends. Future developments in Anchorage will increasingly be the result of either renovating or tearing down existing structures. This process brings a whole new set of challenges from infrastructure needs to land use conflicts to nonconforming designations, all of which have an impact on financing. Down zoning and creation of extensive non-conforming uses can lead to urban decay. Changes in long-standing uses and structures can often be very worrisome to neighbors, but they can also bring significant improvements to those neighborhoods. The new development regulations in Title 21 need to specifically address and encourage this process.

3. Housing Diversity. It is imperative that Anchorage continue to promote the development of attractive, affordable housing that provides an appropriate mix of single and multi-family units. This should include the broadest possible mix of housing values and types. Failure to meet this challenge means that there will be continued flight of lower and moderate-income families to the Mat-Su Borough. Clearly, the abundant land supply and relative lack of regulatory control gives the Mat-Su Borough a cost advantage. Anchorage needs to be deliberate in attracting and retaining residents of all economic means. The determination to move or locate in the “Valley” should not be an unintended consequence of policies adopted by the Municipality.

4. Land Values. As currently drafted, the proposed Title 21 revision could have several significant economic consequences including higher development costs, lower land values, and potentially reduced property tax revenue to the Municipality. In work sessions with the Task Force, the author of the draft code revisions was asked how

developers could deal with the higher costs. He replied “You will just pay less for the land.” The implication here is a broad devaluation of Anchorage real estate. This is a serious issue that should be fully presented to the public in its review of the proposed code revisions. It is also a serious issue for landowners who could see as much as a 40% reduction in land values. This applies to both raw land and real estate subject to redevelopment. The repercussions could extend to the value of existing homes.

5. Environmental Factors. The proposed code revisions need to recognize the importance of environmental conditions in this community. For example, the shortness of the growing season, survivability of plantings, appropriateness of certain types of vegetation are each issues that should be considered in respect to landscape planning, installation and maintenance.

B. Regulatory and Policy Inconsistencies

1. Disconnected Regulations. There is currently a disconnect between several significant features of the 2020 Plan and the draft revisions to Title 21. For example some of the social engineering aspects of the 2020 Plan cannot be implemented by the proposed Title 21 without active municipal intervention. “Town Centers” and “mixed use” may be socially desirable, but they may not be economically feasible. Even after substantial Municipal commitments of public infrastructure, streets and schools, as well as significant “up-zoning” of formerly residential property to business uses, Creekside Town Center still requires tax relief to be economically feasible. Other town center areas such as Midtown or Lake Otis/Abbott will require assemblages of small parcels to facilitate development of higher density housing. Infrastructure improvements will also be necessary. This type of action can best be accomplished through the various powers, incentives and encouragement of the Municipality of Anchorage. The draft revisions to Title 21 attempt to implement these 2020 Plan elements without recognizing the necessity for MOA involvement and leadership.

2. Compact Development. One of the objectives of the proposed code is to make developments more compact. However, many of the specific requirements of the code would work to do the opposite. In general, densities are often reduced. Site area is increased by additional requirements for open space and snow storage. Building orientation and other site design criteria push buildings farther apart. All of these provisions result in less dense, less compact developments that use more land per measurable development unit, whether it be in terms of homes or commercial square footage. This works against the stated intent to create compact development and mixed uses.

3. Non-Conforming Uses. Implementation of any significant rewrite of land development codes is likely to result in creation of a significant number of nonconformities within the existing buildings and land uses. The proposed code fails to adequately address the issue of non-conforming uses. As a result, if the current draft of Title 21 were to become law, it could result in significant deterioration of Anchorage’s real estate. Improvements, additions and repairs to nonconforming buildings would likely be more difficult to finance and, ultimately, to sell. Remodels and additions that

were classified as “major developments” under the new code could be subject to requirements for significant changes that would discourage improvements. The treatment of nonconformities needs to be revisited in detail. An assessment of the financial impact of the instant creation of a large number of non-conforming structures needs to be quantified before implementation. Until that is done, the safest route is to make the new code apply only to new development or major redevelopment. In addition, it will be critical that careful consideration be given to defining “major development.”

4. Development Approval Process. Clarion Associates has asserted that developers will benefit from a streamlined administrative process established within the new Title 21. The Task Force is not convinced that such a streamlining will be achieved. Within the new Title 21 there are a number of new aspects of a project that will be subject to reviews that are not required in the current code. Many sections in the proposed code are open to subjective interpretations by the Director of Planning or his designee.

C. Impacts on Government

1. Increased Staffing Requirements. The new code will require that the Municipality provide additional resources to the Planning Department. It is likely that there will be a multi-year transition period during which multiple codes will be in use. Many of the new provisions require analysis of subjective factors. The new code is far more restrictive and complex than the existing code. As a result, there will be an immediate need for additional professional planning as well as inspection and enforcement personnel within the affected Municipal departments. Any existing shortages of personnel will be exacerbated under the new code.

2. Devalued Tax Base. As indicated previously, if implemented as currently written, the code will result in a significant degradation of the value of real estate in Anchorage. The result will be a) a reduction in the tax base used for the bulk of the Municipality’s tax revenue and b) reduction in the wealth of owners of real estate. The result could be reduced government services, increased tax rates or a combination of the two. This could have a negative financial impact on the government and the local economy.

3. Other Plans. A significant amount of governmental planning is ongoing at any given time. Major transportation plans are underway. Long range public facility plans, including schools and utilities are updated annually. They use population and economic forecasts that have been demonstrated to be at odds with the plans that this code revision is intended to implement. Population projections used to plan roads and schools do not necessarily agree with each other or with the 2020 Plan. This is the appropriate time for the MOA to reconcile these plans into a unified and mutually supporting structure of public policy. This should be accomplished before this rewrite is finalized.

4. Regional Economics and Developments. As Anchorage works to retain and enhance its ability to house and employ people in a broad range of the economic spectrum, other government entities and businesses are working to make it easier and more attractive to live and work in other parts of this region. Current and planned transportation projects will profoundly affect the out migration trends currently being felt by Anchorage. The current Parks and Glenn Highway upgrade projects and the planned Knik Arm Crossing are two prominent examples of such activity. The impact of these projects on Anchorage's ability to attract and keep a viable workforce must be assessed. The results of that analysis could significantly affect our understanding of Anchorage's land development needs and possibilities.

5. Plan Map and Zoning Map. Before the next round of public review of these proposed regulations, there needs to be developed two graphic presentations of the plans for Anchorage's future. The first is a Plan Map that is intended to implement the policies of the 2020 Plan. It should be an easily read and understandable land use plan. That plan will be the basis for the second graphic presentation, a draft-zoning map. These two maps will represent the definitive link between the 2020 Plan and its primary implementation tool, the land use regulations. With a cohesive transition from plan to zoning, the many public and private interests will be able to see the impact of the plan and its application on neighborhoods, projects and individual properties. This is an essential responsibility of government.

VI. RECOMMENDATIONS

This report contains several types of recommendation. A) The Task Force has identified a number of policy issues that must be addressed before the rewrite of Title 21 goes forward for final drafting and approval. B) Specific elements of the proposed draft were identified that pose unresolved problems. The Task Force has identified these as problems and has provided general recommendations for solutions without trying to craft specific language. C) Finally, in certain areas the Task Force has provided specific and detailed recommendations for wording of changes in the draft rewrite.

A. Policy Recommendations.

The following recommendations involve concepts that may either act as precedents for other provisions of the draft code or may appear in more than one place. In either case, the Task Force believes that these issues act as guiding precepts for the proposed code, thus it is the Task Force's opinion that these points represent critical issues that must be resolved in succeeding revisions of Title 21.

The issues described below are generally at the policy level. Their resolution will provide substantial guidance to the redrafting process that is ongoing. It is imperative that these issues be addressed now at the highest levels of municipal government in order to assure that the final code is responsive to the broad variety of inputs to this draft that have been offered since it was made public.

1. Reconciliation of Policies. Inconsistencies and internal conflicts within the proposed code need to be resolved. Equally important, the differences between Title 21, our community plans and Municipal practices need to be reconciled.

Prior to the final approval of the revised code, there needs to be a reconciliation completed between the conflicts in the Title 21 rewrite, the 2020 Plan, the expectations of the development community and the expectations of the general public. Some of the issues to be resolved include the valid reactions to low quality development, community desires expressed in the 2020 Plan, and public policies based on operating cost efficiencies through Public Works, AWW, DOT and utilities that are in conflict with community desires. There are market forces, buyer demands and desires that do not reconcile with the above. There are regional real estate economics and economic trends that will effect what we are able to do in this community. There are across-the-board prescriptive requirements in the rewrite, mostly quantitative, that are an overreaction to some of the examples of poor quality development.

In his report to the Task Force, Terry Schoenthal noted,

“...in attempting to implement the vision of the 2020 Plan, the proposed Title 21 faces inherent conflicts. On the one hand, the 2020 Plan states: ‘Anchorage’s future development will depend increasingly on more efficient use of existing infrastructure, vacant land, and on infill and redevelopment of underused properties.’ On the other hand, the plan states: ‘A strong commitment to protect natural open space and critical wildlife habitats will maintain the quality of the natural environment.’

“In one sense the 2020 Plan advocates for a tighter, denser, more walkable community while at the same time advocating for the protection of existing open space. The desire to preserve open space has been given considerable weight through the public and private open space requirements in the proposed draft of Title 21, while the stated desire to achieve more efficient land use is not so well expressed. Additionally, the 2020 Plan indicates a desire to provide a wide mix of housing types suitable for all housing markets. While most concur that we could do a better job in developing entry level or “workforce” housing, that housing by its nature does not come with a lot of frills. The requirements of the new Title 21 could restrict that development.”

“Many of the new requirements proposed for Title 21 have a cumulative effect of encouraging lower density development. In particular, the public and private open space requirements, snow storage requirements, utility easements and tree retention requirements may work together in a cumulative fashion to promote lower density development. Although it has been said that in most cases these requirements will overlap and not be cumulative, the testing conducted by the Task Force indicated that there will likely be many cases where these requirements will not overlap.”

The commercial and residential projects studied indicated that the lower the densities and intensities, the more land is consumed per development unit and higher per unit cost.

2. Transition. There needs to be a very specific transition plan that informs property owners, developers and the public how they will be affected by the revised code. A key element of that will be the Plan Map and Zoning Maps discussed in Section C.5 above. With those, land and buildings affected by the new code will be identifiable. From there, property owners can look at the specific impacts of this rewrite instead of analyzing it in the abstract.

Also, it will be necessary to have a transition period between the implementation of the new code and the elimination of the existing code. That period will be required to deal with future projects respecting which property owners have made a substantial commitment of capital, but have not been formally submitted, projects already in the MOA approval process, projects under construction and, potentially, developing a paradigm for managing the issue of non-conformities.

This transition is a critical requirement for success of this new code. With a full understanding of how and when this code will affect them, the affected property owners will assume the worst. Gaining public support for the rewrite will be difficult. Without information, the predominate reaction to the new regulations will be fear. If

there is no specific transition plan that serves to dispel public fears, fear will rule the day.

3. Partnership between public and private sectors. Several key elements of the proposed code will only be accomplished through close cooperation between the Municipality, other public organizations and the private sector. For example, it is highly unlikely that a private developer would independently attempt to “construct” a Town Center as envisioned in the 2020 Plan without some sort of financial incentive or support from government. The proposed draft of the rewrite attempts to enforce this provision. Such an undertaking would require the joint efforts of builders, planners, architects, property owners, financial institutions and others. Considerable participation by public agencies would be required. Accomplishment of objectives specified in the proposed code and in other plans such as the 2020 Plan will require close cooperation between the public and private sectors. There are three specific areas where definition of such relationships is required.

a. Town centers. What are the specific roles of the public and private sectors in their development?

b. Mixed use density. Should this type of development be forced on land developers? As Dale Porath noted in his report:

“...new mixed use zones need to be drafted and the “reserved” provisions filled in so that meaningful comment can be put forward. Their proposed locations need to be better defined than the asterisks in the 2020 Plan. As demonstrated by the Stewart Title example, the implementation of the mixed-use development may be problematical on smaller infill properties. At a minimum the municipality needs to recognize their role in providing supporting infrastructure to accommodate these pedestrian oriented centers, i.e. creating and maintaining effective and useable sidewalk pedestrian systems.”

The task force is very concerned about the new code’s emphasis on implementing the mixed-use concept without a portion of the responsibility resting on the Municipality.

c. Redevelopment. How can redevelopment be encouraged? Much of the future development in Anchorage will be redevelopment or infill projects. The code should not discourage redevelopment by imposing conditions that require property owners to do more than can be reasonably expected. Therefore, the code needs to encourage redevelopment and provide incentives for investment.

To the extent development is socially desirable, but currently uneconomic, Title 21 should provide incentives. Title 21 should facilitate new development paradigms but not force land into use classifications which diminish land values by either a) significantly reducing the uses currently available or b) designating solely an uneconomic use classification. Thus, concepts such as mixed-use and town centers should be “overlay” zones which landowners in certain geographic areas can “opt into.” The Municipality should develop programmatic, not ad hoc, ground rules to

encourage landowners to choose to develop their property under the voluntary overlay zone. Municipal incentive programs could include increased density, bonding, provision of infrastructure and tax relief.

4. Alternative compliance. The rewrite includes a number of alternate compliance provisions. This is a positive provision, since flexibility is a key feature in acceptance, functionality and implementation of the new code. The applicability of the alternative compliance section of the proposed code should be open to most sections of Title 21. If a developer or property owner can demonstrate that he or she has a better idea than the strict application of Title 21 would allow, they should have the opportunity to make their case. This should apply across-the-board, not just to commercial or residential structures.

a. Menus. The new code should incorporate as many menus as possible from which planners and developers can select to satisfy specific standards. In this way, the code will encourage compliance with overall objectives but will not prohibit creativity or prevent selection of applications that are appropriate to a specific project. Nor will it impose one aesthetic judgment over another. Thus, the code will encourage compliance with overall objectives but will not prohibit creativity or prevent selection of applications that are appropriate to a specific project. Nor will it impose one aesthetic judgment over another. This approach will help accommodate the creative development solutions to the remaining undeveloped lands in Anchorage which, as has been pointed out, often have challenging features to deal with. It will also begin to allow creative approaches to redevelopment of Anchorage's older structures and land uses. This is especially important as redevelopment becomes the dominate form of land development in the future.

