

COMMENTS RECEIVED

For Public Hearings through March 19, 2012

PZC CASE 2011-104 TITLE 21 REWRITE

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BUILDING OWNERS & MANAGERS ASSOCIATION
FEDERATED WITH BOMA INTERNATIONAL

RECEIVED

DEC 01 2011

MUNICIPALITY OF ANCHORAGE
ZONING DIVISION

RESOLUTION 2011-03

Building Owners & Managers Association (BOMA) Anchorage

In the matter of

Assembly Ordinance 2011-104

WHEREAS, the Building Owners & Managers Association of Anchorage (BOMA Anchorage) is an organization of commercial property owners, managers, leasing agents and allied professionals with an interest in promoting the professional, educational and legislative interests of the commercial property industry in the State of Alaska.

WHEREAS, locally, BOMA Anchorage represents over 25 million square feet of commercial property in the Municipality of Anchorage.

WHEREAS, the Anchorage Planning and Zoning Commission on December 12, 2011 will be considering AO 2011-104, which constitutes a "Rewrite" of Title 21 of the Anchorage Municipal Code which regulates land use and development.

WHEREAS, BOMA Anchorage members are hard working, knowledgeable and dedicated professionals that work with Title 21 on a regular basis and therefore have a vested interest in the Rewrite.

WHEREAS, the Rewrite has not undergone a comprehensive economic analysis to determine the true affect of its implementation on the city of Anchorage and its citizens.

WHEREAS, the Rewrite will significantly transfer private property rights from Anchorage citizens to the Municipality of Anchorage.

WHEREAS, the Rewrite is bad policy that will create economic hardship and disadvantages for many and rewards for a select few through governmental picking of "winners" and "losers".

WHEREAS, the Rewrite will significantly increase construction costs, discourage redevelopment and new construction and encourage less dense development, which are contrary to the goals and the Anchorage 2020 Comprehensive Plan.

WHEREAS, the Rewrite in its current form will adversely affect our community (as evidenced above) during a time of global recession and local economic uncertainty.

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PHONE: (907)343-2662 FAX: (907)272-0630
EMAIL: boma@cgprop.com

WHEREAS, many of our members (commercial land owners, engineers, architects, real estate managers, investors, and allied professionals) have spent thousands of hours creating and recommending significant changes to the Rewrite to better balance governmental, free market and private property rights only to have all but a few insignificant changes made.

NOW, THEREFORE, BE IT

RESOLVED, The Board of Directors of the Building Owners & Managers Association of Anchorage requests the Anchorage Planning and Zoning Commission to reject in its entirety the proposed Title 21 Rewrite and to leave the current Title 21 in force and effect.

FURTHER RESOLVED, The Board of Directions of the Building Owners & Managers Association Anchorage urges the Anchorage Planning and Zoning Commission to recommend that a simpler approach be taken wherein the current Title 21 is modified to fix the handful of problematic areas of the code.

PASSED AND APPROVED by the Building Owners & Managers Association of Anchorage this 21st day of November, 2011.



Andrew J. Romerdahl
President – BOMA Anchorage



Area-G
Home
And
Landowners
Organization, Inc.

P.O. Box 110096
Anchorage, AK 99511-0096

Area G Home and Landowners Organization, Inc.

December 2, 2011

Jerry Weaver
Title 21 Rewrite Project
Municipality of Anchorage, Planning Department
P.O. Box 196650
Anchorage, Alaska 99519

RE: PZC Case 2011-104 Proposed Amendments to Provisionally Adopted title 21

The HALO public meeting of Dec 1, '11 devoted considerable time discussing proposed changes to the provisionally adopted Title 21 Rewrite. Only four changes that would directly impact land in the HALO area were discussed.

HALO, Inc is a non-profit organization formed in 1969 as an advocate for land issues effecting Southeast Anchorage. HALO's boundaries encompass eight community councils.

HALO'S recommendations follow.

Sincerely,

Wayne Westberg
Chair

A. 21.03.020C Meetings

HALO recommends changing the proposed wording to the following:

c. The applicant ~~is encouraged to~~ shall use as its first choice the community council(s) meeting of the project area as the community meeting when the community council(s) meeting is available. If the community council(s) meeting for the project area is not scheduled in a timely manner, the applicant shall organize a community meeting. If the project area spans more than one community council and the applicant chooses to attend community council meetings, the applicant shall attend the community council meetings of all applicable community councils.

B. 21.03.210 Code Amendments

HALO does not support the proposed change and urges the inclusion of Planning and Zoning Commission review of all changes to Title 21, including, especially, within the first two years after passage of Title 21.

C. 21.07.020 Stream Setbacks

HALO stresses adherence to the Hillside District Plan. Maintain 50 ft setbacks per the intent of the Hillside District Plan (HDP).

In its goals and implementation steps, the HDP frequently cites the importance of streams and specifically states that 50' setbacks are required.

Concerning Development Standards, the HDP states:

Watercourse protection: Natural watercourses are the backbone of the Hillside drainage system. Actions are needed to maximize the protection of this important function, for drainage as well as other environmental goals. Wherever possible and practicable, stream corridors shall be further protected to ensure their natural function and contribution to the Hillside drainage and recharge system. Methods of protection are outlined below, in order of most protected to least. ...

Setbacks: Minimum setbacks for watercourses identified on contemporary Municipality of Anchorage mapping **shall be fifty feet** horizontally from the ordinary high-water mark on each side of streams, and ten feet horizontally from the edge of each side of drainageways. Protection and maintenance easements can also be applied in this situation. ...

Per the Wetlands Management Plan, the requirement for a 65-foot creek setback comes from the wetlands designation and is still required if the stream runs through a wetland. If it does not run through wetlands, then the 50-foot setback would be applicable. (HDP pages 6-30 and 31)

Also,

- **Watercourse Setback**
... Streams shown on Map 2.11 are current as of December 2007, **with 50-foot setbacks**, described on page 6-30. (p. 2-47)

The HDP anticipated that these requirements would be implemented through Title 21:

Setback standards adopted through this plan will be established in Title 21 of the municipal code. When that is done, any legally existing structures, disturbances, or uses that would be in violation of the new setback would be considered legally nonconforming (i.e., grandfathered) as of the date of the setback ordinance and would have rights to exist into the future in their existing condition. (p. 3-15)

The HDP mentions setback requirements in Title 21 with the clear indication that the Provisionally Adopted 50' setbacks were expected to remain.

Other improvements (in Title 21, Chapter 8) include new requirements for developer performance guarantees and requirements for the identification of stream channels prior to the submittal of preliminary plats. (p2-31)

The HDP recognizes the extensive public support for protecting the natural environment:

The natural and recreational qualities of the Hillside, its wildlife, large areas of undeveloped lands, close contact with nature, dark night skies, parks, and wilderness trails are treasured by both Hillside residents and visitors. **The public expressed strong support for protecting these qualities**, maintaining the integrity of the area's natural environment and rural character, and improving recreational opportunities. **Maintaining water quality is a priority**, particularly protecting well water and Potter Marsh.(p2-38)

The HDP has an entire chapter on drainage issues and solutions and specifically calls out existing regulations (i.e. a 25' setback) as inadequate:

Causes of Drainage Problems

Development affects runoff by disrupting natural drainage systems. Some natural **drainage ways and wetlands have been damaged or diverted** by land development. Remaining wetland, streams, and natural drainage ways provide vital storm water management functions but currently are not managed to serve this function on a sustainable basis. (p. 3-2)

Existing regulations and drainage design criteria do not adequately address these and other unique conditions of the Hillside and are not always adequately enforced. Existing development built to old standards in conjunction with newer, denser development has a cumulative effect on downstream drainage and the potential to create or exacerbate drainage problems. (p.3-4)

D. 21.07.110.E Standards for All Single-Family Residential Structures

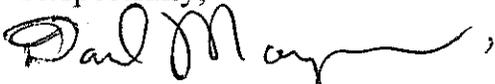
HALO does not support the proposed change. HALO urges the adoption of the provisionally adopted text for design standards for single family homes.

- Reject the proposal to delete height restrictions in the B3 zone in midtown unless strong protections for residential sunlight are in place.
- Reject the proposal to increase the allowed commercial uses in the Industrial I-1 zones. Wait until completion of the Anchorage Commercial Land Study and adoption of the Anchorage Bowl Land Use Plan Map to reexamine the uses allowed.
- Reject the proposal to reduce private open space requirements.
- Reject the proposal to delete the connectivity index needed for easier walking and biking; approve Title 21 as is and propose a clearly written alternative later.
- Reject changes that diminish neighborhood protection height transitions.
- Reject the proposal to decrease sidewalks on cul-de-sacs.
- Reject language that would decrease landscaping standards when the mayor's proposal to rewrite that section is implemented.
- Reject language that decreases standards for multi-family and townhouse development.
- If language is included that allows for expedited changes to the code in cases where clear mistakes were made in the rewrite, ensure that such changes are made case by case and not allowed to apply across all other sections of the code.
- Adopt Title 21 without further compromises.

PASSED AND APPROVED by Rogers Park Community Council this 14th day of November, 2011.

This resolution passed by a vote of 26 in favor, 5 opposed, and 4 abstentions.

Respectfully,



David Morgan, President
Rogers Park Community Council

November 28, 2011

Joan Diamond Rabbit Creek Community Council

P.O. Box 112354, Anchorage, AK 99511-2354

December 9, 2011

Planning & Zoning Commission
MOA
PO Box 195560
Anchorage, AK 99519

RE: 2011-104: Administration's Amendments to Title 21

The Rabbit Creek Community Council has been involved in the Title 21 Rewrite for several years. The council approved, without objections, the following comments at their December meeting.

21.03.020C: Community Meetings

Community councils are part of the Municipal Charter and should be the main vehicle for any applicant who is required to hold a community meeting. Council meetings should not be an option, rather they should be required, as long as they are available.

Revision to Title 21: "Applicant shall be required to use the community councils as the first choice . . ."

21.03.210: Code Amendments—deleting limits and expedited process

Changes to Title 21 code have community-wide, long-term impacts and should not be expedited, even if they are considered by the Director to be conflicting, inconsistent, or have unintended consequences. The PZC should always review all changes to Title 21. Community councils should be given the opportunity to comment and 21 days is not adequate time, given that councils meet once a month or less.

Revision to Title 21: Change text to reflect that PZC will review all Title 21 changes, even within the first two years of passage, and change public hearing review period to at least 35 days in order for councils to be able to comment on changes.

C. 21.07.020: Stream Setbacks and increased allowed uses

Retain the 50-ft setbacks and other stream projection language of the provisionally adopted Title 21.

Acknowledge policies in the Hillside District Plan (HDP) for stream setbacks. Fifty-foot setbacks, per side, must be adhered to according to the HDP. This policy is for new development; provisions are included for grandfather rights for parcels that already have development within the setback.

Fifty-foot setbacks are a fiscal measure that protects all taxpayers by limiting severity and frequency of stream damage to infrastructure, property erosion, flooding and glaciation.

Lowering the provisionally adopted stream protection setbacks and increasing allowed uses in the setbacks would be a major step backwards for the protection of our natural resource. Staff has researched this issue thoroughly, including setback standards for other cities; the previous 25 ft setback is inadequate to maintain creek quality.

21.07.110.E: Standards for All Single-Family Residential Structures .

The council supports the provisionally-adopted design standards for single-family homes. The menu system of design choices offers developers options, but does not limit them to those choices because there is an ‘alternative compliance’ system. Do not change the provisionally adopted standards.

21.07.060D: Neighborhood connectivity

Retain section provision for pedestrian connectivity when a cul-de-sac is created. Pedestrian connectivity reduces traffic congestion and promotes personal health, both of which are Municipal goals

Support the staff amendment with the following revision: "sidewalks are not required on the bulb portion of cul-de-sacs *except for cul-de-sacs which have a pedestrian connection leading between lots to an adjoining path or road; in which case the sidewalk must be installed around a portion of the cul-de-sac to provide a continuous pathway.*

21.04.060: Commercial development in industrial zones

The council does not support more commercial development in industrial zones. The impacts of commercial uses in industrial zones is not conducive for economical management of the city, nor does it comply with Anchorage 2020’s policy #26 for preservation of industrial lands. Retail sprawl impedes development of efficient transportation infrastructure. Re-examine allowable uses after completion of the Anchorage Commercial Land use Study.

21.06.020: Deletion of neighborhood protection height transitions

The council rejects deletion of height restrictions in B-3 zones in Midtown unless there are strong protections for residential sunlight. Anchorage 2020 polices support protection of neighborhoods and northern city design for sunlight.

The council understands that some of the proposed Title 21 revisions (such as landscaping and road connectivity index) will be postponed until a future PZC meeting. The council intends to submit comments on these issues after the proposed changes are released for public review.

Sincerely,

Joan Diamond

Joan Diamond, Vice Chair RCCC

A RESOLUTION REGARDING THE TITLE 21 REWRITE
PZC CASE 2011-104

WHEREAS Anchorage's land use code, Title 21, badly needs updating to conform to the guidance of *Anchorage 2020*, our adopted Comprehensive Plan

WHEREAS, the revision process began in 2002;

WHEREAS, there have been 5 drafts with extensive review;

WHEREAS, there have been many compromises made from the clear aspirations of our adopted Comprehensive Plan;

WHEREAS, the Anchorage Assembly Title 21 Committee painstakingly reviewed and frequently changed drafts of the code;

WHEREAS the Anchorage Assembly provisionally adopted all but one of the 14 chapters of the code;

WHEREAS on 10/19/11, mayor Dan Sullivan released a proposal to amend the provisionally adopted Title 21;

THEREFORE BE IT RESOLVED THAT the Mid Hillside and Hillside East Community Councils recommend the following actions:

- **21.03.020C Meetings**

Change the proposed wording to the following:

c. The applicant ~~is encouraged to~~ shall use as its first choice the community council(s) meeting of the project area as the community meeting when the community council(s) meeting is available. ...

- **21.03.210.B.5 Code Amendments**

We do not support the proposed change and urge the inclusion of Planning and Zoning Commission review of all changes to Title 21, including, especially, within the first two years after passage of Title 21.

- **21.07.020 Stream Setbacks**

Follow the Hillside District Plan's guidance as a part of the Comprehensive Plan. Maintain 50 ft setbacks required in the Hillside District Plan (HDP).

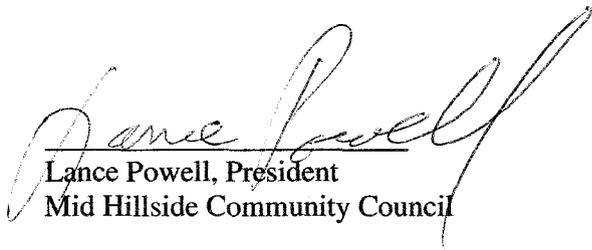
- **21.07.110.E Standards for All Single-Family Residential Structures**

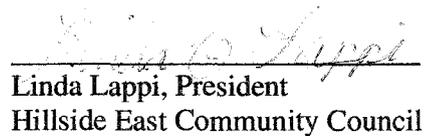
Adopt the provisionally adopted text for design standards for single family homes.

- Reject the proposal to delete height restrictions in the B3 zone in Midtown unless strong protections for protecting residential sunlight are in place.
- Reject the proposal to increase the allowed commercial uses in the I-1 zones until after the completion of the Anchorage Commercial Land Study and adoption of the Anchorage Land Use Plan Map to reexamine the uses allowed.
- Reject the proposal to reduce private open space requirements.
- Reject the proposal to decrease sidewalks on cul-de-sacs.
- Reject language that decreases standards for multi-family and townhouse design.
- Adopt Title 21 without further compromises from the intent of our Comprehensive Plan.

Our discussions focused primarily on issues immediately relevant to life on the Hillside and do not reflect an opinion on other recommended changes to the provisionally adopted code.

Passed by the boards of the MHCC and HECC on January 19, 2012.
The meeting was properly noticed through its monthly newsletter.


Lance Powell, President
Mid Hillside Community Council


Linda Lappi, President
Hillside East Community Council

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Division of Sport Fish

SEAN PARNELL, GOVERNOR

P.O. BOX 115526
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January 31, 2012

Planning Division
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519-6650

Re: Case #2011-104. Proposed Amendments to the Provisionally Adopted Title 21.

Alaska Department of Fish and Game (ADF&G) staff have reviewed the November 23, 2011, memo from the Municipality of Anchorage (MOA), Community Development Department, Planning Division (CDDPD) of the proposed changes to the MOA provisionally adopted Title 21 code. Our comments address Title 21.07.02, stream protection setbacks and natural resource protections.

On August 23, 2011, the MOA CDDPD submitted comments on the proposed amendments written by Dan Coffey (consultant) to the provisionally adopted Title 21 code. The consultant proposed to lower the provisionally adopted stream protection setback (buffer) from 50-feet to 25-feet and increase the number of allowed uses (e.g., trails and lawns) within 10-ft of the streams. The CDDPD recommended a 50-foot buffer along streams and their tributaries and made no changes to the 100-foot buffer in the R-10 residential alpine/slope district. As of November 23, 2011, the mayor is proposing to use the consultant's recommended 25-foot buffer, reduce the current provisionally adopted 100-foot buffer for R-10 to 50-feet, and allow snow storage within 10-feet of streams.

25-foot Stream Setback

ADF&G supports the provisionally-adopted 50-foot buffer along streams and tributaries. The benefit of riparian habitat is well documented. Riparian habitat provides streambank stability, filters pollutants, and maintains water quality for fish and wildlife habitat. To function properly, buffers must have an effective vegetative cover and sufficient width and continuity along the stream. Vegetative cover filters sediment and pollutants reducing the amount of material that may enter a stream. The rate of surface erosion is closely correlated with vegetative cover such as plant litter on the soil surface. Litter and the stems of vegetation reduce the downslope movement of surface soils. Accelerated surface erosion occurs when these barriers are destroyed (Rice et al. 1971). An important product of riparian vegetation is shade, which moderates air and water temperatures. Reduced shade leads to increased water temperatures, which can reduce the success or survival rate of salmonids during adult upstream migration, juvenile rearing, and downstream migration of smolts. Increased water temperatures can obstruct adult migration and limit spawning success, trigger early juvenile outmigration resulting in decreased survival rates, change juvenile sheltering behavior, reduce disease resistance, and increase metabolic requirements (Taylor 1988). Riparian vegetation provides shade to help maintain water temperature and

prevent excessive algal blooms; the vegetation also provides allochthonous input to the base of the food web, terrestrial insects for fish consumption, and cover for aquatic vertebrates.

In order to protect channel complexity and biodiversity, best management practices (BMPs) should include measures to preserve physical and biological linkages between streams, riparian zones, and upland areas. Connections must include transfer processes that deliver woody debris, coarse sediment, and organic matter to streams, as these materials are largely responsible for creating and maintaining channel complexity and trophic diversity (Bisson et al. 1992). Literature sources conclude that buffers less than 16 to 30-foot wide provide little protection of aquatic resources under most conditions. Based on existing literature, buffers necessary to protect wetlands and streams should be a minimum of 50 to 100 feet in width under most circumstances (Castelle et al. 1994).

The consultant's proposed 25-foot buffer is contradictory to buffer widths identified in the Little Campbell Creek Watershed Management Plan (MOA 2007) and the Hillside District Plan (MOA 2010). The plans were developed to guide watershed planning and management efforts for Little Campbell Creek (LCC) and the Hillside District and serve as a template for future watershed plans throughout the Municipality. The Hillside District Plan states, "Minimum setbacks for watercourses identified on contemporary MOA mapping shall be fifty feet horizontally from the ordinary high water (OHW) on each side of streams, and ten feet horizontally from the edge of each side of drainageways. Protection and maintenance easements can also be applied in this situation." The plan also states, "Per the Wetlands Management Plan, the requirement for a 65-foot creek setback comes from the wetlands designation and is still required if the stream runs through a wetland. If it does not run through wetlands, then the 50-foot setback would be applicable."

The MOA has identified water resource services in the Draft Watershed Science Primer (MOA 2004). Water resource services include the benefits of urban storm water runoff control and treatment, flood and icing storage and control, in-stream erosion and sedimentation control, and storm water drainage provided by management of natural streams and wetland features.

Impervious surface mapping for the LCC watershed has been performed within the municipal management boundary for Lower LCC and the North Fork LCC. About 59% of the Lower LCC watershed is impervious (i.e. paved) and about 35% of the North Fork LCC is impervious. Lawns, landscaped areas, and dirt parking lots make up 16% of the Lower LCC watershed and 21% in the North Fork LCC watershed. These percentages are above the "highly impacted" impervious surface cover found nationally to be non-supporting. Non-supporting in this context recognizes that pre-development channel stability and biodiversity cannot be fully maintained, even when stormwater retrofits are applied (MOA 2007).

The U.S. Geological Survey creek flow data for the Anchorage Bowl shows that annual volumes and average flows actually reduced slightly by the early 1980's. However, reductions in average flows were countered by faster peak flows derived from storm events. This phenomenon coincides with the main growth periods in the Municipality, which saw the loss of both wetland and upland vegetation areas to fill and development and subsequent reductions in storm water retention capacity (MOA 2011).

In 2005 the U. S. Fish and Wildlife Service documented the negative effect of sediment levels or pollutants associated with sediment in runoff that may have contributed to chronic fish mortality in LCC (Schroeder 2005). Surveys to collect dead and dying fish were conducted following rain

events. Necropsy conducted on a portion of the dead fish collected concluded death may have occurred because of gill trauma. The gills may have been damaged by debris associated with total suspended solids (TSS) that caused mechanical abrasion. TSS is also associated with negative effects on the spawning, growth, and reproduction of salmonids. Effects on salmonids will differ based on their developmental stage. TSS may affect salmonids by altering their physiology, behavior, and habitat, all of which may lead to physiological stress and reduced survival rates (Bash et al. 2001).

Wildlife and Stream Setback

Stream corridors provide important movement corridors for many species of wildlife, including bears and moose. Salmon spawning streams attract many brown bears and some black bears from May to October. Development near these feeding areas will have several predictable results. Some brown bears will avoid the feeding areas. Bears that use these areas are likely to be disturbed often, which may keep them from getting enough nutrition, which, in turn, determines whether they are able to survive the winter. Adequate nutrition also determines how many cubs a female can bear and the ability of the cubs to survive. Displacing bears from their traditional movement corridors into other areas could ultimately create more human-bear interactions.

21.07.020(6)(a) Development Standards

Any work that is conducted below the OHW of an anadromous stream will require a Fish Habitat Permit from the ADF&G, Division of Habitat. Also, any work below the OHW in a resident fish stream that may affect fish passage will require a Fish Habitat Permit from the Division of Habitat.

R-10 Residential Alpine/Slope District

The CDDPD recommended retaining the current standard of a 100-foot buffer in R-10 residential alpine/slope district. The mayor is proposing to reduce the setback to a 50-foot buffer. ADF&G opposes reducing the current code to a 50-foot buffer. Streams located in this district are first-order headwater streams. Both the physical environment and the biota of the aquatic system are largely determined by conditions on the surrounding land in first-order streams. Protection of the riparian zone by leaving stable buffer strips helps insure the integrity of the stream and its banks, and provides a long-term supply of large woody debris for desirable habitat features (Satterlund and Adams 1992). Steep slopes increase the runoff rate giving vegetation less time to slow and trap sediment before entering a stream. The sediment trapping efficiency of buffers can be expected to vary based on slope, soil infiltration rate, and other factors. A study concluded that as buffer slope increased from 11% to 16%, sediment removal efficiency declined by 7-38% (Dillaha et al. 1988). If frozen soil is present the infiltration rate is minimal. If the vegetation is removed adjacent to a diminished setback during land clearing activity, sheet erosion, rill erosion and mass wasting may occur. Because of these factors, wider buffers are needed on steep slopes to provide the same functions relative to moderately sloped areas. Thus, the 100-foot buffer in R-10 residential alpine/slope district should be retained.

Snow Storage within 10-feet of a Buffer

An additional allowed use has been added to Title 21.07.020(C), on-site snow storage piles in accordance with subsection 21.07.040F, Snow Storage Disposal. ADF&G is opposed to allowing the storage of snow within the outer 10-feet of the buffer. Snow collected during winter clearing operations may contain solid waste, sand, deicing/anti-icing compounds, oil, grease, metals (e.g., copper, lead, and zinc), antifreeze, and animal waste. The ability to control runoff and pollution from

snow melt through best management practices (BMP) is compromised by allowing snow storage within 10-feet of a stream. Disposal in close proximity to a stream will limit any dilution or retention of pollutants, particularly for those released in the early phases of snowmelt (ADOT&PF 2003). Chloride concentrations in snow storage meltwater have been measured up to 10,000 mg/L in Anchorage snow storage site meltwater (Wheaton and Rice 2003). The Alaska Department of Environmental Conservation (ADEC) BMP for snow storage sites recommends a minimum 50-foot wide vegetated buffer zone from streams. The ADEC states this distance could be decreased if adequate stormwater catchment methods are used to control pollutants.

The ADEC has classified snow-entrained debris as solid waste; without solids removal, direct disposal violates multiple state and federal laws. Under this classification, storage of urban snow also qualifies as solid waste storage. The Alaska Administrative Code (AAC) provides guidance regarding solid waste. Specifically, 18 AAC 60.010 states, "a person may not store accumulated solid waste in a manner that causes (1) a litter violation under 18 AAC 64.015; (2) the attraction or access of domestic animals, wildlife, or disease vectors; (3) a health hazard; or (4) polluted runoff water." Snow, gravel, and entrained debris that are placed below the OHW of a specified water body would be a violation of AS 16.05.871. ADF&G requests no snow storage within 50-feet of the OHW.

Because of the overwhelming evidence of the benefit of 50-foot wide buffers to filter pollutants, ADF&G is requesting the MOA retain the 50-foot buffer that was approved in the provisionally-adopted Title 21 code. ADF&G is also requesting the R-10 residential alpine/slope district 100-foot buffer be retained in the Title 21 code. Allowing snow storage within 10-feet of a stream will cause pollutants to enter a stream. ADF&G requests no snow storage to be allowed within 10-feet of a stream and recommends no snow storage within 50-feet of a stream.

Sincerely,



Joseph Giefer
Habitat Biologist

CC:

Will Frost, ADF&G Division of Habitat

Dan Bosch, ADF&G Division of Sport Fish

Jessica Coltrane, ADF&G Division of Wildlife Conservation

Mark Fink, ADF&G Division of Sport Fish

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Your Voice for Responsible Growth

February 1, 2012

Planning and Zoning Commission
Municipality of Anchorage
4700 Elmore Road
Anchorage, AK 99507

Dear Commissioners:

Thank you for considering these comments on proposed amendments to Title 21, Anchorage's land use code. It has been a decade now since the Title 21 revision process began, and we all welcome the light at the end of the tunnel.

The Anchorage Citizens Coalition formed in 1998, at an old fashioned town hall meeting attended by hundreds of citizens. ACC participated in the process from its start, through thick and thin. Partnering with the municipality in 2004, we facilitated months of public work sessions where citizens reviewed proposed changes in detail and came to consensus on recommendations. There have been many changes, many compromises, made since those early days.

We represent citizens' 'voice for responsible growth' and advocate for Anchorage as envisioned in our comprehensive plan. That has us working parallel to the Planning and Zoning Commission whose main role is to enforce Anchorage's adopted plans. When reviewing the proposed amendments to the Provisionally Adopted Title 21, the first consideration is how they promote the goals of our plans.

The community's most fundamental plan is our comprehensive plan whose core document states, "*Anchorage 2020* reflects the goals expressed by Anchorage citizens and approved by their representatives. Once adopted, the Plan becomes a public declaration of the policies that will guide decisions of the Municipal Assembly, the Planning and Zoning Commission ..." (p. 3)

It is required by state and municipal laws that our land use laws implement our comprehensive plan.

Our comprehensive plan lays out the most critical concern for our future,

“At current zoning ... the Anchorage Bowl's remaining vacant land and underdeveloped residential land could support about 20,700 additional dwelling



units. ... Anchorage should plan to provide for 31,600 more households...”
(*Anchorage 2020* p.25 and 26).

We must prepare to accommodate more people, homes and commercial development, and we need to do it in a way so Anchorage is more than just a cheap place to sleep. As Anchorage grow more dense, we must protect the city's quality of life, both to attract new businesses and take care of the families who are already living and working here. We are proud of our sub-arctic location and our surrounding wilderness. We have found ways to capture available sunshine summer and winter, and appreciate builders that go beyond the minimum to provide attractive landscaping and access to parks, outdoor spaces for walking and relaxing, front entrances that are easy to find and also provide shelter, and designs that complement neighborhoods and commercial districts.

How do Anchorage residents want that to be done? Development of *Anchorage 2020*, found “a broad consensus in favor of the urban features and neighborhood diversity ... and strong support was also given to the neighborhood enhancement elements ... ‘Business as usual’ planning and development practices ... were unpopular.”
(*Anchorage 2020* p.46)

In the modern world, a good looking city is good business. *Anchorage 2020* says “Community Vision: Business Support and Development: A quality of life and a financial climate that encourage businesses to start up, expand or relocate to Anchorage.” (*Anchorage 2020* p.40)

Some who have complained about the rewrite of Title 21 say that the city shouldn’t “pick the winners and the losers.” In fact, land use laws exist to protect the rights of *all* where the market mechanism fails. Too many of the proposed amendments to the Provisionally Adopted Title 21 tilt the careful balance that has been found over the past 10 years. The amendments pick winners and, too often, homeowners are the losers.

Now the community is considering a number of amendments, some of which are technical, others that can be considered surprises, and a number of which are clearly push back from those who prefer 'business as usual.' With proper regard to the goals, strategies and policies of our comprehensive plan, we offer the following comments.

Sincerely,



Cheryl Richardson
Director

TITLE 21 COMMENTS

Submitted to the Anchorage Planning and Zoning Commission

Prepared by the Anchorage Citizens Coalition

February 1, 2012

COMMUNITY MEETINGS

4. 21.03.020C.2. *Add new C.2.c. as follows:*

c. The applicant is encouraged to use the community council(s) meeting of the project area as the....

We support this change. Community Council meetings are often the best and easiest way to gather community input.

ACCOMMODATE EXISTING BUSINESS/INDUSTRIAL PARKS

8. 21.03.080F.* *Add new content for business/industrial park as a planned unit development conditional use; re-letter remaining sections.*

In general, this amendment appears appropriate. It leaves a risk that a large retail establishment could be part of the industrial park. The amendment would allow 35% of the development's gross floor area as retail. For the minimum 7 acres required, if it were built at a FAR (floor area ratio) of 1.0, that's potentially 103,000 sq. feet of retail that could be in one structure.

This should be restricted by a similar constraint as is proposed for retail in I-1 with a maximum of 20,000 sq ft to match the proposed commercial in I-1 in section 21.05.050H.7.b. *b. Use-Specific Standards.*

ELIMINATION OF MIDTOWN ZONING DISTRICTS (MT)

15. 21.03.200E.1. **Designation of commercial tracts shall be allowed only in the B-3,**

Eliminating midtown zoning districts, coupled with unrestricted heights allowed in B-3 zones wipes out height restrictions for midtown and allows the construction of tall towers that could shade yards and homes in midtown's established residential zones and the North Star neighborhood north of Fireweed.

In addition this action removes incentives, and actually creates disincentives for midtown property owners to rezone into the Regional Mixed Use district. Buildings zoned mixed use would have a lower height limit and more restrictive setbacks. The mixed use standards are needed to begin redeveloping midtown into a walkable employment center from its current status as a place where high



speed traffic overwhelms walking and biking, and landscaping and public open spaces are hard to find.

Comprehensive Plan Policy 10: Mixed-use development is encouraged within Major Employment Centers...

EXPEDITED CHANGE TO TITLE 21

17. 21.03.210B.5. Add new B.5.c. as follows:

Expediting changes to the code in cases where clear mistakes were made in the rewrite appears to be a practical response to likely issues. The proposed wording in amendment 17 is too broad.

Strike the phrase “or unintended consequences.” Interpreting those situations is exactly the type of thing the PZC should do.

Major changes to the code should use the approved amendment process.

17. 21.03.210B.5. Add new B.5.c. as follows:

c. If, during the first two years after [effective date], the director determines that an amendment to title 21 is needed to address conflicting provisions, inconsistencies, ~~or unintended consequences~~ associated with the Title 21 Rewrite Project (2002-2012), the director may forward a corrective amendment to the assembly, which may adopt the amendment without planning and zoning commission review. After the first two years, the director may apply this provision twice per year.

SINGLE FAMILY HOMES IN R3

21. 21.04.020H. Add new H.2. as follows:

2. District-Specific Standards

22. Allowing single-family homes in the R-3 multifamily district

See also: Amendment 49. 21.06.020 Table 21.06-1

We should be restrained in allowing Single Family homes in R-3 zones. The challenge posed for Anchorage’s future is that of providing 30% more dwellings than current zoning would allow. A change that seems reasonable today can greatly limit our ability to meet this challenge.

All multifamily zoned lands need to be preserved to meet future housing demands. The Comprehensive Plan requires an “amendment of multifamily zoning district regulations to eliminate low-density housing.”

