

ASSEMBLY TITLE 21 COMMITTEE
Summary of Discussion on Meeting September 2, 2005
Public Review Draft #1 Discussion Chapter 4

Opening remarks: Assembly Committee will continue to meet each Friday, through the budget process, skipping only holiday Fridays such as Thanksgiving.

21.04.040 – Mixed-Use Districts

p. 144, Gross Floor Area Limitation in RMX – Public comment that this table (and others in the rewrite) are over broad and too detailed. No need to list “animal grooming” or specifically set out different square footages of 1,500, 2,500, 3,000, 5,000 sq. ft. for very specific uses. Set limitation at one maximum (5,000). Planning explained RMX is a residential use district and not commercial, so those floor area limitations encourage small scale neighborhood centers (corner candy store). In a neighborhood center, typically grocery stores are larger with more inventory. A McDonalds is about 5,000 sq ft to give an idea of scale. This table actually simplifies and combines the permitted uses and structures of current B-1A (local and neighborhood business district). Animal grooming did not fit neatly into any of those and, thus, is listed separately. Clarion’s alternative is to adopt maximum footprint.

p. 144, line 11 – Committee member asked for examples of these mixed used districts in Anchorage now, as it is difficult to envision where these fit.

Would North Birchwood Loop neighborhood be a NMU-1 district (small scale neighborhood mixed use)? Planning gave examples: New Sagaya. More urban and walkable. Basically small neighborhood commercial. Committee and public comments that concept is good but that 4 acres is too microscopic, especially when you include parking. Planning comment that current B1A is 2 acres and this actually proposes to double that to 4 acres.

p. 145, line 21 – NMU-2 (neighborhood mixed use) is more comparable to Lake Otis and Dowling as it is now (post office, commercial mall). Difference in scale from NUM-1.

p. 146, line 18 – Committee comment: “at least 10,000 people” in a NMU-2 won’t fit in more rural areas.

p. 146, line 20 – “shall not be extended along street corridors or into adjacent

residentially zoned areas” also not compatible with some rural areas as they exist. The intent of this section is to avoid “stripping” roadways with commercial uses. Planning comment that this district may not apply to certain rural commercial neighborhoods. Freestanding businesses in rural area may be addressed through home occupations. R9 district is different and allows commercial uses in certain circumstances.

p. 146, line 27 – CCMU (Community Commercial). Examples: Huffman and Dimond Center. Regional, large areas, encouraging residential uses.

p. 147, line 5 – Example of RCMU (regional commercial mixed-use) is possibly Northway Mall and Fred Meyer at Muldoon. Public comment that there is no definition for what makes up a neighborhood. Proposed Creekside Town Center would be zoned CCMU if town center not developed. Planning recognizes Committee concerns that it’s a challenge to imagine where these districts will fit into existing neighborhoods and each Assemblymember will look very carefully and specifically at their district. Planning comment that people will define their own neighborhoods for themselves as they evolve. Planning suggests looking at Land Use Plan Map to get a sense of where these districts might appear in the Anchorage Bowl. Table on Page 6 is very useful. (Muldoon and DeBarr given designation akin to town centers.)

p. 148, line 8 – FAR (floor area ratio) incentives. Planning explained that FAR restricts the maximum size of building to lot size proportionally. This section will give you a larger building per lot if you do certain things. The community asked for an incentive approach and Committee member agrees this is good and wants flexibility.

p. 148, line 12 – Public comment that an additional .07 of is not much. Currently can go up to a FAR of 2.

p. 148, line 25 – “all uses should be located and convenient to each other by walking.” Committee comment that the clustering of businesses in Peters Creek may not fit and does not want to disturb something that works. Planning comment that in Peters Creek there may be 2 districts separated by highway.

p. 148, line 29 – *public focus area*. Planning explained this provision is a key ingredient to any mixed use development area to encourage social interaction. Public comment that one acre is too small of a development and inappropriate for a public focus area. Plazas are in bigger developments. Discussion as to what

constitutes “public focus area.” Small sitting area like Sagaya would qualify. Planning will look at the one acre size and re-word so as to clarify how it applies.

p. 148, line 38 – public comment 5% bonus on parking is minimal. Planning will look at full implications of parking. Mixed use generally reduces parking.

p. 149, line 7 – *building placement and street setbacks*. Public question: How do you get café seating in 10 feet and keep sidewalk open? Public comment that snow storage needs to be considered (addressed in another section) and ADA (federal mandates).

p. 149, line 13 – Public question: Does every building on a corner need 2 entrances? Planning will clarify corner lot entrances.

p. 149, line 19 – *pedestrian amenities*. Committee comment that concept of mixed use is good but some of the pedestrian requirements are going to be problematic, especially in Chugiak. Street right of ways vary and no sidewalks. Planning acknowledges Chugiak Plan may need to be updated to address unique circumstances.

p. 150, lines 1-4 – Public comment that some of these amenities are “ludicrous.” Okay for government buildings but half a percent should be upper limit for art. Public comments to maybe set a max. 1% ceiling or a dollar amount “not to exceed.” (More expensive building could spend a lot on art at 1%.) Planning gave example of development leaving a legacy or signature by spending more. Homebuilders suggest another option could be credit for enclosed walkways or sky bridges. Committee member wants to discourage sky bridges and keep walkways at ground level.

p. 150, line 4 – *pocket parks*. Public comment that insurers have liability problem and public access parks should be muni owned. Planning explained pocket parks do work in many places around the country and could be just a small outdoor seating area.

p. 150, line 15 – Planning explained Director may alter minimum area standards to give flexibility to unique site conditions, e.g., to make sure federal accessibility guidelines are met.