In order to implement these measures, the Municipality will need to train a cadre of personnel who are thoroughly versed in the alternate compliance procedures. The implementation of these provisions will inevitably require some negotiation between applicants and staff. This could become a time consuming and convoluted process with complications created by subjective interpretation of the regulations.

b. Direct access to the Planning and Zoning Commission. To avoid unnecessary delays and to cope with, what some could see as incorrect or arbitrary decisions by staff, the Task Force proposes that the code include a procedure for direct access to the Planning and Zoning Commission to be available when an agreement cannot be reached between the applicants and staff on the application of the alternative compliance procedures. This method of access should not be in the form of an appeal. It should not take on the burden of the process and time constraints of a public hearing. It should function more as a simple review of the options discussed by the staff and the applicant, and an advisory decision on the most appropriate direction based on the facts presented. The scope of the P&Z review should be narrowly confined to the unresolved issues between the staff and the applicant. This process should

shortcut the longer appeals procedures while still allowing input from the Commission to the staff.

5. Use of Utility Easements. Utility easements remain a major concern. The issues include the need for precise definitions of the portions of utility easements that should be included in satisfying landscaping and open space requirements. Further, there should be provisions defining who has responsibility for refurbishing landscaping that may be disrupted or destroyed by utility work. In keeping with the need for better enforcement, there must be provisions for inspections and enforcement actions that will assure that utility easements are maintained in accordance with the standards established by the code.

6. Imprecise Phrases. The proposed code contains a variety of imprecise phrases that should be deleted or revised. Such phrases as, “discretionary criteria” and “significantly more” (Section 21.07.070 A), “to the maximum extent feasible”(Section 21.07.020 E. 3) or “reasonable proximity” should be replaced. The document is a zoning law and should be written as such.

7. Special Districts. The code should create University District and Medical District zones to address the unique characteristics of those uses, which should be encouraged.

8. Planned Community Zone. Title 21 should include a form of the Planned Community (PC) Zone. The PC zone allows the Municipality, a developer and community groups to agree on a unique set of criteria respecting a particular property. Because so much of Anchorage’s remaining developable real estate is characterized by unique physical features, potential land use conflicts and redevelopment issues, it is difficult to write a development code that adequately addresses the variety of solutions needed to utilize these properties. The PC Zone encourages the development of creative solutions to the issues associated with the most difficult-to-develop properties while still meeting the community’s needs.

9. Fiscal Impacts on MOA. The Task Force has not attempted to determine the precise financial impacts the proposed code would have on property tax revenues, although that would be a worthwhile exercise. Several factors that are of considerable importance were identified when the proposed residential standards were weighed against the test projects. They are:

a. Provisions that limit the number of units that may be situated on a property through requirements for open space, landscaping, tree retention, setbacks and the like will affect the property tax base. The number of residential units that could be built within the municipality would be reduced. The remaining undeveloped or under developed land would be devalued. The resulting devaluation of the tax base would have a significant financial impact on the municipality.

b. Provisions for landscaping, setbacks and parking requirements in commercial applications will affect the amount of gross floor space and therefore property value. Although it was not a project in the study group, the Task Force did briefly review the impact of the proposed code on the new Alaska USA Federal Credit Union building presently under construction. A study done by DOWL Engineers concluded that this project would have to significantly reduce floor space to comply with code provisions as presently proposed. These provisions would require the elimination of one entire floor of this building. This type of regulation would affect the commercial property valuations in Anchorage similar to the impacts on residential valuations discussed above.

c. Requirements for redevelopment may discourage property owners from upgrading or delay redevelopment of their property. This would result in further reductions in value. The property tax base will be diminished on existing properties to the extent this occurs. This is particularly true in the commercial real estate sector.

Remodel, expansion, renovation reconstruction and re-tenanting of existing developments should be allowed so long as they are brought into better, but not full, compliance in order to improve the streetscape of “old” developments. Building permits could be issued only after an owner agrees to expend a portion of the total cost of improvements on revisions of the exterior appearance of the development with emphasis on building envelope, landscaping and lighting.

d. Setting aside large tracts of land for parks and public open space will result in the removal of a substantial amount of land from that which would otherwise be subject to property tax or development.

The cost to the MOA of these regulations has not been studied or quantified in any way as far as the Task Force could determine. It would be irresponsible for these regulations to become law without a detailed financial impact study. The Task Force recommends that such a study be initiated and that both financial and real estate professionals be employed in completing the study. Such a study should result in significant changes in the code.

10. Financial Impacts on Residential Real Estate. Golden View Subdivision, which was a test project, is an excellent example of the potential fiscal impact on real estate development economics, and ultimately on the consumer. This development, approved under the present code, has 356 lots. Thirty percent of the land area is counted as open space. Part of what is presently allowed to be counted as open space would not qualify under the proposed code. The test of the subdivision against the proposed code indicated that there were two ways that the project could be built to meet the new requirements. Both are illustrative of the fiscal impacts of the proposed code.

First, if the project was redesigned to meet open space requirements and still retain the same size lots (12,000 sf.), which are desirable in this market, the number of lots would be reduced to 244, a loss of 112 lots. That means 112 structures would not be built in this development and not subject to property taxes.

The second option would be to retain the same number of lots. In order to do this, the lots would be reduced in size by approximately one half (from 12,000 sf. to 6,000 sf.). The distance between structures would be reduced from 30 feet to 10 feet. The type of structures would be dramatically different. Some lots would only accommodate single car garages. These features would not be popular with the buying public and they would not be appropriate to this development or location in the community.

Once density was analyzed, the test process looked at the cost of development. The Task Force separated the fixed costs (i.e. costs that would not change due to regulation changes) from the variable costs - those that are directly affected by the regulations. The variable costs were used to determine the financial impact of the proposed regulations.

The per-lot variable cost for the development under the existing code is \$34,000. If the first alternative (retain large lots) were applied, the per lot development cost would be \$46,000. The increased costs are attributable to proposed code requirements including open space, tree retention, wider streets, curbs and gutters, sidewalks on both sides of the street and storm drainage. Under the second options, the variable costs would be \$31,700 per lot.

The analysis suggested that the larger lots would retain value at about \$100,000 each and that the smaller lots described under the second option would be valued at about \$80,000. So, under the large lot solution to the new code, the loss of 112 lots would decrease the value of the product created by \$11,200,000. The increased development cost of the remaining lots would be \$2,684,000. The total financial impact on the project would be \$13,884,000. Clearly, this would render the project unfeasible.

Under the second option, or small lot plan, the value of the lots would drop by \$20,000 each. Costs would only drop by \$2,300 per lot. The overall value of the development would be reduced in excess of \$6 million. While the impact of the small lot solution is less than the large lot scenario, it would still fail to be feasible. In addition to the financial impact, it would create a housing style that is inappropriate to the neighborhood.

The Task Force recommends that a review of the impact on real estate development economics be included in the study discussed in Paragraph 8 above.

11. Privately Owned Public Buildings. The code should regulate all privately owned buildings alike, regardless of whether a public entity is the tenant. Thus, the definition of public facility should not apply to private buildings leased to public entities. Currently, the State of Alaska leases about 700,000 square feet from private lessors in the Anchorage Bowl. The proposed inclusion of private buildings in the process outlined in the “public facility and site selection and site review “ section of the proposed code, 21.03.090, will make it impossible to provide lease space to public entities in a competitive bid environment specified by State procurement laws.

B. Specific Issue Recommendations

This section presents a more detailed analysis of some of the specific issues in the proposed code that the Task Force believes merit reconsideration or revision. Rationale is presented as to why modifications or changes need to be made. This report does not intend to rewrite the specific verbiage of the code in these instances, but rather provides substantial input for the redrafting process.

1. Trees and Landscaping. There was consensus of testing workshop participants that Anchorage, as a community, could do a better job of landscaping. The proposed requirements would result in increased landscaping for most developments. In some cases the revised requirements are excessive and, as currently written, the landscape unit system is overly complicated. The draft Title 21 requires that only plants from a master tree and shrub list can be used. This is overly restrictive. There is a wide range of microclimates within the community and a range of experimentation should be acceptable.

The proposed code is focused on “tree canopy,” a concept that is appropriate in the mid-west, but not in Alaska. Tree retention requirements need to focus on the tree species valued here: Birch, Black Spruce (not swamp spruce) and White Spruce. Retaining Alder and Cottonwood should not be a community priority except, perhaps, in buffer areas. There should be a mechanism in the code to allow an “in-lieu of” or a plan for mitigation so that projects would not be seriously affected by costs and design due to the tree retention requirements.

Landscaping and retention or planting of trees should be required in all residential zones. The Task Force recommends a blending of tree retention requirements with the landscaping section of the proposed code. A minimum threshold of landscaping needs to be determined for residential uses. The points required to achieve this goal could be acquired through tree retention or planting of new trees. The Task Force recommends that the point system provide substantially more points for tree retention as opposed to removal or replanting.

Retention of trees in large lot single-family subdivisions has not been a community issue. Goals to minimize tree removal should be established. Thinning of trees should be allowed. Removal of underbrush should be allowed and installation of lawns within treed areas is normal. Clearing and tree thinning should be included in large lot residential permit requirements.

In commercial developments, the presence of and location of pre-existing vegetation should not be the primary determining factor in building location and site planning. While it can be appropriate to utilize some existing trees in the finished landscape plan for a commercial building, it is more often the case that a well done final landscape plan will enhance the aesthetics and function of the site even more. This is another case where an aggressive enforcement program is essential.

New R-1, R-2 and R-3 construction should have better landscaping than what is now seen. New homebuyers traditionally have installed their own landscaping. Shifting a portion of the burden for landscaping to the builder would encourage tree retention. The code should include a procedure for allocating required points. A certain minimum portion of those points should come from tree retention.

The following recommendations were presented to the Task Force by Terry Schoenthal after his review of the code and the test projects. It is endorsed in its entirety.

- a. The “unit” system for identifying landscape requirements is a workable alternative to our existing system, but needs to be simplified considerably and tailored to local nursery suppliers. Almost all plant material is imported. That is a factor in the size of plant materials used in Anchorage. This is particularly true for shrubs.
- b. The proposed “unit” system would require approximately doubling the plant material requirements over the existing visual enhancement landscaping. An increase to this extent is not necessary or warranted.
- c. The perimeter landscaping requirements and the parking lot landscaping requirements should use the same system. Either use the “unit” system or both use the current system.
- d. If retaining existing vegetation is an important goal, it should have much greater impact in the “unit” system. For example, instead of giving bonus percent, assign units to square feet of retained vegetation.
- e. In the current system, the first level of perimeter landscaping is referred to as “Visual Enhancement Landscape.” In the proposed system, there are three levels of perimeter “Buffer” landscape. This appears to reflect an attitude that it is necessary to screen or buffer all buildings from the street. If this is the goal, it should be more plainly stated and subsequently discussed to determine if this is an appropriate objective for this community.
- f. The proposed code should be written to assure that minimum planting areas relate to the realities of design. As an example, the minimum proposed width of a planting area for interior planting is 10 feet. This would preclude a foundation planting bed of six feet between a sidewalk and a building. In parking lots, the minimum proposed size for an interior bed is 10 feet wide and 225 square feet. It is very common that an interior bed take the place of one or two parking

stalls. With curbs, these spaces are often 8 feet wide and 20 feet deep (160 square feet). This should be an acceptable minimum size.

g. There should be provisions for rewarding a development that incorporates a plaza or outdoor seating area where they are appropriate. These types of amenities usually cost much more than regular landscaping, but can provide a much greater benefit to the community. The proposed code does not include provisions that would provide incentive for this type of landscaping nor is it considered in satisfaction of landscape requirements.

h. With respect to the three buffer levels, there should be some relief to the width requirements if fences or walls are used to augment landscape improvements.

i. The irrigation requirement, as written will not serve its purpose. The biggest impact will be on parking lot and perimeter landscape. Even if installed, they would rarely be used. A better alternative would be to provide an incentive for a fully automatic irrigation system. As an example, the bonding requirement for the maintenance period could be reduced or eliminated if an automatic system was installed as part of the landscape improvements.

j. Perimeter landscape requirements should be allowed to overlap with utility easements, if not totally, then to some degree. Easements are typically at the perimeter of the site, where landscaping is required.

k. Eliminate or reduce the requirements for minimum species diversity. Landscaping should correspond to the concept of the architecture it relates to. As an example, the design for the new Anchorage museum is a very minimalist design. The landscape corresponds by offering a very simple grove of Birch trees. This would not be an acceptable treatment under the proposed Title 21 requirements. The code should not prescribe a specific design style.

l. Reduce the requirement for retaining existing vegetation. The draft code requires maintaining 50% of existing vegetation where it would fulfill the landscape requirements. In some cases, this would be acceptable, in other cases not. It would be highly dependent on the type of development being done.

The requirement for dumpster enclosures is valid, but the Task Force questions the need for roofs. We also question the need for opaque gates. These are very likely to get damaged in the course of operation and may end up being more unsightly than if there were no gates. They would be expensive to install and maintain and are not practical in this climate. The requirement that dumpsters be located at least 20 feet from residentially zoned property does not make sense. The Task Force recommends that this provision be rewritten to require only enclosures.