Instead of allowing single family homes in R-3, some R-3 areas should be allowed to rezone to lower intensity use if indicated in an adopted Anchorage Bowl Land Use Plan Map.

Comprehensive Plan Policy 16: Adopt standards to ensure that new residential development provides for a variety of lot sizes and housing types for a range of households and age groups.

Comprehensive Plan Policy 17: Provide incentives for lot consolidation in infill/redevelopment areas in order to improve the design and compatibility of multi-family housing.

Comprehensive Plan Implementation Strategies: Minimum Residential Density – The objective of this strategy is to prevent the loss of increasingly scarce residential land to lower density uses ... The strategy would require multi-family properties to develop at a specified minimum number of housing units per acre to make efficient use of existing public services and facilities.

TRANSITION DISTRICT

30. 21.04.080H.* 21.04.070H. TR: Transition district

Given that the T district is to be retained until later, the wording in the T21 rewrite should match without changes the wording in the current T21. The proposed amendment is to retain the T district in current code, but then alters some of the wording from current code. Retain the existing T district until such time as issues relating to zoning at the airport are worked out between the Municipality and the Airport management.

COMMERCIAL USES IN INDUSTRIAL DISTRICTS

37. 21.05.050F.2.b.

Retain the PAT21 (provisionally adopted Title 21) restrictions on commercial uses in the Industrial I-1 districts. Wait until completion of the Anchorage Commercial Land Study and adoption of the Anchorage Bowl Land Use Plan Map to reexamine the uses allowed.

Anchorage 2020 provides guidance on this:

Comprehensive Plan Policy 21 All new commercial development shall be located and designed to contribute to improving Anchorage’s overall land use efficiency and compatibility, traffic flow, transit use, pedestrian access and appearance. To eliminate problems associated with strip commercial development, new commercial development shall adhere to the following principles:



New commercial development shall occur primarily within Major Employment Centers, Redevelopment/Mixed-Use area, Town Centers, and Neighborhood Commercial Centers....New strip commercial development is strongly discouraged.

Allowing commercial uses such as offices and grocery stores to locate in industrial zones conflicts with this.

Also,

Comprehensive Plan Policy 26 Key industrial lands, such as the Industrial Reserves designated on the Land Use Policy Map, shall be preserved for industrial purposes.

Cases before the Commission have shown practical problems with commercial and other non-industrial uses being incompatible with neighboring industrial uses. The impact of allowing commercial uses in I-1 limits the use of more land than the particular use may occupy. The Provisionally Adopted Title 21 allows a sensible limited amount of commercial uses within the I-1 district.

ACCESSORY DWELLING UNITS

43. 21.05.070C.g. Table 21.05-4* Add “ADU” as “P” in R-1, R-1A, and R-3.

45. 21.05.070D.1.b.iii.(B).* (B) Requirements for Developing an ADU

46. 21.05.070D.1.iii.(C).(1).*

Accessory Dwelling units are encouraged by Anchorage 2020 for offering a way to provide more low cost housing. Allowing ADUs in R-1 zoning is a big issue that Anchorage debated and rejected in 2007. This should be put on hold until after the PAT21 is adopted and this can be considered on its own.

Comprehensive Plan Policy 15 Accessory dwelling units shall be allowed in certain residential zones.

Comprehensive Plan Implementation Strategies – Accessory Units – With this strategy the Land Use Code is revised to allow accessory dwelling units ... Design standards for accessory units will be developed before such units are allowed.

75’ MAXIMUM HEIGHT IN PLI (public lands and institutions)

52. 21.06.020 Table 21.06-4*

This is opposed to the comprehensive plan’s goal of protecting neighborhood character.

PLI properties can be in the middle of residential areas. The 75’ height is very high for most districts. That’s up to 6 stories! A better requirement would be to

allow the height limit of the surrounding district unless approved by conditional use or through a master plan.

HEIGHT TRANSITIONS FOR NEIGHBORHOOD COMPATIBILITY 54 21.06.030D.8. 4.

Height transition requirements provide some protection to adjacent lower density neighborhoods. They move toward protecting property values and encourage more considerate placement of taller buildings on their lots when they are adjacent to residential neighborhoods. The Denali Tower North is one example of a high rise that blocks the sun onto a significant number of homes even 3 blocks away. But the Denali Tower would not be subjected to the height transition standard. More protection is needed.

Large cities such as Denver, Tacoma, and even Manhattan have successfully implemented zoning height transitions. Their experience shows that infill and redevelopment is more likely to succeed if neighborhoods are confident they will be protected through better building and site design. If Anchorage is to grow taller and more dense, it will need standards that ensure higher densities can be compatible in closer urban environments.

To maintain Anchorage's quality of life, our homes and sunlight must be preserved. But these proposed height transition standards will not protect homes if midtown's B-3 height limitations are eliminated.

Adopt changes that protect neighborhoods from new commercial development that would darken their yards and homes. Midtown's established residential zones and the North Star neighborhood north of Fireweed particularly need sunlight protection. Add the following language to the height transition section:

"In order to protect sunlight penetration in neighborhoods, proposed commercial buildings that might shadow a home in a residential zone shall meet the following standard:

New commercial construction and commercial redevelopment shall not shadow residentially zoned lots between *March 21 and October 21*, for the six hours between 9am and 3pm solar time."

(Note that this standard allows significant commercial shadowing between October 21 and March 21.)

If a proposed commercial project can show less overall residential shadowing using a different standard, the Planning and Zoning Commission may use the



alternative equivalent compliance or the conditional use process to adjust building placement and/or massing to mitigate and minimize the loss of sunlight to the affected residential properties.

Anchorage 2020 provides ample support for height transitions to protect neighboring uses from new development.

Comprehensive Plan Policy 7 Avoid incompatible uses adjoining one another.

Comprehensive Plan Policy 41 Land Use regulations shall include new design requirements that are responsive to Anchorage’s climate and natural setting.

Comprehensive Plan Implementation Strategies – Design Standards - This strategy responds to the need to be more efficient with land use, the importance of design in the economic success of urban areas, as well as the community’s desire to be more attractive, comfortable year-round, and reflective of our natural setting. It seeks to improve the appearance and function of developments, including their ability to respond to the specific northern city conditions of Anchorage such as **sun angles**, length of days, ... consider such things as **building scale and massing**, roof lines, ... building placement and orientation, natural light, ... (See the picture on p.96 of *Anchorage 2020*.)

STREAM SETBACKS

57. 21.07.020B.4.a.i.

Retain the setbacks from streams in the Provisionally Adopted T21.

Others will comment with more authority on scientific support for proper stream setbacks. The provisionally adopted 50-foot setback is much lower than the 100 foot minimum recommended in scientific literature.

The support for stream protection in our adopted plans is clear.

Comprehensive Plan Policy 66 Fish, wildlife and habitat protection methods shall be addresses in land use planning, design and development processes.

Comprehensive Plan Policy 67 Critical fish and wildlife habitats, high value wetlands, and riparian corridors shall be protected as natural open spaces, wherever possible.

Comprehensive Plan Policy 68 Water resources and land use planning shall be integrated through the development of watershed plans for Anchorage streams.

Comprehensive Plan Policy 70 The ecological and drainage functions of Anchorage’s aquatic resources shall be protected and, where appropriate, be restored.

The *Hillside District Plan*, adopted in 2010 as an element of the comprehensive plan, clearly states that “**Minimum setbacks** for watercourses identified on contemporary Municipality of Anchorage mapping **shall be fifty feet** horizontally from the ordinary high-water mark on each side of streams, and ten feet horizontally from the edge of each side of drainageways.” and that “**Setback standards adopted through this plan will be established in Title 21** of the municipal code.” If title 21 diminishes setbacks to 25’, the HDP must first be amended.

Creating lots of nonconformities is the biggest concern regarding increasing the setbacks from the 25’ typical under current code. That is not a real problem since the Provisionally Adopted T21 has special allowances for existing structures and undeveloped lots that are more generous than the usual requirements for nonconforming uses. The PAT21 says:

iv. Redevelopment of structures or uses existing on [effective date] is allowed in the setback where:

(A) The director determines there is no practical or feasible alternative to encroaching into the setback; and

(B) The redevelopment does not increase the encroachment over the existing situation.

v. On undeveloped platted lots existing before [effective date] where the director determines the setback precludes practical or feasible development of the lot, the director shall approve a site plan that allows but minimizes encroachment into the setback.

REDUCTIONS Of REQUIRED PRIVATE OPEN SPACE

61. 21.07.030B.1. through B.5.*

Do not reduce the PAT21’s minimal provision for private open space in residential and commercial properties.

Private open spaces complement the community's need for public open space and parks and serve similar purposes, maintaining our quality of life, sunlight penetration, public health, scenic views and improved quality of new development. In nonresidential development, private open space contributes to the walkability and general quality of the public realm, and provide employees and customers with space for active or passive recreation and relaxation.

But provisions to ensure that homes and businesses have adjacent or nearby open space have been whittled away over the last seven years, and the latest round of amendments whittle it even further. The latest amendments seek to put



a cap on the total square feet of private open space a development must provide instead of providing a percent of open space in proportion with the size of the development.

The standard started in 2004 at the nationally accepted levels of

- 30 percent of the total land area of residential development with 5 or more units,
- 15 percent of the total land area of commercial or mixed use development, and
- 10 percent of the total land area of industrial development

set aside for 'common private open space.' Private open space specific to each dwelling unit was not included in this standard.

Note that private common open space is so important, that a fee-in-lieu was not allowed. The space was to be required as part of every development.

By 2009, those numbers were whittled down to a small fraction of the 2004 standard:

- no private open space required for single-family, two-family and townhouse development,
- 480 square feet per dwelling unit in R-2M and R-2F districts *or* the equivalent of 5 percent of the area of 'group living uses.'
- 400 square feet per dwelling unit in R-3 districts. Half the space shall be 'common,' and again the equivalent of 5 percent of 'group living uses' shall be set aside.
- 225 square feet per dwelling unit in townhouse development in R-4 and R-4A districts exclusively for the dwelling unit, and
- 5 percent of the gross floor areas of nonresidential development in the B-3 and B-1A, RO, NMU, CMU, and RMU.
 - when dwelling units are included, add 120 square feet of private open space per dwelling unit

Downtown and midtown private open space requirements would be determined through their respective district plans.

Now within the latest round of amendments, the mayor proposes to

- allow residential common open space to be apportioned and used exclusively by individual dwelling units, thus *eliminating* shared places to play
- cap private open space at no more than 2000 square feet for the business districts.
- allow townhouse developments to provide no common private open space.

Private common open space is a basic building block in a city that is growing more dense and beginning to provide urban amenities that allow people to relax

and recreate together in sunny spots, linger in landscaped areas near their homes and provide attractive views of homes and yards from our public streets.

But Anchorage is squeezing this standard down to the choke point, and damaging the quality of life for people who will live in these new, more dense residential developments. We require far more space be dedicated to parking cars than for playing.

We ask the commission to recommend the private open space requirements enjoyed in other American cities, found in the Title 21: Land Use Planning (Module 3) PUBLIC REVIEW DRAFT – JUNE 2004 provided as Addendum 1.

There is clear guidance supporting open space requirements, “During the plan development, citizens identified the protection of natural areas and open space as a high priority.” (*Anchorage 2020* p.5)

Also,

Comprehensive Plan Policy 12 New higher density residential development ... shall be accompanied by the following:

a) Building and site design standards;

Access to multi modal transportation, to include transit, and safe pedestrian facilities; and, ...

Adequate **public or private open space** ...

CONNECTIVITY

62.1 21.07.060D.3.b.

62.2 21.07.060D.3.c. c. External Street Connectivity

62.3 21.07.060D.3.g. Add new subsection 3.g.

63. 21.07.060E.2.b. In all class A zoning districts, sidewalks shall be installed on both

Proposed amendments to eliminate the “connectivity index” are acceptable if they do not diminish the ability to walk and shorten driving trips.

Proposed amendments 62.1 and 62.2 appear to meet the requirements of the comprehensive plan if it includes the wording in sections ii and d.

Proposed amendment 63 to eliminate sidewalks on cul de sacs bulbs contradicts the clear direction of Anchorage 2020, In practical terms, it would create discontinuous sidewalks as there would be a missing connection between the street and a connection between cul de sacs.

The guidance of Anchorage 2020 to create a walkable city is abundant. Just a few examples follow.



Comprehensive Plan Policy 37 Design, construct and maintain roadways or rights-of-way to accommodate pedestrians, bicyclists, transit users, the disabled, automobiles and trucks where appropriate.

Comprehensive Plan Policy 38 Design, construct and maintain roadways or rights-of-way to promote and enhance physical **connectivity** within and between neighborhoods.

Comprehensive Plan Policy 54 Design and construct neighborhood roads and walkways to ensure safe pedestrian movement and **neighborhood connectivity**...

Comprehensive Plan Policy 55 Provide **pedestrian and trail connections** within and between residential subdivisions in new plats...

Comprehensive Plan Implementation Strategy Street Connectivity Standards – The objective of this strategy is to amend the municipal subdivision standards to ensure a **continuous network of streets and pathways**. The use of cul-de-sacs ... generally increase the distances that automobiles, pedestrians, and bicyclists must travel ...

LANDSCAPING

65.4 21.07.080E.6.d d. Parking Lot Interior Landscaping

68. 21.07.080E.5.f.* As an alternative to the street frontage site perimeter

69. 21.07.080F.5. Except as specifically allowed elsewhere in this title, no structure,

85. 21.07.110D.9.d. Landscaping area required by this section shall be planted ...

95. 21.08.030M.2. [IF A LANDSCAPING EASEMENT IS REQUIRED, NO MORE

Do not decrease landscaping standards.

Building design standards were decreased over the years in exchange for increased landscaping. The balance of the compromises will be destroyed if both landscaping and design standards are reduced. The new landscape requirements are a key Comprehensive Plan strategy to improve our city.

85. 21.07.110D.9.d. Landscaping area required by this section shall be planted with 0.2

Add wording for some kind of protection in the winter from plows, parking etc. Safe walking requires design features which clearly show pedestrian walkways. The most effective methods in a winter city are to provide structural definition to the walkway such as a raised walkway protected by vertical curbing or use of

physical barriers such as bollards. The Traffic Division supports the provisionally adopted standards for vertical curbing and bollards to protect pedestrians.

95. 21.08.030M.2. [IF A LANDSCAPING EASEMENT IS REQUIRED, NO MORE THAN 50 PERCENT OF SUCH EASEMENT SHALL COINCIDE WITH ANY UTILITY EASEMENT, PER

Purpose: Economic Impact Analysis (EIA) testing showed this provision to be unfeasible.

Deleting this wording lets the landscaping overlap the utility easement 100%. Most often the utility easement is on the property edge where the required landscaping would go. Utility easements often don't want trees under their wires and bushes over their stuff. The provision should be written so the goals of screening and buffering will be met in cases where the landscaping and utility easements overlap.

65.4 21.07.080.6.d Parking lot interior landscaping

The proposed changes almost cut in half the amount of interior landscaping required. This is clearly against the goals of the comprehensive plan. As we have seen increased interior landscaping in new parking lots, the vast improvement over stark unbroken asphalt is obvious. As we grow and develop every lot in Anchorage, the perimeter and interior landscaping in commercial areas will be the only vegetation.

The cost of the landscaping is far outweighed by the new code's decrease in required parking. That is part of the balance that has been found over the years of the rewrite. To now cut in half the minimal landscaping throws off that careful balance.

Anchorage 2020 says "citizens desired changes to ... Improve urban design (architecture, landscaping, streetscape ...) (p.37) The Community Vision is "A northern community built in harmony with our natural resources and majestic setting."(p.37) There is nothing natural or majestic about a barren parking lot.

MULTIFAMILY RESIDENTIAL BUILDINGS

84.3 21.07.090H.7.b. e.

Standards for multi family and townhouse development are expected and important goals of our comprehensive plan. The numerous policies cited previously make it clear that standards should be enough to make a real difference as Anchorage grows.

Through the process of writing Title 21, various structural design standards were reduced with some balance provided by increasing landscaping following the



notion that landscaping can hide lots of problems. To further decrease landscaping without any increase in other standards erodes the balance that was attempted.

Proposed amendment 84.3 to eliminate landscaping between garage doors is a significant decrease in the standards. This should be rejected or balanced by requiring that any decrease in parking area landscaping be replaced with an increase in perimeter landscaping.

PARKING COURTYARD

84.12 21.07.110D.6.

This may be a useful idea, but the idea of a “Parking Courtyard” having “an emphasis on pedestrians and play space” appears to be an oxymoron.

The change suggested below for A) includes the garage spaces in the calculation, otherwise the 8 units could far exceed to minimum parking requirements in 21.07.090. These courtyards would be used in urban developments where residents do not need as many cars. Without this change, the parking provided would dominate the courtyard so it would fail to meet the goals.

PARKING MULTIPLE USE COURTYARD

84.12 21.07.110D.6.d. d. Either:

- i. Connection to the street by walkways and/or the unit’s individual driveway; or
- ii. A parking courtyard which is pedestrian-oriented use the principles of “Woonerf Street” or “Play Street”, meeting the following conditions:
 - A). The parking courtyard serves no more than eight units and contains no more than 12 parking spaces (~~not~~ including garage spaces);
 - (B). The ~~parking~~ multiple use courtyard is a dead end and does not lead to other units or streets;
 - (C). An administrative site plan review is performed, unless a higher level of review is already required;
 - (D). A walkway is provided between the ~~parking~~ multiple use courtyard and the street—the access driveway does not qualify as a pedestrian walkway;
 - (E). A special paving scheme is applied, as approved through the review;
 - (F). The space is designed for both vehicles and people, with an emphasis on pedestrians and play space, as approved through the review; and
 - (G). The ~~parking~~ multiple use courtyard achieves the intent of this title for pedestrian access, as determined through the review.

Add this condition:

(H) Space in the multiple use courtyard will not qualify as required private open space.

**DESIGN STANDARDS FOR SINGLE AND TWO FAMILY HOMES
86. 21.07.110E. and F. Delete sections 21.07.110E. and 21.07.110F.**

Reject the proposal to delete all of the design standards for single family and two family homes. Leave the design standards in the Provisionally Adopted T21 as they are.

It's true that standards cannot create good design, but they can prevent the very bad design we have seen in many cases. Public opposition to developments generally springs from the fear of bad development that damages the character of the neighborhood and destroys property values. As we get more crowded, these issues will be more important.

These minimum design standards are very simple, and most developments already meet them. Neighborhoods deserve protection that all new construction will at least achieve these minimums with:

- a reasonable mix of housing models and house fronts along a street,
- entrances that are covered and protected from snow and ice,
- a visible walkway to the street and an entrance that is visible from the street,
- basic limits on garage doors' dominance of the public street,
- a small percent of the front wall will provide windows overlooking the street.

The requirement for significant design standards in *Anchorage 2020* is too frequent to ignore:

The discussion of the community vision “neighborhood Identity and Vitality: A variety of safe, pleasant and distinctive neighborhoods ...” (*Anchorage 2020* p.38) “Northern City: Well planned development based on a design aesthetic that create a sense of place and incorporates Anchorage’s unique northern setting.” (p.38)

“Planning Principles for Design and Environment ... Improve architectural quality of commercial development through **design standards** ... Encourage architectural design that is responsive to our northern climate and seasonal light conditions. ... Adopt design standards that are suited to a northern urban environment ... **Adopt standards** that minimize negative impacts from adjacent incompatible land uses ... Establish flexible building and **design standards** ...” (*Anchorage 2020* p.65)



Comprehensive Plan Policy 12 New higher density residential development ... shall be accompanied by the following:

a) Building and site **design standards**;

Access to multi modal transportation, to include transit, and safe pedestrian facilities; and,

Adequate public or private open space ...

Comprehensive Plan Policy 16 Adopt standards to ensure that new residential development provides for a variety of lot sizes and housing types for a range of households and age groups.

Comprehensive Plan Policy 41 Land Use regulations shall include **new design requirements** that are responsive to Anchorage's climate and natural setting.

Comprehensive Plan Policy 46 The unique appeal of individual residential neighborhoods shall be protected and enhanced ...

Comprehensive Plan Policy 52 Site and design residential development to enhance the residential streetscape and diminish the prominence of garages and paved parking areas.

Comprehensive Plan (2002 amendment) Policy 99 Incorporate crime prevention and other public safety needs into the design of residential and commercial areas, individual buildings, and public facilities. Use **design standards** to improve natural surveillance, residents' sense of ownership and control of the neighborhood, and overall public safety through appropriate environmental design.

Design for Public Safety - This strategy responds to the need to incorporate crime prevention, natural hazard mitigation, and other public safety needs into the design of residential and commercial areas, individual developments and buildings, and public facilities. It seeks to increase public safety by preventing crime and mitigating potential hazards through appropriate physical design of neighborhoods, commercial districts, and other areas. For instance, evidence and experience nationwide shows that the application of certain techniques in urban design can discourage crime in an area by providing a physical setting that increases natural surveillance and a sense of territorial ownership by neighborhood residents. This strategy is compatible (and mutually reinforcing) with "Design & Environment" policies for attractive residential neighborhoods, mixed use areas, and town centers. The "Design for Public Safety" strategy is to be implemented as an integral component of the broader "Design Standards" strategy.

Comprehensive Plan Implementation Strategies – Affordable Housing –
The objective of this strategy is to remove regulatory impediments that increase

housing costs without clear and convincing public benefit. However, it is not designed to result in the addition of structures that are insensitive to community design expectations or are of reduced quality ... **Design standards** for affordable housing will be developed before additional units are encouraged.

Comprehensive Plan Implementation Strategies – Design Standards - This strategy responds to the need to be more efficient with land use, the importance of design in the economic success of urban areas, as well as the community’s desire to be more attractive, comfortable year-round, and reflective of our natural setting. It seeks to improve the appearance and function of developments, including their ability to respond to the specific northern city conditions of Anchorage such as sun angles, length of days, wind, cold, snow and rain. This strategy calls for the creation of **site and building design guidelines and standards**. The design standards and guidelines would consider such things as building scale and massing, roof lines, windows, entries, pedestrian access, parking lot design, storm water run-off, building placement and orientation, natural light, wind, landscaping, indoor and outdoor lighting, public spaces, and outdoor furniture. ...

Comprehensive Plan Implementation Strategies – Small-Lot Housing – The objective of this strategy is to substantially modify the cluster housing or townhouse standards to promote efficient use of residential land that conserves sensitive environmental areas and protects or enhances neighborhood quality. The revisions would include minimum site **design standards**, revised open space definitions and minimum requirements, and **building site placement standards**...

Design standards are well supported by Anchorage 2020, but the PAT21 offers flexibility with the “Alternative Compliance” routine in 21.07.010.1.D. This opens the door for all kinds of buildings that meet the goals of the comprehensive plan.

D. Alternative Equivalent Compliance

1. Purpose

Alternative equivalent compliance is a procedure that allows development to meet the intent of the design-related provisions of this chapter through an alternative design. It is not a general waiver or weakening of regulations. Rather, the procedure permits a site specific plan that is equal to or better than the strict application of a design standard specified in this title. This procedure is not intended as a substitute for a variance or administrative modification or as a vehicle for relief from standards in this chapter.

The design standards from single family homes and two family homes in the Provisionally Adopted T21 are minimal. Few builders stoop that low. The standards are simply to prevent the very worst development.

PUBLIC OPEN SPACE

ACC recommends amending the Provisionally Adopted Title 21 by restoring requirements to provide public open space or a fee-in-lieu as part of their projects.

In comprehensive plan public hearings, citizens clearly stated they wanted to protect natural resources. Anchorage's open spaces are among its greatest treasures. As the city grows through infill and redevelopment, we will need more open space to maintain our quality of life, recreation opportunities, sunlight penetration, natural areas and resources, public health, scenic views of our mountains and inlet and improved quality of new development in the city.

Developers profit from Anchorage's infrastructure, including its schools and parks. But when their new construction increases demand on this infrastructure, they ask all taxpayers to pay. Taxpayers should not have to shoulder that entire burden.

Most cities require developers to pay "impact fees" when their new construction or redevelopment will increase the community's capital costs. About 60 percent of all cities with over 25,000 residents and almost 40 percent of all metropolitan counties use some form of impact fees. In California and Florida, the extent of cities and counties using impact fees is at 90 and 83 percent, respectively.¹ It is unfortunate that Anchorage's developers are not paying their fair share of Anchorage's infrastructure costs.

The earliest public review draft of Title 21 contained requirements for developers building ten or more residential units to provide at least 10 acres of public open space for every new 100 residents. The chosen lands were to be suitable for the development of active play areas, passive uses, trails, or in some cases to preserve unique landforms or natural areas. If suitable lands were not available, the developer would pay a 'fee-in-lieu' to local government.

During the many years of the Title 21 rewrite, Impact Fees fell by the side and were replaced with direct requirements for new development to provide public or private open space. With every draft, that requirement has been diminished.

¹ <http://www.impactfees.com/faq/general.php#>

Anchorage Citizens Coalition seeks to ensure that developments pay their fair share of costly impacts on Anchorage's infrastructure by either providing a modest amount of public open space for their new construction or pay a fee in lieu of that open space to local government. In that way, local government will have sufficient resources to provide additional open space as the community becomes more dense and maintain Anchorage's quality of life.

This requirement would apply to residential developments of 10 or more residential units.

Comprehensive Plan Policy 77 states “... new development should be required to pay a portion of its own infrastructure and for impacts on other public infrastructure elements.”

In the discussion of development strategies, *2020* says: **Impact Fees** – The concept behind this strategy is that new development will pay its own way with Impact Fees. New development contributes to a more equitable funding of associated capital costs of shared public facilities such as schools and parks, which reduces the burden on other residents for such improvements. This strategy is used in many local governments in the Lower 48.

Recommended amendment language comes from *Title 21: Land Use Planning (Module 3) PUBLIC REVIEW DRAFT – JUNE 2004* and it is shown below as Addendum 1.



ADDENDUM 1: PRIVATE OPEN SPACE AMENDMENT

Chapter 21.07: Development and Design Standards Sec.21.07.030 Open Space

C. Private Open Space

Page and line numbers are preserved, but page formatting was changed for clarity.

1. Purpose

34 Private common open space is private open land area set aside for the
35 exclusive use and enjoyment of a development's residents, employees, or
36 users. Goals and requirements for common open space complement this
37 Title's requirements for dedicated open space and parks, and serve similar
38 purposes.

2. Applicability

28

39

40 All development in the Municipality shall be required to set aside a portion
of

41 land as private common open space according to the following requirements:

Page 27

1 a. Residential development containing five or more units: 30 percent of
2 total land area.

3 b. Commercial/Mixed-Use development: 15 percent of total land area.

4 c. Industrial development: 10 percent of total land area.

5 3. Standards

6 a. Locational Criteria

7 To the maximum extent feasible, where significant natural and scenic
8 resource assets exist on a property, the subdivider, developer, or
9 owner shall give priority to their preservation as private common open
10 space. In reviewing the proposed location of private common open
11 space areas, the Director shall use all applicable plans, maps, and
12 reports to determine whether significant resources exist on a
13 proposed site that should be protected, with priority being given to the
14 following areas (which are not listed in a particular order):

15 i. Wetlands;

16 ii. Flood Hazard Overlay District;

17 iii. Lakes, rivers, and stream/riparian corridors;

18 iv. Wildlife migration corridors;

19 v. Areas with average slopes over 20 percent; and

20 vi. Tree retention areas.

21 b. Areas Not Credited

22 Lands within the following areas shall not be counted towards
23 required private common open space set-aside areas:

24 i. Private yards;

25 ii. Public or private streets or rights of way;

26 iii. Open parking areas and driveways for dwellings; and

27 iv. Land covered by structures not intended solely for

28 recreational uses.

29 c. Use of Common Open Space Areas

30 Common open space areas shall not be disturbed, developed, or
31 improved with any structures or buildings, except for the limited
32 purposes allowed below:

33 i. Facilities for active recreation (equipment for such uses shall
34 be indicated on the site and/or subdivision plan provided by
35 the developer);

Page 28

1 ii. Common open space areas may include passive recreational

2 and educational purposes approved by the Director, including

3 but not limited to walking, biking, picnicking, fishing,

4 preservation of natural areas and scenic resources, parks,

5 environmental education, and wildlife habitat protection.

6 iii. Clearing of underbrush and debris and the provision of walks,

7 fountains, fences, and other similar features are allowed.

8 d. Design Criteria

9 Land set aside for private common open space shall meet the
10 following design criteria, as relevant:

11 i. Common open space areas shall be distributed throughout

12 the development and located so as to be readily accessible

13 and useable by residents, unless the lands are sensitive

14 natural resources and access should be restricted. A portion

15 of the open space should provide focal points for the

16 neighborhood.

17 ii. The lands shall be compact and contiguous unless the land

18 shall be used as a continuation of an existing trail, or specific

19 topographic features require a different configuration. An

20 example of such topographic features would be the provision

21 of a trail or private open area along a riparian corridor.

22 iii. Where private common open space areas, trails, parks, or

23 other public spaces exist adjacent to the tract to be

24 subdivided or developed, the private common open space

25 shall, to the maximum extent feasible, be located to adjoin,

26 extend, and enlarge the presently existing trail, park, or other



27 open area land.

28 e. Ownership

29 All private common open space areas shall be owned jointly or in
30 common by the owners of the development.

31 f. Fee In Lieu Prohibited

32 The payment of fees, in lieu of the set-aside of land for private
33 common open space uses, is prohibited.

ADDENDUM 2: PUBLIC OPEN SPACE AMENDMENT

Recommended amendment language comes from *Title 21: Land Use Planning (Module 3) PUBLIC REVIEW DRAFT – JUNE 2004* and it is shown here as Addendum 2

Page and line numbers are preserved, but page formatting was changed for clarity.

21.07.030 OPEN SPACE

14

15 A. Purpose

16 This Section 21.07.030 is intended to ensure that open space and natural
areas

17 throughout the Municipality are considered and protected during the
development

18 review process. Open space serves numerous purposes, including
preservation of

19 natural areas and resources, preservation of scenic views, greater resident
access to

20 open areas and recreation, public health benefits, and enhancement of the
quality of

21 new development in the Municipality.

B. Public Open Space Dedication and Fees In-Lieu

23

22

1. Purpose

24 This subsection 21.07.030.B. is intended to provide land or fees in-lieu of
land

25 for park, trail, and open space demand generated by new residential
26 subdivisions. In general, these lands shall be suitable for the development of
27 active play areas, passive open areas, trails, or in some instances to preserve
28 unique landforms or natural areas. Where no suitable land is available,
based

29 on subsection 21.07.030.B.4. below, Characteristics of Land to be
Dedicated,

30 fees in-lieu of land or the equivalent monetary value may be substituted at
the
31 Municipality's discretion.

2. Applicability

33 An applicant for any development that includes ten or more residential units
34 shall be required to dedicate a portion of land per individual unit, or pay a
fee
35 in lieu thereof pursuant to this subsection 21.07.030.B.

3. Amount of Park Land to be Dedicated

37 At least ten acres per 1,000 projected residents. (23)

Chapter 21.07: Development and Design Standards

Sec.21.07.030 Open Space

Page 23

4. Characteristics of Park Land to be Dedicated

2 Except as otherwise required by the Platting Authority at the time of
3 preliminary plat approval, all dedications of land under this section shall meet
4 the following criteria. These criteria should be considered general guidelines
5 to ensure that the dedication of land is suitable for open space or park
6 development.

7 a. Locational Criteria

8 To the maximum extent feasible, where significant natural and scenic
9 resource assets exist on a property, the subdivider, developer, or
10 owner shall give priority to their preservation through public land
11 dedication. In reviewing the proposed location of public land
12 dedication areas, the Director shall use all applicable plans, maps,
13 and reports to determine whether significant resources exist on a
14 proposed site that should be protected, with priority being given to the
15 following areas (which are not listed in a particular order):

16 i. Wetlands;

17 ii. Flood Hazard Overlay District;

18 iii. Lakes, rivers, stream/riparian corridors, and drainageways;

19 iv. Wildlife habitat and migration corridors; and

20 v. Areas with average slopes over 20 percent.

21 b. Unity

22 The dedicated park land shall form a single parcel of land, except
23 where the Platting Authority determines that two or more parcels
24 would be in the best interest of the public, given the type and
25 distribution of open spaces needed to adequately serve the proposed
26 development. In such cases, the Platting Authority may require that



27 such parcels be connected by a dedicated strip of land at least 30
28 feet in width.

29 c. Usability

30 At least 50 percent of the total land dedicated, if intended primarily for
31 active recreational use, shall be located outside the Flood Hazard
32 Overlay District, alluvial soils, lakes, or other water bodies, and areas
33 with slopes greater than 15 percent, and at least 75 percent of the
34 total land dedicated shall be located outside of wetlands. Lakes,
35 ponds, creeks, or other water bodies, and wetlands may be dedicated
36 only if sufficient abutting land is dedicated as a public recreation area
37 or park or if such area constitutes a necessary part of the drainage
38 control system. Land dedicated only for greenways need not follow
39 the requirements of this subsection.