21.04.050 – Industrial Districts

p. 151, line 29 – Committee comment that the Coast Guard presence is not included in Marine Industrial. Planning stated that the CG is federal and out of local control. Does not anticipate problems and a security facility would be ancillary. The current hauling of gravel is a permitted distribution operation. Where is the RR facility? Not in marine or industrial; now in PC district. RR is master planning now. Basically, MI waterfront is owned by RR and leased. Transfer off of ships permitted. There are now legal nonconforming uses in the district. Public comment that a banker told him that a nonconforming designation of a piece of property could have a “chilling” effect on a loan application, and insurers also say nonconformity could be big issue. Discussed bringing in financial people for input on nonconformities.

p. 151, line 36 – *AD: Airport Development District*. Planning suggests looking at map to get a good sense of this district. Elmendorf exempt. Lake Hood is part of Ted Stevens. Public comment that the *purpose* section should also include the Air Force memorial. (Public comment that there was trouble obtaining that memorial permit at Merrill Field).

p. 152, line 3 – *Antenna Farm*. Discussion of where one exists in current code. Planning explained that they do not envision any more, but do not rule it out. As technology advances, is there any place antenna farm cannot go? Committee comment that table on p. 181 allows antennas most everywhere and they will address their concerns when committee gets to that page. Planning explained that you don’t have to be an antenna farm to have an antenna. Depending on the nature of the facility, it would go through a site plan review.

153, line 7 – Committee asked why need for CUP at 2,000 sq. ft. Public comment that a CUP can run as high as \$25,000. Planning explained Turnagain Arm is a hybrid and unique district, that this is current code, seems to be working since 1983, and that’s what the people want. (commercial district CUP threshold is 4,000, other mixed is 2,000).

p. 153, line 17 – Does OL (open lands) include HLB? These are lands that don’t have a current use (holding zones) but not necessarily publicly owned. Yes, does include some HLB land.

21.04.070 – Overlay Zoning Districts

p. 154, line 5. Flood hazard overlay map is available.

p. 154, line 16 – Public question: Will airport height maps be redone? Planning has no control over maps done by state or FAA. Discussion about FAA maps that do not accurately depict contours and ground elevations for purposes of determining height limitations. Time delays in permitting when builders have to go to FAA for a letter to clarify. These maps are out of the control of the planners.

p. 155, line 28 – Clarified that Airport Height Overlay is carried over from existing code.

p. 156, line 4 – Planning clarified that “vegetation shall not be affected by the height limitation” means trees are exempt.

p. 156, line 5 – General discussion on NCO (neighborhood conservation overlay). Planning explained that this is not mandatory and that the intent is to provide a tool for preserving particular characteristics of a neighborhood. Typically this is some physical form or feature, e.g. style of building. New to Anchorage but very common Outside. NY has many overlay neighborhoods crafted to protect the character of neighborhoods. Redevelopment or new development could disrupt this without an overlay to maintain certain design characteristics. In some respects similar to certain types of covenants of a homeowners association. One public comment: “dead against it.” Potentially, a property owner purchases property for development under existing regulations and then by a vote of the neighborhood, those regulations change and become stricter. Planning explained that this is an enabling ordinance in response to public testimony. It is different from a neighborhood plan, but a neighborhood plan may or may not involve an overlay. The Assembly has to approve it.

Committee comment that Assemblymembers get homeowner calls with covenant problems and expressed concern that this could potentially expand the workload for enforcement and the Assembly. Planning confirmed that the NCO review process is not concurrent, but first to UDC, PNZ and then Assembly.

p. 161, line 19 – Committee comment that elapse of no more than 5 years for review of flood hazard maps is “in no way close to being true.” This is existing code. Committee asks Planning to amend to what is actually reasonable. Planning comment that Anchorage flood zone is very extensive. Public comment that this section (flood hazard overlay) is very long (about 13 pages) and asks if it could possibly be shortened. Short answer “no,” as this is modeled on state and federal

law.

p. 164 line 21 – insert “one foot above.”

p. 166, 16 –Committee member request to make sure this section is accurate and clarify if it does or does not include any areas outside the flood zone. Planning will review what is zone A99.

p. 167, lines 29-30 – Committee member asked if a family emergency left a home unoccupied for 12 months would this be a “discontinued use.” Code enforcement clarified that use and occupancy are not the same, and in that situation the use would still be the same despite a home being unoccupied.

168, line 33 – Committee questioned whether this means just within the flood hazard area or all structures. Survey has to file certificate w/ muni w/ lowest floor elevation.

p. 168, lines 23-29 – Committee asked whether Project Management and Engineering is doing this now. (*use of other base flood data* if not provided). Planning presumes as this is outside of the department. Planning stated that flood zones change as development happens. Planning to confirm that maps are being submitted to the Corps.

p. 173, FN 39 – Planning explained that the jurisdictional issues between state and city are being examined by attorneys. There are mixed opinions as to what degree local government can regulate state owned airport.

Concluding Remarks: Discussion whether to stay with schedule and move through the draft sequentially or focus on higher priority sections. It is anticipated that the next section, tables of allowed uses, will be slow. Chapter 7, design standards, also will take a lot of time as it was the section with most community concern. Public wants to extend comment period as readers are feeding comments; the Chamber has comments.

Discussion on format of the tables. Sometimes specific; sometimes broad based. More questions sometimes than answers. Planning explained the intent is to simplify from narrative and tables are very efficient. Important to understand the first two columns (use category and use type) to understand the rest of the table.

Decision to review use standards and definitions at meeting of September 9, and

then go back to tables in 21.05.010. May then return to accessory use definitions and then back to the tables.

Next meeting scheduled for Friday, September 9, 10 a.m. to noon in Assembly Conference Room.

Respectfully Submitted by:

Susan Lutz
Legislative Services

Reviewed and approved by:

Debbie Ossiander
Assemblymember, Section 2