2. Snow Removal and Storage. The proposed code contains requirements for provision of snow storage areas. In fact, as drafted, the rewrite tends to rely on on-site snow storage as the only acceptable method of dealing with snow accumulation in commercial and multifamily projects. Property owners should have access to alternate methods of handling snow storage or removal. Specifically, the code should include provisions for alternate methods of managing snow accumulation. The establishment of Snow Removal Districts, recognition of the appropriateness of hauling snow as a solution and arrangements by Home Owner Associations to make choices regarding storage or removal of snow should all be included as valid alternatives. The Municipality could add an alternative by creating a program to remove snow for a fee as part of its street maintenance program.

Owners and developers should be able to choose how they want to handle snow removal. In many instances it may be more effective and less expensive to haul it away as opposed to making provision to store it on parking or landscaped areas.

Storage of snow on private lots, especially where it is piled on landscaped areas is a significant problem. Trees, shrubs and grass are often disturbed or destroyed through plowing. Plantings covered with snow for long periods often do not recover. And, there are especially important considerations associated with runoff from snow storage areas. More creative thought in this area is warranted.

3. Parking Requirements. The Task Force believes that the off-street parking and loading section of the proposed code is generally good. However, there are several issues that should be addressed. The proposed code prescribes minimum and maximum parking space requirements based on a national standard. That standard is not necessarily appropriate to Anchorage. In general, the regulation of the maximum number of parking spaces should not apply to medium and small commercial buildings. The goal of the maximum parking space number regulations in the rewrite draft is to discourage large expanses of unnecessary parking. It is an appropriate goal, but the only significant examples of this issue are some of the “big box” stores that have been built in recent years.

The regulation of these large parking lots is appropriate, but, again, there should be flexibility. Parking lots should be allowed to be built to 150 % of the standard if certain criteria are met. Some types of development generate far more trips (space requirements) than others. Restaurants in Anchorage vary greatly in their parking requirements. Additionally, some uses, hospitals as an example, require overlapping shifts or employees, making additional parking necessary. The Task Force recommends that a more flexible system of determining the maximum number of spaces allowed be included in the new code. An acceptable approach might be a provision whereby the property owner is allowed to increase the parking provided for a building after submitting a required justification for the increase. That process alone would likely cause a reduction in parking areas due to the increase scrutiny given to the issue.

4. Improvement of Residential Development. As noted in previous sections, one of the primary desired results of this rewrite of Title 21 is an improvement in the quality of Anchorage's developed environment. However, many other communities have learned from experience that a careful balance must be struck between elevated development standards and housing costs. Without that balance, too often the unintended result is the pricing of first time and service industry homebuyers out of the community. The code should promote functional and aesthetic improvements that:

- promote development of an appropriate mix of affordable housing in both single and multi-family neighborhoods;
- promote innovations and design characteristics that are appropriate to the environmental and physical features of the community; and
- are consistent with the realities of the housing market and community values.

a. Seclusion Bay. The dilemma concerning how to approach residential project standards is aptly shown in the results of the Task Force's testing of a recently developed single-family subdivision called Seclusion Bay. This project in southwest Anchorage is a successful and popular single-family neighborhood. It has strong covenants that are strictly enforced. It is considered highly desirable within its market range. However, Seclusion Bay has a number of features that would not comply with the proposed code. For example.

1. It has three cul-de-sacs, a feature preferred by many potential buyers. Cul-de-sacs are discouraged by the current draft of the rewrite.
2. It has detached sidewalks on one side of the street. The proposed code requires attached sidewalks on both sides of the street.
3. The lot sizes vary from 3,500 to 9,000 square feet, with many lots being as narrow as 34 feet. The draft code would result in wider, more uniform lot widths, robbing the neighborhood of variety and interest as well as increasing the cost of the homes.
4. The layout proposed by Dick Farley, as depicted in the attached report, could not have been built because it uses open space with peat depths of more than 20 feet for developed lots.

5. Under the proposed code, no more than 50% of a single-family house facade can be garage. Under this proposal, every house in the development would have to be redesigned with either a single car or tandem multi car garage. This would run counter to the buyers' desires. As a result of the testing of this project, solutions that would involve a variety of design changes were developed. These changes would increase the curb appeal of the homes without materially affecting the cost to the homebuyer. The changes are outlined in the Test Case Presentation Section of this report. These types of design variations are far more appropriate than an across the board dimensional prohibition.

While these conflicts with the proposed code are serious, the Task Force believes that reasonable modifications to the proposed standards and consequent modifications in the development would allow this project to be built without affecting its viability. The modifications include insertions of menus, from which the developer could select to accomplish moderate redesign of the buildings and lot layout. The result would be a balance of features that residents value and aesthetic improvements while maintaining the cost structure of the project.

b. Lakeridge. This is an entry-level multi-family condominium project consisting of nine six-unit buildings. The project would have been particularly impacted by the Title 21 revisions. In fact, it could not have been built under the proposed code. The requirements for open space, tree retention, landscaping and parking could not be met. Yet, there was especially strong demand for these homes and they sold nearly as fast as they could be finished. The units sold at an average two to three per week.

A number of the requirements of the proposed rewrite would affect the viability of this project. The cumulative affect would have made it uneconomic to build.

- Parking requirements would result in the loss of two buildings;
- Open space requirements would result in the loss of two buildings;
- Tree canopy retention would result in the loss of one building;
- The total impact would be the loss of 30 units out of 54.

The Task Force recognizes that the appearance and amenities provided by this development could and should have been improved. The appearance could have been significantly improved by addition of varied architectural features of the building. Landscaping improvements would have enhanced the overall appearance of the development. In their deliberations, the Task Force reviewed drawings that demonstrate how alterations could have been made to improve the appearance of this development. That information is included in the Test Case Presentations Section of this report.

c. Town Square. This is a 90-unit multi-family project that served as a test case in the study. The findings illustrate how severe the impact of some of the proposed code requirements would be. First, as described by Harvey Prickett of Dean Architects, this project would lose 30% of the units in order to preserve 30% of the existing tree canopy. The result is that the property would be devalued and the project would not be economically viable.

Secondly, the proposed code requires a significant upgrade of materials from what was used on this project. This issue is detailed in the Test Case Presentations Section of this report. These standards may shut down multi-family development because the market will not support the additional design and construction standards.

This project also illustrates the conflicts within the proposed code. One stated objective of the new code is to produce denser, more compact development. However, the tree, open space and landscaping requirements all tend to move buildings farther apart, not closer together.

Anchorage, as a community, wants to remain hospitable to entry level, first time and workforce homebuyers. The proposed code should be modified to encourage architectural enhancements, landscape improvements and open space requirements that are compatible with this type of housing, without decreasing density.

Prospective buyers want housing with certain amenities and features. For example, garages appear not to be as important as the third bedroom in entry-level multi-family housing. In one project, homes with a garage but fewer bedrooms sold three to four times slower than did the homes without a garage but more bedrooms.

One approach to improve quality discussed by the Task Force was to establish a public review process for multi-family projects similar to that required for subdivisions. If this process were in place, it was felt that planners and developers would tend to upgrade their proposal when faced with a public process. The Task Force felt that developers would find cost effective methods of upgrading their projects. While this might delay the permitting process, costs associated with the delay would be less than the prohibitive costs of implementing the provisions of the current draft of the rewrite.

5. Open Space Requirements. Of all of the sections within the proposed Title 21, the section dealing with open space has the greatest impact, both in economic terms and in influencing the future public and private character of the community. The requirements of this section impacted all of the residential developments that were examined in the testing workshop. The fundamental open space related issues that surfaced as part of the Task Force review are:

- There is no clear community direction on the amount of open space needed and no direction as to where open space should be. The revised code promotes the addition of both public and private open space with every

development project, regardless of the inventory of either in the surrounding area.

- The draft rewrite would impose across the board open space requirements. Certain types of developments and specific areas of Anchorage have very different needs for open space, both public and private.
- The draft code creates confusion concerning what types of land can be used for meeting the various types of open space requirement. The proposed code would not allow easements to be used to meet open space requirements. The Task Force recommends all of a utility easement, provided it is landscaped or otherwise “improved”, should count toward satisfying open space requirements.
- The cost of the proposed increases in open space requirements would have a significant upward impact on the cost of housing. They would also result in a devaluation of commercial and industrial real estate. The implications of these financial impacts need to be addressed by the community before they are accepted.

a. Public Parks and Open Space. The public open space requirements contained in the proposed code is fundamentally a “public parks tax” on any new development. This requirement is more typical for communities that are rapidly developing without public park facilities or plans in place. In Anchorage, most lands are already developed and there is a very good park system already in place.

In fact, as was pointed out in the 2020 Plan, Anchorage has one of the most extensive park systems in any metropolitan area of the United States, including an extensive trail system. Anchorage is surrounded by Chugach State Park, the second largest state park in the United States. The Municipality of Anchorage is blessed with 56 streams and 14 streams flow through the Anchorage Bowl. The mountains provide a beautiful backdrop to the city and also provide some of the best remaining opportunities to provide housing. The mountains and the ocean also dictate that the projected growth is accommodated in an increasingly limited amount of developable space. A young population compared to the remainder of the country and a large segment of service industry workers requires that affordable housing be made available without sacrificing safety or quality of life. Finally, the high turnover rate of the population can make it difficult to establish a feeling of community. This simply means that great care should be taken to balance the competing goals of higher density affordable housing and quality of life issues such as open space, snow removal, parking, aesthetics and protection of the beautiful natural setting.

Most of our public parks and open spaces are well distributed throughout Anchorage. Many of them are yet undeveloped or are underdeveloped. In addition, the MOA owns thousands of acres of real estate that is not designated as park and open space. The MOA has recently moved to create a development authority to manage the disposition and/or development of those lands. Though that entity, the MOA has the opportunity to

add to the public park and open space inventory through a variety of means. They include sale and purchase of real estate, trades and deed restrictions. The development authority has a strong negotiation position that can be used to enhance our park and open space inventory where needed. Those needs should be identified as part of a yet to be adopted parks and open space plan.

There is less need for provision of open space in some areas of the Municipality than in others based on location and the nature of the development. For example, the requirement to provide public open space in a Central Business District multi-family project that has a footprint covering the entire lot is unrealistic. The code should identify districts, or zones, where certain types of open space would or would not be required, again depending on the type of development.

Moreover, the broadest expression of Anchorage's residents has indicated that additional parks are not a high priority. At the polls, the voters have repeatedly refused to pass bonds to invest in additional parks. If Anchorage as a community is not willing to pass park bonds to improve and maintain existing parks, is it fair to impose a tax on purchasers of new homes to accomplish what the community is unwilling to fund?

The Task Force recognizes that, while there is ample public open space and park land on a community wide basis, the distribution of those lands is not consistent with community needs. There are neighborhoods within Anchorage that do not have adequate parks or access to open space. These have been identified in the MOA's draft Open Space Plan. We also concur with the Municipality's expressed intent to address this issue by providing new parks and open space in the areas of Anchorage that are deficient. However, we do not believe that it is fair or equitable to make it the responsibility of businesses involved in new construction to resolve this issue. This is especially true when new construction is not located in the parks-deficient areas.

The Municipality has a number of avenues to pursue in acquiring the infill open space and parks that have been identified through the parks planning process. The new Anchorage Parking and Development Authority can play a pivotal role in this process. The Task Force believes that, by selling or trading excess municipal lands, additional neighborhood parks can and should be purchased in areas that are underserved. This can be done without additional expense to the Municipality or to the developers of the last remaining properties in Anchorage.

For all the reasons indicated above, the requirement for public open space should be removed for the proposed code.

b. Private Open Space. The current draft of the proposed code could result in a large number of small private parks throughout the city. This would impose a burden of on-going maintenance and liability for Home Owner Associations and property owners. Liability insurance to cover these open spaces would be very expensive and difficult to obtain, if available at all.

For certain types of residential development, there is merit in establishing open space requirements. High density, low-rise projects where there is an expectation of a high concentration of families are very appropriate for minimum standards for open space. This type of requirement however, cannot be assessed uniformly to every residential development.

Mid- and high-rise urban residential areas generally are located in the CBD or on its fringes. Projects in these areas normally have a small footprint. They also tend to have small families or families with no children. For projects in these areas, the provision of private open space would be a physical impossibility. They must be allowed to rely on the public parks and open spaces that are available in these areas.

The lower density residential projects in our suburban areas are also inappropriately subjected to the private open space requirements in the draft code. In the case of Golden View (one of the test developments), lots are large and the subdivision has an open and expansive character. The provision of private open space would be for the sole benefit of the homeowners in the development and, as shown by the test results, would significantly increase the cost of the homes. This is not a cost increase or an amenity that the residents have asked for.

In two of the other tested projects, Lakeridge and Town Square, residents would clearly benefit from the inclusion of private open space. In one of these developments, there was no usable private open space. The only open space available was that provided for parking lot landscaping. In the other, there was only a very small fenced “back yard.” Under the current draft, this would count toward meeting private open space requirements, but it was felt by the Task Force to be inadequate. Both developments are likely to have a large number of resident children and little outdoor space to play.

There was also a need for common open space. However, it is to be noted that the new condominium regulations requiring wider streets and longer, 24 foot driveways, takes up space that could be used for landscape buffer areas or common open space. Again, a menu rather than prescription would make projects like this more attractive to the public and more livable to its residents. The Task Force concluded that significant work needs to be done on the open space provisions of the draft code to make them equitable and viable for our community.

6. Protection of Wildlife. The presence of wildlife contributes to the character of Anchorage and is a value that should be protected. However, there are cross-jurisdictional issues as well as outdated schemes for wildlife protection that need to be clarified. A section of the proposed code references “Critical Habitat” as shown in the Anchorage Coastal Resource Atlas. This map was created in 1980 and does not indicate “critical habitat.” This map must be updated with good scientific studies prior to the adoption of proposed code requirements. Moreover, a number of other governmental agencies, both state and federal, are charged with managing wildlife and habitat in this area. They have their own permitting processes and review criteria. To overlay the MOA land development code will create confusion and unnecessary expense to both public and private entities.

The Task Force suggests that this section of the proposed code be deleted. Specifically, the section that requires referral of applications to the Alaska Department of Fish and Game and the U.S. Fish and Wildlife Service should be deleted.