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2004

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1 d. Location

2 The dedicated park land shall be located so as to reasonably serve
3 the recreation and open space needs of residents of the subdivision
4 and to comply with the Comprehensive Plan. The dedicated park
5 land may be located outside of the residential development in order to
6 comply with the currently approved long-range recreational plans, to
7 add property to existing park land, or to combine land dedication
8 efforts with those of other developments.

9 e. Access

10 Public access to the dedicated land shall be provided either by
11 adjoining public street frontage or by a dedicated public easement, at
12 least 30 feet wide, which connects the dedicated land to a public
13 street or right-of-way, unless the land being dedicated is a sensitive
14 environmental area to which access should be restricted for
15 preservation purposes. Gradients adjacent to existing and proposed
16 streets shall allow for reasonable access to the dedicated land.
17 Where the dedicated land is located adjacent to a street, the
18 subdivider shall remain responsible for the installation of utilities,
19 sidewalks, and other improvements required along that street
20 segment. Public access to greenway dedications only shall be at
21 least 20 feet wide.

22 f. Topography

23 The average slope of the portion of dedicated land deemed usable for
24 active recreation shall not exceed the average slope of the entire
25 subdivision to be developed. In no case shall a slope on the usable

26 portion of dedicated land exceed 15 percent.

27 g. Areas Not Eligible

28 Lands within the following areas shall not be accepted for public/open
29 space dedication:

30 i. Private yards;

31 ii. Public or private streets or rights of way;

32 iii. Open parking areas and driveways for dwellings; and

33 iv. Land covered by structures not intended solely for
34 recreational uses.

35 5. Procedure for Dedication of Park Land

36 The dedication of such land shall be reviewed and approved as part of the
37 preliminary plat. The subdivider shall designate on the preliminary
38 subdivision plat the area or areas of land to be dedicated pursuant to this
39 section. Where wetlands have been certified to exist on the property, the
40 preliminary subdivision plat shall also identify the boundaries of such
41 wetlands.

42 6. Submission of Deed and Survey

43 Unless otherwise stipulated in a subdivision agreement, the conveyance of
44 dedicated land to the Municipality shall be by warranty deed, and the title
shall

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1 be free and clear of all liens and encumbrances, including real property taxes
2 prorated to the time of conveyance. The deed shall be submitted no later
3 than two years after the approval of a phase's preliminary plat, or by the time
4 that 50 percent of the Certificates of Occupancy for that phase have been
5 issued, whichever is earlier. The Platting Authority may grant an extension of
6 time after the initial two years after subdivision plat or master plan approval
7 has elapsed.

7. Payments of Fees In-lieu of Land Dedication

8

9 a. General

10 The payment of fees, in lieu of the dedication of land described above
11 under subsections 21.07.030.B.1. through 6. above, may occur at the
12 request of the Municipality or the subdivider. The payment of fees in
13 lieu of land dedication also may be required by the Platting Authority



14 at the time of preliminary plat approval upon finding that all or part of
15 the land required to be dedicated under this section is not suitable for
16 public recreation and open space purposes, or upon finding that the
17 recreational needs of the proposed development can be met by other
18 park, greenway, or recreational facilities planned or constructed by
19 the Municipality within reasonable proximity to the development, or
20 upon finding that existing park land is adequate to serve the
development.

26

21

22 b. Procedure for Approval

23 The payment of such fees in lieu of land dedication shall be reviewed
24 and approved as part of the preliminary plat. Any subdivider wishing
25 to make such payment shall attach to the application for preliminary
26 plat approval a letter requesting the payment of fees in lieu of land
27 dedication. Upon receipt of the preliminary subdivision plat, the
28 Director shall submit a copy thereof, along with the letter, to the
29 Platting Authority. In the event of a dispute between an applicant who
30 wants to make payment in lieu, and a recommendation by the Platting
31 Authority that facilities should be provided, the Planning and Zoning
32 Commission shall make the final determination.

33 c. Time of Payment

34 The fees in lieu of dedication shall be paid prior to recording any lot(s)
35 in the subdivision to which the fees relate.

36 d. Amount of Payment

37 i. Where payment to the Municipality is to be made in lieu of
38 dedication of land as permitted by this section, the
39 subdivider/developer shall provide to the Municipality, at the
40 subdivider/developer's cost/expense, a current written
41 appraisal of the fair market value of the unimproved land that
42 otherwise would be conveyed. Each appraisal shall be
43 performed by an Alaska-licensed real estate appraiser.

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1 ii. The Platting Authority may waive the requirement of an
2 appraisal where the subdivider/developer provides to the
3 Municipality documentation evidencing the fair market value
4 of the subject property, which in the opinion of the Platting

5 Authority reasonably estimates the land's fair market value.
6 iii. The appraisal or documentation of the land's fair market
7 value, along with other evidence that, in the Municipality's
8 opinion, aids in the determination of fair market value, may be
9 used in the determination of the amount of any payment in
10 lieu of land dedication permitted by this section.
11 iv. Nothing in this section shall limit or preclude the Platting
12 Authority from requiring a written appraisal.

13 e. Disagreements As To Amount

14 In the case of disagreement between the Municipality and the
15 applicant regarding the fair market value of the property, such
16 determination shall be made by a special appraisal committee
17 consisting of one professional appraiser appointed by the Director,
18 one professional appraiser appointed by the applicant, and one
19 professional appraiser appointed by the first two committee
20 appointees. This committee shall view the land and hear the
21 contentions of both the Municipality and the applicant. The findings of
22 the committee shall be by a majority vote and shall be certified to the
23 Platting Authority in writing within 30 days of the date the third
24 member is appointed to the committee. The costs of the appraiser
25 appointed by the applicant shall be borne entirely by the applicant;
26 the Municipality shall bear all other costs associated with the
27 committee.

28 f. Use of Funds

29 All monies received by the Municipality pursuant to this section shall
30 be used only for the acquisition or development of parks, open space
31 sites, and related facilities.



Title 21 Rewrite

From: triana slatter
Sent: Thursday, February 02, 2012 11:27 AM
To: Title 21 Rewrite
Subject: Sharing our ideas on Title 21
Attachments: T21 no more compromise 2-1-12-1.pdf

Sorry I forgot to sent this too you.

Thought it got sent to you back when we created it a few months ago and sent it to the assembly; but can't find the email on it, so I am sending it now.

It is a quick summary of our ideas on the different amendments being discussed. Hope this makes it in time, and hope it helps.

It is a quick reminder that the Current Provisionally adopted Title 21 already has many compromises in it from 8 years of public testimony before reopening it up again. And we are hoping all of you are honoring and accounting for that as you start this new round of hearing new public testimony on the already compromised amendments as well as some new ideas & amendments that are being introduced for the first time.

Thank you very much.

Triena L. Slatter
Adopt Title 21 Coalition Member
Transition Anchorage Steering Committee Member
Concerned Citizen
907-830-0775
tlslatter@gmail.com

No More Compromise.

ADOPT TITLE 21

A CHRONOLOGY OF COMPROMISES

- The Title 21 Rewrite project was started in 2002 to implement citizens' vision for Anchorage's future as presented in our adopted Comprehensive Plan.
- There have been five drafts. Countless staff and volunteer hours have gone into reviewing and changing the various drafts. The extensive public process has been open to everyone. Along the way, many, many compromises were made that took us far from the aspirations of our Comprehensive Plan.
- There have been multiple public hearings at the Planning & Zoning Commission and the Assembly. At each stage, compromises were made that usually had the goals of the Comprehensive Plan in retreat including public open space, access to sunlight, protection of mature trees, safe and convenient walking.
- The Assembly's Title 21 Committee painstakingly reviewed, analyzed, and frequently changed drafts of the code.
- By the summer of 2010, all but one of the fourteen chapters had been provisionally adopted by the Assembly.
- "Provisionally Adopted" means the final draft was found to be acceptable to the Assembly.
- In the summer of 2010, the mayor hired Dan Coffey to review the Provisionally Adopted code. Mr. Coffey turned in his report in June of 2011.
- On October 19, the mayor released his long awaited proposal to amend the Provisionally Adopted Title 21 based on Mr. Coffey's work.
- Most of Mr. Coffey's proposals were rejected. Out of 37 "major issues," the mayor recommended "no change" from the Provisionally Adopted code for 22, and another 3 have only minor changes. Other recommendations will significantly erode Title 21's support for the type of town citizens expect.
- As we move forward, we must avoid the myopic focus on immediate small cost increases and look instead at the lower long term costs and the improved quality of life. The past approach has proved unsustainable and has not been supported by citizens of Anchorage, nor has it proved to be successful across the country.

WE DRAW THE LINE HERE

- Reject the mayor's proposal to delete all of the design standards for single family homes.
 - The standards are minimal as they have been continuously chopped away through 8 years of public process.
 - Most builders already far exceed proposed minimal standards.
 - The lowest quality builders create a competitive environment that drags down the quality of all builders.
 - The standards allow choices through a (already watered down) menu system.
 - Innovative designs are allowed under the "Alternative Compliance" routine.

- Allowing “the market” to decide the minimums will not protect the value of your home from “snout houses.” Plain boxes that look like homes for cars can be built in established traditional neighborhoods bringing down the value of all the homes.
 - The intent of the standards is to offer minimal protection to neighborhood aesthetics and home values.
 - Required vegetation is increasingly needed as we clear and develop every available lot.
 - Design standards are specifically required in the Comprehensive Plan.
 - (And no, there are no rules on paint colors!)
- Reject the mayor’s proposal to decrease setbacks from streams to 25’ from the proposed 50’ to 100’ in the Provisionally Adopted code.
 - After considerable research, discussion, review and compromise with the T21 subcommittee, the provisionally adopted 50-foot setback is much lower than the 100 foot minimum recommended in scientific literature.
 - Stream setbacks average 100-feet nationwide.
 - In Alaska: Soldotna has a 100-foot setback, the Mat-Su Borough has a 75-foot setback, and both Juneau and Homer have 50-foot setbacks.
 - Stream setbacks are necessary to control floodwaters, provide water quality treatment by capturing and filtering pollutants, protect base stream flows to reduce threats of flash floods, maintain stream stability preventing channel migration and maintain stream health for fish and wildlife habitat.
 - Anchorage’s existing 25’ setback came about because of politics, compromise and what was acceptable in the mid 1980’s—not from scientific or practical findings.
 - Nationally, the economic benefits of streamside protection are well documented indicating higher home values near streams and greenbelts (15% higher in Anchorage) and better quality of life rankings, which attract potential businesses and homeowners.
 - Reduced setbacks create issues of increased peak runoff (floodwaters, storm water) entering streams resulting in flash floods increased erosion and sedimentation.
 - The proposed change causes increased financial hardships for property owners and the Municipality, as well as being detrimental to property, infrastructure and habitat.
 - Reject the mayor’s proposal to delete height restrictions in the B-3 zones in Midtown unless strong protections for residential sunlight are in place.
 - Allowing tall buildings to cast shadows on homes picks winners and losers and the losers are homeowners.
 - Reject the mayor’s proposal to increase the allowed commercial uses (that means “stores”) in the Industrial I-1 zones. Wait until completion of the Anchorage Commercial Land Study and adoption of the Anchorage Bowl Land Use Plan Map, to reexamine the uses allowed.
 - Anchorage 2020 Policy #26 clearly states: “Key industrial lands, such as the Industrial Reserves designated on the Land Use Policy Map, shall be preserved for industrial purposes.”
 - Commercial and other non-industrial uses in industrial zoning districts can be incompatible with neighboring properties.
 - The provisionally adopted Title 21 already allows a limited number of commercial uses to occur within the I-1 district that support or are compatible with industrial uses.
 - Allowing certain commercial uses such as offices and grocery stores to locate in industrial zones results in further sprawl and traffic congestion.
 - Anchorage 2020 policy #21 directs new commercial development to locate primarily within Major Employment Centers, Redevelopment/Mixed-Use Areas, Town Centers, and Neighborhood Commercial Centers.

- Reject the mayor’s proposal to reduce private open space requirements. An earlier compromise allowed nonresidential developments to reduce their parking requirements if they provide some additional private open space. The mayor proposes deleting this and modifying other wording regarding open space.
 - The provisionally adopted section replaces the current Title 21 “usable yard” regulations with a “private open space” requirement that focuses on improvements in quality and usability, and avoids requiring more area than current code.
 - The provisionally adopted Title 21 does not substantially increase the amount of area required, and allows less space but encourages higher quality space
 - The provisionally adopted code also explicitly allows rooftops, balconies, and atriums to count as private open space.
 - We still need to see the precise language that is proposed.

- Reject the mayor’s proposal to delete the connectivity index needed for easier walking and biking. Approve T21 as it is and propose a clearly written alternative later.
 - When neighborhoods are connected, it encourages more walking and biking, better health for its citizens, and a greater sense of community.
 - Administrative relief is written into the provision to account for situations that make it impossible to meet the standard.
 - The connectivity index makes sure there are adequate vehicle routes in and out of neighborhoods so traffic does not clog just a few routes and intersections. The index also provides more options for bicyclist and pedestrians to move in and between neighborhoods.
 - The connectivity index allows the subdivision designer great flexibility to design the road system, as long as the number of intersections and the number of links meets the required ratio.
 - (C’mon, the math required is really simple. You can do it!)

- Reject changes that diminish neighborhood protection height transitions.
 - In Alaska’s northern climate, tall buildings have more extreme shadowing and day-lighting impacts to surrounding areas that affect gardens, warmth, and how we use our yards. Height transition standards between different building types protect property values and investments in residential property, and full enjoyment of residential lots.
 - Neighborhood protection transitions become more important as the demand for infill and redevelopment grows next to existing residential neighborhoods.
 - The height transition standard improves the compatibility of higher intensity development with adjacent lower density neighborhoods by guiding where building bulk is placed on a lot. It protects property values on both sides of the fence.
 - Years of testing and refinement over a series of drafts have calibrated the height transition to avoid impacting the development potential of a subject commercial lot.
 - Experience elsewhere demonstrates that an infill/redevelopment strategy has a greater chance of success if neighborhoods have confidence they will be protected through better building and site design.

- Reject the mayor’s proposal to eliminate sidewalks on cul-de-sacs.
 - Removing sidewalks is a setback to Comprehensive Plan policies for pedestrian environment and connectivity.
 - Sidewalks should be required along both sides of public streets for all types of developments in class A zoning districts, including cul-de-sacs.
 - Public streets through areas of institutional and industrial developments will have pedestrians as well as commercial or residential areas. Institutional uses, in particular, such as churches and schools, can have fairly high levels of pedestrian activity.

- Reject any language that would decrease landscaping standards when the mayor’s proposal to rewrite the section is implemented.
 - The provisionally adopted landscaping section is the result of hundreds of hours of citizens’ time spent reviewing and commenting on the section, staff research and review of drafts with a committee of landscape architects, response to comments received from the public, including comments from the American Society of Landscape Architects, and review and changes to the section made by the Urban Design Commission, Planning & Zoning Commission, and the Municipal Assembly.
 - Building design standards were decreased over the years in exchange for increased landscaping. The balance of the compromises will be destroyed if both landscaping and design standards are reduced.
 - A new landscape ordinance is a key Comprehensive Plan strategy to improve our city.

- Reject language that decreases standards for multi family and townhouse development.
 - The Anchorage Police Department recognizes and encourages the public safety value in street facing windows and visible and accessible entries.
 - “Eyes on the street” help deter criminal activities in neighborhoods.
 - A 15 percent window requirement is modest and practical. It can be easily met, and represents the lowest percentage that achieves the objectives for the project.
 - Developers who propose multifamily projects near existing neighborhoods face opposition from the local community because there are few minimum standards to guarantee development will be compatible with the existing neighborhood character.

- Watch out for language that would allow expedited changes to the code in cases where clear mistakes were made in the rewrite.
 - This change could be good if worded so the cases where it would be applied are limited. Changes would be made case by case, and not allowed to apply sweepingly across all other sections of the code.
 - Major changes to the code should use the approved amendment process.

- Watch out for language allowing Single Family homes in R-3 zones
 - With the low vacancy rate for rental housing in Anchorage today, all multifamily zoned lands need to be preserved to meet future housing demands.
 - The Comprehensive Plan requires an “amendment of multifamily zoning district regulations to eliminate low-density housing. Design standards for minimum residential density development will be developed before this strategy takes affect.” The provisionally adopted code recommends a baby-step towards meeting this policy—namely the removal of detached single family housing as an allowed use in the R-3 district.
 - While there are several areas currently zoned R-3 that should be designated for a lower density, these are a geographic issue to be addressed by the draft Anchorage Bowl Land Use Plan Map.

Title 21 Rewrite

From: Johanna Eurich
Sent: Thursday, February 02, 2012 12:43 PM
To: Title 21 Rewrite
Subject: titel 21

A CHRONOLOGY OF COMPROMISES

- The Title 21 Rewrite project was started in 2002 to implement citizens' vision for Anchorage's future as presented in our adopted Comprehensive Plan.
- There have been five drafts. Countless staff and volunteer hours have gone into reviewing and changing the various drafts. The extensive public process has been open to everyone. Along the way, many, many compromises were made that took us far from the aspirations of our Comprehensive Plan.
- There have been multiple public hearings at the Planning & Zoning Commission and the Assembly. At each stage, compromises were made that usually had the goals of the Comprehensive Plan in retreat including public open space, access to sunlight, protection of mature trees, safe and convenient walking.
- The Assembly's Title 21 Committee painstakingly reviewed, analyzed, and frequently changed drafts of the code.
- By the summer of 2010, all but one of the fourteen chapters had been provisionally adopted by the Assembly.
- "Provisionally Adopted" means the final draft was found to be acceptable to the Assembly.
- In the summer of 2010, the mayor hired Dan Coffey to review the Provisionally Adopted code. Mr. Coffey turned in his report in June of 2011.
- On October 19, the mayor released his long awaited proposal to amend the Provisionally Adopted Title 21 based on Mr. Coffey's work.
- Most of Mr. Coffey's proposals were rejected. Out of 37 "major issues," the mayor recommended "no change" from the Provisionally Adopted code for 22, and another 3 have only minor changes. Other recommendations will significantly erode Title 21's support for the type of town citizens expect.
- As we move forward, we must avoid the myopic focus on immediate small cost increases and look instead at the lower long term costs and the improved quality of life. The past approach has proved unsustainable and has not been supported by citizens of Anchorage, nor has it proved to be successful across the country.

WE DRAW THE LINE HERE

- Reject the mayor's proposal to delete all of the design standards for single family homes.
 - o The standards are minimal as they have been continuously chopped away through 8 years of public process.
 - o Most builders already far exceed proposed minimal standards. o The lowest quality builders create a competitive environment that drags down the quality of all builders. o The standards allow choices through a (already watered down) menu system. o Innovative designs are allowed under the "Alternative Compliance" routine.
- Page 1/4
 - o Allowing "the market" to decide the minimums will not protect the value of your home from "snout houses." Plain boxes that look like homes for cars can be built in established traditional neighborhoods bringing down the value of all the homes.
 - o The intent of the standards is to offer minimal protection to neighborhood aesthetics and home values.
 - o Required vegetation is increasingly needed as we clear and develop every available lot. o Design standards are specifically required in the Comprehensive Plan. o (And no, there are no rules on paint colors!)
- Reject the mayor's proposal to decrease setbacks from streams to 25' from the proposed 50' to 100' in the Provisionally Adopted code.
 - o After considerable research, discussion, review and compromise with the T21 subcommittee, the provisionally adopted 50-foot setback is much lower than the 100 foot minimum recommended in scientific literature.
 - o Stream setbacks average 100-feet nationwide. o In Alaska: Soldotna has a 100-foot setback, the Mat-Su Borough has a 75-foot setback, and both Juneau and Homer have 50-foot setbacks. o Stream setbacks are necessary to control floodwaters, provide water quality treatment by capturing and filtering pollutants, protect base stream flows to reduce threats of flash floods, maintain stream stability preventing channel migration and maintain stream health for fish and wildlife habitat.
 - o Anchorage's existing 25' setback came about because of politics, compromise and what was acceptable in the mid 1980's—not from scientific or practical findings.
 - o Nationally, the economic benefits of streamside protection are well documented indicating higher home values near streams and greenbelts (15% higher in Anchorage) and better quality of life rankings, which attract potential businesses and homeowners.
 - o Reduced setbacks create issues of increased peak runoff (floodwaters, storm water) entering streams resulting in flash floods increased erosion and sedimentation.
 - o The proposed change causes increased financial hardships for property owners and the Municipality, as well as being detrimental to property, infrastructure and habitat.
- Reject the mayor's proposal to delete height restrictions in the B-3 zones in Midtown unless strong protections for residential sunlight are in place.
 - o Allowing tall buildings to cast shadows on homes picks winners and losers and the losers are homeowners.
- Reject the mayor's proposal to increase the allowed commercial uses (that means "stores") in the Industrial I-1 zones. Wait until completion of the Anchorage Commercial Land Study and adoption of the Anchorage Bowl Land Use Plan Map, to reexamine the uses allowed.

- Anchorage 2020 Policy #26 clearly states: “Key industrial lands, such as the Industrial Reserves designated on the Land Use Policy Map, shall be preserved for industrial purposes.”
- Commercial and other non-industrial uses in industrial zoning districts can be incompatible with neighboring properties.
- The provisionally adopted Title 21 already allows a limited number of commercial uses to occur within the I-1 district that support or are compatible with industrial uses. ○ Allowing certain commercial uses such as offices and grocery stores to locate in industrial zones results in further sprawl and traffic congestion. ○ Anchorage 2020 policy #21 directs new commercial development to locate primarily within Major Employment Centers, Redevelopment/Mixed-Use Areas, Town Centers, and Neighborhood Commercial Centers.

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- Reject the mayor’s proposal to reduce private open space requirements. An earlier compromise allowed nonresidential developments to reduce their parking requirements if they provide some additional private open space. The mayor proposes deleting this and modifying other wording regarding open space.
 - The provisionally adopted section replaces the current Title 21 “usable yard” regulations with a “private open space” requirement that focuses on improvements in quality and usability, and avoids requiring more area than current code.
 - The provisionally adopted Title 21 does not substantially increase the amount of area required, and allows less space but encourages higher quality space
 - The provisionally adopted code also explicitly allows rooftops, balconies, and atriums to count as private open space.
 - We still need to see the precise language that is proposed.
- Reject the mayor’s proposal to delete the connectivity index needed for easier walking and biking. Approve T21 as it is and propose a clearly written alternative later.
 - When neighborhoods are connected, it encourages more walking and biking, better health for its citizens, and a greater sense of community.
 - Administrative relief is written into the provision to account for situations that make it impossible to meet the standard.
 - The connectivity index makes sure there are adequate vehicle routes in and out of neighborhoods so traffic does not clog just a few routes and intersections. The index also provides more options for bicyclist and pedestrians to move in and between neighborhoods.
 - The connectivity index allows the subdivision designer great flexibility to design the road system, as long as the number of intersections and the number of links meets the required ratio.
 - (C’mon, the math required is really simple. You can do it!)
- Reject changes that diminish neighborhood protection height transitions. ○ In Alaska’s northern climate, tall buildings have more extreme shadowing and day-lighting impacts to surrounding areas that affect gardens, warmth, and how we use our yards. Height transition standards between different building types protect property values and investments in residential property, and full enjoyment of residential lots.
 - Neighborhood protection transitions become more important as the demand for infill and redevelopment grows next to existing residential neighborhoods.
 - The height transition standard improves the compatibility of higher intensity development with adjacent lower density neighborhoods by guiding where building bulk is placed on a lot. It protects property values on both sides of the fence.
 - Years of testing and refinement over a series of drafts have calibrated the height transition to avoid impacting the development potential of a subject commercial lot.
 - Experience elsewhere demonstrates that an infill/redevelopment strategy has a greater chance of success if neighborhoods have confidence they will be protected through better building and site design.
- Reject the mayor’s proposal to eliminate sidewalks on cul-de-sacs.
 -
 -
 -

Removing sidewalks is a setback to Comprehensive Plan policies for pedestrian environment and connectivity. Sidewalks should be required along both sides of public streets for all types of developments in class A zoning districts, including cul-de-sacs. Public streets through areas of institutional and industrial developments will have pedestrians as well as commercial or residential areas. Institutional uses, in particular, such as churches and schools, can have fairly high levels of pedestrian activity.

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- Reject any language that would decrease landscaping standards when the mayor’s proposal to rewrite the section is implemented.
 - The provisionally adopted landscaping section is the result of hundreds of hours of citizens’ time spent reviewing and commenting on the section, staff research and review of drafts with a committee of landscape architects, response to comments received from the public, including comments from the American Society of Landscape Architects, and review and changes to the section made by the Urban Design Commission, Planning & Zoning Commission, and the Municipal Assembly.
 - Building design standards were decreased over the years in exchange for increased landscaping. The balance of the compromises will be destroyed if both landscaping and design standards are reduced.
 - A new landscape ordinance is a key Comprehensive Plan strategy to improve our city.
- Reject language that decreases standards for multi family and townhouse development.
 - The Anchorage Police Department recognizes and encourages the public safety value in street facing windows and visible and accessible entries.
 - “Eyes on the street” help deter criminal activities in neighborhoods. ○ A 15 percent window requirement is modest and practical. It can be easily met, and represents the lowest percentage that achieves the objectives for the project. ○ Developers who propose multifamily projects near existing neighborhoods face opposition from the local community because there are few minimum standards to guarantee development will be compatible with the existing neighborhood character.
- Watch out for language that would allow expedited changes to the code in cases where clear mistakes were made in the rewrite.
 - This change could be good if worded so the cases where it would be applied are limited. Changes would be made case by case, and not allowed to apply sweepingly across all other sections of the code.
 - Major changes to the code should use the approved amendment process.
- Watch out for language allowing Single Family homes in R-3 zones ○With the low vacancy rate for rental housing in Anchorage today, all multifamily zoned lands need to be preserved to meet future housing demands. ○ The Comprehensive Plan requires an “amendment of multifamily zoning district regulations to eliminate low-density housing. Design standards for minimum residential density development will be developed before this strategy takes affect.” The provisionally adopted code recommends a baby-step towards meeting this policy— namely the removal of detached single family housing as an allowed use in the R-3 district.
 - While there are several areas currently zoned R-3 that should be designated for a lower density, these are a geographic issue to be addressed by the draft Anchorage Bowl Land Use Plan Map.

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Title 21 Rewrite

From: Cathy Gleason [tccpresident@yahoo.com]
Sent: Wednesday, February 01, 2012 3:36 PM
To: Title 21 Rewrite
Cc: Barb Jones; Jones, Barbara A.; Bill Wortman; Breck Tostevin; Chris Habicht; Chris and Penny Habicht and Crane; Joan McKinnon; Mark Wiggin; Merle Akers
Subject: Turnagain CC Commens on Title 21

Planning Department,

Although today is the deadline for comments to be included in the Planning and Zoning Commission packets on the proposed amendments to the Provisionally Adopted Title 21 Rewrite, Turnagain Community Council (TCC) will be considering a resolution on this topic at our regularly-scheduled meeting tomorrow evening, February 2nd. If a resolution is passed, we hope it will be possible to include it into the P&Z Commission packets, if it is provided to you Friday morning. Please let me know if this is possible.

TCC also requests the packets contain tracked changes or a "redline" comparing current Title 21 Code language from the T Transition District section (21.40.240) to the #30 proposed amendment language for TR Transition District (21.04.080H).

Of primary concern to TCC is the deletion in the proposed amendment of detailed language regarding noxious, injurious or hazardous uses that exists in the current Title 21 code, ensuring that the health, safety and welfare of the public is explicitly covered in Title 21. **Providing a direct comparison between what is in the current Title 21 Code and the proposed amendment is the only appropriate way for the Planning and Zoning Commission to determine if only a vague reference to this important aspect of the code is adequate and in the public's best interest.**

Staff did not provide any explanation or rationale for the above referenced significant deletion in the proposed amendment table column "Purpose/Origin/Notes." TCC requests that staff provide the public and the Planning and Zoning Commission the reasoning for this major edit to existing code language.

Thank you for your consideration of the above requests. Please don't hesitate to contact me with any questions or if you need clarification.

Cathy L. Gleason
Turnagain Community Council President
248-0442

P.S. For quick reference, the following T Transition District language from the current Title 21 Code regarding noxious, injurious and hazardous uses has been deleted in Proposed Amendment #30 for the TR Transition District.

D. Conditional uses

Noxious, injurious or hazardous uses, as defined in subsection e. of this section, are prohibited, provided, however, that the planning and zoning commission may grant a conditional use for such uses when it finds that the public health, safety, welfare and convenience will be adequately

protected by location, typography, buffer landscaping or a screening structure in combination with visual enhancement landscaping or by observation of protective performance standards that effectively remove the proposed use from classification as a nuisance.

E. Prohibited uses

Noxious, injurious or hazardous uses, which are defined as any use that may be noxious, injurious or hazardous to surrounding property or persons by reason of the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions, or the production or storage of explosive materials. Any use or structure which is likely to be incompatible with established permanent uses within the area to be affected by the proposed use or structure. The building official (*which TCC see is recommended to be changed to **Municipal Engineer** throughout the code*) shall review every application for a building or land use permit for compliance with this subsection.

Turnagain Community Council Resolution on Proposed Amendments to the Provisionally Adopted Title 21 Rewrite

Whereas, a rewrite of Anchorage's Title 21 land use code was started in 2002 to implement citizens' vision for Anchorage's future, as presented in the Anchorage 2020 Comprehensive Plan;

Whereas, during an extensive, multi-year public process, there have been five drafts and multiple Planning and Zoning Commission and Assembly public hearings;

Whereas, the Assembly Title 21 Committee thoroughly reviewed, discussed, analyzed and amended various drafts;

Whereas, by the summer of 2010, all but one of the fourteen chapters of Title 21 had been provisionally adopted by the Assembly;

Whereas, after hiring former Assemblyman Dan Coffey to review and propose amendments to the provisionally adopted code, Mayor Dan Sullivan provided direction to the Municipal Planning Staff to release his (Mayor's) proposed amendments;

Now, Therefore, be it Resolved, that Turnagain Community Council recommends that in order to protect the integrity of the public process and Anchorage's vision, goals and objectives, as outlined in the Anchorage 2020 Comprehensive Plan, **the following actions be taken** with regard to select proposed amendments to the Provisionally Adopted Title 21 Rewrite. The absence of TCC recommended actions on other proposed amendments should not be interpreted as support or opposition of those amendments; the following reflect TCC's main areas of interest:

- **Amendment #4 — 21.03.020C.2. Use of Community Council Meetings:**

TCC is concerned that major land use cases that merit thorough public review and discussion would require more time than could be accommodated at a regular community council meeting.

⇒ **TCC requests that the first and second sentences of 21.03.020C.2. be amended to:**

The applicant is encouraged to use the community council(s) meeting of the project area as the community meeting if the community council(s) meeting can adequately provide enough time for a thorough public review and discussion of the project. If the community council(s) meeting for the project area is not scheduled in a timely manner, or cannot adequately accommodate enough time for a thorough public review and discussion of the project at a regularly scheduled meeting, the applicant shall organize a community meeting.

- **Amendment #30 — 21.04.080H. TR Transition District:**

TCC supports deletion of the proposed Airport Zoning District from the Provisionally Adopted Title 21 Rewrite. **TCC also supports the retention of the Transition District** from the previous Title 21 (21.40.240) for the Ted Stevens Anchorage International Airport and continued use of the PLI, I-1 and T districts until an Airport District is adopted.

However, **TCC opposes the proposed language for TR Transition District, as presented under Amendment #30.** Specifically, staff does not provide tracked changes comparing the proposed

language for TR Transition District to the T Transition District code language found in 21.40.240, nor does staff provide any rationale for deleting detailed language regarding noxious, injurious or hazardous uses that exists in the current Title 21 code, **ensuring that the health, safety and welfare of the public is explicitly protected.**

- ⇒ **TCC requests that before public hearings are held for the proposed amendments to the Provisionally Adopted Title 21 Rewrite, the public and public officials (i.e., Planning and Zoning Commission and Assembly) be provided a “redline” comparison showing changes from the current T District language in 21.40.240 to the proposed TR Transition District language in 21.04.080H. as well as staff rationale for their deletion of detailed language in this section.**
- ⇒ **TCC also requests that the current Title 21 code language for the Transition District under Conditional uses (21.40.240.D.3.) and Prohibited uses (21.40.240.E.1.) be inserted into the TR Transition District language proposed amendment as follows:**

Under d. Conditional Uses

Noxious, injurious or hazardous uses, as defined in subsection e. of this section, are prohibited, provided, however, that the planning and zoning commission may grant a conditional use for such uses when it finds that the public health, safety, welfare and convenience will be adequately protected by location, typography, buffer landscaping or a screening structure in combination with visual enhancement landscaping or by observation of protective performance standards that effectively remove the proposed use from classification as a nuisance.

