

# *Municipality of Anchorage*

## MEMORANDUM

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**DATE:** December 28, 2004

**TO:** Mayor's Real Estate Task Force  
Dick Farley  
Terry Schoenthal  
Dale Porath  
Chris Duerksen

**THRU:** Tom Nelson, Director, Planning Department

**FROM:** Physical Planning Division Staff

**SUBJECT:** Testing Workshop Consultant Reports

As Physical Planning staff read through the testing consultants' workshop reports, we noticed a few statements that were based on misinterpretations of the proposed code, or mistaken impressions garnered during the workshop. In the interests of accuracy and providing and receiving the best information, we would like to make a few clarifications in this memo. Our clarifications do not necessarily reflect what we think the code should say, but rather how we think the current draft is to be interpreted.

### Dick Farley's Report

Page 1, Issue #9: Farley writes that enforcement is a serious problem partly because it is "hard to attract people." The real problem has been lack of resources devoted to enforcement, and not an inability to attract employees.

Page 4, Issue #A.1 (7<sup>th</sup> Place): Farley states that the location is an issue because if the development is in the CBD, design standards are exempted. For accuracy, this should state that in the proposed code, some design standards do not apply in the CBD. As an aside, a new and separate initiative will be started shortly for downtown Anchorage that will include new design standards specifically for the CBD.

### Terry Schoenthal's Report

Page 2, Non-Conforming Uses: When he wrote his report, Terry had not reviewed Chapter 21.11 (Nonconformities) of the proposed code. He has since done so and wrote

in an email, “Many of the questions I had regarding non-conformities are clearly answered there.”

Page 3, General Provisions: To avoid misunderstandings, Planning staff feels the second sentence should say, “[i]f a developer or property owner can demonstrate that he or she can meet the intent of the Title 21 standards using different methods than the standards of the Title, they should have the opportunity to make their case”.

### Dale Porath’s Report

Page 1, Stewart Title: Porath correctly states that the draft Module 2 does not have dimensional standards and measurements for the mixed-use districts. Those standards can be found in Module 3 (21.07.160, Table 4).

Page 2 and 3, 1<sup>st</sup> recommendation for 7<sup>th</sup> Place: The report states “[t]ree 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, residential uses in the CBD have a minimum usable yard requirement of 60 sf per dwelling unit (see 21.06.010.B). Thus, as currently proposed, the tree retention requirements would apply to residential uses in the CBD.

Page 3, 3<sup>rd</sup> recommendation for Town Center [sic]: Porath adds the area for tree retention (24% as determined in #1) to the 30% set-aside for private open space for a total of 54% of the site being undevelopable. This does not take into account the fact that the tree retention area could all be counted in the private open space area, so the undevelopable area would really be 30%, not 54%. Section 21.07.030.C.3.a (Locational Criteria for Private Common Open Space) lists tree retention areas as one of the priority areas to be considered for private open space. Section 21.07.020.G.7.a states that “tree retention areas may be located ... in an area that is dedicated for park or open space...”.

Page 6, Summary Observations #4: The report states “[w]ith the proposed zoning changes in Module One all current B3 properties would become GC”. However, current B-3 properties will be zoned into various different zoning districts during the areawide rezoning process that will follow the adoption of the new Title 21. The Anchorage 2020 plan suggests areas that may be zoned mixed-use, and the draft land use plan map, which will be available for public review next spring, will give more guidance as to what areas may become GC and what areas may become mixed-use.