7. Connectivity. The Task Force recognizes the merit of having neighborhoods and developments linked together. However, the Transportation and Connectivity section of the proposed code revision does not take into consideration the physical realities of the city, the known preferences of its citizens and the concept of property rights. We have already discussed the typical Anchorage homebuyer's preference for cul-de-sac lots. The Task Force believes that cul-de-sacs should be encouraged as a desirable feature in mid- to low-density neighborhoods.

The physical features of the community are not well suited for a grid-type design. In the Anchorage environment of marginal and poor soils, a grid development is, in general, cost prohibitive. Proposed requirements that all streets, bicycle paths, and access ways be extended through the boundaries and that developments provide access to at least four public streets are not workable. The data clearly indicate that the public favors cul de sacs and more controlled access living environments. The requirements for sidewalks on both sides of all streets is impractical and costly. Sidewalks and trails should be required when they can provide connectivity and when traffic volume warrants their use. Increasing the required amount of unneeded infrastructure, be it a street, sidewalk, or trail escalates the cost of development and increases the burden on city government in the form of on going maintenance costs. In addition, these provisions will increase the amount of paved area per unit of development, measured either in residential units or commercial square footage. This is another example of the inconsistencies found throughout the proposed code.

Fundamental to property ownership is the right to control access to the property. Requiring property owners to provide cross access to others is an infringement on property rights. It is also poor policy in that legal adjoining uses may not be conducive to joint access. There could also be safety issues associated with the cross access requirement.

8. Northern Climate Design. The Task Force proposes deleting this section. It poses no requirements, but simply references other sections of Title 21.

9. Natural Resources Protection. There are two areas of concern with this section of the draft code.

a. Stream, Water Body and Wetland Protection: While these requirements are generally good, it should be noted that many of the requirements are redundant with other existing regulations. This section may also prevent property owners from having access to or use of water bodies that are on or pass through their land. This section would prohibit residential developments such as Sand Lake and Campbell Lake, and commercial developments such as the Peanut Farm and Arctic Road Runner. The Task Force recommends that the "across the board" approach to this section be replaced with flexible or alternate compliance provisions. Redundant requirements should be deleted where they are adequately handled by other existing MOA codes or State or Federal law.

b. Steep Slope Development: This section of the proposed code is overly prescriptive and in some cases assigns arbitrary cut and fill height values. Only one of the workshop test projects dealt specifically with steep slope issues and it was noted that the draft language would preclude some of the standard approaches now used on steeper slopes such as those on the hillside.

The proposed language of this section should be simplified. Many of the items listed in the intent are not specifically improved through the standard. For example, the proposed language states, “Preserve the most visually significant slope banks and ridge lines in their natural state.” There is nothing in the standards that would do this. The following alternate language could be substituted. “The purpose of these provisions is to promote site development that takes advantage of and incorporates topography as a design element, reducing the need for large areas of cut and fill on a site.”

Many sites developed in this community have a reasonably large developable area with some portion of the site that is quite steep. It is possible that when averaged over the entire site, these proposed requirements would apply. An alternative would be to require compliance with the standards when more than 50% of the proposed developable area of a site has slopes with an average slope of 20% or greater.

Limiting cuts to four and six feet is arbitrary. It was noted during the workshop testing that one of the best ways to deal with grading on steeper slopes is to allow single loaded access roads, with the lots on the downhill side. This is a good alternative; however, the roads in these instances are entirely cut instead of a balance of cut and fill. This would not comply with the proposed standards. The single-loaded road approach will result in preservation of buffers and existing vegetation.

The standard suggesting, “A retaining wall shall not be stepped in height, but shall be sloped from one height to another to match the terrain behind it” is too restrictive. A stepped retaining wall can be just as effective. This standard would also preclude walls constructed of concrete masonry units, which have to be stepped. Illustrative figures should be applicable to most cases. For example, the figures on page 12 (Section 21.07.020) in the proposed code are not realistic for typical residential development. Few lots have enough room for a meandering access road.

10. Enforcement. As Anchorage embarks on implementing new and stricter development criteria, it should be noted that the appearance of this community would be much improved if the existing Title 21 requirements were better enforced. This is not to suggest that, if the current code was fully enforced, there would not be reason for code revision. The code does need revision and much of what has been proposed is appropriate.

Incumbent on government is the necessity to properly enforce the new code. This will require application of additional resources, as well as the hiring, training and fielding of additional personnel. If the Municipality is not prepared to meet this challenge, the Task Force would urge an even closer examination of the implications of the proposed code. Specifically, the Municipality must be prepared to meet its obligations just as is expected of the private sector. There are five specific issues that require attention:

- a. There will be a requirement for employment of additional qualified personnel who are trained to implement and enforce the new code.
- b. Enforcement of the code is necessary to promote and protect public interests. The public should be aware of the actions that will be taken to enforce this new code.
- c. The code must be properly implemented and equally applied among developers so that one does not gain advantage over others through failure, deliberate or inadvertent, to observe the code.
- d. Home Owner Associations should be required for all developments with five or more lots or units. The association itself can be empowered to enforce the code, lessening the burden on the Municipality.
- e. The code should encourage private enforcement mechanisms. Southport's master CC&Rs allow individual residents to enforce and provide for an award of actual costs and attorney fees. In addition, a per diem penalty discourages violations.

Without a commitment to a strong enforcement program, any new code implementation will result in unintended and negative impacts on the community. The end result will be frustration and failure of the new code. This rewrite should not go forward until the cost of enforcement is identified and committed to by the MOA.

C. Recommendations for Specific Word Changes

This section presents recommendations for specific changes in the language of the proposed code. When applied, these changes will rectify some, but not all, of the issues that are discussed in preceding sections of this report. To a large extent, these recommendations represent the thoroughness and detail of analysis the Task Force applied in carrying out its assigned work.

1. 21.07.020 Natural Resource Protection

B. Stream, Water Body and Wetland Protection

- This section must allow concurrent review of projects and regulatory permits.
- Plats should not show wetland boundaries. Plats show legal parcel boundaries, not environmental limits, which are subject to change.
- Paragraph 3.a., **Delete** the last sentence.
- Paragraph 3.b., imposes wetland restrictions more stringent than those imposed by federal law.
- Paragraph 3.c., creates a potential “chicken and egg” problem. The grant of final approval should not be delayed. If the Municipality decides that it needs to enforce federal law, then it should make its approval conditional.

- Paragraph 4.a.i., **Delete** the last sentence.
- Paragraph 4.a.ii., **Delete** the last sentence.
- Paragraph 4.a.iii., **Delete** the last sentence.
- Paragraph 4.c., **Delete** the last sentence.
- Paragraph 4.d. **Delete** last clause beginning “only if.”
- Paragraph 5.a., **Delete** the sentence beginning “Delineations shall be..”
- Paragraph 6.b., **Delete** the sentence beginning “Any disturbance of...”
- Paragraph 7., **Delete** the entire paragraph.
- Paragraph 10., **Delete** the entire section.

C. Steep Slope Development

This section is too restrictive and should be completely rewritten. The guidelines in Footnote 10, page 10 are more appropriate.

- Section should apply to slopes of 30% or greater.
- Limiting cuts and fill depths to four feet is unrealistic.
- Roads must be allowed across steep slopes but controlled and impacts mitigated.

E. Wildlife Habitat Protection

- **Delete** section in its entirety (See the following notes)
 - Paragraph B.7., All requirements respecting planting of materials should be contained within the landscaping section.
 - Paragraph B.10.b., These characterizations have the effect of modifying the Anchorage Wetlands Management Plan.
 - Paragraph E., The Anchorage Coastal Resources Atlas does not identify any “critical habitat”.
 - Paragraph G., Tree retention should be addressed in the landscaping section.

2. **21.07.030 Open Space**

B. Public Open Space Dedication

This section should be deleted. If additional parkland is needed, it should be purchased.

C. Private Common Open Space

- **Delete** requirement for R1 and R2 districts.
- **Require** 15% of the total land area for multi-family and commercial/mixed use areas.
- One-half or 7.5% must be usable open space with a minimum dimension of 30 feet.
- In townhouse style developments private fenced open space for each unit is valued and desired. A private fenced area should be counted towards usable open space if it is the width of the unit and a minimum of 15 feet deep.

3. **21.07.060 Transportation and Connectivity**

C. Traffic Impact Mitigation

- The proposed code increases the instances where traffic impact reports are required. The current thresholds in the code are adequate and should not be lowered. The proposal will increase costs with no benefit to the public.
- Set measurable thresholds for traffic mitigation similar to current ADOT requirements.

D. Street Connectivity

- Paragraph 3.a., **Revise** the grid system concept.
- Paragraph 3.b., **Delete** “at least four public streets...” **Insert** “at least two public streets...”
- Paragraph 3.c., **Delete** “all” in line two, **Delete** “Director” in line four and **Delete** “Municipal Engineer” in line five.
- Paragraph 3.e., **Delete** this section. People like cul-de-sacs.
- Paragraph 3.f., **Delete** the entire paragraph.

E. Standard for Pedestrian Facilities.

This section requires the construction of additional sidewalks which will not be used a substantial portion of the year because the Municipality: 1) plows snow from the road onto sidewalks, and 2) does not enforce the obligations of adjacent owners to remove it. It would be better, from a pedestrian perspective, to require detached sidewalks on one side of the street except in areas of deep peat or steep slopes.

- Sidewalks on both sides of the street should be required when ADT reaches 1000.
- Maintenance and snow removal. “shall be maintained” – by whom?
- Paragraph 1.b., **Delete** “both sides...” **Insert** “one side...”

4. **21.07.070 Neighborhood Protection Standards**

A. Purpose and Relationship to Other Requirements

- **Delete** “discretionary approvals” (two uses).
- **Delete** “significantly more.”

B. General Conditions

- Some of the standards are too specific such as lighting around vending machines. Some of the standards are too vague such as “views of significant features from public properties.” These standards should be revised.
- Paragraph 8., **Delete**. This should not override height restrictions and approved uses contained in other sections of the code. This requirement creates substantial uncertainty regarding how a particular piece of property may be used.
- Paragraph 9., **Delete** “preservation” and insert “mitigation of adverse impacts on...”

C. Height and Setbacks

- This should also apply to large residential structures.

5. 21.07.080 Landscaping, Screening and Fences

General

This section should be revised to include tree retention standards and encouragement.

- **Add** requirement for landscaping for single-family and two-family new construction and or tree retention.
- Increase points for retaining trees.
- Allow required landscaping in utility easements.

C. Relationships to Other Requirements

- Paragraph b., **Delete** the entire Paragraph

E. Screening

- Paragraph 1., **Delete** the first sentence as unnecessary editorializing.
- Paragraph 3.a., **Delete** the last sentence.
- Paragraph 3.b., **Delete** “The enclosures shall have a roof...” and, **Delete** the sentence beginning, “The access to this enclosure...”
- Paragraph 3.c., **Delete** this section.
- Paragraph 4.a., **Delete** “to the maximum extent feasible,” and **Replace** the word “shall” with “should.”
- Paragraph 4.c., **Delete** the requirement to fence all loading areas. Place this requirement in the Landscaping section, include as a menu item and/or provide points.

G. General Landscaping Requirements and Standards

- Paragraph 1.d., **Eliminate** UDC review of all landscape plans.
- Paragraph 2.d.i., **Delete**. Easements should be allowed to be landscaped.
- Paragraph 7.b., **Eliminate** irrigation requirement.
- Paragraph 4., **Reduce** landscape bond during maintenance period to 20%.
- Paragraph 7.b., **Delete** the irrigation requirement.

6. **21.07.090 Off-Street Parking and Loading**

A. Applicability

- Paragraph 2., eliminate the requirement that an entire building be brought up to the new code.

B. Parking Lot Layout and Design Plan (10 or More Spaces)

- Heading. **Delete** “10 or More Spaces” **Insert** “30 or More Spaces.”
- Paragraph 1., **Delete** “10 or more...” **Insert** “30 or more...”
- Paragraph 2.a., **Delete** this section. The issue ought to be the quality of the plan not who made it. The state licensing boards regulate this.

C. Off Street Requirements

- Paragraph 4.a., **Delete** “125...” **Insert** “150...” and after “Tables of Uses,” **Insert** “...required over 100 parking spaces.”

G. Parking Lot Design Standards

- Paragraph 3.d., **Delete** requirements for raised pedestrian connections.
- Paragraph 3.e., **Delete** “40” **Insert** “100.”
- Paragraph 5.a., **Delete** the first sentence.
- Paragraph 5.b.i., **Delete** the sentence beginning “Landscaped areas that...”
- Paragraph 7., **Revise** minimum grade from 5%. 6% is a good maximum grade for parking spaces, but drive lanes often exceed 5%. For example, the Municipal parking garage exceeds the requirement. Underground parking garages often have 13 – 15% ramps at the entrance.
- Paragraph 13.d., **Delete** the entire paragraph.

7. **21.07.110 Residential Building Standards Purpose**

A. Purpose

- Paragraph A.6., **Delete** “Locate active living spaces, entrances, and windows...” **Insert** “Design building...”

C. Alternative Compliance

- **Insert** a section regarding mediation to mitigate conflicts and appeals.

D. Standards for Single Family and Two Family Residential

- Paragraph 2.b., **Delete** “...on the elevation of the dwelling facing the front lot line of the property, on or within 8 feet of the most forward plane of the house and...” **Insert** “...to be...”
- Paragraph 2.b., Add a line stating that if the pedestrian door is located in a wall perpendicular to the line of the apparent street or main access, then “the entrance should be accented by a porch, window facade in the case of an angled or side entrance, and other prominent architectural feature”. Figure 1 depicts one representative application of this recommendation.



Figure 1

- Paragraph 2.b.i., **Delete** “... 50 percent of the total length of a dwellings face.” **Insert** “...65 percent of the total length of a dwellings façade and 30 percent of the overall square footage of the elevation facing the main street or right of way.” – Note that Ranch style home does not need to meet the overall square footage percentage. Figure 2 depicts one representative application of this recommendation.