Under e. Prohibited Uses

Noxious, injurious or hazardous uses, which are defined as any use that may be noxious, injurious or hazardous to surrounding property or persons by reason of the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions, or the production or storage of explosive materials. Any use or structure which is likely to be incompatible with established permanent uses within the area to be affected by the proposed use or structure. The building official (*which TCC see is recommended to be changed to **Municipal Engineer** throughout the code*) shall review every application for a building or land use permit for compliance with this subsection.

- **Amendments #57 & #59 — 21.07.020B. Stream Setbacks:**

Anchorage has an abundance of streams, lakes and wetlands that provide aesthetics, recreational opportunities, wildlife habitat, and ecological functions. These surface water areas also charge drinking water sources for our community. Protection of water body setbacks to ensure high water quality standards is important to the health and well being of our aquatic ecosystem.

- ⇒ **Reject the proposed amendments** that would reduce stream setback protection widths that were approved in the Provisionally Adopted Title 21 Rewrite.

- **Amendment #61 — 21.07.030B.1. through B.5 Private Open Space:**

- ⇒ **Reject the proposed amendments** that would reduce private open space requirements that were approved in the Provisionally Adopted Title 21 Rewrite.

- **Amendment #62 — 21.07.060D.3.b. Connectivity Index**

When neighborhoods are connected, walking and biking are encouraged and a greater sense of community occurs. Not only does the connectivity index make sure there are adequate vehicle routes in and out of neighborhoods, it also provides more options for bicyclists and pedestrians to move in and between neighborhoods.

⇒ **Reject the proposed amendment** that would delete the Connectivity Index that was approved in the Provisionally Adopted Title 21 Rewrite.

- **Amendment #65.4 — 21.07.080E.6.d. Parking Lot Interior Landscaping:**

TCC opposes reducing the requirements for parking lot interior landscaping. This city is filled with large, unattractive, sea-of-asphalt parking areas; stronger requirements are severely needed.

⇒ **Reject the proposed amendments** that would reduce the amount of interior parking lot landscaping requirements that were approved in the Provisionally Adopted Title 21 Rewrite.

- **Amendment #70 — 21.07.080G.2.h Dumpster Screening:**

⇒ **Reject the proposed amendment** that would increase the amortization period for complying with the new dumpster screening provisions from five to seven years.

- **Amendment #84 — 21.07.110 Standards for Multifamily Developments:**

TCC opposes reducing some of the Provisionally Adopted Title 21 minimum development standards for residential multifamily and townhouse developments that would no longer achieve the original objectives of the section.

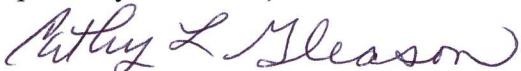
⇒ **Reject any proposed amendments that would reduce development standards**, including landscaping requirements, for residential multifamily and townhouse developments that were approved in the Provisionally Adopted Title 21 Rewrite.

- **Amendment #86 — 21.07.110E. & 21.07.110F. Standards for Single Family and Two-Family Structures**

⇒ **Reject any proposed amendments that would delete design standards for single-family and two-family structures** that were approved in the Provisionally Adopted Title 21 Rewrite.

APPROVED unanimously by Turnagain Community Council, this 2nd day of February, 2012.

Respectfully submitted,



Cathy L. Gleason, Turnagain Community Council President

From: reship@gci.net
To: Planning and Zoning Commission members
Date:
Subject: Title 21 Rewrite, for public hearing

Case 2011-104

FROM THE ANCHORAGE WATERWAYS COUNCIL

RECEIVED

FEB 10 2012

MUNICIPALITY OF ANCHORAGE
ZONING DIVISION

The Anchorage Waterways Council is a non-profit citizen organization whose mission is to protect, enhance and restore the waterways and wetlands of the Municipality of Anchorage. We have approximately 28 years of community involvement including facilitating the annual Creek Cleanup.

The Anchorage Waterways Council (AWC) interest in the Title 21 rewrite is primarily with Section 21.07.020 which involves the setbacks for streams and other water bodies. The AWC is in general support of the Department of Community Development staff response Decision statement for paragraph .020, which is "Propose an amendment to retain the current Title 21 stream setback regulations except to reduce stream setbacks from 100 feet to 50 feet in the R-10 district, until concerns regarding nonconformities and setback widths can be addressed in a separate stream setbacks amendment."

The AWC view is that setback areas, or riparian zones, provide a variety of important protective and ecological functions for streams and lakes.

We also reference the Department staff's comments regarding existing [minimal] setback history: "Anchorage existing 25' setback came about because of politics, compromise and what was acceptable in the mid 1980's-it was not based on scientific or practical findings."

The AWC also has concerns about paragraph B.6.a. This step may not be necessary since the indicated items are currently addressed through permitting processes of the Corps of Engineers, ADF&G, US Fish and Wildlife Service, the MoA SWIPP requirements and flood hazard and other programs.

Paragraph B.6.b.ii.(D) has new permitted uses that could be problematic. Fences and patios could preclude natural vegetation in the full 50' setback which would interfere with recognized functions of such riparian areas. Lawns are the real issue: applications of lawn chemicals such as fertilizers and pesticides in proximity to the creeks is very poor practice and could not be regulated in such locations. Also, there are occurrences of the surreptitious dumping of grass clippings directly into the handy creeks.

These are the AWC comments. We do not believe Title 21 should be amended where there currently are no problems and certainly not where development convenience would take precedence over recognized community standards of environmental protection.

Robert Shipley
Vice President and Issues Committee Chair
Anchorage Waterways Council

Title 21 Rewrite

From: Bob Shavelson [bob@inletkeeper.org]
Sent: Monday, February 13, 2012 4:01 PM
To: Title 21 Rewrite
Subject: Title 21 Public Comment
Attachments: Title 21 - Salmon Riparian Habitat 2011-04 - Final.pdf

Attached please find comments from Cook Inletkeeper on the proposed Title 21 revisions that would reduce habitat setbacks along salmon streams in Anchorage.

Cook Inletkeeper is a public interest group formed by Alaskans in 1995 to protect the Cook Inlet watershed and the life it sustains. I am submitting these comments on behalf of Inletkeeper's more than 1500 members and supporters in the region.

Please circulate these comments to the Planning Commission. Thank you and please let me know if you have any questions.

Bob Shavelson

Cook Inletkeeper
P.O. Box 3269
3734 Ben Walters Lane
Homer, AK 99603
p. 907.235.4068 x22
c. 907.299.3277
f. 907.235.4069
skype: Inletkeeper
bob@inletkeeper.org

Protecting the Cook Inlet watershed and the life it sustains since 1995.
Join today! www.inletkeeper.org



RESOLUTION NUMBER 2011-04

A RESOLUTION CALLING ON THE MUNICIPALITY OF ANCHORAGE TO PROTECT WILD SALMON HABITAT IN THE TITLE 21 REVISION PROCESS

WHEREAS, a 2011 study commissioned by Cook Inletkeeper found salmon contribute more than a billion dollars to our local economies in Southcentral Alaska each year;

WHEREAS, healthy wild salmon provide jobs to countless Alaskan families, and play a major economic role in Anchorage and other coastal communities;

WHEREAS, healthy wild salmon provide food for Alaskans and form an integral part of the unique social and cultural fabric of Alaska;

WHEREAS, research conducted by Cook Inletkeeper shows significant warming trends in salmon streams around Southcentral Alaska, and warm temperatures are known to make salmon more susceptible to pollution, predation and disease;

WHEREAS, riparian habitat provides shade to streams, holds back sediment, and contributes organic matter important for the invertebrate food base for juvenile salmon;

WHEREAS, polling in 2011 found nearly four-in-five (82 percent) Alaskans believe it is as important to protect riparian areas around salmon streams as the stream itself;

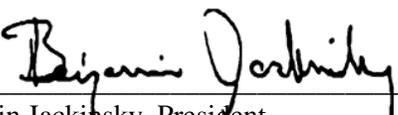
WHEREAS, the loss of riparian habitat in Oregon and Washington has been a critical factor contributing to the decline of salmon runs in those states;

WHEREAS, the Kenai Peninsula Borough recently conducted a review of the importance of riparian habitat to salmon sustainability, and in response, enacted ordinance 2011-12 requiring streams setbacks of at least 50 feet on all salmon streams in the Kenai Borough;

WHEREAS, the Cook Inlet watershed is one, integrated and interconnected system, and salmon do not recognize the political boundaries between the Municipality of Anchorage and other jurisdictions.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF COOK INLETKEEPER DOES HEREBY REQUEST THE MUNICIPALITY OF ANCHORAGE TO ADOPT SALMON HABITAT PROTECTIONS THAT REQUIRE AT LEAST 50 FOOT SETBACKS ON ALL ANADROMOUS STREAMS UNDER ITS JURISDICTION.

HAVING BEEN DULY CONSIDERED BY THE BOARD OF DIRECTORS PURSUANT TO COOK INLETKEEPER'S BY-LAWS, THIS RESOLUTION IS HEREBY ADOPTED THIS DECEMBER 4, 2011.



Benjamin Jackinsky, President

December 4, 2011

Date

MUNICIPALITY OF ANCHORAGE
WATERSHED & NATURAL RESOURCES ADVISORY COMMISSION
RESOLUTION NO. 2012-01

**A RESOLUTION SUPPORTING RETENTION OF THE 50-FOOT STREAM SETBACK
AS CONTAINED IN THE PROVISIONALLY ADOPTED TITLE 21 CODE.**

(WNRC Case No. 11-06)

WHEREAS, as recommended by *Anchorage 2020-Anchorage Bowl Comprehensive Plan*, the Municipality undertook a full diagnosis and revision to Title 21 as a means for *Anchorage 2020* implementation; and

WHEREAS, after multiple drafts and extensive public input, the Planning Department processed new Title 21 revisions that were provisionally adopted by the Assembly by 2010; and

WHEREAS, this revision process reflected extensive review and technical analysis of land use regulations from around the country and much of the draft was developed by experts in the field; and

WHEREAS, from the revision process, the provisionally adopted new code included a change for stream setback distances from 25 feet in the current Title 21 to 50 feet from all stream channels in the provisional code language; and

WHEREAS, during creation of the new code, research showed the national average stream setback distances typically ranged from 100-300 feet, that several Alaska jurisdictions require greater setbacks than the 25-foot setback in the original Anchorage Code, and that 25 feet provided minimal value or function to creek setbacks; and

WHEREAS, because of concerns with how this 50-foot setback expansion would impact private property, public infrastructure, and potential nonconformities, the Planning Department specifically evaluated these items, undertook a mapping exercise that analyzed potential impacts of various setback widths on properties, and found that such impacts were minimal and that potential nonconformities could be addressed in other areas of the new code; and

WHEREAS, as the Title 21 process continued towards final adoption, the Administration solicited a full review and analysis by a consultant, whose findings and recommendations were submitted for consideration in mid-2011; and as a result of those recommendations, the Administration forwarded a suite of amendments for consideration by the Planning and Zoning Commission and the Assembly, which modified items in the provisionally adopted Title 21; and

WHEREAS, one of those amendments included the recommendation for the stream setback to be reduced from 50 feet in the provisional code back to 25 feet as in current code; and

WHEREAS, Planning staff addressed technical aspects of this amendment, its comparisons to the new code setback of 50 feet, and concerns presented by the Administration's

consultant about complications and resultant nonconformities with a 50-foot setback as item #28 in an August 23, 2011 memo entitled "Title 21 - Major Issues in Review of Mr. Coffey's Proposed Amendments"; and

WHEREAS, as a municipal technical advisory commission with expertise in matters relative to watersheds, water quality and quantity, and related natural resources, the Watershed & Natural Resources Advisory Commission reviewed these issues at its December 2011 and January 2012 regular meetings.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Anchorage Watershed & Natural Resources Advisory Commission recognizes the value and significance of this full revision to Title 21.
2. The Commission understands that the provisionally adopted new code resulted from extensive public dialogue, professional and technical expertise, and municipal board, commission, and Assembly deliberations.
3. The Commission supports the August 23, 2011 staff findings and explanations relative to retaining the provisionally adopted code setback distance of 50 feet, which reflects a public dialogue and understanding that the benefits of this expansion outweigh the negatives, and that private property and nonconformity concerns have been adequately evaluated and addressed in the new code from the revision process.
4. The Commission recommends that the Municipality retain the provisionally adopted new setback distance of 50 feet in the final code.

PASSED AND APPROVED by the Anchorage Watershed & Natural Resources Advisory Commission on the 18th day of January 2012.



Jerry T. Weaver, Jr.
Secretary



for Tamás Deák
Chair

(Case No. WNRC 2011-06)

**Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY**

M E M O R A N D U M

DATE: February 21, 2012
TO: Al Barrett, Supervisor, Planning Section, Planning Division
FROM: Paul Hatcher, Engineering Tech III, AWWU *PAH*
SUBJECT: **Zoning Case Comments**
Planning & Zoning Commission Hearing March 12, 2012
Agency Comments due March 2, 2012

AWWU has reviewed the materials and has the following comments.

**11-104 TITLE 21 REWRITE, Proposed Amendments to the Provisionally
Adopted Title 21, Grid N/A**

1. AWWU has no objection to these proposed amendments.

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2721 or the AWWU planning section at 564-2739, or e-mail paul.hatcher@awwu.biz

Municipality of Anchorage



P.O Box 390
Girdwood, Alaska 99587
<http://www.muni.org/gbos>

GIRDWOOD VALLEY SERVICE AREA BOARD OF
SUPERVISORS

Erin Eker, & Karen Zaccaro Co-Chairman
David Chadwick, Janice Crocker, Tommy O'Malley

Dan Sullivan, Mayor

March 1, 2012

Dear Planning and Zoning Commission Members,

The attached recommendations are put forward by the community of Girdwood after several public discussions regarding the proposed amendments to Title 21 of the Anchorage Municipal Code that are currently under review as P&Z case 2011-104. These discussions were held at three different GBOS meetings and one Girdwood Land Use Committee meeting. Official motions of recommendation were made at the February 13, 2012 Land Use Committee meeting and the February 20, 2012 Girdwood Board of Supervisors meeting.

We ask that you take these recommendations into consideration with the understanding that they come after much discussion and input from our community and are much more than the opinion of a few.

Sincerely,

Karen Zaccaro
Co-Chair of GBOS

RECOMMENDATIONS AND CHANGES TO P&Z ZONING CASE 2011-104

REGARDING PROPOSED MAYORAL AMENDMENTS TO TITLE 21 OF THE ANCHORAGE MUNICIPAL CODE RELATING TO GIRDWOOD LAND USE

- Amendment #17: basically lets the development director ask the assembly to make corrective changes to Title 21 without input from planning and zoning for two years after adoption
 - Recommendation: Any changes to Chapter 9 of Title 21, should be brought forward to the Girdwood Land Use Committee for comment before presentation to the assembly
- Amendment #33&34: removes a proposed requirement for single family residential design standards.
 - Recommendation: agreement with this amendment as it gives residents more flexibility in the design of their own home.
- Amendment #46: requires that accessory dwelling units be 60 feet back from all front lot lines AND 10 feet back from the principal dwelling.
 - Recommendation: This makes accessory dwelling units above garages very difficult and creates additional driveway and snow removal issues. It is inconsistent with existing development patterns of accessory dwelling units above garages and should not be applied to Girdwood zoning districts.
- Amendment #57: keeps the stream setbacks at 25' instead of increasing to 50' as proposed by provisionally adopted draft.
 - Recommendation: Keeping the stream setbacks at their existing dimensions will allow development consistent with existing uses and development patterns. Increasing the setback to 50' may make several lots in Girdwood unbuildable.
- Amendment #69: Allows for snow storage in site enhancement landscaping only.
 - Recommendation: In Girdwood, all areas of landscaping including natural vegetation should be allowed to be used for snow storage.
- Amendment #79: allows rolled curbing (previously not allowed)
 - Recommendation: Rolled curbing would benefit Girdwood. Where curbing is required, rolled curbing has a much better life expectancy with the amount of snow and snow removal equipment Girdwood requires.

- Amendment #82: allows some areas of compacted gravel or other alternative means of paving parking lots for less than 10 cars.
 - Recommendation: Suggest that all Girdwood parking and driveway areas be allowed use of permeable paving surface or compacted gravel as alternative to traditional paving.

Note: In some of the following amendments a single principal structure is referred to. Allowing only one principal structure will still permit duplexes and accessory dwelling units as provided for in other areas of Chapter 9. Limiting properties to one principal structure will not allow two houses on one lot or two or more buildings with several units on one lot.

- Amendment # 97: gR-1 Mixed use residential along Alyeska Highway. Allows for an administrative site plan review to develop more than one principal structure on a lot.
 - Recommendation: Reasonable amendment.
- Amendment #98: gR-2 Hottentot Mine Road Area, Timberline Drive Area, Cortina Area. Allows for only one principal structure per lot.
 - Recommendation: Seems consistent with existing development
- Amendment #99: gR-2A Upper Creek Road “Avalanche Acres”. Allows for only one principal structure per lot.
 - Recommendation: Seems consistent with existing development
- Amendment # 100: gR-3 Undeveloped land on the west side of Alyeska Highway including the Holton Hills planned development. Allows for only one principal structure on each lot or more if part of a master plan approval process.
 - Recommendation: Seems consistent with existing development
- Amendment #101: gR-4 Existing base area residential developments including Norway Estates at upper Garmish, Taos and Crystal Mountain areas. Allows for only one principal structure per lot.
 - Recommendation: This is inconsistent with existing development and should not be approved.

- Amendment #102 : gR-5 Crow Creek Rd North of Raven Glacier Lodge. Allows for more than one principal structure on one lot with an administrative site plan review.
 - Recommendation: Seems reasonable. We further recommend that Cemetery use be an outright permitted use (P) rather than a conditional use in this zoning district.

- Amendment #103: Changes the design standards for buildings such as aircraft hangars, utility buildings and utility substations from public/institutional to industrial.
 - Recommendation: While the intent seems benign, the industrial standards only describe paint color. Some of the buildings proposed in the change are very visible from neighborhoods and trails. We recommend that the industrial design standards be first developed to meet the intent of the community before the change be made.

Title 21 Rewrite

From: chamber@spenard.biz
Sent: Friday, March 02, 2012 12:47 PM
To: Title 21 Rewrite
Subject: Comments on PZC 2011-104 Title 21 amendments
Attachments: SCOC Resolution PZC case 2011-104 t21.pdf; Task Force to MOA traffic 9.16.11 .pdf

Please distribute the attached information to the Planning Commission for their deliberation on Title 21.

Thanks,

Spenard Chamber of Commerce
Barb Smart
Chair



SPENARD CHAMBER OF COMMERCE

RESOLUTION REGARDING PZC Case 2011-104 Amendments to the Provisionally Adopted Title 21

March 2, 2012

Whereas, the mission of the Spenard Chamber of Commerce is to cultivate Spenard's status as Anchorage's vibrant shopping, dining and entertainment district with an abundant variety of successful independent businesses in a safe and fun environment;

Whereas, it is clearly documented that independent shopping areas such as north Spenard Road are employment generators increasing the value of nearby commercial and residential properties¹;

Whereas, the shopping environment on north Spenard Road is largely dependent on the condition of the roadway, sidewalks, and other infrastructure in the Municipal Right of Way;

Whereas, the consensus points sent to the Municipality by the Spenard Road Task Force organized by Assembly members Hall and Drummond support two locations for shared parking and the use of back-in diagonal parking²;

Whereas, the Provisionally Adopted Title 21 does not address back-in diagonal parking and does not allow shared parking where it is across a minor arterial road;

THEREFORE, the Board of Directors of the Spenard Chamber of Commerce requests that

- 1) Add to Section 21.07.090 Off Street Parking a presentation on the design of back-in diagonal parking with recognition of the decreased or eliminated need for a parking aisle, and
- 2) Add to section 21.07.090.F.16.f (p.360) to allow shared parking across a minor arterial where there is a clear and safe pedestrian crossing as presented in 21.07.090.F.16.e.

Passed on March 2, 2012

Barb Smart – President

Ryan Raffuse – Vice President

Debbie Hinchey – Treasurer

Footnotes

1. *The American Express Open Independent Retail Index: A Study of Market Trends in Major American Cities*, Civic Economics October 2011. <http://civiceconomics.com/>

2. Spenard Road Redesign Task Force *The Future Spenard Road* 9-16-11 Memo to MOA Planning Department

Spenard Road Redesign Task Force

The Future Spenard Road

(v.9.16.11: With edited changes proposed by Task Force members.)

SECTION 1 of 3

All agree that there should be a project to enhance safety and accessibility for Spenard Road. Redesign **priorities** are:

- Neighborhood to remain unique, diverse and have a neighborhood feel encouraging interaction of businesses, neighbors and customers;
- Where businesses are a shopping, entertainment & recreation destination;
- Businesses are viable, local, grassroots, and diverse;
- Pedestrians have easy access to businesses, feel safe, and are a safe distance from vehicle traffic;
- Pedestrians, bicyclists and other non-motorized modes of transportation have reasonable access and accommodations;
- Speed limit will be lowered to 25 miles per hour on the project (between 30th Avenue and Hillcrest Drive);
- Two timed/count down, on demand crosswalks across Spenard Road be installed between 27th and Fireweed Lane (exact locations TBD);
- A crosswalk with timed “walk/don’t walk” lights be installed at Fireweed Lane crossing Spenard Road on the north side of the intersection.
- Crosswalks be painted on the south and west sides of the intersection of Spenard Road and Hillcrest Drive.
- A “pork chop” vs. median be placed at Photo Avenue allowing northbound turns onto Spenard Road from Photo Avenue and preventing eastbound turns from Spenard Road onto Photo Avenue;
- DOT building at Benson be removed;
- Back-in diagonal parking appears viable and should be encouraged with the consent of affected property owners.
- Snow cleared from road and sidewalks ASAP and hauled away, not using sidewalks for storage.

Spenard Road Redesign Task Force

The Future Spenard Road

(v.9.16.11: With edited changes proposed by Task Force members.)

SECTION 2 of 3

Some **“would likes”** for Spenard Road’s redesign include:

- Is visually appealing, has a well planned and maintained landscaping with flowers
- Move sidewalks closer to stores on store-side of parking so cars don’t drive across sidewalks *if* liabilities and responsibilities do not change for businesses and businesses have reasonable control over adjacent parking spaces.
- Raised tabletops intersections at 25th, 26th & 27th Ave and at mid block crossings.
- Repaint turn arrow on Spenard Road onto Hillcrest going to West High School
- Maps for visitors “You are Here”
- 27th Avenue: Two options:
 - 1) Align the eastern side of 27th Avenue to match up with the western side of 27th Avenue or
 - 2) In lieu of aligning the eastern side of 27th Avenue to match up with the western side of 27th Avenue, install a “pork chop” and signage on the western side of 27th Avenue allowing westbound turns onto western 27th from northbound and southbound Spenard Road, southbound turns onto Spenard Road from western 27th and preventing cross Spenard Road transit from the western side of 27th Avenue to the eastern side of 27th Avenue and visa versa. This option provides for more public parking in the Qwik Tow lot.
- Right turn only off northbound Spenard Road onto eastbound 29th Avenue with a “pork chop” preventing southbound turns from the same eastern side of 29th Avenue onto Spenard Road.
- 8 foot island south past 29th Avenue on Spenard Road
- Short median with landing from Benson past 29th Avenue is good
- Cross Walk across Photo Avenue (running north/south)
- More parking mandated by MOA for Bear Tooth
- 27th Avenue straightened
- A bus mini-depot in Quick Tow lot if it would fit. And/or as much public parking as possible in this same lot.

Spenard Road Redesign Task Force

The Future Spenard Road

(v.9.16.11: With edited changes proposed by Task Force members.)

SECTION 3 of 3

All agree on **questions** that need answers about Spenard Road's redesign include:

- Is back-in diagonal parking legal? Can businesses limit it to their customers? Does code need to be rewritten or is it covered now?
- Can business-parking credits be used if public parking lots are close by? How close would they need to be? Does code need to be rewritten?
- Are there potential incentives for private development of parking facilities that would be available to the public?
- Can pull-in/out bus stop be placed on west side adjacent to Play It Again Sports (moved north to the next corner from Bear Tooth/Plato's/Brown Jug current stop)? That is what the task force desires.
- Is a median between Northern Lights and Benson necessary?
- Could a turn in lane be added on the west side into REI and move sidewalk into parking lot right of way? Could REI Northern Lights driveway be eliminated, management thoughts first?
- What ADA requirements will apply to new sidewalks on Spenard Road?

Regarding Three vs. Four lanes: We all agree that we have been unable to agree on either three or four lanes for Spenard Road. Preferences for either three or four lanes were low on the prioritization/visioning exercise done by the Task Force: An expressed preference for four lanes received only two votes; an expressed preference for three lanes received only one vote.

MUNICIPALITY OF ANCHORAGE



Planning & Development Services Dept.
Development Services Division

Building Safety

MEMORANDUM

Comments to Miscellaneous Planning and Zoning Applications

DATE: March 2, 2012

TO: Al Barrett, Manager, Zoning and Platting

FROM: Ron Wilde, P.E.
Building Safety

SUBJECT: Comments for Case 2011-104

No Comment



CIRI

March 2, 2012

Mr. Jerry T. Weaver, Jr.
Community Development Director
Municipality of Anchorage
4700 Elmore Road
Anchorage, Alaska 99507

Subject: Comments on Title 21 for Planning and Zoning Commission
Consideration

Dear Jerry:

Cook Inlet Region, Inc. (CIRI), is the owner of a parcel of land at the northwest corner of the C Street and O'Malley Road intersection. This property is currently zoned I-2 and as such, has, and is proposed by us to be developed commercially. To this end, CIRI has invested in excess of \$4.7 million in planning, civil engineering, traffic studies, major sewer line design and permitting, wetlands permitting, as well as placing a massive surcharged engineered fill over the entire site and our engineers continue to monitor the progress of the surcharge to this date.

Proposed amendments to Title 21 will effectively strip all of the higher valued commercial uses from the I-2 zoning district, leaving this highly visible corner as strictly "heavy industrial."

This proposed action will damage CIRI and its shareholders financially due to the immediate reduction in land value as a function of the highest and best use of the property being altered. Additionally, this action will impact current and ongoing discussions with interested commercial users.

Our consultant, DOWL HKM, has indicated that you have suggested that a re-designation of our I-2 property and other I-2 properties along the C Street corridor may occur based upon future changes to the "Land Use Plan Map." CIRI cannot afford to be trapped in a process that strips or at best eliminates our currently permitted commercial uses for some undefined period of time, waiting for the "Land Use Plan Map" to be adopted. CIRI is actively and diligently working with several large out-of-state retailers in an effort to expand the services and quality of life for the City.

We recommend that the Municipality of Anchorage (MOA) and the Planning and Zoning Commission take one of the following actions:

Mr. Jerry T. Weaver, Jr.

March 2, 2012

Page 2 of 2

1. Retain the I-2 zoning as it currently is and consider appropriate area wide zoning after the "Land Use Plan Map" has been adopted.
2. MOA consider processing an "overlay district" for appropriate properties along the C Street extension corridor that would retain the ability of having commercial and industrial uses. The "overlay district" would be processed concurrently with the Title 21 update and have simultaneous adoption with the Title 21 update, by the Municipal Assembly.

We appreciate your consideration of our recommended changes to the Title 21 update.

If you have questions, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'D Pfeifer', with a large, stylized flourish extending to the right.

Dave Pfeifer

Vice President, Real Estate

Cook Inlet Region, Inc. (CIRI)

2525 C St., Ste. 500

Anchorage, AK 99503

Ph: (907) 263-5110 / Fax: (907) 263-5190



Ted Stevens
Anchorage
International Airport

P.O. Box 196960
Anchorage, AK 99519-6960
anchorageairport.com

March 2, 2012

Jerry T. Weaver, Jr.
Director, Municipality of Anchorage
Community Development Department
4700 Elmore Road
Anchorage, AK 99507

RE: Ted Stevens Anchorage International Airport response to case 2011-104, Proposed Amendments to Provisionally Adopted Title 21

Dear Mr. Weaver,

This is regarding Case 2011-104, Proposed Amendments to Provisionally Adopted Title 21, which the Ted Stevens Anchorage International Airport (ANC) recently received. We have reviewed the proposed changes, and have compiled comments specific to Section 21.04.080H – TR: Transitional District that we understand would only apply to ANC.

From the information we received, we understand that until the details of an Airport District (AD) are complete, the intent is to add the old T District (21.40.240) back into the provisionally adopted Title 21 as the TR District (21.04.080H). We understand that the TR District would then only apply to ANC. The TR District, as it is currently written, would preclude normal airport development and would be misleading to the public.

We appreciate that the Municipality of Anchorage (MOA) recognized early on during the re-write process that Title 21 did not appropriately address ANC's unique situation. Both ANC and the MOA have invested a great deal of time over the last five years to develop an AD to accommodate and better serve ANC's unique ownership, operations, and adherence to associated Federal Grant Assurances.

ANC is currently zoned by the MOA under four zoning designations: T, PLI, PLI-P and I-1. Although we are now focused on the TR district, all of these designations have previously been identified as problematic for ANC. For that reason, it is necessary to press on with finalizing a new AD district. Early in the Title 21 review process, it was agreed that several of the Chapters were not appropriate for ANC. It was agreed to exclude portions of some chapters within the AD district narrative, rather than modify each problematic Chapter specific to the ANC. Those issues of applicability of portions of Title 21 to ANC remain unresolved until an AD is complete.

ANC met with MOA Planners Tom Davis and Thede Tobish on February 15th, 2012. All parties agreed that the long term solution to this issue is completion of the AD. If the MOA's decision is to adopt proposed Title 21 before an AD can be completed, we agree with the temporary concept commonly referred to as the "donut-hole". As we understand the idea, ANC would be excluded from the Title 21 rewrite and would remain under the terms of the existing Title 21 until such time

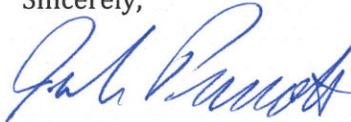
as an AD is incorporated into the new Title 21. We consider this a fall-back plan/alternative to be used if we are unsuccessful in defining the AD prior to final adoption of the rewrite. We look forward to re-engaging with the MOA in defining the Airport District soon after the West Anchorage District Plan (WADP) is adopted.

At our meeting, it was agreed that if the “donut-hole” concept is temporarily used, that it is critical that any adoption of proposed Title 21 include a narrative explaining ANC’s unique situation. We believe that the explanation provided in the MOA’s WADP would be a good basis for developing this narrative, which reads:

“5.1.2. Airport Zoning District – The WADP recommends creating a municipal “airport zoning district” inside the airport boundary that would establish minimum building setbacks and other development standards, especially near the airport boundary. This concept was discussed during the Title 21 Rewrite: however, the issue was not resolved but left for future consideration. The WADP recommends renewed discussions with Ted Stevens Anchorage International Airport about an airport zoning district. District standards should accommodate Federal Aviation Administration and Alaska Department of Transportation & Public Facilities design regulations, as well as determining whether the zone should apply to all airport property or only to areas outside the airport security fence (which encloses the airport operations area such as runways, taxiways, parking aprons, etc.)”

Again, we appreciate the time and effort MOA staff has spent on this difficult Title 21 rewrite and look forward to working together on finalizing a new AD.

Sincerely,



John Parrott, AAE
ANC Airport Manager

Cc: Tom Davis, Senior Planner, Planning Division, Municipality of Anchorage
Steve Hatter, Deputy Commissioner, Aviation, DOT&PF
John Johansen, Engineer, ANC
Jack Jones, Planner, ANC



MUNICIPALITY OF ANCHORAGE

Development Services Division

Right of Way Section

Phone: (907) 343-8240 Fax: (907) 343-8250



DATE: March 5, 2012
TO: Planning Division, Current Planning Section
THRU: Jack L. Frost, Jr., Right of Way Supervisor
FROM: Lynn McGee, Senior Plan Reviewer
SUBJ: Comments on Planning and Zoning Commission case(s) for March 12, 2012.

Right of Way Section has reviewed the following case(s) due March 2, 2012.

**11-104 Proposed Amendments to the Provisionally Adopted Title 21
(Title 21 Rewrite)**

Right of Way Section has no comments at this time.
Review time 15 minutes.



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

DATE: March 2, 2012

TO: Al Barrett, Current Planning Section Supervisor,
Zoning and Platting Division

THRU: Stephanie Mormilo, PE, Municipal Traffic Engineer
Leland R. Coop, Traffic Engineer Associate

FROM: Dwayne Ferguson, Assistant Traffic Engineer

SUBJECT: Traffic Division comments for the Planning and Zoning Commission
Public Hearing to be held on Monday, March 12, 2012.

**2011-104 Title 21 Rewrite - Proposed Amendments to the Provisionally
Adopted Title 21.**

The Traffic Division has no comment.

Title 21 Rewrite

From: Jeff Vaughn
Sent: Thursday, March 08, 2012 10:28 PM
To: Title 21 Rewrite
Subject: 21.07.020B.4.a.i.

I believe stream set backs should be no greater than 25 feet with a reduction to 15 feet for small streams less than 4 feet across.

Thanks,

Jeff Vaughn

Sent from my iPad

Title 21 Rewrite

From: Ilona Farr [afmc4045@yahoo.com]
Sent: Monday, March 12, 2012 8:11 PM
To: Title 21 Rewrite
Subject: Title 21 should not pass!

Title 21 dramatically restricts our freedom as homeowners to build, and develop our land as we see fit. These rules and regulations will make it harder to build, buy and sell homes, develop businesses without more expensive and unnecessary rules and regulatory oversight. I do not like the fact that so much glass, so many trees, etc have to be regulated when building homes. This stifles creativity and adds unnecessary burdensome costs which allows only the wealthy to buy homes.. What happened to individual liberty, freedom to make choices, and the right to pursue happiness and our own dreams? I am opposed to Title 21 and do not believe it should be implemented.

Ilona Farr

52 year resident of Alaska, Homeowner and Business Owner

PUBLIC EXHIBIT

2011-104

From: Ilona Farr <afmc4045@yahoo.com>
To: Katherine Hicks <katherine_j_hicks@yahoo.com>
Sent: Monday, March 12, 2012 8:13 PM
Subject: Fw: Title 21 should not pass!

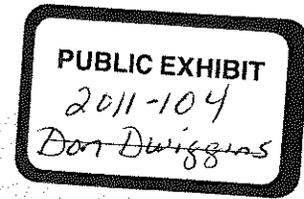
Can you print this letter below and take it to the Assembly as I will be unable to attend? Thanks! Ilona

----- Forwarded Message -----

From: Ilona Farr <afmc4045@yahoo.com>
To: "Title21@muni.org" <Title21@muni.org>
Sent: Monday, March 12, 2012 8:11 PM
Subject: Title 21 should not pass!

Title 21 dramatically restricts our freedom as homeowners to build, and develop our land as we see fit. These rules and regulations will make it harder to build, buy and sell homes, develop businesses without more expensive and unnecessary rules and regulatory oversight. I do not like the fact that so much glass, so many trees, etc have to be regulated when building homes. This stifles creativity and adds unnecessary burdensome costs which allows only the wealthy to buy homes.. What happened to individual liberty, freedom to make choices, and the right to pursue happiness and our own dreams? I am opposed to Title 21 and do not believe it should be implemented.

Ilona Farr



Planning and Zoning Commission
Municipality of Anchorage
632 West 6th Ave, 8th Floor
Anchorage, Alaska 99501

March 12, 2012

RE: Title 21 Re-write

Subject: Comments by Don Dwiggins

A. OVERVIEW

I have been an Architect in Anchorage since 1975 and have been using Title 21 almost daily for 38 years. Hopefully this lends some credibility to my comments.

To properly address the issues with the new Title 21 (T21) would take as many pages as the document is long. While much of the re-write seems 'reasonable', it is interspersed with requirements that make it unreasonable as a whole. To attempt to fine tune the language by parsing its words gives credence to the entire volume of work and is analogous to re-arranging the deck chairs on the Titanic.

It needs major rework.

The new Title 21, if passed, will be a quantum leap in complexity and confusion. It is over-reaching and the unintended consequences, loss of property rights and costs are simply too great to adopt it in its current form.

T21 does not reflect 'community goals' but rather the perspective of a handful of well meaning people who claim to represent the community goals, but in fact represent their own ideas, generally without regard to property rights or cost to the property owners or taxpayers. Title 21 should not be a social engineering or architectural control tool, which it is in its current form.

The language in T21 contains a bias that 'everyone' is predisposed to do really bad design and development and that only this ordinance can protect the 'public' against them. The ordinance stomps on the concept of property rights and hands those rights to the government through control of the use of private property.

If you could quantify the cost of all this control, which the authors have avoided up to this point, those costs would be astounding and unacceptable to the taxpayers and property owners.

B. UTOPIA IS ALMOST HERE

It is the nature of those who govern to attempt to define what is best for those who are governed. While this is generally well intentioned, it ALWAYS has unintended consequences. For example, some long-standing grandfather rights are being taken away, requiring unanticipated expenses to existing buildings. Every existing building in Anchorage will become non-conforming so they cannot be re-built if destroyed because T21 will not permit the same amount of building as currently exists. I shudder to think of the financing implications of this.

What is deemed 'good for the community' may be bad for many in it, and will have significant cost, supposedly paid for by "someone else". T21 is such a case. It is bad for property owners and ultimately the taxpayer through stifled development and decreased economic opportunity and activity.

If the 'Purpose' statements are intended to give clarity to the subsequent requirements, they do not. They reflect "feelings" rather than code and should simply be eliminated. Some are thinly veiled rationalizations for the taking of property rights.

T21 lacks clarity. More words have not derived a better ordinance. The language should be simplified and be more succinct. It should be re-written with objective language such as a building code rather than the current subjective language. The hundreds of undefined terms are ripe for mis-interpretation and therefore litigation.

Sadly, the true impact and cost of laws is generally ignored, and it can take decades to see their impact. T21 is such a law. Please do not "Pass it to see what is in it."

C. WHY MORE AND WHY NOW?

Anchorage is mostly developed and new standards are a hardship on the remaining land owners, particularly in view of the limited amount of good land which *already* makes most development infeasible. Redevelopment will be driven by the market and the current Title 21 can deal with this where T21 impedes it.

The entirety of T21 begs the question, "What is the role of government?" Is it government's role to provide a 'livable community'? Do we not live here now?

Who gets to decide what 'appropriate balance' and 'sustainable living' mean? Who defines what the 'Community's Goals' are? T21 is filled with this type of subjective language making it unwieldy and subject to vastly different interpretations.

And who is the arbiter of design? Who 'deems something appropriate' or 'attractive'. T21 has gone from being a land use and planning tool to an architectural control and social engineering tool which it should not be.

The original reason for T21 was to address items which it lacked, such as addressing parking requirements for new building types. Instead of simply fixing the

existing ordinance, the re-write changed even the parts that were clear. One must ask the question, if it's not broken, why fix it? Had incremental, critical changes been implemented, most of the current shortcomings would have been incorporated years ago and would have been applied to the development that has occurred over the last 9 years during this process.

D. PROPERTY RIGHTS ARE USURPED THROUGHOUT T21

Anchorage 2020 clearly anticipates and encourages greater density, yet much of T21 decreases density by applying more stringent development standards. Without exception, these new development standards increase cost and decrease density, the exact opposite of the goals of Anchorage 2020.

T21 is littered with subjective language making it extremely difficult to know what will (or will not) meet these standards. Further, more subjective reviews can lead to enormous costs and lost time if the property owner guesses wrong as to what will be approved. And how do you account for the attitude or preferences of the person designated as making the administrative decisions. One person can hold a project hostage!

T21 is filled with language that clearly indicates an adversarial relationship between the MOA and property owners which implies all development is bad and should be 'controlled' rather than encouraged. The so-called "balance" that is sought is one of requiring things be done the way the government 'deems appropriate' rather than the way the property owner may desire.

T21 requires dozens of new professionals, some that are surely not recognized, as a means to prove the design worthy of review. It would seem intuitive that the criteria being met should be ample proof of the competency of the designer.

Then, the design is taken out of the hands of the property owner and the design team and placed with a MOA employee or board, often lay people with no specific expertise in the particular design. This defies logic... and common sense, State statutes and the 1st Amendment of The US Constitution. How ironic that the design must be done by professionals educated, tested and licensed in their specific specialties, but lay people have the final say in whether it conforms to the stated requirements.

Would it not require the MOA to have licensed professionals of equal qualifications to review the designs? (\$\$\$)

E. SIZE MATTERS

It is clear that many of the requirements for development are geared for large developments despite the 'Big Box Ordinance' which already deals with these. Small parcels are severely impacted by absolute requirements. For instance, landscaping and dedicated walks on a 60 foot wide lot are much more onerous than on a lot that is 200 feet wide. T21 requirements are exacerbated on small lots.

F. FALSE PREMISES

The following are false premises upon which T21 changes are based:

1. The current ordinance is broken, cannot be salvaged and must be totally re-written to solve minor issues:
 - 1.1 A myriad of new requirements, and hundreds more pages, will make it better.
 - 1.2 More standards and review processes result in better design.
 - 1.3 Current _____ (fill in the blank) requirements are inadequate.
 - 1.4 Prescriptive design results in good design.
 - 1.5 Design professionals must be told what good design is.
 - 1.6 'By-right' design should not be permitted as it eliminates subjective review and control of the design by the MOA.
 - 1.7 You can legislate good design though design standards for everything.
 - 1.8 You can legislate 'a sense of neighborhood', 'visual variety', 'protection of property values', 'reasonable building scale' and design that 'fosters a human scale', etc.
 - 1.9 You can legislate 'livability'.
 - 1.10 You can force building types that do not meet a market need.
 - 1.11 The MOA can practice architecture without a license.
 - 1.12 Bureaucrats, Boards, Commissions and political appointees can do a better design than trained professionals.
 - 1.13 You can impose onerous requirements without negatively affecting costs, development, the economic viability of property, the tax base and tax revenue.
 - 1.14 You can condemn people's property without compensation.
 - 1.15 You can change the character of a city by fiat.
2. Anchorage will continue to grow and develop no matter how many regulations are placed on the development community.
3. It will not cost much to implement.
4. Anchorage is urban:

Anchorage is a 'big city' but is really a 'small town' and that is its appeal, dare I say character. The view that it is an urban setting is simply not correct. Anchorage will never be like New York, Portland or other major cities where you do not need a car, can walk to work and can use mass transit to do everything. Calling Anchorage an urban community does not make it so. Similarly, writing an ordinance that ordains it to be so flies in the face of the facts, common sense and probably 'community goals'.
5. Anchorage has a mild climate:

Throughout T21, reference is made to the winter climate and the need to address this in the design of buildings, sites and transportation. It then applies thinking from temperate climates to the design standards.

Enforcing state law on the practice of architecture should address these concerns.

6. Anchorage is a pedestrian oriented city:
Except for downtown and some pockets of commercial use, Anchorage is not a pedestrian oriented city. Certainly not in the winter. The weather is clearly not conducive to walking for half of the year. Nonetheless, requirements for pedestrian amenities are prevalent throughout and should be re-evaluated.
7. Anchorage is oriented to public transportation:
People love their cars and will not give them up under any circumstances. T21 does not recognize this but rather has disdain for private vehicles and parking lots. T21 is filled with requirements that attempt to discourage private vehicle use and to hide them when this is not the preference of most businesses and individuals.
8. Anchorage has no character and T21 will give it some:
Statements throughout T21 clearly give the impression that the character of Anchorage must be improved, yet most people in Anchorage prefer it to the cities T21 is trying to emulate.
9. All development is inherently bad and must be controlled:
The mere use of the word development connotes it will be bad. It is, however, an economic engine and without it, Anchorage will stagnate. The desired redevelopment will not occur and the new, 'better' development will not occur either.
10. Without government overview, land use will be wrong.

G. INCREASED COSTS

1. At no time, and especially in poor economic times, should the government do anything that discourages economic growth. T21 discourages development through increased bureaucracy, cost and time as well as diminished use of the land. This has been happening incrementally for decades.
2. In 1975, a property could hold approximately 50% of the land area in buildings. For example, an office building of 20,000 SF could be built on a 40,000 SF lot. The current Title 21 has reduced that to about 33% so the same lot can hold only a 14,000 SF office building. T21 will reduce the amount of building by another 10 to 35 percent (depending on lot size) so the same lot will hold only a 10,000 SF Building. That is a severe economic impact, not to mention underutilization of the limited, developable land left in Anchorage.
3. The cumulative effect of all the 'It only costs a little bit more' rationalizations add up to a huge overall impact.

4. T21 should not be passed until a legitimate economic analysis is done. It must include:
 - 4.1 The increased cost of development:
 - a. Higher land costs from needing more land to do the equivalent development permitted today.
 - b. Higher review and permit fees, thus higher cost to consumers.
 - c. Increased required amenities.
 - d. Greater regulation and review.
 - e. More expensive design through more studies, reports, analyses and 'experts'.
 - f. Cost of litigation, appeals, board reviews, new conditional uses and the like.
 - g. Redesign and re-submittal.
 - h. Lost time.
 - 4.2 The loss of economic opportunity:
 - a. Due to increased time frames for processing.
 - b. Decreased use of the land.
 - c. Being forced to build 'uses' that are not market driven.
 - 4.3 The true cost to the MOA for:
 - a. Lost economic development because development is not undertaken or is shifted to the Matanuska Valley.
 - b. More extensive and complicated reviews.
 - c. Administrative reviews and rulings.
 - d. Board and commission administration.
 - e. Salaries of required 'professional' reviewers.
 - f. Re-assessing every parcel in Anchorage based on the new land use classifications, lost capacity and economic potential.
 - g. Lost assessed value and tax revenue due to devaluation (condemnation) and decreased capacity of the land.
 - h. Thousands of appeals on assessments and increased taxes or tax shifting.
 - i. Re-training the entire planning and zoning department staff.
 - j. More inspections during construction.
 - k. More inspections to confirm long-term compliance.
 - l. More Code enforcement.
 - m. More legal interpretations.
 - n. Cost of litigation over 'taking' of land and property rights.
 - o. Cost of litigation over 'interpretations'.
 - p. MOA, Anchorage School District, MLP, AWWU, buildings which must comply.

H. T21 IS IN CONFLICT WITH ANCHORAGE 2020:

1. Anchorage 2020 "... generally promotes more intense land use and development". T21 **decreases** density.
2. Anchorage 2020 calls for denser, more efficient development and much re-development but these goals are in conflict with the onerous costs and land use

requirements of the T21.

3. Anchorage 2020 "...does not make decisions about individual properties," but T21 will by re-zoning much of Anchorage. In many cases, these re-zones will reduce density by down-zoning the property. If permitted, T21 will essentially 'spot zone' every commercial parcel in Midtown.
4. The Anchorage 2020 "Preferred Scenario" is to increase density while maintaining open space. T21 is in direct conflict with this scenario.
5. Only 4% of Anchorage land is commercial and it is probable that much of that is planned for down-zoning.
6. Mixed uses are encouraged, and appropriate, but forcing them by zoning district is bad policy and is a taking of property rights. More flexibility should be given to current zones to allow the market to react to this need.
7. Design Standards are proposed as a means to increase density, but those in the T21 all lead to lower density.
8. The Central Business District should be the "regional center" yet midtown is being proposed for more 'Urbanism" which is in conflict with the market and Anchorage 2020.
9. Anchorage 2020 encourages more affordable housing, but the land use and development cost implications mean housing will be less affordable.
10. The current zoning ordinance does not preclude the type of development that is being proposed by Anchorage 2020, but T21 does.

I. Following are specific recommendations on Chapter 4 of T21 (Zoning Districts):

1. All existing zoning districts should remain.
2. No new districts should be created.
3. Mixed use development should be driven by the market. Every attempt in Anchorage has failed, yet T21 attempts to force private property owners to do this type of development. Mixed use is already permitted and that permission should be expanded within existing zoning districts.
4. All 'District Specific Standards' should match the current standards. This appears to add another layer of standards.
5. Eliminate 'District Location Requirements'.
6. Remove limits on business uses in I-1!

7. Change limits on business uses in I-2.

J. Following are specific recommendations on Chapter 5 of T21 (Use regulations):

There is too much to say about this chapter that can be consolidated in this letter, but here are a few:

1. Commercial and Residential use and tables should be combined and totally redone. Substitute tables, definitions and uses, proposed by others, should be adopted instead.
2. Use definitions should be totally redone:
 - 2.1 One of the flaws in the current Title 21 is that if something is specifically permitted in one zone, but not listed in another, it is therefore prohibited in the other. Fewer, more inclusive definitions will prevent this. T21 has done the opposite.
 - 2.2 Definitions should reflect the structure of the revised tables.
 - 2.3 All current permitted uses shall remain.
 - 2.4 T21 creates numerous new uses which are not necessary. This will lead to great confusion because a change of use may occur without the property owner even knowing it.
 - a. What is a 'General Personal Service'?
 - b. How is 'General Retail' different from 'Grocery or Food Store'?
 - c. How is 'Financial Institution' different from 'Office, Business or Professional'. Any why not simply 'Office'?
 - d. How is a 'government office' different from 'office' use.
 - 2.5 The categories are not needed or should be more inclusive:
 - a. A health club does not need to have a heading of "Entertainment and Recreation".
 - b. When does a residential use become a health service?
 - c. When does a residential use become a commercial use?
3. Use specific standards should be eliminated or at least re-worked:
 - 3.1 'Vegetated Open Space' consisting of 25% of the property must be left un-touched in some uses!!!
 - 3.2 Parking is not allowed in setbacks, another 'taking' of land.
 - 3.3 Snow storage should not be required.
 - 3.4 Private open space should be eliminated in all but multi-family uses.
4. All standards that are covered in other areas of AMC, such as day care and assisted living should be eliminated. The same is true of Federal and State law, such as the ADA and EPA regulations.

K. Following are specific recommendations on Chapter 6 of T21 (Dimensional Standards):

1. All tables should be combined.
2. Definitions should be consistent between chapters.
3. Tables should be checked to see that there have been no new requirements snuck in, such as number of permitted structures on a piece of property or height limits where none exist today.
4. Eliminate mixed use district tables.
5. Eliminate maximum setbacks.
6. Eliminate height transitions.
7. Eliminate new height restrictions.
8. Eliminate Floor Area Ratios.
9. Revert corner and double frontage lots should be the same as current Title 21.

L. Following are specific recommendations on Chapter 7 of T21 (Development and Design Standards):

As background, the following are two examples of the impact of T21:

Example 1: (Alaska USA Financial Center on 36th Ave)

If developed under T21, the building size would be reduced by 10%, or 9,000 fewer SF.

Lost income of 9,000 SF x \$2.40 x 12 month = \$259,200 per year

Decreased value of 9,000 SF x \$250 / SF = \$2,250,000.

At a mil rate of .0155, that is lost tax revenue of \$34,875 per year to the MOA.

Example 2: (Small parcels are particularly hard hit)

Office Built in 1980 with 29 spaces 9,500 SF

Current landscaping and ADA would reduce that to 20 spaces . . . 31% reduction

T21 would reduce that to 17 spaces 41% reduction

If you include snow storage, 15 spaces 48% reduction

If you include private open space, 13 spaces 55% reduction in parking and 59% reduction in building size through incremental changes and T21.

And it would need a waiver for the dumpster in the front setback!

29 spaces = 9,500 SF building
20 spaces = 6,000 SF building
17 spaces = 5,100 SF building
15 spaces = 4,500 SF building
13 spaces = 3,900 SF building

1. 07.07.010 GENERAL PROVISIONS

1.1 Chapter 7 clearly ignores the increased cost of development despite statements that these are 'balanced' against the 'better quality of life' that is somehow presumed to come from these onerous standards through 'better' development.

1.2 Property rights are usurped throughout Chapter 7. It requires more land than the current Title 21 (to name a few) for:

'Water courses'
Stream and wetlands setbacks
Wildlife corridors
Private open space
Natural vegetation preservation
Dedicated walkways
More landscaping
Easements taken without plats
Special amenities
Sloped portions of the site
'Site disturbance envelopes'
Heights of retaining walls
Limits on grading
Limits on changing natural grading patterns
Parking lot design which decreases the number of spaces

and other design elements which limit the use of the land. All of these mean less building than under the current Title 21, a defacto condemnation of private property without compensation.

The decrease in 'capacity' of the land also results in lost economic opportunity for the property owner. Ironically, it also means the loss of tax base and a loss of tax revenue for the MOA. At the very least, it shifts the tax burden as the mil rate will necessarily need to adjust to meet the tax revenue required.

2. 21.07.020 NATURAL RESOURCE PROTECTION

This entire section should be re-evaluated as to its impact on property rights. It clearly decreases the number of sites that can be developed. Taken to extremes, this section can make some sites unusable, a defacto condemnation without compensation.

3. 21.07.030 PRIVATE OPEN SPACE

3.1 Eliminate private open space in commercial development. This section is also a de-facto land taking due to the areas not credited. This section dictates spaces that must be provided when the market may not want them. Clearly this adds cost and decreases density.

3.2 Incentives for 'high quality space' sound good but are meaningless, and how do you design, review and get credit for this?

4. 21.07.040 DRAINAGE, STORM WATER TREATMENT, EROSION CONTROL AND PROHIBITED DISCHARGES

Current AMC standards virtually eliminate development of some sites, so they are clearly adequate. Why re-state what is State or Federal Law?

5. 21.07.050 UTILITY DISTRIBUTION FACILITIES

All existing overhead lines should have grandfather rights. Requiring utility companies to underground existing facilities is a direct cost to consumers as that cost is passed through.

6. 21.07.060 TRANSPORTATION AND CONNECTIVITY

6.1 21.07.060.C.1 Traffic Mitigation Measures:

The following is indicative of T21: *"Mitigation measures shall be acceptable to the traffic engineer and may include, without limitation: an access management plan; transportation demand management measures; a reduction in the intensity or size of the development; street improvements on or off the site; phasing of the proposed development to coincide with, and not outpace, the necessary upgrades to off-site infrastructure; placement of pedestrian, bicycle or transit facilities on or off the site; or other capital improvement projects such as traffic calming infrastructure or capacity improvements."*

This basically says that one person has control over the scope of the development, including private funding of public improvements, ultimate control of the design and imposition of requirements that may be in conflict with the desires of the owner or the market. This is a theme of T21.

6.2 21.07.060.D.3 Street connectivity:

This is a convoluted concept and again usurps the developer's control of the design. The only thing that should be a consideration is the ability of public safety vehicles having more than one access. The review process already allows for this.

Requiring a developer to provide streets connecting to undeveloped property requires a crystal ball; further, it again requires that the design be 'as determined by the director'. How is it that the governing authority constantly has ultimate say in the way property is developed?

6.3 21.07.060.E.3 Through Block Connections:

Why implement a requirement and then state that it may be waived in the review process? Another recurring theme.

6.4 21.07.060.E.4 On-Site Pedestrian Connections

This section requires a five foot wide, dedicated pedestrian walkway from the street to a commercial building. This is a taking of land. (See comments under landscaping). Who will police the maintenance and snow removal requirements? This will SEVERELY impact small lot development.

6.5 21.07.060.F Pedestrian Amenities

It is not clear when these are required and when they are only part of a menu of choices under commercial design standards.

7. 21.07.070 NEIGHBORHOOD PROTECTION STANDARDS

7.1 It would appear that any non-residential property within 300 feet of a residential property could now only be done under a conditional use. The approval of such development is subject to the whims of the 'decision making body' and includes the design of the site, lighting, hours of operation, additional landscaping or screening (beyond the new standards one must assume) and height restrictions to preserve light and privacy.

7.2 This section again gives the ultimate say on the design to some commission rather than the developer and his design team. And how much light and privacy is one 'entitled' too in a locale where the sun only gets 5-1/2 degrees above the horizon at noon in the middle of winter?

8. 21.70.080 LANDSCAPING, SCREENING, AND FENCES

8.1 The current landscaping requirements were put into Title 21 in 1985 in reaction to the rapid pace of development from 1979 to 1985. The development community was virtually wiped out by the depression from 1985 through 1989 so the impact of the newly added requirements were not evident until the recovery began in 1989. Those requirements effectively reduced the amount of building that was able to be developed by about 33%. T21 will have a similar effect, reducing the capacity of land another 15 to 35 percent. How ironic that if passed, they will not be

noticed until the economy comes out of its current slump.

- 8.2 The current landscape requirements are simple, adequate and effective as anyone can see by driving around Anchorage. It just has not been implemented on older properties so there is this notion that there is not enough landscaping being required.

There is no need to change them.

- 8.3 The new approach of "Awarding" 'Landscape Units' is a convoluted way to determine the acceptable amount and type of landscaping. It makes design extremely complicated and review nearly impossible. Rather than simply counting bushes and trees, you will need elaborate spreadsheets.

There are also overlapping requirements which are difficult to understand.

Another irony is that one of the main reasons the T21 rewrite was undertaken was to consolidate landscape requirements into one section for ease of understanding. The consolidation of the landscaping requirements and the tables is an improvement, but they should be consistent with current requirements. Sadly, 'additional landscaping', including subjective reviews, are still scattered elsewhere throughout the ordinance, so those requirements are still not consolidated.

The landscaping requirements have increased significantly from the current Title 21. They should be reverted to the current level. The amount of landscaping has increased in the following ways, all of which take more land and cost significantly more:

- 8.4 The landscape units approach (21.07.080.E.4) will require about 20 to 30 percent more plantings.
- 8.5 The amount of landscaping will be calculated on the length of the frontage rather than the length of the planting bed as now, a 10 to 25 percent increase (21.07.080.E.5.c).
- 8.6 Planting beds will be measured from the back of the curb or landscape header rather than the edge of pavement another half foot increase (21.07.080.E.5.g.i).
- 8.7 Vehicle overhangs (21.07.080.E.5.g.ii) will not be allowed in required planting beds, thus increasing them from 8 to 10 feet to account for the overhang.
- 8.8 Landscaping will be required in some zones where it is not currently such as I1 adjacent to B3 (Table 21.07-2).

- 8.9 Fences must be on the inside of the landscaping bed so the landscaping is visible from without rather than from within (21.07.080.E.5.g.iv). Great for maintenance! It also eliminates vehicle overhang.
- 8.10 More evergreen trees will be required (21.07.080.E.5.g.vii and viii).
- 8.11 Parking lot landscaping will apply to lots with 6 spaces, down from 15 spaces now (21.07.080.E.6.b).
- 8.12 Parking lot interior landscaping will apply to lots with 20 spaces (21.07.080.E.6.b), down from 60 spaces now. (This number is inconsistent with 21.07.080.6.d.i which requires it at 40 spaces.)

You cannot provide interior landscaping with a single aisle (one driveway and parking on either side). There simply is no 'interior' so how does one accomplish this? What will be required.

- 8.13 A new 'Continuous Low Visual Buffer and Edge' is required on street frontages (21.07.080.E.6.c.ii). How does this jibe with vision triangles and visibility pulling into traffic?
- 8.14 Landscape will be required on lot lines inside a parking lot even when shared with a neighbor (21.07.080.E.6.c.iii). Why require a waiver?
- 8.15 Interior landscaping has increased from 5 to 10 percent (21.07.080.E.6.d).
- 8.16 Buffer Landscaping planting bed increased from 10 to 15.5 feet at drives and 17.5 feet wide at parking.
- 8.17 Minimum size will apply to interior landscape (21.07.080.E.6.d.ii).
- 8.18 You cannot have more than 25 parking spaces in a row (21.07.080.E.6.d.iii).
- 8.19 You are required to get a statement from MOA 'arborist' to use existing vegetation.
- 8.20 Additional islands are required in large lots (21.07.080.E.6.d.iv).
- 8.21 Tree Retention area, means utilities cannot be on perimeter!
- 8.22 Landscaping must be separated from traffic areas (21.07.080.F.3.a). This will affect drainage so the landscaping cannot filter the run-off.
- 8.23 Surety requirements are beyond the scope of Title 21. Who enforces this and how is the money returned (21.07.080.F.4.c)?

- 8.24 'Corners' of parking lots will no longer be counted for interior landscaping (comment from plan reviewer).
- 8.25 'Natural Surveillance and Safety' requirements are in direct conflict with the screening and beautification requirements of the landscaping which cannot be reconciled (21.07.080.E.6.d.vi).
- 8.26 Site enhancement landscaping (21.07.080.E.7) shall apparently apply to all sites not otherwise developed or landscaped. Does this apply to industrial land with gravel yards?
- 8.27 Evergreens are required in buffering and screening landscaping to the extent that they will obstruct view of the 'obtrusive' elements (21.07.080.E.5.g.vii and viii). What constitutes an obtrusive element?
- 8.28 Snow storage 21.07.080.F.5 is not permitted in landscaping. That will be a great one to enforce!
- 8.29 Other new requirements are tucked away in other sections.
- 8.30 Some Analysis:

Under the current Title 21, the minimum width lot which can be developed is 58 feet (8' planting bed + 18' parking + 24' drive aisle + 8' planting bed). Under the new Title 21, the minimum lot width is 65'-6" (8' planting bed + 5' dedicated walk + 20' parking + 24' driveway + 6" curb + 8' planting bed). That is an increase of 7.5 feet or 13%.

Every additional square foot of land taken for landscaping, dedicated walks, private open space, incentives, site grading and drainage, snow storage and the like reduces the number of parking spaces you can fit on a lot. It is axiomatic that if you reduce the number of parking spaces, you reduce the amount of building you can construct. This is lost economic opportunity, economic development and lost tax base.

The argument that parking requirements have been reduced to account for this is specious, a rationalization and not a statistical offset. Particularly if the current parking requirements are retained, which they should be.

9. 21.07.080.G Screening

Refuse screening will not be allowed in the front yard setback (21.07.080.G.2.d). Refuse collection is done with vehicles where the driver does not leave the vehicle. As such, the truck must be capable of removing and re-setting the dumpster without leaving the truck. If the

refuse container is located away from the front, it may cause the loss of parking to provide the maneuvering space needed. This will kill small lot development.

10. 21.07.080.G.3 Services and Off Street Loading Areas

- 10.1 No fence is going to screen loading docks from view considering trucks are 14 feet high (21.07.080.G.3.b.i).
- 10.2 Additional landscaping is not defined (21.07.080.G.3.b.ii).
- 10.3 What exactly is a fence of “debris, junk or waste materials.... unless such materials have been recycled...” (21.07.080.H.5)?

11. 21.07.090 OFF-STREET PARKING AND LOADING

- 11.1 Clearly T21 has a bias against the automobile and parking lots. To quote from the purpose statement, *“It is the intent of this section to attenuate the adverse visual, environment and economic impacts of parking areas...”* Surely, businesses and their customers do not view parking lots as having adverse economic impacts. On the contrary, Anchorage is a city that REQUIRES a car and parking lots. Further, there is a goal to not let developers build more than the amount of parking deemed fit by T21, another instance of taking property rights.
- 11.2 There are many examples of how this type of thinking has killed downtown areas around the country which are just now, redeveloping them to accommodate the automobile to re-vitalize them.
- 11.3 Many people will simply not go downtown unless they have no choice even though parking is adequate, albeit in garages that are inconvenient and costly. Downtown Anchorage has no parking requirements so would it not be ‘fair’ to require parking downtown as well as midtown. Why should other areas of town be required to pay for parking garages which must be built to keep downtown ‘vital’?
- 11.4 Table 21.07-5 Off Street Parking Spaces Required:
 - a. The table tries to anticipate every type of use, but will still not address every one. Why not keep it the way it is and use the administrative review for uses not specified (21.07.090.E.3).
 - b. The definitions of some of the uses are not clear.
 - c. Many uses are so unique as to never be referenced.
 - d. Many uses are redundant and could be consolidated.
 - e. Does it really say that a 1-bedroom unit only requires 1 parking space? This can't be right.
 - f. There are serious problems with overlapping designations with conflicting number of spaces.
 - g. Not enough parking is required at:

1. Residential
2. Office
- h. Too much parking is required at:
 1. Assisted living
 2. Rooming houses and transitional living
 3. Adult care
 4. Homeless shelters
 5. Schools
 6. Fitness centers
- 11.5 T21 must not restrict the number of spaces that can be provided! (21.07.090.4.c.) Uses change!
- 11.6 Once again, more landscaping is required (21.07.090.4.c.) . Why is this not in the landscape section? The whole complaint with the current Title 21 is that this type of requirement is scattered around and there is no single place you can go to know what the requirements are. And what happens when the extra parking becomes required parking? Do you tear out the landscaping?
- 11.7 All incentives to reduce parking, except for joint use or shared parking, should be eliminated (21.07.090.F.3). This will be totally unmanageable over time unless the MOA intends to have full time staff to track this. Further, the reductions are ill advised as they are in conflict with the stated minimum parking in the tables. Options exist today for special cases.
 - a. Reductions for car pool ,van pool, ride share and transit pass benefits are really a bad idea and unenforceable, especially over time. Things change.
 - b. Parking cash outs are insane.
 - c. Shared parking should be done on a case by case basis, not from a table.
- 11.8 This entire section assumes greater urban density than there is, or ever will be, in Anchorage. It is unrealistic thinking and you cannot apply the things that claim to work in a metropolitan area to Anchorage. When people drive to get their mail from their mailbox, you cannot reasonably expect to change the nature of life in Anchorage.
- 11.9 Street parking should not be counted for required parking. It currently is used as overflow for those occasions when the uses exceed the required parking. It is also a matter of fairness as some streets have parking one side and not another which gives an unfair advantage to the ones with greater street parking. And, what happens when the MOA widens the street, adds a bus stop or loading zone.

In summary, this entire section is so complicated it will be impossible for anyone to have confidence in their design and equally complicated to explain to the

traffic engineer. ALL of this could be accomplished with a mechanism to deviate from the most basic of parking standards. As it is, that mechanism will end up being the only way to get a design validated. (21.07.f.23).