Figure 2

- Paragraph 2.b.ii.(B) **Insert** provision for three additional menu items that allow for garage door to exceed “i” – “but not limited to”
 - Rock or stone wainscot to a minimum of 3’- 0” above top of foundation wall on 505 of front elevation.
 - Architecturally appealing glass in garage doors.
 - Minimum of 1 additional material texture on front facade.
 - Eyebrow mansard over entire length of garage door extending to a minimum of 2’-0”
 - Architectural grade roof shingles
 - Decorative attic vents
 - Architectural columns with complimentary proportions.
- Paragraph 2.d., Insert text stating that if main access road is not to be paved within the next 2 years then the drive does not need to be paved. Note: There needs to be some resolution with the MOA in regards to the practice of “nipping.” Streets should be paved to prescribed standards. New homes constructed in rural subdivisions with gravel or RAP streets shall have driveway surface similar to, or better than, the intersecting street and constructed to prescribed standards

B. Standards for Residential Townhouse

- Paragraph 2.a., **Delete** “... more than six,” **Insert** “...more than eight.”
- Paragraph 2.b.i., **Delete. Insert** “Use of complimentary or tertiary color variation.”
- Paragraph 2.b.ii., **Delete** “...between individual units”.
- Paragraph 2.b.iii., **Delete** “...Architectural style or...” **Delete** “...between individual units”. Figure 3 depicts one representative application of this recommendation.



Figure 3

- Paragraph 2.b.vi., **Delete** “... three foot variation...” **Insert** “...two foot variation”
- Paragraph 3.a., After “...towards the street,” **Insert** “more than 4’-0”...”
- **Insert** new section 3.a.iii., “additional menu items three of which must be chosen.” Figure 4 depicts one representative application of this recommendation.
 - Garage doors that have architecturally appealing glass.
 - A rock or stone wainscot from top of foundation to a minimum of 3’-0” above grade
 - An eyebrow mansard, awning or deck that protrudes a minimum of 2’-0” beyond the face of the garage door.
 - Architectural grade roof shingles
 - Architectural columns with complimentary proportions
 - Decorative attic vents.



Figure 4

- Paragraph 3.d., **Delete**. This is met through the additional provisions above.

F. Standards for Multi-Family Residential

- Paragraph 3.a., **Delete** “...Southern...” and Insert “...solar...”
- Paragraph 3.b., **Insert** at the end of the sentence “if building is located adjacent to a one or two family zoning.”
- Paragraph 4.a., **Delete** line as this is resolved through building articulation.
- Paragraph 4 c., **Delete** “Blocky, uniform facades are prohibited.”
- Paragraph 4.c., **Insert** additional items including:
 - Awnings
 - Mansards
 - Architecturally appealing window patterns
 - Additional landscaping
 - Porte-cocheres
- Paragraph 4.d., **Delete.** This precludes daylight basements.
- Paragraph 4.e., **Delete** “...development.” **Insert** “...zoning.”
- Paragraph 4.f., **Delete** “...large single family home”. Insert “...contiguous unified design style.” Figure 5 depicts one representative application of this recommendation.



Figure 5

- Paragraph 5.a.i., At the end of the sentence, **Insert** “...as they apply to gable or hip style roof systems”.

- Paragraph 5.a.ii., In the first sentence after, “roofline longer than 50 feet...” **Insert** “unless the roof system is essentially flat and the architecture is monolithic in nature.”
- Paragraph 5.a.iii., **Delete**
- Paragraph 5.b., **Delete**
- Paragraph 6.a.i., **Delete**
- Paragraph 6.a.ii., At the end of the sentence **Insert**, “unless used in a variable pattern.”
- Paragraph 6.a.iii., **Delete** sentence. **Insert**, “Highly reflective materials are not to be used in areas where the location of the building will create undue solar, reflective gain to surrounding properties. Natural, smooth face CMU will not be used as a primary exterior finish.
- Paragraph 6.a.iv., **Delete** sentence. **Insert**, “Siding material shall be continued down to within 9 inches of finish grade with the following exceptions;
 - If a secondary wainscot finish precludes this condition.
 - If grade dictates a siding transition. If this occurs then the area in question must not exceed 3 feet above grade and must be screened by approved landscaping.
- Paragraph 7.a., **Delete** “...from the street and...” Figure 6 depicts one representative application of this recommendation.



Figure 6

- Paragraph 7.b., **Insert** v., “The inclusion of a prominent architectural feature delineating the main entry way.” Figure 7 depicts one representative application of this recommendation.



Figure 7

8. **21.07.120 Public/Institutional and Commercial Building Standards**

E. Building Massing and Facade

- Paragraph 1., **Delete** “20,000 square feet...” **Insert** “40,000 square feet...”
- Paragraph 2., **Delete** “50 feet in...” **Insert** “100 feet in...”
- Paragraph 10., **Delete** this paragraph.

F. Northern Climate Wind Mitigation

- Paragraph 2.a., **Delete** “significantly taller than their neighbor...”

9. **21.07.130 Large Retail Establishments**

E. Building Scale and Character of Large Retail Establishments

- Paragraph.7., **Delete**. This is a backdoor change in the sign ordinance.

G. Weather Protection for Pedestrians

- Paragraph 2., **Delete** this section.

10. **21.07.140 Lighting**

Code should regulate new lighting and not require replacement of all existing lighting.

11. **21.13 Definitions**

Shopping Center: A building, or buildings on one or more contiguous lots, tracts or commercial tract housing multiple permitted uses (tenants) under common ownership. Shopping centers may contain multiple anchor tenants, but the aggregate of all tenants exceeding 25,000 gross square feet shall not exceed more than 85% of the total gross square footage of the shopping center. Shopping centers shall be

considered to be commercial developments not large retail establishments if the above conditions are met.

12. 21.11.050 Non-Conforming

Notwithstanding any other provisions of Title 21 to the contrary, existing multi-family, public, institutional and commercial developments and their allowable uses existing on or before (the date of enactment) shall be deemed to be approved uses and not: a) non-conforming uses, b) non-conforming structures or c) non-conforming characteristics of use. The provisions of this chapter notwithstanding, the expansion, reconstruction, renovation, retenanting or remodeling of the aforementioned exterior building cost respecting such expansion, reconstruction, renovation or remodeling of the aforementioned developments shall be allowed in accord with Title 21 as it existed (before the date of enactment); however 10% of the exterior building costs respecting such expansion, reconstruction, renovation or remodeling shall be used to bring the existing development into compliance with Title 21, with priority give to aspects that affect the streetscape of the development such as building exterior, landscaping and lighting. Full compliance with all of the provisions of Title 21 shall be required if either of the following thresholds of new development is achieved respecting such expansion, reconstruction, renovation or remodeling.

1. An increase in the square footage of the existing development by more than 25%. For the purposes of evaluating threshold attainment all expansion, reconstruction, renovation and remodeling since (date of enactment) will be added together.
2. The building permit value for improvements exceeds 100% of the assessed value of the existing tax parcel.

VII. TEST CASE PRESENTATIONS

Fred Meyer-Eagle River – Tim Potter/DOWL Engineers



Issues

- A. Utility easements and how they are associated with landscaping. Utility easements cannot be used to meet landscaping requirements. What do you do with this part of the property?
- B. Confusion regarding whether this is an infill or greenfield site. The definitions in the proposed code need to be clarified.
- C. All planting beds have to be 10 foot in width to meet requirements.
- D. Existing code requires 5 percent interior landscaping for lots with 60 or more spaces. Proposed code requires 10 percent. This project is calculated at 9 percent.
- E. Proposed code requires drop off space (if you have 40 or more parking spaces). It is unclear what the dimensional requirements are for the drop off space or what relationship the drop off space must have to traffic circulation patterns.
- F. Proposed code requires decorative fencing around the parking lot.
- G. The proposed code requires irrigation facilities within 100 feet of landscaped areas. A fully automated system would add \$100 K to the cost of this project.

- H. The proposed code requires retention of 15 percent of the existing trees. If this was applied, it would preclude development of this project.
- I. The proposed code requires 15 percent open space (for commercial development). It is unclear if existing open space and pedestrian corridors apply. This needs to be clarified.
- J. “Extra parking” or vegetated open areas may be used for snow storage. If a vegetated area is used, the area must be protected with a tarp (geo-textile fabric).
- K. Under the proposed code, only 50 percent of the parking spaces may be located between the store and the adjacent street. Does this apply to the number of spaces that are required or the number of spaces that may be provided where this number may be in excess of the requirement? This needs clarification.
- L. If the 50 percent rule was applied to this project, 110 parking spaces would have to be relocated. This would necessitate redesign of the building or purchase of more land.
- M. The back of the building does not meet the proposed design standards. The sides of the building may not meet the standards.

Discussion

- A. One of the objectives of the proposed code is to make development more compact. If there is a requirement that an area equal to 20 percent of the parking space be reserved for snow storage, whether extra parking or “tarp areas,” the result is that developments are pushed farther apart.
- B. Private property owners are held to a higher standard than is the public sector.
- C. There is disparity in review procedures of public vs. private construction.
- D. Property owner should have option for snow removal as opposed to the requirement for the provision of space for storage.
- E. What is the driving demand for snow removal?
 - 1. practical element
 - 2. highest and best use of land is not a snow dump
 - 3. The days for snow dumps are limited – question of runoff. There is not a single private snow dump in the Municipality. This is a big issue because public snow dumps are not open to taking snow from private lots.
- F. Snow Removal Districts could provide an alternative for snow storage.
- G. Experience with retailers is that more parking is better and that the parking closest to the door is best. Retailers prefer putting landscaping on the perimeter – outside of the 300-foot arc from the front door.

- H. There is an issue regarding using landscaped area for snow storage – damage to trees, shrubs and plantings.
- J. In this instance, there may be a preference to have more plantings in the parking lot. This makes snow removal more difficult and more expensive.
- K. Some plants should not count when considering extent of canopy; for example, black spruce or cottonwoods. These are not acceptable plants in an urban setting and should not count.
- L. Ground survey of canopy is expensive, but allows identification of vegetation that should be saved. Aerial photography is easy, however it is difficult to differentiate between vegetation that should be saved and vegetation that is of no particular value.
- M. Issue of practicality (when considering tree retention). For example, it may have been possible to save 15 percent of the existing vegetation on this site. However, to do this, would have required building retaining walls, the result of which would not have been acceptable. (The proposed standard is 15 percent of canopy, not 15 percent of the total property.)
- N. Option for mitigation. It should be a goal to try to maintain vegetation that is of high quality, to the extent possible. If it is not possible and the vegetation has to be removed, there should be a cost. This provides an incentive, or a disincentive to knock the tree down. You don't kill the project. You provide a way to buy your way out.
- O. The default should not be to tear out the landscape. There are other values (wildlife) not just aesthetics.
- P. The town, including developers wants better development. We are not trying to say that you can't do something specific on a piece of property, but if what you want to do is outside those norms, you are going to have to do something (presumably mitigate in some way) and you weigh the consequences.
- Q. There needs to be a distinction between large retail and shopping center.
- R. Alternative compliance should apply to all design standards.
- S. Utility easements can't be counted for open space. The reason is that utilities can't be counted on. Developers should be able to plant on utility easements and count that in open space requirements with the understanding that the landscaping may have to be replaced if the utilities tear it up. This allows more compact development. Where it is necessary to go inboard of the easement the space available for development is reduced.
- T. The proposed code requires 10-foot spaces to qualify for open space. If there is a 6-foot space between a building and a sidewalk, that space does not count to meet the open space requirements.

Consultant Recommendations

Recommendations (Dale Porath)

1. Permit required landscaping to be located in utility easements in support of the 2020 Plan to provide more compact development. Be more cognizant of potential conflicts of planting locations and utility easements in the platting process.
2. Better define infill and greenfield. Possibly defining by location where sites are to be considered infill or greenfield.
3. The development does not meet the minimum 10-foot requirement. As has been suggested reduce to 9 feet, but make it a minimum average to encourage more potential variation in design.
4. The currently interior landscaping requirement is 5% of the area and the proposed revision would be 10%. Provide incentives for larger plant material by allowing reductions from the 10% if larger plant material is installed.
5. The drop off area is a new requirement without definition or dimensional requirement. Provide more detail of intent or dimensions.
6. There is a provision for decorative fencing around the perimeter of the parking lot. This new provision does not include specifics as to what constitutes a decorative fence. Provide standard designs by community or neighborhood.
7. Delete the requirement for hose bibs within 100 feet of plantings. Let the private sector determine the most effective method of watering landscaped areas.

Recommendations (Dick Farley)

1. Concentrate landscaping into 1 or 2 linear landscape zonings between parking rows to break up the lot into smaller visual segments.
2. Reduce the quantity of landscaping within the islands and other areas from the proposed standards, but provide more than the existing standards.
3. Allow alternative to snow removal rather than on-site storage for commercial/industrial/institutional uses because they have to have a usable parking lot to stay in business.
4. Reduce tree retention requirement or focus on specimen tree preservation.
5. Relate tree retention requirements to locations that have impact or purpose: e.g. buffer areas, parking lot screening or amelioration. Allow tree retention to count equal amount (or more if in the right place) of required new landscaping.

6. Reduce 4-sided architecture requirement relative to content – nature of adjoining properties, visibility from the street or parking lot.
7. Add non-railing narrower parking lot screening option.
8. Allow utility easements to count some against landscape requirements depending on type and amount of landscaping provided in them.
9. Eliminate retroactive replacement of existing lighting that would be non-conforming under the proposed new lighting standards.

Stewart Title - Tim Potter/DOWL Engineers



Issues

- A. Design includes 60 parking spaces. The proposed code would allow 34.
- B. The design meets the proposed requirement for 5 percent interior landscaping for lots with 20 to 40 parking spaces.
- C. The design meets the 10-foot requirements for open space.
- D. Since the project is on an infill site, under the proposed code, it would require a fence or masonry wall.
- E. The parking section of the proposed code would require a fence. The landscaping section says that if you are in the same zone, you don't need a fence. This needs to be resolved.