12. 21.07.090.G Off-Street Loading Requirements

12.1 Off Street loading berths sound like a good idea, but the very nature of the loading process is such that loading berths are never used except in warehouse projects where that is the building's function. The loading berth must, by definition, be screened from view and thus it will be placed 'out of the way' and will be used for anything but active loading. Like so many requirements in Title 21, it assumes you can manipulate peoples behavior by legislation. The fact is, a moving van will park right next to the door of the building which provides the closest access to whatever is being loaded or unloading, usually the main entry by the elevator. It will block pedestrian and vehicle traffic and generally clog up the whole parking lot for a few hours, and no one will really care.

12.2 It would be logical that a particular business or function will provide the appropriate number of loading berths based on the needs of the business. Table 21.07-8 will require too many or too few so it is unnecessary.

12.3 The landscaping and screening section (21/07/090.H.3) should be part of the landscaping section.

12.4 21.07.090.H.9.b Circulation Patterns

'...curbed end islands shall be required at the end of each row of parking spaces.' Another taking of land as this is equivalent to a loss of at least two spaces out of each row. This can become a significant loss as some lots can only get small rows to begin with. A particularly harsh penalty for small lots.

12.5 Special sections (21.07.090.H.9c for example) which re-state that site plans are subject to review by the traffic engineer are clearly redundant as every section basically covers this.

12.6 Who will enforce the parking lot, storm drain and oil/water separator cleaning provisions of 21.07.090.H.11? The MOA cannot even enforce junk car removal.

12.7 In addition to the required parking, passenger loading zones "May" be required by the traffic engineer (21.07.090.I.1). How would a designer know when the traffic engineer 'may' require?

12.8 The traffic engineer must have a lot of spare time as he will be making a large number of decisions on every project that is presented for building

permits.

12.9 Table 21.07.07.10 is redundant as accessible parking is defined in federal law. This table is close, but not the same as federal law and it should be replaced by a reference to the ADA in the event federal law changes. The MOA can have a 'handout' they can update in lieu of codifying this. The same is true of much of the balance of section 21.07.090.J.

12.10 21.07.090.K is another land taking, requiring bicycle parking in addition to vehicle parking.

12.11 21.07.090.L Vehicle Queuing Space

While this is a good idea, I dare say some drive through restaurants are not as fast as others so this is of dubious value. What about multiple lanes such as banks? Why have an 'exceptions' section if you are required to use the table?

12.12 21.07.090.H Structured Parking

- a. Section 21.07.090.H.2 REQUIRES 25 foot deep habitable space on the ground floor of parking garages! This space must be along the entire street frontage. This is simply insane. For 25 years, the 5th Avenue Garage, in downtown, has had much of this type of space vacant. Is the MOA going to pay the rent on all this vacant retail space?
- b. Facade treatment (21.07.090.H.3) dictates the appearance of the building. It forces jogs into the building which make the building non-functional inside.
- c. Screening (21.07.090.H.4) is another attempt to hide automobiles from view. In this case, the lights are to be concealed as well. Wouldn't people feel safer with a well lighted, more open garage?
- d. Landscaping (21.07.090.H.5) is another requirement that should be in the landscaping section.
- e. Ingress and egress (21.07.090.H.5) should be covered under parking lot design which addresses queuing.
- f. Maximum gradients (21.07.090.H.7): All references to ADA are redundant. Once again, everything in the section may be waived by the traffic engineer.
- g. Layout and Internal Design (21.07.090.H.8) references three standards. Which applies?

13. 21.07.110 RESIDENTIAL DESIGN STANDARDS

13.1 In general, design standards of any kind may prevent really bad design, but they NEVER inspire good design; they become defacto design criteria, often times in conflict with what the market wants or is capable of

supporting.

- 13.2 It is not the role of government to say what a residential (or commercial) development should be or look like unless they are paying for it. If people want three car garages, they should be permitted to have them, along with a 3-car driveway! If they want to pay for more complicated and expensive designs, they will seek them out. How ironic, that the goal of this section is to promote better design when the chapter's requirements make the end product more expensive, making it less attainable.
- 13.3 Every added window, jog, concealed meter, landscape strip, sidewalk, undulation, roof change, etc, uses up land and costs money, costs which must be borne by the end user. At some point, the project becomes economically infeasible and dies, taking the jobs and living units with it. At the very least, it pushes it into a higher income marketplace.
- 13.4 Clearly, if there are life safety issues such as a fire truck not being able to reach a fire hydrant or get within minimal fire-fighting range, standards are appropriate. Other than that, that is the extent to which Title 21 should dictate design.

14. 21.07.120 PUBLIC/INSTITUTIONAL AND COMMERCIAL DESIGN STANDARDS

- 14.1 MOA becomes the "Beauty police."
- 14.2 Good design may overcome these standards, but why should it have to. And, what arrogance to try to define good design in the first place.
- 14.3 Commercial design is the realm of the professional architect and this entire section is an affront to the profession and should be removed from the ordinance.
- 14.4 Design and materials evolve, yet these de-facto design criteria are locked to the time of passage. The terms, like 'mansard', used to state what is good design, may be considered blight to others.
- 14.5 And what about free expression. Who is the arbiter of what is attractive, and further, who cares. Can you imagine telling an artist what his art must look like? The same must surely apply to architecture. This alone should be adequate cause for omitting this section from T21.
- 14.6 The design of commercial buildings is ALWAYS based on the needs of the client, not a 'menu of choices'. That is not to say choices are a bad thing as we make choices all the time. It just should not be limited to 'one from column A and two from column B'. It should be an infinite list, and therefore unnecessary.

- 14.7 Architects are trained to design solutions with consideration for solar orientation, views, weather, access and so on. That being the case, who is the target of these design standards, the non-architect?
- 14.8 It is not customary to place a building at the front of a lot so you don't have to look at the cars. If this is the best all round solution, fine.
- 14.9 It is a clear taking of property rights to require a building to be designed so as to not cast shadows on adjacent properties. There will be no more buildings over 75 feet in Anchorage.
- 14.10 Notwithstanding the 'big box ordinance,' which has already addressed the concerns of that type of development, the government or its appointed boards and commissions should not have any say in what a commercial building looks like.
- 14.11 New 'lighting zones' are required. This has not actually been written but stems from the 'Dark Sky' mentality whose requirements are unattainable.
- a. No lighting of facades, apparently. (No lights visible from the sky.)
No Chrysler or Empire State Buildings here!
 - b. No light trespassing! This means you cannot see light from another property.
 - c. Must turn lights off after 10:00 PM. That's safe!
- 14.12 This chapter takes the design decisions away from the design professional and property owner.
- 14.13 It cannot address future innovations in design or materials technology.
- 14.14 It will result in contrived designs.

M. SUMMARY AND GENERAL RECOMMENDATIONS:

In addition to those included above, the following should be done:

1. Provide a detailed cost analysis covering every changed requirement of T21.
2. Remove all undefined terms, subjective language and language that is based on feelings (or political correctness), including all "Purpose" statements; define terms and requirements concisely and objectively. Write in 'Code' rather than subjective language.
3. Remove all sections which reduce density through lowered height limits, additional setbacks, shadow casting and floor area ratios.
4. Remove all sections that change land use to a lower density use, a de-facto down-zone.

5. Remove all new zoning districts.
6. Remove commercial design standards.
7. Eliminate (to mention just a few) 'menu of choices':
 - 7.1 Sheltered Transition Spaces.
 - 7.2 Heated sidewalks.
 - 7.3 Plaza or courtyards that have 2/3 of its area receive 4 hours of sunlight on March 21.
 - 7.4 Sun Pockets.
 - 7.5 Winter Gardens.
 - 7.6 Housing courtyards that have surrounding wall of less than 45 feet and stepped wall for sunlight.
 - 7.7 Wind protection benefits.
 - 7.8 Arcades or recesses.
 - 7.9 Reflected sunlight.
8. Provide the referenced 'Users Guide' for adoption with T21.
9. Eliminate the Urban Design Commission.
10. Revert all districts to be the same as they are now.
11. Rework use tables to show all zones and all permitted uses.
12. Rework use definitions to simplify them.
Retail is retail. Office is office.
13. Revert landscaping.
14. Revert parking requirements to current Title 21. Uses change. A building designed as a furniture store (1 space per 800 SF) will never be allowed to be any other kind of retail (1 space per 300 SF) because there is not enough parking.
15. Rework parking to match use definitions.
16. Eliminate snow storage requirements.
17. Eliminate private open space in commercial zones.
18. Remove any section that dictates specific land use such as retail in parking garages or uses that are not market driven.
19. Eliminate street connectivity index, though block connections and dedicated walkways.
20. Remove all sections that are already covered by other local, state and federal

laws such as parking requirements that are taken from the Americans with Disabilities Act. Also remove all referenced standards that are not a part of Anchorage Municipal Code.

21. Remove all sections that require waivers to do what is now permitted by right and any section that takes away 'by right' use of the land. This would include all sections which require subjective administrative approval, new conditional uses or waivers.
22. Eliminate traffic Impact analysis requirements for ALL development.
23. Eliminate four access points for new subdivisions.
24. Add time limits for all MOA review.
25. Remove all sections that make reference to reviews which do not clearly define when those reviews are required or by whom.
26. Define a means by which pre-application reviews can be done timely and at no cost to the property owner so design decisions can be made early in the design process.
27. I have not commented specifically on chapters 1-3 or 9-14, but there are issues there as well.
28. I could go on....

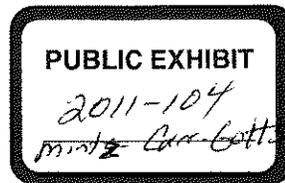
This letter does not cover all my concerns but is intended to give my impression of the over-reaching, 'government-knows-best' approach to land use and development in Anchorage.

I would gladly participate in on-going review and discussion on how to address these concerns. I would also be willing to offer my professional experience in assisting the planning and zoning commission in its review.

Naturally, if you have any questions, please feel free to call me at (907) 274-1643 or email me at don@dondwiggins.com.

Cordially,

Donald W. Dwiggins, Architect



March 12, 2012

Planning and Zoning Commission
4700 Elmore Road
Anchorage, AK 99507

Dear Madam Chair and Members of the Planning and Zoning Commission:

Attached find 13 recommendations for amendments to the provisionally adopted Title 21 and proposed amendments dated 12/12/11. Before turning to the changes needed, we would like to acknowledge the long and difficult task the Planning and Zoning staff has undertaken to craft an updated land use code for Anchorage. The new code is extremely detailed and complex. And, while we have noted some short-comings, we nevertheless believe that with modifications the overall effect of the new code will eventually be a positive one for our community. Our proposed changes arise out of sensitivity to how existing property owners will survive the transition from the old to the new codes. The recommendation attachment is organized by ordinance number. The following explains our rationales for the recommendations:

I. Conformity.

The vast majority of existing real estate structures and site plans do not comply with the new Title 21. Owners of existing developed real estate will suffer significant adverse economic impacts in two ways:

A. Limitations on an owner's ability to maintain the premises in good repair.

The new code allows the owner of an existing building to perform 5 specific categories of maintenance and repair only if the work is "required to keep structures or sites in a safe condition." The new code for example does not allow routine maintenance such as roof coatings to reduce ultraviolet degradation of the roof membrane. Recommendation #6 adds language that allows owners of non-conforming structures or sites to do "ordinary maintenance or repairs" subject to limitations in the existing code.

B. Surcharge on the cost of improvements to non-conforming commercial real estate larger than 20,000 square feet.

The new code doubles the Municipal surcharge on improvements to a non-conforming structure or site. (The surcharge funds must be used to bring the structure and site into compliance with the new code.) The existing code imposes a 10% surcharge and the new code imposes a 20% surcharge.



But wait, there's more! The existing code (big box ordinance) levies the surcharge on the cost of exterior improvements only. The new code levies the surcharge on the cost of all improvements, interior and exterior.

As a result of the increase in the surcharge rate from 10% to 20% and the additional new requirement that the surcharge be assessed against interior improvements, the new code is far more economically onerous, by several orders of magnitude.

Recommendations #7 and #1, together, re-institute the current code's approach of NOT adding a surcharge to the cost of interior work to pay for compliance with the new code. Also, recommendation #7 exempts maintenance and repair costs from the surcharges.

II. Traditional Uses in Business Parks.

Under the new code, proposed amendment #8, business parks may no longer contain religious assemblies, health services (which includes medical and dental laboratories and offices,) fitness centers, day care centers or government offices. Recommendations # 5, 8, 9 and 11 address these issues.

A. Religious Assembly Uses.

Churches or other forms of religious assembly often locate in a business park environment. Sometimes new congregations rent space until they reach a certain size or have resources to acquire their own site. Other times, established religious organizations need temporary space for worship while remodeling, constructing or moving to a new site. One of the benefits of allowing religious organizations into a business park environment is more efficient use of parking space. A religious organization's demand for parking can be met in a business park by shared parking, offsetting peak-time use of existing spaces.

B. Health Service, Office, Fitness and Day Care Uses.

Currently the Huffman Business Park is home to Burkhart Dental Supply (lab), Dr. Peterson (dentist), Southside Fitness, First Care (medical clinic), and the State of Alaska Department of Weights and Measures. Also, day care centers frequently are tenants. All of these uses have been located in the Huffman Business Park for 10-20 years.

This problem arises from differences in I-1 zone allowable uses under the new and the existing code. Huffman Business Park is in the current I-1 zone, which allows all the aforementioned uses. The new code no longer allows these uses in I-1 industrial areas. However, these uses, are appropriate and traditional uses in a business park (as distinguished from a heavy industrial) area.

III. Our other recommendations concern:

- A) allowing restaurants (not just bars) to have brew pubs, (#3),
- B) allowing financial institution computer support centers as a use in the I-1 district (#10),
- C) distinguishing between big box type building material stores and home furnishing, specialty paint, appliance, furniture and floor covering stores (#12,13).

IV. Two final thoughts:

A. Economic Impact.

The Title 21 economic analysis fails to take into consideration the substantial economic effects of the conformity and use issues addressed in sections I and II above.

B. Transparency.

Both the new and existing codes contain zones named I-1 and B-3. This has the potential to mislead the citizenry into thinking that the zones have not changed. In fact, the new I-1 and B-3 zones are substantially different from the existing I-1 and B-3 both in terms of allowable uses and in terms of requirements for structures and site design. (We have attached, as an example, a comparison of allowable uses in the existing I-1 and the new I-1 and the CMU zones.) If the new code uses existing nomenclature, the public should be informed with specificity how the existing zone differs from new zone that has the same name.

Yours Very Truly,



Bob Mintz

Recommendations

Following are recommended amendments. They are formatted to be inserted either into the proposed provisionally adopted Title 21, or as modifications to the Planning staff amendments, dated December 12, 2011.

Proposed Amendments to Provisionally Adopted Title 21

1. Add the following wording to sections 21.03.180 B. 1. And 21.03.180 C. 1. :

“This section shall not apply to the interior remodeling, renovation, or repair to interior portions of structures that are subject to site plan review under this title except for those interior areas that are proposed for meeting any design requirements in chapter 21.07.”

2. Modify the definition of “Health Services” in section 21.05.040 F. 1. a. by substituting the word “pharmacies” for [“DISPENSARIES.”]

3. Add the following underlined wording to section 21.05.050 E. 3.a. :

“a. Definition: An establishment primarily engaged in the preparation and sale of food and beverages, normally for consumption on the premises, but including those establishments that provide only take-out or delivery service. Establishments that engage in the preparation and sale of food and beverages for consumption on the premises may also manufacture malt beverages.”

4. Add the following underlined wording to section 21.05.050 H. 8. and Table 21.05-2 :

“8. Beer, Wine or Liquor Store”

5. Add and modify wording to 21.05.060 A. 4. as follows :

“a. Definition A facility housing government shops, maintenance, and repair centers, and equipment storage [YARDS].

“b. Use-Specific Standards

- i. Supporting administrative offices shall utilize no more than 50 % of total area on the site.
- ii. L4 screening landscaping is required where adjacent to residential zones.”

6. Add the following language to 21.12.010 F. 1. as a new subsection a. and re-letter the remaining subsections accordingly:

“a. Work done in any period of twelve consecutive months on ordinary maintenance or repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten percent of the current replacement cost of the nonconforming structure or nonconforming portion of a structure as the case may be.”

7. Add the following underlined wording to subsection 21.12.060 C. 2. f. :

“f. For the purpose of this section, “total project costs” shall be determined by the building official pursuant to municipal code, and shall be exclusive of all costs of remodeling, renovation or repair that are interior to a structure not subject to site plan review, as well as improvements that move the development in the direction of conformity to the requirements of this title. “

Proposed Modifications to Amendments Prepared by Planning Staff and dated December 12, 2011

8. Amendment # 8: Concerning the addition of a BIP-PUD to I-1 and B-3 Districts:

Under subsection 21.03.080 F.3. Allowed Uses, add a new b. and move the existing b. to c. The new b. to read as follows:

“b. For a BIP-PUD in the I-1 district, in addition to the uses allowed in the I-1 district, a developer may propose to include the following uses in a BIP-PUD: Health Services, Instructional Services, Child Care Centers, Religious Assembly, and offices of government agencies if the location of the latter is consistent with 21.05.040 C 4.b.ii.”

Under section 21.03.080 F. 5. Minimum Standards, add a new subsection h. and re-letter the remaining subsections accordingly. The new subsection h. will read as follows:

“h. Individual tenancies for business and professional offices, instructional services and health services shall not exceed 5,000 square feet, and shall cumulatively not exceed more than 50 % of the total gross square feet of any individual building.”

Under section 21.03.080. F.5 Minimum Standards, add a new subsection i. and re-letter the remaining subsections accordingly. The new subsection i. will read as follows:

“i. Religious assembly and offices of a government agency shall not exceed 15,000 square feet.”

Under a re-lettered subsection 21.03.080 F.5.j. iii., add the following underlined language:

“At no time shall the aggregate of the required parking of all uses in the BIP-PUD, which may include parking reductions and alternatives noted in section 21.07.090 F., exceed the total number of parking spaces provided.”

9. Amendment # 32: Concerning additional commercial use type permitted in I-1 District:

One of the commercial use types was overlooked in being marked with a “P” in the I-1 district. Therefore, the addition of the use type “Fitness and recreational sports center” is recommended to be added to the list and marked with a “P.”

10. Amendment # 37; Concerning financial institutions permitted in the I-1 District:

Add a b. iv. to 21.05.050 F 2. which reads as follows:

“b. iv. Notwithstanding the previous limitations on financial institutions, computer support centers for the use of financial institutions are permitted in the I-1 district without limitation to size.”

11. Amendment # 38; Concerning limitations on business and professional office uses:

Add the following italicized wording to the proposed underlined wording in subsection 21.05.050 F 3.b. ii. (B) :

“The proposed office use shall directly serve the function of an industrial or public/institutional use permitted in the district *unless the proposed office use is included within a BIP-PUD.*”

Add the following italicized wording to the proposed underlined wording in subsection 21.05.050 F 3.b.ii. (C) :

“The office use shall comprise no more than 25 percent of the gross floor area on the site when the gross floor area is over 5,000 square feet, *unless a greater*

percentage is [APPROVED BY THE DIRECTOR] authorized by the approving authority or the use is included within a BIP-PUD.”

12. Amendment # 39: Concerning overlap among use types “Building Materials Store,” “General Retail” and “Furniture and Home Appliance Store”:

Remove the words “[FLOOR COVERING]” from the definition of the use type “Building Materials Store” in 21.05.050 H 2.a.

13. Amendment # 40: Concerning changes “General Retail” use type:

Retain the words “home furnishings” in the definition of General Retail Store in section 21.05.050 H 6. a. After the words “home furnishings,” add the word “paint” with a comma.

Modify the wording in section 21.05.050 H 6.b.i. as follows:

“Any general retail use [, SUCH AS A PHARMACY,] with drive-thru service shall comply with the “drive-thru service” accessory use standards in subsection 21.05.070 D. 6.”

Huffman Business Park

	Use Type	Current I-1	New I-1	CMU	Comment
	Commercial Uses				
1	Wholesaling and distribution operations	P	P	--	
2	Mercantile establishments	P	?	?	Term too general, not used
3	General merchandise and dry goods stores	P	P	P	
4	Wholesale fur dealers, repair and storage	P	P	--	
5	Wholesale and retail furniture and home furnishing stores	P	P	P*	Wholesale not permitted in CMU. See also Amend # 39
6	Wholesale and retail radio and television stores	P	P	P*	Wholesale not permitted in CMU
7	Wholesale and retail household appliance stores	P	P	P*	Wholesale not permitted in CMU. See also Amend # 39
8	Wholesale, industrial and retail hardware stores	P	P	P*	Retail hardware stores permitted in CMU
9	Drugstores / pharmaceutical supply houses	P P	-- P	P --	Drugstore changed to dispensary under use type "health service." See also Amend # 40
10	Retail food stores and liquor stores	P	P*	P	See Amendment # 32
11	Restaurants, cafes and other places serving food and beverage	P	P	P	
12	Merchandise vending machines sales and services	P	P	--	
13	Wholesale and retail camera and photographic supply houses	P	P	P*	Retail camera and photo supplies permitted in CMU
14	Barber shops and beauty shops	P	P	P	
15	Shoe repair shops	P	P	P	
16	Small appliance repair shops	P	P	P	
17	Insurance / real estate offices	P	P*	P	See Amend # 38 for limitations
18	Banking / financial institutions	P	P*	P	See Amend # 37 for limitations
19	Business / professional offices	P	P*	P	See Amend # 38 for limitations
20	Business service establishments, incl commercial and job printing	P	P*	P	See Amend # 32
21	Off-street parking lots / garages <50 spaces / 50+ spaces	P P	P P	S M	

22	Taxi cab stands and dispatching offices	P	*	*	*Taxi cab stands are not separate use, but covered under "passenger loading zone" provisions in parking regs. Dispatching office not covered in new code. Staff will address.
23	Employment agencies	P	P*	P	See Amend 3 38 for limitations
24	Retail or wholesale sales and showrooms	P	P	P*	Wholesale not permitted in CMU
25	Labs and establishments for production, fitting and repair of eyeglasses hearing aids, prosthetic appliances and the like	P	--	S	
26	Plumbing and heating service and equipment dealers	P	P	--	
27	Paint, glass and wallpaper stores	P	P	--	
28	Electrical/electronic appliances, parts and equipment	P	P	P	
29	Direct selling organizations	P	P*	P	See Amend # 32
30	Gasoline service stations	P	P	S	
31	Aircraft and marine parts and equipment stores	P	P*	--	Need to clarify or add to definition of "Vehicle parts and supply"
32	Antique and second hand stores, incl auctions and pawn shops	P	P	P*	Auction house not permitted in the CMU district
33	Farm equip /garden supply stores	P	P/P	--/P	
34	Auto accessories, parts/equipment stores	P	P	P	
35	Auto display lots, new and used	P	P	--	
36	Mobile home display lots, n/u	P	P	--	
37	Aircraft/boat display lots, n/u	P	P	--	
38	Motorcycle/snow machine display lots, n/u	P	P	--	
39	Auto, truck, trailer rental agencies	P	P	--	
40	Lumberyards, builders' supply and storage	P	P	--	
41	Fuel dealers	P	C	--	
42	Plant nurseries	P	P	P	
43	Auto carwashes	P	P	S	
44	Bus / air / rail passenger terminals	P	--/-- /M*	S/-- /M	See Amend # 32
45	Amusement arcades, billiard parlors and bowling alleys	P	P	P	
46	Frozen food lockers	P	P	--	
47	Funeral services incl crematorium	P	P*	S*	See Amend # 32. Added note:

					Crematorium is separate use type permitted in I-1
48	Private clubs and lodges	P	P	P	
49	Veterinarian clinics and enclosed boarding kennels	P	P	C	
50	Motion picture theatres	P	C*	S	See Amend # 32
51	Churches, places of relig worship	P	--	P	
52	Antenna, Types 1-4 community and local interest towers	P	P	P	
53	Snow disposal sites	P	S	--	
54	Radio / TV studios	P	P	C	
55	Unlicensed night club	P	P	P	
56	Large retail establishment	P	--*	P	See Amends # 40 and 41 General retail and grocery or food retail over 20,000sf are not permitted in I-1
57	High voltage transmissin tower w/ max. height 70 feet	P	*	*	*Not addressed in proposed code; staff will address.
	Industrial Uses				
58	Airplane, auto or truck assembly, remodeling or repair	P	P	--	
59	Beverage manufacture, incl breweries	P	P*	--	Breweries considered light manufacturing.
60	Boatbuilding	P	P	--	
61	Cabinet shops	P	P	--	
62	Cleaning, laundry or dyeing plant	P	P	--	
63	Machine or blacksmith shops	P	P	--	
64	Manufacture, service or repair of light manufacturing goods, such as appliances, batteries, furniture, garments or tires	P	P	--	
65	Metalworking / welding shops	P	P	--	
66	Motor freight terminals	P	P	--	
67	Paint shops	P	P	--	
68	Steel fabrication shops / yards	P	C	--	
69	Vocational or trade schools	P	P	C	
70	Utility installations: utility facility* / utility substation*	P/ P	C/ P	--/ S	See definitions in 21.05.040 J.
71	Warehousing	P	P	--	
72	Self-storage facility	P	P	--	
73	Vehicle storage	P	P	--	
74	Taxidermy, fur processin/dressing of raw hides and skins	P	P	--	
75	Mobile home parks on minimum of 10 acres	C	--	--	

76	Airstrips and heliports	C	--	--	
77	PUD's	C	C*	--	See Amend # 8
78	Natural resource extraction >5 ac	C	C	C	
79	Camper parks	C	C*	--	See Amend # 32
80	Marquees, overpasses projections into public air space	C	*	*	Not addressed in proposed code; staff will address
81	Motels, hotels and lodging	C	P*	S	See Amend # 32
82	Impound yards	C	P	--	
83	Correctional community residential centers	C	C	C	
84	Motorized sports min. 20acres w/ max. engine sizes	C	C	--	
85	Public, parochial, private academic schools	C	--	M	
86	Business colleges / universities	C	--	M	
87	Dormitories	C	*	*	*Not addressed in proposed code; staff will address
88	Child care centers / homes	C	--*	P	Child care centers not in as commercial use category

- P = Permitted**
C = Conditional Use
S = Administrative Site Plan Review
M = Major Site Plan Review requiring public hearing
Hyphen in box denotes the use is not allowed

Notes:

Any retail establishment on a single lot with a building floor area over 20,000 square feet will require a major site plan review in all of the use districts.

PZC Case 2011-104

Comment submitted by Dan Coffey

Planning and Zoning Commission

March 12, 2012

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SUMMARY OF MAJOR ISSUES

GENERAL COMMENTS

PAGE 1

SUMMARY OF MAJOR ISSUES

CHAPTER BY CHAPTER

GENERAL COMMENTS

This Summary is organized by Chapters that correspond to the Chapters in the draft code. Each Chapter in the draft code has its own Chapter in this Summary.

For each Chapter in this Summary, issues are identified by reference either to a specific code section or to a specific issue that has multiple code provisions associated with that issue. As an issue is identified, it is followed by sections entitled "policy issue", "policy consideration", "recommendation" or "note".

There are 23 exhibits (Exhibits A through W) attached to this Summary. Most exhibits are proposed amendments to the draft code. There are also comments and memos regarding a specific issue. Some of the proposed amendments were drafted by the Mayor's consultant. Some amendments were prepared by persons with expert knowledge and experience as to the specific topic or subject matter. The exhibits are included with each Chapter of this Summary for easy of review.

There is also an Appendix to this Summary. The Appendix consists of a report on the 89 proposed amendments dated May 20, 2010. Note that each of these amendments are footnoted in the draft ordinance that was presented to the Consultant in July 2010. This footnoting makes it easy to see where changes are being contemplated.

A table is included in the Appendix connecting amendments from May 2010 to the 118 proposed amendments dated August 23, 2011. See Exhibit "V" attached. Many of the amendments in the August 2011 list are identical to those in the May 2010 list. However, there are no footnotes to these amendments in the draft code.

Although there are a few amendments in both lists that address issues in the following Chapters, this Summary does not address Chapter 9-Girdwood, Chapter 10-Chugiak/Eagle River; Chapter 11-Signs; Chapter 13-Enforcement; and Chapter 14-Definitions except in the context of the proposed amendments.

CHAPTER 1
GENERAL PROVISIONS
PAGES 2-4
EXHIBITS "A" & "B"

Chapter 1-General Provisions

- 1) 21:01.070 B. This provision of the draft code allows the department to ignore court decisions that have invalidated a provision of the code in subsequent cases involving the same issue.
 - a. Policy Issue: If a court determines that any provision of Title 21 is illegal cannot be enforced or required, should the MOA be allowed to require or enforce this provision in cases other than the one in which the decision was made?
 - b. Recommendation: An adverse court decision invalidating any provision of Title 21 should bind the Municipality in all future decisions where that provision comes into play. Amend this section as per Exhibit "A" attached.

- 2) 21.01.080 and Table 21.01-1 Comprehensive Plan Elements.
 - a. Policy Issue: Are all of the numerous elements in table 21.01-1 appropriate to be included in the Comprehensive Plan?
 - b. Policy Consideration: Many of the proposed elements that presented in this table are not adopted plans. They were various "studies" that have not been reviewed or approved by the decision-making bodies. In addition, many adopted plans are undoubtedly out of date.
 - c. Policy Consideration. According to 21.01.080 B. Even if a plan or a study is deleted from the table in the draft ordinance and thus not part of the Comprehensive Plan, those deleted elements, although "*not official elements of the comprehensive plan*, *may be valid planning tools.*"
 - d. Recommendation: Require a review by staff as to which elements in Table 21.01-1 were adopted by the Assembly and which were not. If the element was not adopted by the Assembly, then it should not be included as part of the Comprehensive Plan.
 - e. Recommendation: The elements of the Comprehensive Plan should be limited to plans that have wide ranging application and that were adopted recently or after the adoption of the 20/20 Comprehensive Plan. This is particularly appropriate since the staff views the Comprehensive Plan as a "super ordinance" to which great deference must be given.

- 3) 21.01.080 D.: Implementation-Conformity to Plans. This section, as written, fails to recognize that Title 21 is the implementing document of the 20/20 Comprehensive Plan and all of the elements of the plan in table 21.01-1.
- a. Policy Issue: Should this provision be amended to make it clear that Title 21 is the implementing document for the 20/20 Comprehensive Plan and all of the elements of that plan?
 - b. Policy Consideration: The language in the draft code and in proposed amendment # 2 from the May 2010 list and amendment # 83 from the August 2011 list requires that *“all provisions governing use and occupancy of land, including zoning map amendments, land use approvals, site plan reviews and subdivisions shall be in accordance with and conform to the comprehensive plan elements listed in this section.”* What this provision does is allow staff to go outside of Title 21 in reviewing land use applications and in making decisions or recommendations on the land use and occupancy. However, are the subjective provisions of the 20/20 Comprehensive Plan and its various elements the basis on which land use and occupancy should be decided?
 - c. Policy Consideration: Title 21 is intended to be the specific document that implements all of the comprehensive plan and its various elements all of which are afar too general to be used to determine what should and should not be allowed in land use situations. Title 21 is intended to set out the specific and detailed requirements of land use and occupancy.
 - d. Policy Consideration: If Title 21, with all of the specificity that is included, does not determine and control how all of the land and building uses are allowed in Anchorage, what is the point of Title 21?
 - e. Policy Consideration: If every land use issue for staff’s review, decision or recommendation requires a review of all of the elements of the comprehensive plan and allows for the subjective interpretation that naturally results from a general statement of policy which is what the 20/20 Comprehensive Plan and its various elements contain, then staff has great power and control, in a very subjective manner, over all land use decisions. Do we wish to give them this power?

- f. Policy Consideration: The 20/20 Comprehensive Plan is an ordinance. Most (hopefully all) of its elements were adopted by ordinance or resolution. Title 21 is likewise an ordinance. The Municipality does not “rank” ordinance in order of importance. All ordinances are equal. Thus, even though staff wants the Commission to consider the Comprehensive Plan is a “super ordinance”, it is not any such thing.
 - g. Recommendation: Adopt an amendment to this provision as set out in Exhibit “B” attached.
- 4) 21.01.090. The “Investment Backed Expectations” provision was deleted.
- c. Policy Issue: Initially there was an effort to allow a development to proceed under the existing Title 21 after the new code was adopted based on the expenditure of some significant amount of dollars in a planning process even if a permit had not been applied for. It proved very difficult to draft language to effectuate this concept. Therefore, the concept has been dropped from the draft code.
 - d. Recommendation: In order to effectuate this concept to some degree, the Commission should recommend adoption of an effective date of 1-1-13, continue to allow the exemption for applications that have filed and allow a developer to elect to proceed under the new Title 21 code once it is adopted by the Assembly.

EXHIBIT A

21.01.070 B. If any court of competent jurisdiction invalidates the application of any provision of this title, then that provision shall not be applied to any other building, structure, or use.

EXHIBIT B

21.01.080 D. Implementation—Conformity to Plans

The general goals, policies and objectives of the 20/20 Comprehensive Plan and all of the elements set out in Table 21.01-1 are being implemented with specificity as provided in this Title. All provisions governing use and occupancy of land, including zoning map amendments, land use approvals, site plan reviews and subdivisions shall be in accordance with and conform to the specific requirements of this Title that sets out the detailed requirements for such land use and occupancy.

CHAPTER 2

BOARDS AND COMMISSIONS

PAGE 5

EXHIBITS "C" "D" & "E"

Chapter 2-Boards and Commissions

- 1) 21.02.020 and 21.02.040 and Table 21.01-1. The draft code gave the Urban Design Commission (UDC) several new duties and responsibilities. Most of these duties and responsibilities which are proposed to be re-assigned, are currently under the purview of the Planning and Zoning Commission under current Title 21.
 - a. Policy Issue: Should a significant amount of the duties and responsibilities currently assigned to PNZ be taken from the Commission and assigned to UDC.
 - b. Policy Consideration: Staff's justification is that the Commission's workload does not permit PNZ to continue to do the items that staff wants transferred to UDC.
 - c. Policy Consideration: Over time there have been numerous and on-going complaints concerning UDC. The staff acknowledges that UDC "was known to be a dysfunctional commission", but claims that this is no longer the case. Staff's assertion is debatable.
 - d. Policy Consideration: By having two Commissions with overlapping authority allows the staff to have greater control over the public processes. This is particularly true when an issue is required by the draft code to be heard by both PNZ and UDC (See Streets and Trails Amendment in Appendix and infra, Chapter, page 9).
 - e. Policy Consideration: The Planning Commission is required by Charter section 12.02. UDC is scheduled to sunset in 2013.
 - f. Recommendation: Do not transfer any responsibilities from the Commission to UDC. Amend 21.02.020 and 21.02.040 and Table 21.01-1 as per attached Exhibits "C", "D" & "E".

EXHIBIT C

TABLE 21.02-1. SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals
 D = DECISION = Responsible for Review and Final Decision
 H = HEARING = Public Hearing Required
 R = REVIEW = Responsible for Review and/or Recommendation Only

	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Alcohol—Special Land Use Permit	21.03.040	D-H/A ²						R/D ²
Certificates of Zoning Compliance	21.03.060					A		D
Comprehensive Plan Amendments	21.03.070C	D-H ³	R-H ³					R
Conditional Uses	21.03.080		D-H				A	R
Flood Hazard Permits	21.03.090					A		D
Land Use Permits	21.03.100				A ⁴	A ⁴		D
Master Plan, Institutional	21.03.110A	D-H	R-H					R
Minor Modifications	21.03.120		D ⁵			A ⁶	A ⁶	D ⁵
Neighborhood or District Plans	21.03.130	D-H	R-H					R
Public Facility Site Selection	21.03.140	D-H/A-H ⁷	D-H ⁷					R
Rezoning (Map Amendments)	21.03.160	D-H	R-H					R
Sign Permits	21.03.170					A		D
Site Plan Review, Administrative	21.03.180B.					A		D
Site Plan Review, Major	21.03.180C.		D-H				A	R
Street Review	21.03.190		R ⁸ /D					R
Trail Review	21.03.190			R ⁸ /D				R
Preliminary Plat	21.03.200C.5.		D-H ⁹		D-H ⁹		A	R
Abbreviated Plat	21.03.200D.				A-H			D
Title 21, Text Amendments	21.03.210	D-H	R-H		R-H ¹⁰			R
Vacation of Public and Private Interest in Land	21.03.230				D or A ¹¹		A ¹¹	R or D ¹¹
Variances from the provisions of chapter 21.06, <i>Dimensional Standards and Measurements</i>	21.03.240					D-H		R

TABLE 21 02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals
 D = DECISION = Responsible for Review and Final Decision
 H = HEARING = Public Hearing Required
 R = REVIEW = Responsible for Review and/or Recommendation Only

	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Variations from the provisions of subsections 21.07.020C., <i>Steep Slope Development</i> ; 21.07.060, <i>Transportation, Connectivity, and Pedestrian Facilities</i> ; and chapter 21.08, <i>Subdivision</i>	21.03. 240				D-H		A	R
Variations from the district-specific standards of chapter 21.04, <i>Zoning Districts</i> ; the use-specific standards of chapter 21.05, <i>Use Regulations</i> ; and the provisions of chapter 21.07, <i>Development and Design Standards</i> and chapter 21.11, <i>Signs</i> ,	21.03.240					D-H	A	R
Variations from the provisions of subsections 21.07.050, <i>Utility Distribution Facilities</i> , and 21.05.040K., <i>Telecommunication Facilities</i>	21.03. 240 D.2.b.					D-H		R
Verification of Nonconforming Status	21.03. 250					A		D

NOTES:

² See section 21.03.040, *Alcohol-Special Land Use Permit*, to determine whether the Assembly or the director is the decision-making body.

³ Only substantive comprehensive plan amendments require a public hearing. See section 21.03.070, *Comprehensive Plan Amendments*.

⁴ Appeals related to provisions in Title 23 are made to the building board of examiners and appeals.

⁵ An applicant may request application of the minor modification process only once during the review process.

⁶ See section 21.03.120C.5. for appropriate appeal body.

⁷ Site selection for municipal facilities is approved by the assembly. See section 21.03.140.

⁸ See section 21.03.190, *Street and Trail Review*.

⁹ The Planning and Zoning Commission may act as the platting authority for conditional uses or major site plan that create a subdivision.

¹⁰ Code amendments relating to chapter 21.08, *Subdivision Standards*, require a hearing by the platting board. All code amendments for Title 21 require a hearing by the Planning and Zoning Commission.

¹¹ See section 21.03.230, *Vacation of Public and Private Interest in Lands*.

TABLE 21.02-1. SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals
 D = DECISION = Responsible for Review and Final Decision
 H = HEARING = Public Hearing Required
 R = REVIEW = Responsible for Review and/or Recommendation Only

Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
KEY TO ABBREVIATIONS:		ZBEA = Zoning Board of Examiners and Appeals					
ASBLY = Anchorage Assembly		BOA = Board of Adjustment					
PZC = Planning and Zoning Commission		UDC = Urban Design Commission					
PB = Platting Board		MS = Municipal Staff					

EXHIBIT D

21.02.030 Planning and Zoning Commission

A. Recommendation to the Assembly

The Planning and Zoning Commission shall make a recommendation to the assembly on the following:

1. Comprehensive plan amendments (21.03.070);
2. Master plans (21.03.110);
3. Neighborhood or district plans (21.03.130);
4. Major site plan reviews (21.03.180C)
5. Public facility site selection for municipal facilities
(21.03.140);
6. Preliminary plats, when a major site plan review creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the major site plan approval that it shall act as the platting authority (21.03.180F);
7. Unified development plats, where the site plan includes a large commercial establishment;
8. Commercial tract plats, where the site plan includes a large commercial establishment (21.03.200E);
9. Appeals from administrative site plan reviews;
10. Rezones (zoning map amendments), to include overlay districts (21.03.160); and
11. Title 21 text amendments (21.03.210).

B. Decision-Making Authority

The Planning and Zoning Commission has decision-making authority over the following:

1. Conditional uses (21.03.080);

2. Preliminary plats, when a conditional use creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the conditional use approval that it shall act as the platting authority (21.03.080F.);
3. Public facility site selections, except for municipal facilities (21.03.140);
4. Appeals from the director's decision regarding consistency with a master plan (21.03.110F.);
5. Variances from the provisions of subsection 21.05.040K., *Telecommunication Facilities*, and section 21.07.050, *Utility Distribution Facilities* (21.03.240);
6. Major site plan reviews (21.03.180C.);
7. Preliminary plats, when a major site plan review creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the major site plan approval that it shall act as the platting authority (21.03.180F.);
8. Commercial tract plats, where the site plan includes a large commercial establishment (21.03.200E.);
9. Draft design study reports, landscaping and streetscape and pedestrian facilities including new construction and reconstruction of streets and collector class or greater in the *Official Streets and Highways Plan*;

c. Other Powers and Duties

The Planning and Zoning Commission shall:

1. Develop, review, and make recommendations to the assembly regarding policies, plans, and ordinances to implement the municipal function of planning for the economic, social, and land use needs of the community.
2. Review and make recommendations to the assembly and school board regarding the annual capital improvement program of the municipality and school district.
3. Review and make recommendations to the mayor regarding the annual work program of the department.

4. Promulgate regulations to implement or make specific the provisions of this Title, except provisions of Chapter 21.08, *Subdivision Standards*, which are reserved to the Platting Board.
5. Exercise such other powers, and perform such other duties, as are provided by law.

EXHIBIT E

21.02.040 Urban Design Commission

A. The Urban Design Commission has decision-making authority over the following:

1. Review of trails, as specified in 21.03.190

B. Other Powers and Duties

The Urban Design Commission shall:

1. Perform those duties stated in Title 7, relating to the art funding requirements for public buildings and facilities.
2. Designate historic signs pursuant to subsection 21.12.070F.
3. Exercise such other powers, and perform such other duties, as are provided by law.

CHAPTER 3

REVIEW AND APPROVAL PROCEDURES

PAGES 6 - 10

EXHIBITS "F" "G" "H" "I"

Chapter 3-Review and Approval Procedures

- 1) 21.03.020: "Community Meetings" versus presentations to the Community Councils.
 - a. Policy Issue: Should applicants for land use permits of major significance (conditional use, a rezone, a major site plan review, subdivision applications, institutional master plans or public facility site selection) be required to be presented to the affected Community Council(s)? Should an alternative process be provided for?
 - b. Policy Consideration: Community Councils (CCs) are established by the Municipal Charter Article VIII, Section 8.01 *"to afford citizens an opportunity for maximum community involvement and self-determination."* They should be where any applicant presents its application to the community for review and comment.
 - c. Policy Consideration: Appearing before our local Community Councils on major issues is long standing and well-established process. This process is provided for by Charter for neighborhood review and comment on major issues that come before the Municipality and its Boards and Commissions.
 - d. Policy Consideration: The draft code does NOT require that these major issues be presented to the effected Community Council(s). While presentations are allowed, a "community meeting" can be organized outside of the Community Council process.
 - e. Policy Consideration: Staff's justification for an alternative process is that some community councils do not function in the summer. The response to staff's assertion is that those items that must be presented are all long-term projects that afford ample opportunity for presentation to the affected Community Councils.
 - f. Policy Consideration: Meetings outside of Community Councils can be controlled by staff and not by the affected Community Councils which gives staff more control over the process and limits the public's ability to influence what should take place.
 - g. Recommendation: Require presentation to the community councils. Adopt the amendment set out in Exhibit "F".

- h. Recommendation: Do NOT allow the Director to waive the requirement of a presentation to the Community Council(s) as provided in 21.03.020 C. 2. b. It is essential that these major developments and changes go before the affected Community Council(s) as anticipated by the Municipal Charter.
 - i. Recommendation: DELETE section 21.03.020 C. 6 Summary of Community Meetings. This section requires an application to prepare a summary of the meeting containing a host of trivial details, including information the city already has (notice information), the number of people at the meeting and what were the concerns of the people in attendance. Note that for all of these applications, in addition to the community council meeting, there will be public hearings before Planning and Zoning and the Anchorage Assembly.
- 2) 21.03.100 E. Improvements Associated with Land Use Permits. This is a carry over ordinance in existing code (21.12.150). The ordinance was originally intended to address issues of infrastructure associated with Site Condos. Over time, Staff expanded the application of this ordinance to all types of developments (excluding a residence on a single lot).
- a. Policy Issue: Should the staff be allowed to impose off site infrastructure improvements when a land use permit is being applied for in the absence the necessity of such infrastructure required for the property to be developed?
 - b. Policy Consideration: As written in the draft code, this provision allows staff to impose considerable costs on a person seeking a land use or building permit. See section E. 3. A. i through v.
 - c. Policy Consideration: The way in which the staff is applying this ordinance, the ordinance has substantially the same effect on development as "impact fees" that other communities have adopted. Anchorage has not adopted impact fees. Adopting "impact fees" or their equivalent is something the Assembly should establish, not something that staff should be allowed to create out of an existing ordinance that was intended to be applied to an entirely different circumstance (Site Condos). Note that even staff refers to this proposal as the Site Condo ordinance.

- d. Recommendation: Either DELETE this provision entirely or amend the ordinance to limit its scope. See proposed limitation language in Exhibit "G" with the existing code provision in 21.15.150 attached..
- 4) 21.03.160 D: Rezoning. The draft code allows "*the director of any municipal department*" to initiate a rezoning. Under current code, only property owner(s), the planning and zoning commission, the municipal administration or the assembly have that authority (21.20.040).
- a. Policy Issue: Should "*any director of any municipal department*" have the authority to initiate a rezone and impose the process and the costs of rezoning on the property owner or should the current process and authority to initiate a rezone continue under the revised Title 21.
 - b. Policy Consideration: Rezoning is a significant issue. For example, all rezoning applications require a community presentation, application to the Planning and Zoning Commission where a public hearing is held and a second public hearing before the Assembly that has authority to approve a rezone. There are significant public policy issues relating to rezones. The current code's provisions have worked well for years without giving this authority to "any director of any municipal department".
 - c. Policy Consideration: This proposed provision gives the bureaucracy a powerful and coercive tool, particularly when new zoning districts may be established by the revised title 21.
 - d. Policy Consideration: There are 17 Directors listed in the Municipal directory of "Key Personnel". These include the directors of Emergency Management, Employee Relations, the Police and Fire Medical Trust, Health and Human Services, Information Technology, Internal Audit, Office of Equal Opportunity, Parks and Recreation, Office of Management and Budget and several more. Do we want to give authority to all these directors to initiate a rezone? To allow "any director" to begin this process is absurd.
 - e. Policy Consideration: When this issue was discussed with staff, staff's position was that any rezone "would still require approval by the assembly and could be rejected by the property owner". Of course, by that time, the property owner would have expended thousands of dollars in a process that

the property owner did not initiate and, in all likelihood, opposes.

- f. Recommendation: Do NOT give “any director of any municipal department” the authority to initiate rezones.
- 5) 21.03.160 E.: This provision establishes new approval criteria for rezoning. There are 11 standards for a rezoning are being proposed. Under current code, there are four standards (21.20.090).
- a. Policy Issue: Is it necessary to create a whole new class of standards for rezoning or do the current standards work well.
 - b. Recommendation: Review the old and new standards and determine the appropriateness of the new requirements.
- 6) Street and Trail Review Process: 21.03.190.
- a. Policy Issue: Should the review and approval of a street plan or a trail plan require both PNZ and UDC to both review and recommend the plans or, alternatively, should all aspect of a street plan be reviewed by PNZ and all aspects of a trail plan reviewed by UDC.
 - b. Policy Consideration: The staff’s proposal requires both of these two bodies to review and approval processes to go to both PNZ and UDC. Staff has stated that since most of the trail and street plans are done by government agencies, any delay occasioned by multiple reviews by two different commissions is not important.
 - c. Policy Consideration: At the request of Assembly Member and Title 21 Committee chair, Debbie Ossiander, the staff proposed provision was redrafted.
 - d. Note that amendment # 9 on the May 2010 list of amendments and amendment # 87 on the August 2011 address the street and trail issue.
 - d. Recommendation: Reject staff’s proposal. Adopt the proposal drafted at the request of and approved by Assembly Chair Ossiander. Exhibit “H”.
- 7) 21.03.210 7; Text Amendments to Title 21. Since the re-write of Title 21 is substantial, there will undoubtedly be several provisions that will require amendment once the law is implemented. The draft code restricts how this can be accomplished through a time consuming and laborious process.

- a. Policy Issue: Should there be a relatively prompt process for making corrections to Title 21 by the Assembly during the first 2 years after the adoption of the revised code?
- b. Policy Consideration: Staff “has always agreed.... That for the first couple of years after the rewrite is adopted ... [issues]... will crop up that need to be addressed quickly.”
- c. Recommendation: Adopt language that allows the Assembly for a period of 2 years to take up provisions that need clarification without the necessity of staff and PNZ prior review and recommendation. Exhibit “I”.

EXHIBIT F

21.03.020 C

A. Community Council Meetings

1. Purpose

Community Councils are recognized by the Charter of the Municipality of Anchorage. They are intended to afford citizens an opportunity for maximum community involvement and self-determination. Those applications identified in sub-section C. 2. A. below shall, prior to the public hearing on such application, present the application to the appropriate Community Council to allow an informal opportunity for the applicant to inform the residents and property owners of the details of a proposed application, how the applicant intends to meet the standards contained in this Title, and to receive public comment and encourage dialogue early in the review process.

2. Applicability

a. Types of Applications

The applicant shall attend and present the application at the community council meeting for any of the following types of applications:

- i. *Rezoning (zoning map amendments)*
- ii. *Subdivisions, except for abbreviated plats*
- iii. *Conditional uses*
- iv. *Master plans*
- v. *Major site plan review*
- vi. *Public facility site selection*

EXHIBIT G

21.03.100 E

Improvements Associated with Land Use Permits

1. Improvements Required

The issuance of a land use permit under this section for the construction of a residential, commercial or industrial structure on a lot, shall be subject to the permit applicant providing the easements, dedications and improvements as are required under chapter 21.08 *Subdivision Standards*, but only on the basis of the other provisions set out in this section. In applying the provisions of chapter 21.08, *Subdivision Standards*, under this section, the term "lot" shall be substituted for the term "subdivision", the term "permit applicant" shall be substituted for the term "subdivider" and the term "building official" shall be substituted for the term "platting authority".

2. Exceptions: RETAIN EXISTING DRAFT CODE LANGUAGE.

AMENDMENT SUB-SECTION 2. a. AS FOLLOWS:

2. a All construction associated with a single dwelling, a two family dwelling or a three family dwelling, on a single lot, tract, or parcel, regardless of zoning district.

ADD NEW SUBSECTION TO PARAGRAPH 2:

b. Lots, tracts or parcels which are 50,000 square feet or less in size, regardless of zoning district:

3. Standards for Requiring Dedications and Improvements

DELETE "municipal engineer" in line 41 and substitute "building official".

RETAIN THE EXISTING LANGUAGE IN SECTION 3 LINES 38-43.

DELETE EXISTING SUB-SECTIONS 3 a., b., c. and d. IN THEIR ENTIRETY.

ADD NEW SUB-SECTIONS TO PARAGRAPH 3 AS FOLLOWS:

a. The to require any off site improvements under this section, there must be a clear and demonstrable benefit to the property being subdivided or developed or the improvements are necessary to comply with the requirements existing in other code provision or by regulation adopted by the Assembly as provided in Title 3. In addition, any required dedication or improvement shall be reasonable related to the anticipated impact on public facilities and adjacent areas that will result form the use and occupancy of the structure that is the subject of the building or land use permit.

b. The building official may require offsite improvements in order provide for consistent development with the properties immediately adjacent to the proposed subdivision, provided, however, that the costs of these off site improvements shall not exceed _____ percent (___%) of the total cost of the on site development.

c. Before requiring off site improvements, the building official shall prepare in a written analysis of the project that shall set out in detail the facts that the building official is relying on that demonstrate the impacts on public facilities and adjacent areas and an analysis of the costs of the off site improvements. The building official shall use the resources of the Municipality in the preparation of this written analysis and shall not require the permit applicant to pay the costs associated with such analysis or to pay the costs of any studies associated with the analysis.

d. The Building Official may consider the potential development of all adjacent parcels, lots or tracts under common ownership, in addition to the lot, parcel or tract this is the subject of the permit application, in applying the standards in this subsection. Any such consideration shall be incorporated into the written analysis.

e

f. The total costs of these off site improvements shall not exceed _____ percent (___%) of the total cost of the on site development as set out in the estimated costs of construction of the improvements as contained in a cost estimate submitted by the permit applicant.

DELETE E. 5 Warranty

RETAIN E. 6, E 7, E8

AMEND E. 9. by deleting reference to "municipal engineer" and substituting "building official".

EXHIBIT H

21.03190 STREET AND TRAIL REVIEW AND APPROVAL PROCESSES

COMMENT: The following comments are from the materials generated by the consultant to the Mayor and in response to the Chair Debbie Ossiander's concerns.

- a) There was a PNZ proposed amendment (# 9). The proposed amendment had streets and trails combined with applicants going to both commissions: PNZ and UDC.
- b) This amendment was completely rewritten to simplify the process and reduce the level of review with regard to trails.
- c) As amended, major trails go to UDC and Roads go to PNZ.
- d) There is no cross-jurisdiction between the two commissions.

AMENDMENT: Add the following Text into the Section for Streets Review and the Section for Trails Review (2 separate sections) in this section of 21.03.

A. Purpose

Streets are a significant investment in the municipality's infrastructure and establish long-term land use impacts on nearby properties and the community at large.

Major Multi-Use Trails are a basic part of the infrastructure of the municipality. They are used for transportation, for recreation and leisure. Major Multi-Use Trails also have long-term impacts on nearby properties and the community at large. Trails in Major Parks are subject to Master Plans.

These important parts of the municipality's infrastructure benefit by oversight in the design decisions by citizen bodies that are represented by the Planning and Zoning Commission and the Urban Design Commission and the Anchorage Parks and Recreation Commission and the Chugiak/Eagle River Parks and Recreation Commission.

B. Applicability

1. Streets

- a. All Municipal transportation projects are required to follow the *Strategy for Developing Context Sensitive Transportation Projects* policy.
- b. New construction and major reconstruction of street and intersection projects involving streets of _____ collector classification or greater in the *Official Streets and Highways Plan* and meeting the Anchorage Metro Area Transportation Solutions" (AMATS) definitions of "New Road Connection" or "Road Reconstruction", but not "Road Rehabilitation" or "Pavement Replacement Program" are required to follow a review process by the planning and zoning commission as described below and in table 21.03-4.

2. Application to Specific Trails

- a. This section applies to Major Multi-use Trails and to new construction and major reconstruction of those Trails, but not to resurfacing, repair or maintenance of any other new or existing trails.
 - i. Only Major multi-use trails such as the Chester Creek Trail, Campbell Creek Trail, Ship Creek Trail, the Coastal Trail shall be subject to review and approval by the Urban Design Commission;
 - ii. This section does not apply to those trails in parks that have an existing Master Plan such as Kincaid Park and Bicentennial Park; and other Parks classified by the *Anchorage Park, Greenbelt and Recreationa Facility Plan, Volume 2* or the *Eagle River-Chugiak-Ekultna Plan* as Large Urban or Regional Parks. Any new construction or major maintenance of trails within these named parks or another park that is subject to a Master Plan shall be reviewed by either the Chugiak/Eagle River Parks and Recreation Board or the Anchorage Parks and Recreation Board to insure compliance with the existing Master Plan.

b. Notwithstanding the criteria of 2 a. above, the director may exempt new Major Multi-Use Trails or reconstruction projects for Major Multi-Use Trails from this section if the director finds, in writing, that the project is minor in scope and not likely to cause impacts on surrounding properties and neighbors.

C. Review Process

1. Street review Process

- a. The concept report or equivalent shall be distributed to the planning and zoning commission as an information item and shall contain a clearly defined and substantiated purpose and need statement;
- b. The planning and zoning commission shall review and approve a draft design study report (35% design completion).
- c. The planning and zoning commission shall render its decision on the proposed plan when the design is 65% complete.

2. Trail Review Process

- a. The concept report or equivalent shall be distributed to the urban design commission as an information item and shall contain a clearly defined and substantiated purpose and need statement;
- b. The urban design commission shall review and comment on the draft design study report (35% design completion).
- c. The urban design commission shall render its decision on the proposed plan when the design is 65% complete.

**REDO TABLE 21.03-4
Provisionally Adopted Code**

C 2 becomes C 3

3. Concept Report

The concept report shall be distributed to the appropriate commission by the staff as an information item. The staff shall

address the issue of purpose and need in the concept report. The appropriate Commission shall determine that there is a clearly defined and substantiated purpose and need for the street or the trail. In the absence of such a determination, the project shall not be taken to the next stage.

C 3 becomes C 4

4. Procedure for Design Study Report and 65% Design Drawings

This section is acceptable with one modification 3 b. and one deletion 3 f.

C 4 become C 5

5. Procedure for Design Study Report and 65% Design Drawings

a. OK

b. Public Outreach.

Public outreach is an essential party of Context Sensitive Solutions. Applicants are expected to meet with the appropriate community council(s) after the 35% design study report has been submitted to the respective commission and before the 65% design drawings have been submitted to the respective commission.

c. OK (Note that there is NO USER's GUIDE0)

d. OK

e. OK

f. DELETE: ADDRESSED IN C 5

Draft Design Study Review (New Heading below)

6. Draft Design Study Report and 65 Percent Design Completion Review and Decision by the Planning and Zoning Commission for Applicable Street Projects and by the Urban Design Commission for Applicable Trail Projects

- a. The Planning and Zoning Commission shall review, modify, approve or disapprove, the both draft design study report (35% completion) and subsequently the design drawings (65% completion) for all applicable street projects.
- b. The Urban Design Commission shall review, modify, approve or disapprove, the both draft design study report (35% completion) and subsequently the design drawings (65% completion) for all applicable trail projects.
- c. Both Commissions shall provide a public hearing after submission of the draft design drawings (35% completion) and prior to final action on the project.
- d. As applicable, the review process of both Commissions shall include, but not limited to the following issues:
 - i. Existing conditions throughout the location of the new street or the new trail;
 - ii. The applicable design standards and criteria, including landscaping requirements, with specific attention to any requests for variances from the criteria;
 - iii. Compliance with this title;
 - iv. Identification and evaluation of alternatives and recommendations arising out of the evaluation;
 - v. Project construction costs;
 - vi. Both short and long term impacts on surrounding properties;
 - vii. Both short and long term impacts on property acquisition for rights-of-way;
 - viii. Impacts on utilities and other public infrastructure, including the requirement of undergrounding utilities;
 - ix. Maintenance costs and other maintenance considerations;
 - x. Pedestrian and other non-motorized access and use;

- e. Decisions of the Planning and Zoning Commission or the Urban Design Commission may be appealed to the Board of Adjustment pursuant to subsection 21.03.050A. [REQUIRES AMENDMENT TO EXISTING APPEAL PROVISIONS]

EXHIBIT I

21.03 200 Title 21 – Text Amendments

7. Assembly Action

a. After a public hearing and reviewing the reports and recommendations of the director and the Planning and Zoning Commission and the platting board if appropriate, the assembly shall vote to approve, approve with amendments, or deny the proposed amendment, based on the approval criteria of subsection C. below. The assembly also may refer the proposed amendment back to the Planning and Zoning Commission or to a committee of the assembly for further consideration. Text amendments shall be approved in the form of ordinances.

b. Notwithstanding the processes or the approval criteria in Subsection C below, during the two year period immediately after the effective date of this Title, the Assembly may, at its discretion, consider amendments to this Title at any time without the necessity of review by the Planning and Zoning Commission or the Platting Board if the Assembly determines that the amendment is necessary or appropriate to effectuate the provisions of this Title or the comprehensive plan.

CHAPTER 4
ZONING DISTRICTS
PAGES 11 - 15
NO EXHIBITS

Chapter 4-Zoning Districts

General Information

- 1) Draft Code Provisions: The draft code eliminates some existing districts and adds some new districts. This section of the code also creates several mixed-use districts, both commercial and residential.
 - a. Policy Issue: To the extent possible is the best policy not to delete and not to create new zoning districts?
 - b. Policy Consideration: The staff has proposed several new "mixed-use districts" which would require a significant number of rezonings throughout the Municipality. This would be very disruptive to business and to existing developments in Anchorage. Already, in anticipation of eliminating the B-1B district, staff as sent out letters to owners of B-1B property advising them they will have to rezone their property to NMU (a new mixed use district). Pretty thoughtless and inconsiderate of staff to give this command to property owners of B-1B property, given the fact that the new code has not yet been adopted.

- 2) Mixed Use Concept: In dealing with the issued of mixed residential and nonresidential development, rather than create numerous new zoning districts, the proposed code can be revised to allow mixed-use development in existing zones. Many of the new standards set out in the proposed new mixed-use zoning districts could be required for mixed-use developments in existing zones. This methodology results in mixed-use development being something that a property owner can choose to do without the necessity of a rezone. This methodology will also allow mixed-use development when the city is ready for it, not when the code mandates that it occur. Mixed-use thus becomes optional based on economic factors rather than mandatory.
 - a. Policy Consideration: Creating and eliminating zoning districts would require rezoning throughout the MOA at substantial cost to both the public and private sectors.
 - b. Policy Consideration: Are mixed use zoning districts created by planners and required as determined on the land use plan map a better approach than allowing mixed use to occur in the existing R-4, R-0, B1-A, B1-B, B-3 zonings subject to standards that enhance both the commercial and the residential aspects of the development?

- c. Policy Consideration: Mixed-use development in the existing commercial districts is currently permitted, but there but there has been little mixed-use development. The reason seems to be economic considerations.
- d. Policy Consideration: Staff has asserted that mixed-use development will “fail” unless areas of town are specifically zoned mixed use. Mixed-use zones are to be established by the Land Use Plan Map.
- e. Policy Consideration: The response to staff’s assertion of its “greater wisdom” is that private sector economic decisions relative to what to build, where to build and whether to build mixed use residential and commercial are more likely to be successful than decisions by planners who operate on a theoretical basis and have never built anything, anywhere, at any time.
- f. Policy Consideration: Under the draft code, development rights are reduced or taken away. The draft code does this with height restrictions in B-3, floor area ratios, set backs, lot coverage restrictions, etc. Then those rights are “restored” provided, of course, that the property owner/developer agrees to rezone to the staffs’ desired zone and build what the staff wants built. The touted “incentives” are really only a restoration of prior existing property rights that have been taken away. Such coercive regulation is an example of staff picking winners and losers based on the land use plan map written by staff.
- g. Recommendation: Hold a work session(s) on this issue to become fully informed on the issues of mixed-use.
- h. Recommendation: Invite knowledgeable private sector individuals and don’t rely on staff as they have never built a mixed-use development (or any development for that matter) and are overly fond of Portland, Oregon without really knowing much about the reality of Portland.

Residential Mixed Use

- 1) The draft code creates two new residential zoning districts: the R-2F and the R-4A. The R-2F is intended to be a transition zone from R-2D and R-2M.
 - a. Policy Issue: Is it necessary or appropriate to create a new zone when the existing zones allow for the same level of development?

- b. Policy Consideration: The R-2D allows for single and two family residences with gross densities of 5 to 8 dwelling units per acre. R-2M allows for single family, two family and multifamily dwelling with gross densities between 8 and 15 dwellings units per acre. The proposed R-2F allows for single family, two family and three and four unit multifamily dwellings with gross densities between 8 and 12 dwelling units per acre.
- c. Policy Consideration: Every thing that can be built in the R-2F proposed district can currently be built in the R-2D and R-2M districts. What is the need for a new zoning district?
- d. Recommendation: Do not approve the new R-2F zoning district as it is unnecessary.

The R-4A zone is intended to be a new mixed use district allowing a mix of residential and commercial uses in what is predominantly a residential zone.

- a. Policy Issue: It is necessary or appropriate to create a new zone when the existing zones allow for the same level of development?
- b. Policy Consideration: The standards of the existing R-4 district can be modified to accommodate limited commercial uses in conjunction with residential uses.
- c. Policy Consideration: The proposed mixed use standards in the draft code can be used, in part or in whole, to control and direct mixed use developments without the necessity of rezoning numerous properties to a new mixed use district.
- d. Policy Consideration: In regards to mixed use, "commercializing" [staff's characterization] the R-4 zone should be part of the discussion. Commercial development in this zone is currently allowed on a limited basis. This discussion should be tied to the issue of creating a new R-4F zoning mixed use zoning district. No
- e. Note: The standards for either district and the limitations on commercial activities in either district would be identical.
- f. Recommendation: Do not approve the new R-4A zoning district as it is unnecessary.
- g. Recommendation: Impose the standards for R-4F in the draft code to new mixed use development in the existing R-4 zone.

Commercial Mixed Use

- 1) Commercial Mixed-use Districts. With the elimination of the MT-1 and MT-2 Districts in Midtown, there are three (3) commercial mixed-use commercial districts in the draft code. They are the NMU (neighborhood mixed-use), CMU (community mixed-use) and the RMU (regional mixed-use). The draft code also proposes to eliminate the B2-B district.
 - a. Policy Issue: Is it appropriate to create 3 new mixed use commercial districts and eliminate the B2-B district?
 - b. Policy Consideration: Anchorage is substantially developed commercially. There is little room for new, large-scale developments like the Dimond Center and the Tikahtnu Commons, both of which could be classified as Regional Mixed Use
 - c. Recommendation: The RMU district can be eliminated entirely as the CMU and the RMU proposed districts are substantially the same.
 - d. Recommendation: Rather than creating several new mixed-use zoning districts and requiring substantial rezoning of numerous properties, change the "mixed-use districts" to "mixed-use standards". Require application of the mixed use NMU standards for residential/commercial developments in the B-1A and B-1B zoning districts. Require the application of the CMU standards for residential/commercial developments in the B-3 zoning districts.