- F. If the project was built under “general commercial”, 30% of the front of the building could not be parking or driveway.
- G. The intent of the standard is to get the building moved up on the street in a mixed-use area with parking in the back.
- H. Under the proposed code, this building would have to be repositioned on the property or the parking would have to be redesigned.

Discussion

- A. Need to define infill; perhaps develop a map that defines an infill zone, i.e. downtown, CBD and midtown.
- B. If the building was repositioned to the street, it would be necessary to have two entrances. The proposed code requires the primary entrance to face the street.
- C. There needs to be a better definition of ornamental fencing. Develop a menu of materials that might be used, for example metal, masonry, etc. Perhaps develop a district pallet.
- D. The proposed code requires ornamental fencing or masonry walls for infill projects. Is it necessary to have ornamental fencing between uses?
- E. It is a bad idea to have perimeter landscaping between uses.
- F. An 8-foot fence was installed on this project to avoid having an 8-foot landscaping bed on the property edge. Wouldn't it have been better to have a 5-foot landscaping bed on each side of the property line without a fence? Adjoining properties have been allowed to landscape in common.
- G. Current code requires ornamental metal fence or masonry wall.
- H. Landscaping should be enough if it included wheel stops.
- I. Proposed code requires contractors to post bond for one year to replace landscaping. Contractors don't like this because it uses up bonding capacity. The revised code should recognize the practicality of alternative methods of watering landscaped areas. Putting in an automated system should serve as an incentive for a developer. The incentive would be to reduce the requirement for the one-year bond.
- J. Include prepaid landscape inspection as part of the building permit package to assure that landscape materials are properly planted. If landscape is a big issue to the community, it should be treated as such in the code.

Consultant Recommendations

Recommendations (Dale Porath)

My approach to this project is a little bit different because of its proposed rezone to RCMU and the comment that RCMU would include a minimum lot coverage of 35%. The Draft Module Two does not have any dimensional standards and measurements as yet for the mixed use districts, but if the intent as stated is to create higher density development and a component of that is a minimum 35% lot coverage I decided to see what the impact would be on this site. I made the following assumptions:

- The use would be commercial (office or retail with retail limited to those uses that had a parking requirement of 1 per 300 s.f.)
- That the minimum setback on interior lot lines would be 20 feet to permit 45% or less unprotected openings (external windows).
- Required landscaping not permitted in utility easements.
- Site is classified as infill development.

The site area is: 39,150 s.f. (270 ft. x 145 ft.)

Minimum lot coverage at 35% = 13,702 s.f.

Required parking = 46 spaces

Required loading berth = 1 type B (14 ft. x 30 ft.)

Minimum building facade facing street = 30% of frontage

Maximum parking lot facing street = 70% of frontage

Private common open space (15% of land area) = 5,872 s.f.

Perimeter landscaped area: 5 feet with ornamental fencing per 21.07.090.G.9

Interior site landscaping: 10' per 21.07.080.D4

Parking lot landscaping: 10%

Results:

Parking lot:	16,000 s.f.
Snow storage:	3,200 s.f., none provided
Required parking:	46 required, 44 provided

Required loading berth:	1 required, none provided
Minimum building coverage:	13,702 required, 13,375 provided
Private common open space:	5,872 s.f. required, 5,080 s.f. provided
Interior site landscaping:	10' required, 10' provided
Parking lot landscaping:	1,600 s.f. required, 200 s.f. provided
Garbage enclosure:	none provided

The 35% lot coverage does not work on this site. A better approach may be to adopt a minimum FAR (Floor Area Ratio).

Structured parking could possibly work physically, but certainly not economically. My guess is that the key to mixed-use higher density goals lies in larger aggregated parcels with the Municipality participating with the private sector in redevelopment projects.

Recommendations (**Dick Farley**)

1. Increase maximum parking limitations for high turnover uses and special conditions (shift changes, etc.)
2. Reduce landscape requirements for perimeter parking lot screening between on-site parking lots and adjoining off-site lots in order to encourage connectivity and sharing of lots.
3. Ensure that an adequate sidewalk system exists in the ROW before requiring (or as part of requirements for redevelopment) building placement next to the street.
4. Broaden requirement for the orientation of the building's front door to the street to include locations clearly visible from the street, but which could be on the side of the building. Coordinate with perimeter landscape requirements so that they do not screen the view of the front door.
5. Allow interior landscape zones to be as narrow as three or four feet for them to count against landscape requirements.
6. Allow landscaping within utility easements to count against some of the landscape requirements depending on their landscaping.
7. Allow alternative of snow removal rather than on-site storage for commercial/industrial/institutional uses because they have to have a usable parking lot to stay in business.

Other

1. Eliminate the requirement for mixed uses within individual properties/developments in a new mixed-use zone. Provide incentives for mixed uses by property tax abatement, public improvements, public participation in the development, relief from other standards, or possibly greater density.
2. Focus tighter building-to-street relationship requirements to specific areas, not broad-brush over many commercial zones.

7th Place – Harvey Prickett/Dean Architects



Issues

- A. The project is doable (under the proposed code) as it is because it is located in the CBD.
- B. The project was reviewed as if it was located elsewhere so that impacts of the residential design standards of the proposed code could be identified.
- C. Tree retention standards do not apply to this project because it is located in the CBD and there is 100 percent coverage of the site with no set backs. If tree retention standards did apply to this project, there would be impact on the building because of the 30 percent requirement for canopy retention.
- D. With respect to tree retention under the proposed code, there would be an issue regarding access to the site for the purpose of soils/geo-technical investigation.

- E. Proposed code: “The maximum grade for any parking space or interior drive lanes shall be 5 percent.” The slope coming out of the garage on this project is about 12 percent. It is an unprotected, heated slope. This would not be possible under the proposed code.
- F. Assume the project was on R-4. The building mass and articulation standards (page 98, 4 a) greatly effect this project. This project is 235 feet long.

Discussion

- A. Alternative compliance may cause a bottleneck in permit timing. Proposed code is written for an administrative process (which is always preferable to a developer). The alternative is to go to a design review committee, to a planning commission or an elected body.
- B. There should be a “body of staff” that can review alternative compliance according to established criteria similar to the plan review process. This is necessary because of the volume of projects that may require alternative compliance.
- C. Alternative compliance process should not be seen as an administrative variance. It should be a process that allows for innovative ideas, new materials or better ideas. The proposed code is not written as a method of reducing the standards through alternative compliance. It is intended to be a way to accomplish the same objectives.
- D. Need to add language that says these things (alternative compliance) have to be handled in a reasonable amount of time.
- E. If you don’t want to or can’t get alternative compliance, you can go for a variance.
- F. Tree retention: do alders represent canopy? What constitutes canopy? Less definition than necessary on density.
- G. Perhaps need to develop a sliding scale standard based on site location. Tree retention standard was really developed to apply to greenfield development.
- H. Do not want tree retention requirements to preclude density objectives that the proposed code is designed to promote.
- I. Exempting utility easements from tree retention requirements – needs better definition so that easements can be used to satisfy tree retention standard. This proposed exception is based on the fear that some day in the future, that entire 30-foot easement may be torn up.
 - some portion should count to satisfy landscaping requirements;
 - can’t designate utility easement for tree retention area, but it could count toward landscaping and open space requirement – perhaps on a pro rated basis, maybe 50 percent.

- J. Need to look to the Municipality to determine if it has enforcement powers that could require utilities to replace landscaping that may be disturbed.
- K. Need to consider difficulties associated with tree retention and protection during construction.
- L. Would like to see provisions to allow steeper slopes (garage entrances) written into the code instead of requiring alternative compliance.
- M. This project would be an excellent example of alternative compliance because the developer is actually doing something in addition – in lieu of (requirements).
- N. Alternative: Leave this section (item 7 on page 82) out because this is the designers responsibility.
- O. There needs to be language requiring ingress and egress slopes to meet the established grade.
- P. O above is not necessary because traffic engineering already has provisions.
- Q. The provision regarding building length is not aimed at projects such as 7 th Place, but rather at block long barracks type buildings.
- R. Change wording on 6 iv, page 99. This language would preclude what was done on 7 th Place. The purpose of this language was to prevent foundation wall from showing too much and to prevent moisture wicking through the siding. An alternative to the proposed language would be that certain dimensions of exposed foundation is undesirable. Foundation plantings (of a certain density) would be required if these dimensions are exceeded.

Consultant Recommendation

Recommendations (Dale Porath)

1. Tree retention is exempted in zones that require no yards and allow 100% lot coverage which is the case in the C-2C Zoning District. However, Table 21.07-1 lists the CBD Districts as requiring 15% tree retention. The Table should be corrected to omit the CBD Zones from this Table.
2. This development would have required approximately a third of an acre dedicated as public open space at CBD land prices. I would recommend that the CBD be exempted from this requirement.
3. This requirement seems to be unrealistic in the CBD. For this use 30% of the site would need to be common open space and there is no fee in lieu of option. Development in the CBD is incited by the bonus point system to reward amenities not legislate them, especially in a zone that is intended to create the most dense development.

4. A traffic impact analysis may have been required had the traffic engineer felt that it was warranted. I doubt with the number of parking spaces provided that would have been the case here.
5. The original plans had located the electrical service in an area that would have been acceptable however the utility company unilaterally placed it in the worst place possible. The electrical utilities continue to have a major negative impact on our built environment. It would sure be nice if they could be brought on board to be more responsible for improving what Anchorage looks like.
6. The drive to the parking below the structure exceeds the 5% maximum grade but is heated which is a mitigation. I believe that this is an excellent example of “alternative compliance” which is written into the Revised Title 21.

Recommendations (**Dick Farley**)

1. Map areas within the City where less tree retention is necessary. Determine what that reduced percentage would be. Tree retention may be more appropriate in R3 and R4 Districts.
2. In lieu of tree retention, provide payment to tree retention fund option.
3. Eliminate private common open space requirement in denser and compact area.
4. Rewrite menu for materials, include other material choices. Create two-tier menu, where the first tier is composed of the most desirable materials and from which at least one must be chosen.
5. Allow steeper driveway slopes if provided with snowmelt system.
6. On-site snow storage shouldn't be required where the majority of the parking is covered either in a parking structure or below grade.
7. Educate other agencies and utilities on the intent and scope of the design standards and their relationship to the other agencies' standards and procedures.

Town Square – Harvey Prickett/Dean Architects



Issues

- A. This is a 90-unit project. The project would lose 30 percent of the units in order to preserve 30 percent of the tree canopy. The result is that the property would be devalued and the project would not be completed.
- B Section F page 97 of the proposed code requires a significant upgrade in materials from what is currently required. These standards may shut down multi-family development because the market will not support the additional design and construction standards.

Discussion

- A. Question: Why can't trees be replaced? Answer: The reason is that there are other values in addition to appearance and landscaping. For example, environmental values, soil erosion, land disturbance and wildlife habitat.
- B. Perhaps need to define areas in the more urban part of Anchorage that would allow a replacement (of trees) situation instead of or in addition to retention. And – or – define areas in the urban part of Anchorage where important trees are saved and other retention requirements are met through replacement or mitigation.
- C. One of the proposed code objectives is to produce denser development. The requirement for tree retention, as opposed to replacement, requires concessions that either make the project untenable or risky given market demands. For example, the absorption rate of condominiums with interior corridors is 30 to 40 percent slower than developments with exterior entries.

- D. If this project was placed in another zone (R-1 - R-4) it would point out the desire (need) for building variety and articulation in multiple building multi-family development.
- E. Dilemma is to have clear and quantifiable standards that are intrinsically subjective.
- F. With respect to Building Mass and Articulation – the purpose of the proposed code was to avoid redundant “stamped things.”
- G. Should add or subtract verbiage that makes it clear that the (proposed code) intention is not to prevent flexibility and creativity.
- H. Page 98 4. b. and c., present provisions that may be too prescriptive – requiring more than is really wanted.
- I. The issue is how to deal with low quality monotonous multi-family development. These provisions (proposed code) propose a method to deal with this concern. The dilemma is that the provisions may preclude the economic viability of potential projects and it may stifle creative and innovative approaches.
- J. Should not legislate percentages of facade material.
- K. There should be a public review process for multi-family projects similar to that required for subdivisions. If this process was in place, planners and developers would automatically upgrade their proposal when it had to be presented in a public process. Developers would find an economical way to do this. Would this delay the approval process? Yes. But costs associated with the delay would be less than the costs of prescriptions of what can and cannot be done.
- L. With respect to Section 4 page 98, there have to be criteria, but these should not preclude innovation.
- M. There should be a threshold that says how many buildings can be on a site before a public review process is required.
- N. Propose to develop menus of articulation and materials that a developer can choose from to meet requirements. The option would be to go through alternative compliance process, or perhaps a combination of both.
- O. Highly reflective opaque materials. Discussion regarding use of some materials, i.e. reflective glass, metal, T-111, concrete block, poured in place concrete. May want to preclude use of standard block so that developers are required to use colors and textures.

Consultant Recommendations

Recommendations (Dale Porath)

1. This site was 80% covered by tree canopy and has a requirement to retain 30% of that canopy or 24% of the site is required to be undeveloped. In addition trees located in

easements cannot be used to comply which further reduces the developable area. This site is zoned R-4 which is characterized as medium to high density residential. I would question the equity of a site that has so much tree canopy as opposed to one that had little or none. Perhaps the percentage for R-4 should be adjusted downward or a maximum percentage of the site that is devoted to tree retention is established.

2. If we make the assumption that these units average 2 residents per unit the public open space dedication would be 1.8 acres. The entire site is 3.69 acres meaning that almost half would be devoted to park or the site acquisition cost has been increased by 50%.
3. Private open space for residential development containing 5 or more units is 30%. Assuming that the developer pays in lieu for public open space dedication and tree retention stays as is, 54% of the site is undevelopable in a high density zone.
4. If the traffic engineer that this project required a traffic impact analysis I would expect that most of the issues would be internal given the supporting developed street systems.
5. The existing development does not meet the new facade materials for multi-family residential standards. I believe that Chris has enough or more than enough input to redraft this section.
6. This development lacks the areas required to comply with the 20% snow storage requirement. In general the majority of multi-family projects are in a similar situation and probably as a project type the most impacted by snow management.

Recommendations (**Dick Farley**)

1. Reduce tree retention requirements, perhaps focusing on preserving specimen trees.
2. Reduce private common open space requirement.
3. Allow interior landscape requirement to count for some of the parking lot landscape requirement.
4. Better define the functions of the private common open space requirement.
5. Provide incentives for better building materials. Perhaps increase the menu choices with two-tier hierarchy – one from Menu 1, no matter what, which contains the most desirable materials. An example of such menus might be:

Materials menu: May choose any number from Type I and II menus, but must choose at least one from the Type I menu.

Type I (must choose at least one)

- a. Masonry wainscot entirely around the base of the building and least 3 feet 4 inches high.
- b. Masonry used on a significant portion of the building's facade. (Significant defined as a least one-third), Masonry is defined as:
 - Specially-treated CMU (texture and color).
 - Brick
 - Stone
 - High quality artificial stone
 - Architectural pre-cast concrete with textures and reveals.
 - Horizontal lap siding (at least 50% of all facades), horizontal boarding, wood, hardboard, cement board, vinyl, and vinyl coated hardboard.
 - Vertical board and batten with battens a maximum of 12 inches O.C. (At least 50% of all facades).
 - Other types: glass-reinforced plastic panels, cementitious panels, etc.
 - Ceramic or masonry tile.

Type II

- a. Textured plywood panel (T 111)
- b. Textured hardwood panel
- c. Metal panel (not highly reflective)
- d. Aluminum siding (not highly reflective).

Materials not included in either Type I or Type II for multi-family development:

- EIFS
- Untreated or unpainted "natural concrete block

- site cast concrete panels.
6. Require better internal pedestrian connections.
 7. Require some variation between buildings in form, materials and/or color for multi-family developments of, three, or more buildings.
 8. Require snow storage areas because, contrary to commercial uses, the economics of multi-family development isn't likely to naturally force snow removal.
 9. Modify early tree removal so that geo-technical access can be done.
 10. Provide credit for tree retention if adjacent to preserved off-site tree canopy.

Lakeridge – Presented by Harvey Prickett/Dean Architects



Issues

- A. Open space and architectural requirements of the proposed code would effect this development.
 - the proposed code would require 15-foot perimeter landscape including at the front of the buildings in this project.

- these buildings would not meet the proposed code multi-family residential standards with respect to unbroken facades and unbroken rooflines.
- B. The Municipality required additional overflow parking space over that planned. So, one planned interior landscape island will not be used.
- C. This project is almost undoable under the proposed code taking into account the requirements for open space, tree retention and parking lot. Each condition has different effects.
- parking requirements would result in the loss of two buildings,
 - open space requirements would result in the loss of two buildings,
 - tree canopy retention would result in the loss of one building,
 - the total impact would be loss of 30 units out of 54.
- D. The shape of the lot determined much of what could be done.
- E. Location of utility easements has a negative effect on this development. The location of the utility easement precludes use of a good deal of space. It is lost to use even for back yard or landscaping. If it was placed differently, people would have a lot more usable open space.
- F. The addition of garages in three of the nine buildings (which provided an improvement to the parking situation) was a deterrent to sales.
- G. This project would trigger a TIA under the proposed code.
- H. It would be desirable to have more landscaping around this development including at the front of the buildings. Given this property, the only way to accomplish this would be to have fewer buildings or buildings with fewer units.

Discussion

- A. Would prefer to see some landscaped space between the front doors of the units and the parking area.
- B. There could be a more effective treatment if instead of interior parking landscape islands there was perimeter landscaping including at the front (door) of the units. This would have to recognize the constraints imposed by the requirements for snow removal, snow storage and emergency vehicle access.
- C. This project included three buildings with garages. The non-garage units out sold the units with garages 3 to 1.

- D. What could you do to articulate the exterior? Not much – very tight site.
- provide a zone (landscape) between parking and front of buildings
 - trees in the back yards, even alders
 - creative approach to the parking area
 - architectural variation on building facades
 - architecture and landscape have effect on resale value
- E. There is a four-foot area for landscaping at the front of each building that will soften the appearance.
- F. The site is overdeveloped.
- G. The development community has to take responsibility for improving aesthetics that can be accomplished with extra thought if not extra cost.
- H. The Municipality's desire here is to provide a full range of housing, including affordable housing. It is also concerned with the long-term nature of the development with respect to contributing to the community. It is a delicate balance because you don't want to see this more and more isolated with the values going down. This is a hard to maintain project. The more attractive it can be made, the better the long-term value. Long-term value can be promoted with landscaping and architectural enhancements that make the buildings feel like individual homes.
- I. What would the buyers do if this project was not available on the market. Answer; they would be renting.
- J. Homeowner associations often cut their budgets after they take over from the developer. This points out the need for enforcement.
- K. This development may not be located in the right place because of the premium on land cost due to site preparation. Perhaps should look for other sites where land isn't so expensive to locate affordable housing.
- L. With respect to architecture of this project:
- a slight offset would help
 - create a dormer on some units
 - change colors – use colored trim boards
 - add 2 to 3 foot in front of the doors for landscaping

- change some window sizes

- M. This project fits with the surrounding area and the neighborhood. Building 3 or 4 story condos, which is what you would normally do given these site conditions, would not be neighborhood or market appropriate.
- N. The objective is to improve the nature of the development while at the same time hitting a target market. The low end of the market is tough to improve. Clearly, the design standards have to respond to the full range of the market. The way to do this is to include menus in the code that allow the developer to select those that are appropriate.

Consultant Recommendations

Recommendations (Dale Porath)

1. This site was 40% covered by tree canopy and would have a requirement to retain 30% of the existing tree canopy or 12% of the site area. As with Town Center there are many utility easements on site which may have contained part of the tree canopy which cannot be used for the retention percentage. With the reported peat depths on this site tree retention may have a positive impact on habitat but probably not much of a visual impact based on the tree types that grow in deep peat soils. Assuming 2.5 occupants per unit this site would have required 1.35 acres of public open space dedication or fee in lieu. We don't know what the site size is so the percentage is unknown.
2. The private open space requirement would be 30% for this project. This is the type of project that would really benefit from having usable open space for its users. Again the issue is whether 30% for medium to high density development is correct.
3. This project meets the criteria of no more than six townhouse units attached, but does not meet any of the differentiating attributes. It would benefit from incorporating these requirements.
4. A 10 foot buffer landscaping would be required along the Jewel Lake Road frontage. Unfortunately there is a 10-foot utility easement there.
5. There is a new requirement for parking lots to be separated from buildings by a ten-foot wide interior site landscaping. This project would have benefited from that requirement.

Recommendations (Dick Farley)

1. Reduce tree canopy requirement or focus on specimen trees. Allow private yards to count for some private common open space.
2. Allow credit for nearby off-site preserved tree canopy.
3. Modify early tree removal requirements so that geo-technical access can be done.
4. Clarify purpose of private common open space requirement, particularly for children.

- Require some spatial and landscape buffer between a unit's front door and parking lot/drive, where parking is in a lot (no garage). Figure 1

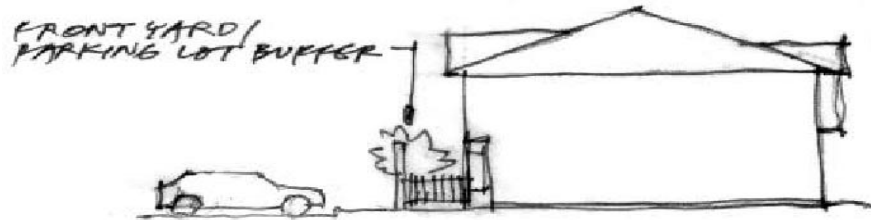


Figure 1

- Allow a landscaped buffer zone between the front door and a parking lot to count for some interior parking lot landscaping.
- Cluster entries between garage doors so as to form a larger porch, pedestrian/landscape zone between driveways. Figure 2

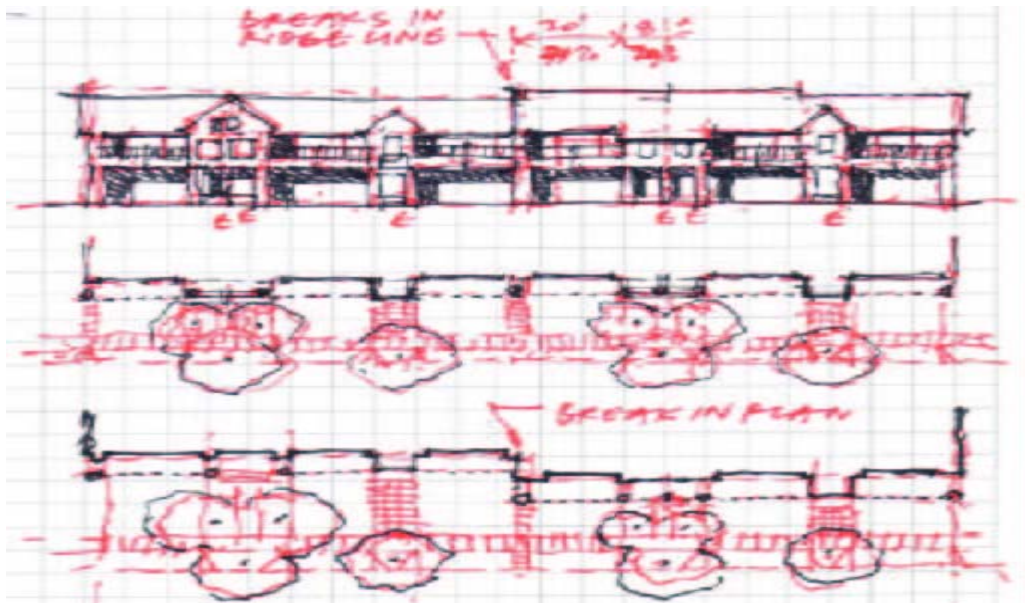


Figure 2

- Recess garage doors under a balcony.

9. Require on-site snow storage, or possibly require a bond to allow the city to plow and remove and charge back the owner?
10. Require some variety between buildings in form, material and/or color. Add to the building variety menu list. Figure 3a and 3b.

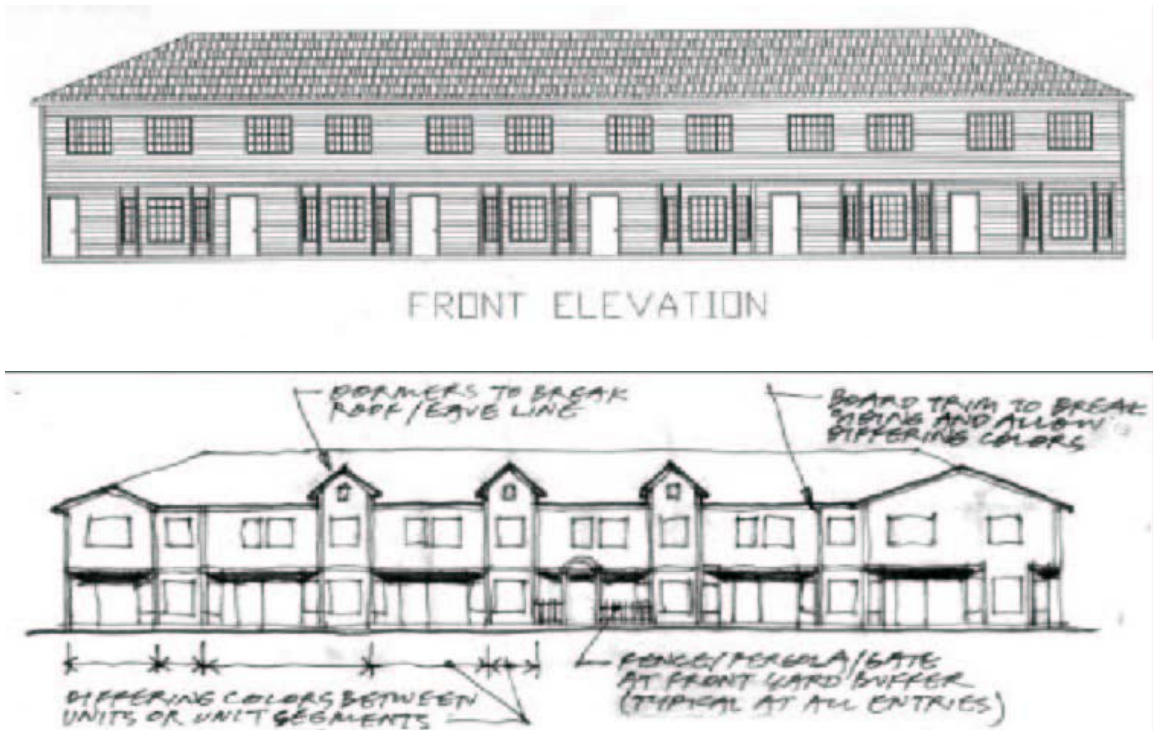


Figure 3a above, Figure 3b below

11. Provide incentives for better materials.
12. Require better internal pedestrian connections.
13. Allow landscape elements close to buildings such as fences, gates, pergolas, to count for building variety requirements.

Seclusion Bay – Jim Sawhill/Lounsbury & Associates, Inc.



Issues

- A. This project is located in the Southport Planned Community (PC Zone). The PC Zone is not included in the proposed code.
- B. Could not do this project under the proposed code, mostly because of the garages. Project could be done under R-4 as site condos, eliminating the individual lots.
- C. Project meets the open space and tree retention requirements of the proposed code.
- D. The proposed code does not provide for master planned communities that have already provided open space. In this project, there is adjoining open space to the north, south and west. The proposed code does not allow credit for that open space.
- E. The proposed code discourages cul-de-sacs. This is essentially a cul-de-sac development.
- F. If this project was planned under the proposed code, the planners would have used a grid system.
- G. The current code requires sidewalks on one side of the street. The proposed code requires sidewalks on both sides of the street.
- H. Revised layout loses 16 out of 113 lots. The costs would have to be absorbed in the remaining lots.

- I. The public open space requirement for this project could be waived because of existing nearby open space. (Page 25 7. a)
- J. Under the proposed code, no more than 40 percent of a town house facade and 50 percent of a single-family house facade can be garage. Under this proposal, almost every house in the development would have to be redesigned.

Discussion

- A. There needs to be a better definition of “reasonable proximity.” The current code requires parks to be within 1/4 to 1/2 mile, no smaller than five acres and a ratio of two and 1/2 acres per 1000 population.
- B. There is not an absolute prohibition of cul-de-sacs. Topography, environmental (perhaps soils should be added) conditions would allow cul-de-sacs. Topography should mean “slope affected areas.”
- C. Option for the development would be to have alleys. Put garages behind the houses.
- D. Question: Do we want to keep this type of development? It is extremely popular among consumers. It absorbs faster than other developments. It is an entry-level single family home.
- E. This development could be redesigned to mitigate the issue with garages by developing alleys. However, the Municipality would not maintain the alleys. Question: Is there a way to provide an incentive for developers, and subsequent homeowner associations, to build and maintain alleys? For example, relief from other requirements that add cost, such as open space.
- F. Ways to mitigate objection to this project:
 - alleys
 - private common open space in front of buildings
 - on street parking
 - tandem parked garage
 - use of balconies, front porches
 - balcony above garage
- G. Project criticism: not enough variety in setbacks, color and architecture.
- H. Need to figure out ways to make value survive.

- I. Current subdivision regulations require a 100-foot lot depth unless there is a variance based on, for example, topography. If this requirement was reduced to 80 foot, there could be wider frontage for about the same land cost. This would allow for a wider front for the structure including the garage. There is need for a lot depth/width ratio.
- J. Alleyways have some negative aspects such as expanse of asphalt required for driveways and the alley. And, this switches open space to the front of the house, which may produce a great streetscape.
- K. One way to promote alleyways would be to allow narrower front streets. But, you may need incentives in cases, for example, of poor soils.
- L. Rear alleys would allow alteration of front setbacks. Houses could be pulled toward the front street, allowing larger space for patios in the back. However, there would still be need for detached sidewalks and street trees to provide a buffer/transition.
- M. Proposed list of items to mitigate effect of “garage front” houses:
 - varied setbacks
 - enhanced landscaping
 - recessed garage doors behind facade
 - painted garage doors
 - varied window patterns in garage doors
 - overhangs
 - recessed garage facade
 - materials variation
 - landscaping between garage doors (three car garages)
 - different hard surface, color or texture on driveway.
 - texture driveway to match code required texture in ROW
 - decorative lighting
 - columns at front of houses to create another layer

Consultant Recommendations

Recommendations (Dale Porath)

1. There was much discussion on how to improve and accommodate this style of development which I believe Chris Duerksen of Clarion Associates is assimilating into a redraft of Residential Development Standards.
2. Chris Duerksen indicated that the intent is not to prohibit cul de sacs, but to promote pedestrian connectivity which could occur through trails.
3. The Revised Title 21 would require sidewalks on both sides of the street. If these are to try to be functional in my opinion they should be separated from the street construction .

Recommendations (Dick Farley)

1. Mitigate impact of garage door by recessing it behind a porch-like extension in front of it, possibly with a balcony over the garage door and extend the front door access into this porch-like zone.
2. Create a garage door menu/front door menu with a least one choice from a short list of desired elements.
3. Provide incentive for alleys (so that garage doors are at the back of the house rather than the front) Figure 4 a. and 4 b.
 - allowing narrower streets
 - reducing front yard setbacks
 - not requiring or reducing private common open space
 - not requiring snow storage
 - allowing attached sidewalks or walking in the streets
 - green courts without streets in front, only alleys behind
 - not requiring tree canopy retention.

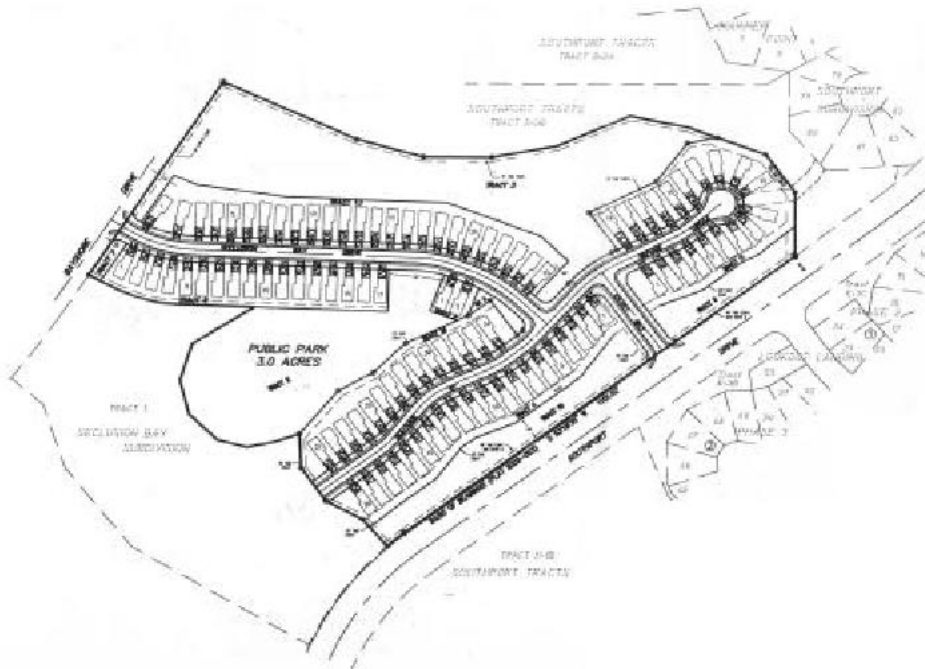


Figure 4 a.

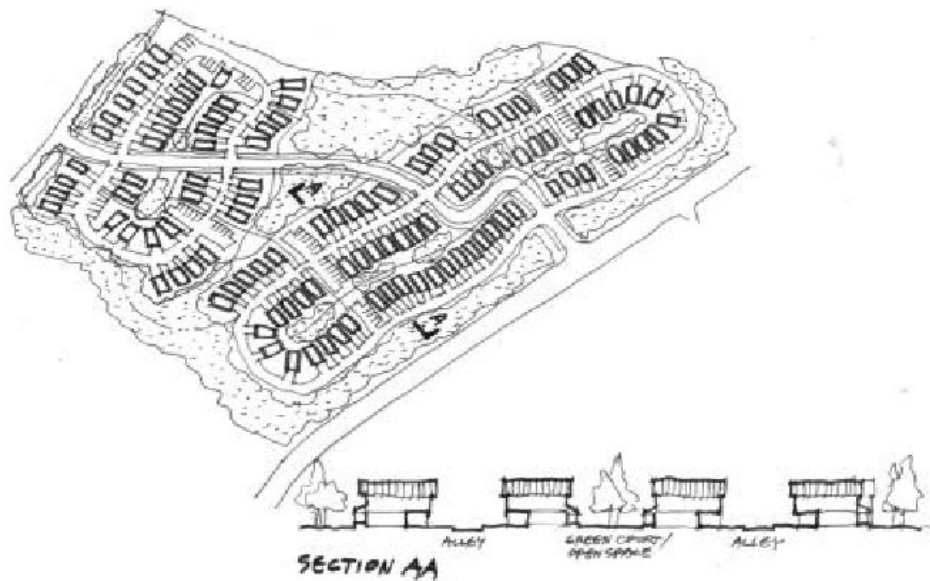


Figure 4 b.

Goldenview – Dave Grenier/Tom Dreyer/Triad Engineering/Lantech



Issues

- A. Project includes 356 lots with 30 percent open space. Under the existing code, the 30 percent open space could include green space in ROW that was not paved and green space on private lots.
- B. Two proposals to accommodate new code.
 1. Maintain same size lots (alternative A), loose 112 of 356 lots. The distance between structures would be maintained at 30 feet.
 2. To keep same number of lots (alternative B), reduce average lot size from 12,000 sf. to 6,000 sf. This would be necessary to meet 30 percent tree canopy retention and a combination of public and private open space requirements. The distance between structures would be reduced from 30 feet to 10 feet. The type of structure on the smaller lots would be dramatically different. Fifty-foot wide lots would accommodate only a single car garage.
- C. The wildlife protection requirements are unclear.
- D. Comparing development costs, excluding costs that could be expected to remain constant, the per lot cost for the development is \$34K. Under the large lot (A) concept, the per lot cost would be \$46 K and \$31.7 K per lot for the small lot (B) concept.

- E. The costs for concept A are attributable to proposed code requirements including wider streets, curbs and gutters, sidewalk on both sides of the street and storm drainage.
- F. This analysis suggests that large lots (A) would retain value at \$100 K and that small lots (B) would be valued at \$80 K. Under alternative B, the overall value of the development would be reduced by 20 percent or, in excess of \$10 million.

Discussion

- A. Issue of how parkland should be provided. Proposed code suggests that developers should be responsible for allocating substantial developable land area for parks. This results in a “taking” with no compensation to the developer.
- B. Suggested resolution: zero to 5 percent private open space in R-1. In R-1, private open space is provided on the owner’s lot.
- C. R-4 needs private open space, but there needs to be a healthy discussion on how much is needed in various districts.
- D. There is an in-lieu provision in the proposed code that would allow developers to buy their way out of this requirement.
- E. There is a requirement for open space in industrial areas. This doesn’t make any sense. However, landscaping can be counted to satisfy this requirement. Question: Do we value private open space in R-1.
- F. How do you distinguish between private open space and public open space?
- G. National standards of 10 acres of public parks per 1000 population. This project would require 10.7 acres of public park. As options, the developer could develop those 10 acres and then pay into a fund – or split 5 and 5, or some other formula.
- H. There needs to be a cutoff, where this provision (open space) would apply, based on the size of the project. Note: This issue seems to be resolved (page 22). It would not apply to projects with nine or fewer units.
- I. It was suggested that the small lots (B) would retain their value provided there was access to substantial open space. There was disagreement based on absence of evidence that open space, as an amenity, adds value. Further, it is contended that residential lots are valued based on the amount of frontage they have.
- J. This proposed code, based on the 2020 Plan, is intended to advance values articulated by the community for open space.
- K. There is a conflict in the 2020 Plan that, on the one hand, says we want open space and on the other, we want more dense and compact development.

- L. Areas need to be designated, including midtown, where private open space and perhaps even public open space requirements are recognized as counterproductive in terms of compact development.
- M. Opinion: The 2020 Plan represents what the community wants. If the public wants more parks and open space, it should participate in paying for it.
- N. What should be counted as private open space? Need to develop a menu of what would count to satisfy requirement. For example:
- fenced back yards
 - ROW
 - easements
 - buffer strips

Consultant Recommendations

Recommendation (Dale Porath)

1. Based on the lack of specificity by state it appears to be not the appropriate time to include the Wildlife Habitat Protection section in the Revised Title 21.
2. Because much of the remaining undeveloped land is on the hillside where the tree canopy is plentiful this (tree retention) will be a confining issue in development. Suggest reviewing the percentage or limit the percentage of any parcel affected.
3. As someone commented, in a large lot development private yards are the private open space and should be considered in satisfying this proposed requirement.

Recommendations (Farley)

1. Increase height of retaining walls with possible new materials requirement.
2. Allow stepped retaining walls.
3. Develop a more-inclusive garage/garage door menu, such as:
 - third car garage door stepped back from first/second car door
 - garage doors under a balcony the full length of the door
 - painted doors
 - windows in doors
 - special paving patterns in driveways

- curb cut narrower than combined driveway.
4. Possibly relate garage door proportion to the entire area of the front facade, as well as to the length of the facade.
 5. Provide incentives for single loaded streets/lots on a slope or discourage lots that cut deeply back into the slope. Figure 5
 6. Reduce or eliminate private open space requirement.
 7. Reduce or eliminate tree canopy requirement or focus on specimen trees for retention.

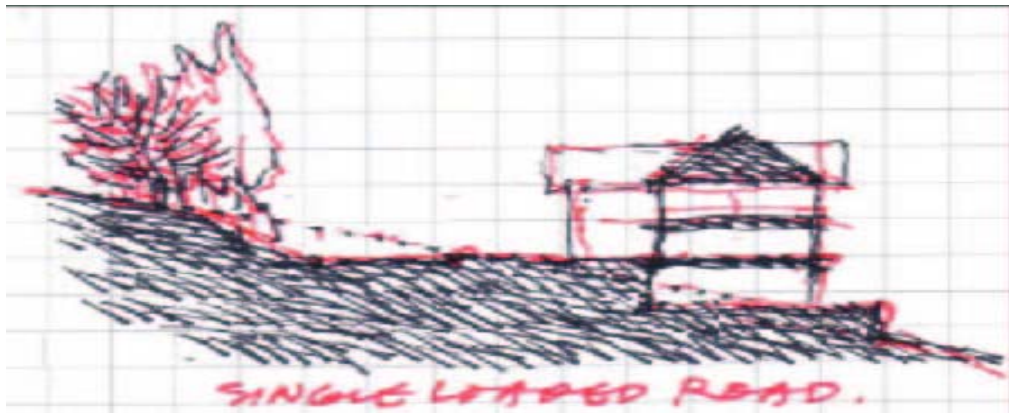


Figure 5