R-3 District

- 1) 21.04.020 H. and Table 21.04-1 dealing with the R-3 district, prohibit single family and two family in the R-3 district.
 - a. Policy Issue: Should single family and two family residences be permitted in the R-3 zone? They are currently permitted.
 - b. Policy Consideration: The revitalization of Mt View and other older districts is dependent upon continued replacement of older and dilapidated multi-family units. Those dilapidated 4 plexs and 6 plexs cannot be torn down and replaced with new 4 plexs and 6 plexs given the proposed new requirements in the draft code that result in larger lots been required for buildings of that size.

- c. Policy Consideration: Staff supports allowing single and two family residences in some R-3 zones (Mountain View and Fairview) .
- d. Recommendation: Allow single family and two family residences to be built in the R-3 district or, at a minimum allow it in some R-3 districts (beware of this second solution).

I-2 Industrial District

- 1) 21.04.060 C: I-2 Industrial. In the I-2 district, the issue is whether or not to limit this district to industrial only. Under the current code (21.40.210), "any legal business, commercial, manufacturing or industrial land use is permitted". Residential uses, hotels etc., are prohibited.
 - a. Policy Issue: Should the MOA reduce the uses of I-2 property by limiting the uses to heavy industrial only contrary to current code.
 - b. Policy Consideration: The draft code limits uses to "...heavy manufacturing, warehousing and distribution, equipment and materials storage, vehicle and equipment repair, major freight terminals, waste and salvage, resource extraction and processing..."(21.04.060 C)
 - c. Policy consideration: The draft code states that the purpose of the limitation is "to maintain and protect the supply of industrial lands within the municipality."
 - d. Policy consideration: The Comprehensive Plan recognizes that Anchorage has a "comfortable surplus of industrially zoned land." There is no shortage of industrial land in Anchorage. Policy consideration: If the use of the land is limited, there is a significant risk that the limitation will be determined to be a "taking" under Alaska's condemnation law and that the MOA would be responsible for compensation to the property owners.
 - e. Policy consideration: The prior planning director contracted for an industrial land. Not surprisingly, the study made findings that supported his position on this issue. Many who have reviewed the study have stated that it is fatally flawed and should not be the basis of any decisions on this issue.
 - f. Recommendation: Allow all of the current uses in the existing Title 21 code as applied to the I-2 zone to continue.

CHAPTER 5
USES AND USE STANDARDS
PAGES 16 - 18
EXHIBITS "J" "K" "L" "M" & "N"

Chapter 5-Uses & Use Standards

General Information

- 1) 21.05.010-080 Uses: This Chapter is one of the most difficult and challenging of all of the Chapters in the draft code because it has so much detailed regulations and substantially changes the way in which “uses” and “changes in uses” are regulated by the land use code.
- 2) Use Classifications: The Chapter is divided by use classifications. There are five (5) general use classifications. They are Residential, Public/Institutional, Commercial and Industrial. Also include are accessory uses and temporary uses Residential, Public/Institutional, Commercial and Industrial. Also include are accessory uses and temporary uses.
- 3) Comparison with Existing Code: Under existing Title 21 (21.05.050 C. 1-8) there are eight (8) general use classifications. They are: Residential, Commercial, Industrial, Commercial-Industrial, Public Lands and Institutions, Environmentally Sensitive Lands, Mixed Use and Commercial Recreation. Under existing code, the various uses are listed in each zoning district as either a permitted principal use, a permitted accessory use, a conditional use or a prohibited use. This system of classification is continued in the draft code, but in a different format.
- 4) Categories, Sub-Categories & Sub-Sub-Categories: A major difference between existing code and the proposed code is that the number of specifically defined use categories (sub-categories and sub-sub-categories) are significantly greater in the proposed code than what exists in the current code. Virtually every imaginable use that the staff could think of is listed and defined. Often there are additional use specific standards that must be met as well.
- 5) Tables: The draft code has two tables (21.05-1 and 21.05-2) that set out the classifications, sub-classifications and the sub-sub-classifications along with the zones in which these use classifications are permitted. (See Tables 21.05-1 “Residential Districts” and Table 21.05-2 “Commercial, Industrial, Mixed Use and Other Districts”).

Policy Issues, Considerations and Recommendations for Ch 5

- a. Recommendation: The Commission should spend time comparing the lengthy existing tables with the proposed new table attached as Exhibit "J". Reviewing and comparing these tables will make the policy decisions that need to be made far easier.
- b. Policy Issue: It is not completely clear what happens if there is a "change of use", whether the change be to a land use or an occupancy. It is clear that a change of use can significantly change the parking requirements, but it is unclear as to other regulatory consequences.
- c. Recommendation: Staff should be required to explain in detail what happens in the face of a change of use. However, several things are apparent.
- d. Policy Consideration: The vastly increased number of uses increases in the sub and sub-sub categories, increases the level of uncertainty as to what is permitted. Larger, more generalized use classifications are less intrusive and result in greater certainty.
- e. Recommendation: Hold a work session on this issue to get informed. Invite knowledgeable private sector individuals to discuss the consequences of the elaborate and detailed use tables.

Information: If the Commission determines that the number of sub-categories and sub-sub-categories should be reduced, attached are copies of revised use tables for the four classifications and the accessory classification. The revised use tables substantially reduce the number of separate uses. See Exhibit "J" (replaces Tables 21.05-1 and 21.05-2) with more generalized classifications.

Information: Also attached is a table dealing with accessory uses. Exhibit "K".

Information: Also attached is a table dealing with required off-street parking. See Exhibit "L"

Note: If the Commission determines it is appropriate to reduce the number of categories, sub and sub-sub categories and to create the more generalized categories that are presented in Exhibits "J" and "K", then the subsections of Chapter 5 where uses are defined and specific use standards are imposed (21.05.03 through 21.05.060) should be amended. Drafts of proposed amendments are already prepared so the Commission wish to review them.

- a. Recommendation: it is recommended that chapter 5 be revised by reducing the number of sub and sub-sub categories in sections 21.05.030 (residential), 21.05.040 (community), 21.05.050 (commercial) and 21.05.060 (industrial) of the draft code.

Note: There are no changes recommended in 21.05.070 accessory uses.

Note: The following section identifies one major issue in Chapter 5 which requires Commission action regardless of the Commission's decision on the number of categories, sub-categories and sub-sub-categories.

Governmental Buildings and Offices

- 1) 21.05.050 C. 4. Government Administration and Civic Buildings.
As part of the review of Title 21, chapter 5, a Memo was prepared for the Mayor re: the location of Government buildings. The Memo examines the history of various different provisions dealing with the location of government and civic buildings, explains the lack of clarity associated with the current code provision and recommends appropriate changes. The Mayor was also given substitute language for the government and civic buildings definition and requirements in Chapter 5. See Exhibits "M" and "N" attached for the appropriate amendment language.

EXHIBIT J

Table of Allowed Uses

This exhibit replaces Tables 21.05-1 and 21.05-2 with one table entitled 21.05-1 which contains the four use districts (Residential, Community, Commercial and Industrial).

EXHIBIT K

Table of Accessory Uses

This exhibit replaces 21.05-4 with a new table 21.05-4 for Accessory Uses.

ACCESSORY USES TABLE

Accessory Use	RESIDENTIAL										COMMERCIAL				INDUSTRIAL			OTHER			Deft/limits and Use Specific Standards						
	R-1	R-1A	R-2A	R-2D	R2-M	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2		MI	AF	DR	PR	PLI	W
Accessory Dwelling Unit (ADU)	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.1
Bed and Breakfast (up to 3 guestrooms)	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.2
Bed and Breakfast (4 or 5 guestrooms)	S	S	S	S	S	S	S	S	S	S	S	S	S														21.05.070.D.3
Baselooping	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.4
Caretaker's Residence																											21.05.070.D.5
Dormitory																											21.05.070.D.6
Drive-through Service																											21.05.070.D.7
Family Self-Sufficiency Service																											21.05.070.D.8
Farm, Hobby																											21.05.070.D.9
Garage or Carport, Private Residential	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.10
Home- and Garden-related Use	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.11
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.12
Intermodal Shipping Container	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.13
Large Domestic Animal Facility																											21.05.070.D.14
Outdoor Keeping of Animals	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.15
Outdoor Display Accessory to a Commercial Use																											21.05.070.D.16
Outdoor Storage Accessory to a Commercial Use																											21.05.070.D.17
Parking of Business Vehicles																											21.05.070.D.18
Outdoors, Accessory to a Residential Use	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.19
Private Outdoor Storage of Non-commercial Accessory to a Residential Use	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.18
Vehicle Repair/abutting, outdoor, hobby	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.19

EXHIBIT L

Table of Off Street Parking Spaces Required

TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED
 ("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090.G
RESIDENTIAL USES			
HOUSEHOLD LIVING	Dwelling, Mixed-use, Multifamily, Single-family Attached, Two-family, and Townhouse	1 per studio or efficiency or one bedroom du; Add 0.5 spaces for each additional bedroom; Add 0.25 guest parking spaces for each multifamily du with single-family or two-family style construction; Add 0.15 guest parking spaces for each multifamily du with townhouse style construction.	X
	Dwelling, Single-family Detached	2 per du up to 2,400 square feet; 3 per du over 2,400 square feet, including any unfinished area which may be converted to living area.	
	Accessory Dwelling Unit (ADU)	See subsection 21.05.070D.	
	All other household living uses	2 per du.	
GROUP LIVING	Assisted Living Facility (9 or more residents)	1 per 4 beds plus 1 per 350sf of office area plus requirement for dwelling, if located in a dwelling.	X
	Correctional Community Residential Center	1 per 2,000 sf gfa.	X
	Habilitative Care Facility	1 per 400 sf gfa, and 1 passenger loading space, reserved for pickup and delivery of adults, per 800 sf gfa.	X
	Rooming House	0.6 per guestroom.	
	Transitional Living Facility	1 per 2 beds plus 1 per 4 persons in principal assembly area based on maximum occupancy provisions of AMC Title 23.	

COMMUNITY USES			
ADULT CARE	Adult Care Facility, 3-8 persons	1 per 400 sf gfa, and 1 passenger loading space, reserved for pickup and delivery of adults, per 2,000 sf gfa (plus requirement for principal use, if approved as accessory use).	
	Adult Care Facility, 9+ persons	2 per 400 sf gfa, and 1 passenger loading space, reserved for pickup and delivery of adults, per 2,000 sf gfa.	X
CHILD CARE	Child Care Center, 9-15 children	1 space in addition to what is required for the dwelling.	
	Child Care Center, more than 15 children	1 per 400 sf gfa, and 1 passenger loading space, reserved for pickup and delivery of children, per 800 sf gfa.	
	Child Care Home	No additional requirements beyond those required for the dwelling unit. If the establishment is for fewer than 9 children and is not located in a dwelling, then the requirement is as provided in subsection 21.07.090E.2.	
COMMUNITY	Aquarium	1 per 500 sf gfa.	X
	Botanical Gardens	See subsection 21.07.090E.3.	X
	Cemetery, Mausoleum	See subsection 21.07.090E.3.	X
	Civic/Convention Center	1 per 4 persons in assembly areas based on maximum occupancy provisions of AMC Title 23.	X
	Community Center or Religious Assembly	1 per 4 persons in principal assembly area based on maximum occupancy provisions of AMC Title 23.	
	Community Garden	1 per 5,000 sf of lot area.	
	Crematorium	1 per 4 persons in the main chapel based on maximum occupancy provisions of AMC Title 23.	
	Homeless and Transient Shelters	1 per 300 sf administrative area, and 1 per 20 pillows.	
	Library	1 per 400 sf gfa.	X
	Museum or Cultural Center	1 per 400 sf gfa.	X
	Neighborhood Recreation Center	See subsection 21.07.090E.3.	
	Park and Open Space, public or private	See Subsection 21.07.090E.3. Playfields (soccer, baseball, etc.) shall have minimum of 25 spaces per field, unless otherwise approved by the traffic engineer, for up to four fields. Facilities with more than four fields shall be subject to the determination of the traffic engineer.	
	Zoo	1 per 5,000 sf of site area.	X
	All Other Uses	1 per 400 sf gfa or 1 per 10,000 sf of site area for outdoor uses.	X
EDUCATION	Boarding School	See subsection 21.07.090E.3.	X
	College or University	See subsection 21.07.090E.3.	X
	Elementary, Middle School	1 per 6 students, based on State of Alaska EED capacity provisions	X
	High School	6 per classroom Where the traffic engineer has reason to believe that, based on similar or comparable schools, parking study data, or other information, that parking demand for proposed high school development is likely to exceed the requirement, the traffic engineer may require up to 1 parking space per 3 students, based on State of Alaska EED capacity provisions.	X
HEALTH CARE	Hospital/Health Care Facility	1 per 2 beds, based on maximum capacity, plus 1 per 350 sf of office and administrative area.	X
	Nursing Facility	1 per 4 beds, based upon maximum capacity.	X
PUBLIC SAFETY	All Uses	See Subsection 21.07.090E.3.	
TRANSPOTATION	All Uses	See Subsection 21.07.090E.3.	
UTILITY	Utility Facility	1 per 1,000 sf gfa.	
	Utility Substation	See Subsection 21.07.090E.3.	
ELECOMMUNICATIO	All Uses	None	

COMMERCIAL USES			
AGRICULTURAL	Commercial Horticultural	See Subsection 21.07.090E.3.	
ANIMAL	Animal Shelter	1 per 400 sf gfa.	
	Commercial Kennel	1 per 800 sf gfa.	
	Large Domestic Animal Facility, principal use	1 per 4 seats or 1 per stall, whichever is greater	
ENTERTAINMENT AND RECREATION	Club, Lodge, Meeting Hall	1 per 4 persons in assembly areas based on maximum occupancy provisions of AMC Title 23.	X
	Entertainment Facility, Major	See Subsection 21.07.090E.3.	
	General Outdoor Commercial Recreation	See Subsection 21.07.090E.3.	X
	Golf Course	4 per green.	
	Golf Driving Range	0.5 per tee.	
	Motorized Sports Facility	1 per 2 spectator seats in a structure such as a grandstand, stadium; or 1 per 2,000 sf of site area; whichever is greater.	X
	Movie Theater	1 per 4 persons based on maximum capacity provisions of AMC Title 23.	
	Shooting Range, Outdoor	1 per target area, or 1 per 5 seats, whichever is greater	
	Skiing Facility, Alpine	See Subsection 21.07.090E.3.	
Performing Arts	1 per 4 persons based on maximum capacity provisions of AMC Title 23.		
FOOD AND BEVERAGE SERVICE	Bar	1 per 100 sf gfa.	X
	Food & Beverage kiosk	None	
	Night Club	1 per 3 persons based on maximum capacity under provisions of AMC Title 23.	X
	Restaurant	1 per 100 sf gfa and outdoor seating area. 1 per 125 sf gfa for drive-through restaurants (plus vehicle queuing spaces).	X X
OFFICE	General Office	1 per 350 sf gfa.	X
		Data Processing Facility: 1 per 1,000 sf gfa.	X
	Medical Office	1 per 350 sf gfa.	X
	Governmental Office	1 per 350 sf gfa.	X
	Research Laboratory	1 per 350 sf gfa.	
RETAIL	General Retail	1 per 350sf gfa.	X
		Bingo Parlor: 1 per 4 persons in assembly areas based on maximum occupancy provisions of AMC Title 23.	
		Bowling Alley: 4 per bowling lane	
		Building materials store: 1 per 600 sf gfa and outdoor display area.	X
		Cottage Crafts: 1 per 600 sf gfa.	
		Dry Cleaning Establishment: 1 per 750 sf dry cleaning plant area plus 1 per 600 sf of customer service area.	X
		Retail sales of large or bulky merchandise such as furniture, home appliance, or flooring store: 1 per 800 sf gfa.	
VISITOR ACCOMODATIONS	Liquor Store	1 per 350 sf gfa.	
	Aircraft, Marine, Vehicles Sales/Rentals	1 per 7,000 sf outdoor display/sales area; 1 per 400 sf indoor floor area.	X
	Camper Park	1 space per 10 recreational vehicle or tent camping spaces.	
	Hotel/Motel/Extended Stay/Inn	0.9 per guestroom, plus 1 per 4 persons in meeting rooms based on maximum occupancy provisions of AMC Title 23.	X
	Hostel	1 per 600 sf gfa.	
	Recreational and Vacation Camp	See Subsection 21.07.090E.3.	

INDUSTRIAL USES

INDUSTRIAL SERVICE ¹¹	General Industrial Service	Up to 5,000 sf gfa: 1 per 1,000 sf gfa; Add 1 space per each 1,500sf gfa above 5,000 sf gfa, up to 50,000sf gfa; Add 1 space per each 2,000sf gfa above 50,000 sf gfa.	
	Heavy Equipment Sales and Rental	1 per 400 sf indoor floor area.	
MANUFACTURING AND PRODUCTION ¹¹	General Manufacturing and Production	Up to 5,000 sf gfa: 1 per 1,000 sf gfa; Add 1 space per each 1,500sf gfa above 5,000 sf gfa.	
	Manufacturing, Heavy	See General Manufacturing and Production.	
	Natural Resource Extraction, organic and inorganic	See Subsection 21.07.090E.3.	
MARINE INDUSTRIAL ¹¹	Facility for Combined Marine and General Construction	See Subsection 21.07.090E.3.	
	General Marine Industrial	1 per 800 sf gfa.	
WAREHOUSE AND STORAGE ¹¹	Bulk Storage of Hazardous Materials	See Subsection 21.07.090E.3.	
	General Outdoor Storage	Impound Yard: 1 per 500 sf gfa, plus 1 per 5,000 sf of outdoor storage area. Storage yard: 1 per 2,000 sf of outdoor storage area.	
	Motor Freight Terminal	See Warehouse.	
	Self-Storage Facility	1 per 75 units, plus vehicle queuing spaces for security gate. Aisles suitable for temporary loading and unloading may be counted as required parking stalls in accordance with Table 21.07-5 as determined by the traffic engineer.	X
	Warehouse	1,000-10,000 sf gfa: 1 per 1,000sf gfa; Add 1 space per each 1,250sf gfa above 10,000 sf gfa, up to 50,000 sf gfa; Add 1 space per each 1,500sf gfa above 50,000 sf gfa.	
	Wholesale Establishment	1 per 800 sf gfa.	
	Light-Warehouse	1 per 1,000 sf gfa.	
WASTE AND SALVAGE	All Uses	See Subsection 21.07.090E.3.	

NOTES: ¹¹ The off-street parking requirements for industrial uses in this schedule A shall not include space devoted to office or other non-industrial related use. Where a warehousing or industrial facility contains office or other non-industrial related use, off-street parking for such spaces shall be computed using the requirements set forth in this table.

EXHIBIT M

MEMO CONCERNING GOVERNMENT BUILDINGS AND OFFICES

As part of the Title 21 re-write an issue has come up concerning the location of government buildings and offices. This Memo is intended to provide background information on this issue and provide language which incorporates what has been long standing Municipal policies on this issue into the new Title 21 provision.

Existing Title 21 provisions.

- 1) PLI Zone: Permitted principal uses and structures.
 9. Governmental office buildings

- 2) B-2A Zone: Other uses.
 - j. Government office buildings

- 3) B-2B Zone: Permitted principal uses and structures.
 - 2) Offices
 - e. Government offices.

- 4) B-2C Zone: Permitted principal uses and structures.
 2. Offices
 - e. Government offices

These are the only zones that specify either government or governmental office buildings and government offices. The B-3 district has a format identical to the B-2B and B-2C zones; i.e. Permitted principal uses and structures followed by the category offices, but there is no sub-category of office types as there is in the B-2B and B-2C zones. The sub-categories in the Office category are identical in both the B-2B and B-2C zones.

Since there is no listing of the types of offices permitted, does this mean that all offices, including government offices, are permitted in the B-3? Given the fact that there are government offices in the B-3 zone that would seem to be the case.

Further, there are other types of offices in the B-3 zone beyond those enumerated in the B-2B and B-2C zones. It appears that the purpose of the enumeration in the B-2B and B-2C zones was to limit the types of offices in those districts. In addition to "Government offices" the offices in

these two zones were limited to "Insurance and real estate", "Banking and financial institutions", "Business and professional offices" and "Medical, health and legal services".

The *Anchorage Bowl Comprehensive Development Plan* adopted September 28, 1982 states on page 67 as follows:

"The Municipality shall locate all major office functions within the downtown and shall encourage both state and Federal agencies to located within this area, as appropriate to their functions."

The 1982 Plan further states on page 67 that a "long term objective" of the plan is to "promote a mixture of financial, retail, cultural, recreational **government** and service-oriented development in the CBD...."

The current Comprehensive Plan (note the absence of the word Development), in a discussion on page 46 of the spiral bound plan of the "*Seven Key Planning Issues that Influence Future Growth*" combines Downtown and Midtown stating that "these are areas where most of Anchorage work-places, civic and cultural builds and the business transportation corridors are located." The current Plan goes on to state that these two areas should "evolve to more intensive urban centers, with core office, business, arts and cultural facilities and activities."

The current Plan also identifies three (3) "Major Employment Centers": Downtown, Midtown and the U-Med District. The purpose of identifying these three areas is to "encourage the concentration of medium-to high-density office development in well-defined, compact employment centers."

While Downtown and Midtown are connected in much of the current Plan's narrative, policy 19 on page 74 of the Plan states that "... municipal, state and federal administrative offices" should be located in the Central Business District. The strategy for accomplishing this policy is a "Land Use Regulation Amendment".

The use of the phrase "administrative offices" is reflective of the phase in the 1982 Plan that referred to the concept of locating major government office downtown, but only "as appropriate to their functions." Both of these phrases imply that government offices that serve the public should be located downtown, but those that are not "administrative" or not "appropriate" can and perhaps should be located elsewhere.

Apparently, the authors of the current Plan failed to read the existing zoning code and failed to recognize the zoning code's distinctions between office and buildings? That is unfortunate, because it leads to confusion as to what is appropriate for Anchorage with regard to government buildings and government offices. Frankly, the 1982 Comprehensive Development Plan and the existing zoning provisions do a far better job in setting the policy for the location of government buildings and government offices.

Although the current Plan recognizes that the Anchorage Bowl is substantially developed, there is another policy which fails to recognize the reality of that development. Policy 18 on page 74 states that the Municipality should "strengthen the Central Business District's role as the regional center for commerce, services, finance, arts and culture, government offices and medium to high density residential development." The CBD is no longer the "regional center" for finance, commerce or services, but does continue in that role for arts and culture and government offices.

Further, the current Comprehensive Plan does not clearly reflect an important long standing policy with regard to government buildings and government offices. Although I have not seen this policy in writing (if it every was written down), I have been advised by knowledgeable individuals that the Municipality has applied this policy over the last several years. Basically, the policy is that government buildings should be in the downtown core, but that government leases of less than ten (10) years duration can locate anywhere they choose.

This unwritten policy conforms to the language in our existing zoning districts. It also conforms to Executive Order 12072 Federal Space Management. A copy of this Executive Order is attached to this Memo.

Generally, the Order requires that space acquisition "... shall give first consideration to a centralized community business area and adjacent areas of similar chaacter,..." (Order 12072 Section 1-103). From an Anchorage perspective, this requirement limits federal government offices generally to downtown and midtown. However, Section 1-203 also requires "the efficient performance of the missions and programs of the [federal] agencies." This fits in with the "as appropriate to their functions" language of the 1982 Comprehensive Development Plan.

In conclusion, there are a number of considerations that should go into any proposed ordinance dealing with this issue. First and foremost, these

include the needs of the public to deal with the government agencies and how those needs can best be served; how can the Municipality of Anchorage receive the greatest benefit from the location of government buildings and offices and how can local ordinances and regulations best achieve these goals.

In an effort to address this issue, I have prepared a revised provision for the current language in 21.05.040 C.4.

EXHIBIT N

21.05.050 4. Governmental Administrative and Civic Buildings

a. Definition

An office or a building of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.

b. Use Specific Standard

- i. Unless otherwise indicated in table 21.05-2, government administration and civic buildings or additions to existing government administration and civic buildings shall have the following review process:
 - (A) Construction of governmental building of less than 15,000 square feet is permitted without a review process
 - (B) Construction of a governmental building greater than 15,000 but less 25,000 square feet is subject to an administrative site plan review.
 - (C) Construction of a governmental building over 25,000 square feet is subject to a major site plan review.
 - (D) Lease of existing space by governmental agency is permitted.
- ii. The priority location for federal, state, and municipal buildings and offices that are open to and serve the public is in the central business district.
- iii. The central business district is identified in the Comprehensive Plan as a major employment area. There are two other major employment areas identified in the comprehensive plan as Midtown and the U-Med District. These districts are also appropriate locations for federal, state and municipal buildings or offices particularly where substantial parking is required, the offices are intended to serve other governmental agencies rather than being open to and providing services for the public and/or the functions are more appropriate to Midtown or U-Med District locations than to the central business district.
- iv. Leases by governmental agencies with a primary term of ten (10) years or less, may also be located in the Midtown District

without the necessity of compliance with the conditions set out in subsection iii above.

- v. Government offices can also be leased in town centers designated in the comprehensive plan provided that such locations comply with the conditions set out subsection iii and iv above.
- vi. When a government administrative and civic building is proposed for construction at location other than the central business district and the building is subject to a major site plan review as provided above, approval under the site plan review is contingent on a finding by the planning and zoning commission, using the approval criteria of a public facility site selection process (21.03.140), that locating the building outside of the central business district would not be detrimental to the public interest.

CHAPTER 6
DIMENSIONAL STANDARDS
&
MEASUREMENTS

PAGES 19 - 20

NO EXHIBITS

Chapter 6-Dimensional Standards and Measurements

- 1) 21.06.010-030 Dimensional Standards and Tables 21.06-1 (Residential), 21.06-2 (Commercial & Industrial) and 21.06-3 (Mixed Use) and 21.04-4 (Other).
 - a. Policy Issue: Given the limited amount of land “suitable for development” should the proposed dimensional standards in the draft code further limit the use of property?
 - b. Policy Consideration: The 20/20 Comprehensive Plan recognizes that “the remaining supply of vacant land in the Anchorage Bowl that is suitable for development is limited”. The additional dimensional constraints are contrary to the policy of the 20/20 Comprehensive Plan that calls for more efficient use of Anchorage’s remaining vacant and underdeveloped land.
 - c. Policy Consideration: The draft code requires more land for both residential and commercial development. This results from proposed requirements such as a height limitations in the B-3 district where none now exists; greater building separation requirements in the high density zones; private open space requirements in the high density zones; public open space in the commercial zones; set backs that were increased; uses in set backs that were reduced; maximum set backs that were established in the commercial districts; additional landscaping requirements, height transition requirements; and floor area ratios that were extended to districts other than R-4.
 - d. Recommendation: All setback, height and lot coverage requirements in all residential and commercial/industrial districts should remain the same as is provided for in the current Title 21.
 - e. Recommendation: The proposal by staff that Floor Area Ratios (FARs) be imposed in zoning districts other than the R-4 (FAR is imposed on “apartment buildings for 11 or more families” (21.40.060 F. 1), should NOT be adopted.

- 2) 21.06.030 D 8: Height Transitions for Neighborhood Compatibility.

Under this requirement imposed on any commercial development or any development in the R-4 or R-4A districts, any development would be required to be stepped backs to insure “*sunlight access and ambient daylighting*” for all residential properties **within 200 feet** of the proposed development.

- a. Policy Issue: If the purpose is to provide sunlight on adjacent property should this provision be re-written to more appropriate reflect the purpose and not to burden all property within 200 feet regardless of whether or not "sunlight access" is diminished by a structure on that property?
- b. Recommendation: Either eliminate this provision entirely or rework this provision to address the issues identified above by changing the 200 feet to "abutting" (property line to property line) or "adjacent" (across the street) and only where the street classification is less than urban collector.
- c. Recommendation: Impose this "stepped back" requirement only where the commercial or R-4 development is directly to the south of the residential district.
- d. Note. Also see 21.07.070 C 8 that imposes restrictions on non-residential development within 300 feet of residential development as part of a "Neighborhood Protection" ordinance.

CHAPTER 7
DEVELOPMENT & DESIGN STANDARDS
PAGES 21 - 27
EXHIBITS "O" "P" "Q" "R"

Chapter 7-Development and Design Standards

General Information

- 1) Subject Matter: This Chapter addresses Development and Design Standards. There are 14 sections in this Chapter dealing with residential and commercial design standards, the big box ordinance, natural resource protection, storm water and drainage, landscaping, transportation and parking. This is one of the most critical chapters in the Title 21 re-write.
- 2) Guiding Principles: The goal should be to both simplify the processes of development while retaining those elements that advance the concepts in the 20/20 Comprehensive Plan.

Section 21.07.020

- 1) It is critical that our natural resources be protected. This chapter and 21.07.040 are key components of natural resource protection. Because of extensive work by the Assembly Title 21 Committee, there are few changes necessary to the existing draft code. However, there is one current provision of law that is retained and that requires an amendment to this section. Under current code the stream setback is 25 feet. It was proposed to move this setback to 50 feet. This would have made hundreds of properties non-conforming. Municipal staff has apparently agreed that retention of the existing 25 foot setback was appropriate.
- 2) 21.07.020 B 6 b iii: Development Standards-Trails. Since the current code's setback requirement is 25 feet, this section had to be adjusted to reflect that trails are allowed within the outer 10 feet of the setback, not the outer 35 feet.

Section 21.07.030-Private Open Space

- 1) 21.07.030: Private (Usable) Open Space.
 - a. Policy Issue: Is requiring specific levels of usable open space in multi-family high-density developments appropriate?
 - b. Policy Issue: Is requiring a prescriptive level of usable open space in non-residential (commercial) development appropriate, particularly when market forces and the provisions of 21.07.130 (Big Box Retail Requirements), have

- resulted in significant increases in public open space in commercial developments?
- c. Policy Issue: What amount of private open space is appropriate for high density residential knowing that the more open space that is required the greater the costs of development? What is the extent of those costs and what effect will the imposition of these costs have on the development of housing that is affordable for working families?
 - d. Recommendation: Limit the application of this requirement to high-density residential developments in the R-3, R-4 and R-O districts and determine the appropriate amount of open space required.
 - e. Recommendation: Do NOT apply the requirement of public open space to commercial developments. The market and the Big Box ordinance both address this issue without MOA impose arbitrary square footage requirements.
 - f. Recommendation: Adopt Exhibit "O" for high-density residential developments.

21.07.040-Drainage, etc

General Information

- 1) This section, along with 21.07.020, is critical in protect our natural resources, in particular our streams and water bodies from run off and pollution. In addition, much of what is required in this section is mandated by APDES (formerly NPDES) so there is little choice with regard to many of the provisions of this section.
 - a. Policy Issue: Inclusion of reference manuals or department policies. In this section (21.07.040 B) there is a reference to Guidance Documents, in particular the *Design Criteria Manual* (DCM) and the *Storm Water Treatment Plan Review Guidance Manual*. Unlike the *Anchorage Wetlands Management Plan*, these "Guidance Documents" are not adopted into our code or our regulations. a.
 - b. Policy Issue: In addition to the DCM, there are references to the Users' Guide throughout the draft code. The policy considerations apply to the DCM, the User's Guide, and other "Guidance Documents" that are referenced in the draft code.

- c. Policy Issue: AMC 3.40.040 requires that all regulations be “submitted to the assembly for approval” and further states that “No regulation shall be effective unless approved either by resolution of the assembly or, by ordinance.”
- d. Policy Consideration: A regulation is defined by AMC 3.40.015 as *“every rule, regulation or standard of general applicability or the amendment, supplementation or revision thereof, adopted by a municipally agency, board, body, commission, employee or official, to implement, interpret or make specific the law enforced or administered by such persons or to govern its procedure.”*
- e. Policy Consideration: The term regulation *“does not include a rule or standard of conduct governing only the internal management of a municipal agency, ...”*
- f. Recommendation: The purpose of the proposed new section is to insure that the Users’ Guide (and the DCM) does not violate the requirements of AMC 3.40. et seq dealing with regulations. Amend the draft code by adding Exhibit “B” to this section.

Section 21.07.060-Transportation and Connectivity

- 1) 21.07.060 D 3. b. i thru iv: Internal Street Connectivity (Connectivity Index). This section requires use of a “Connectivity Index”. No one has been able to explain how this “planning tool” works. Nor can anyone explain why this convoluted concept is necessary at all.
 - a. Policy Issue: Is the Connectivity Index and the related text an appropriate management tool or is it an incomprehensible planning concept?
 - b. Policy Consideration: This concept was not something that could easily be complied with, particularly with regard to hillside subdivision development where, as the 2020 Comprehensive Plan noted, most of the residential development will occur.
 - c. Policy Consideration: he traffic department advised that they had never seen this type of standard and that it was something devised by planners.
 - d. Policy Consideration: Connecting streets in subdivisions to streets in abutting and adjacent subdivisions is still required in 21.07.
 - e: Recommendation: Delete this section that establishes a “connectivity index”.

Section 21.07.070-Neighborhood Protection Standards

- 1) 21.07.070 C: Nonresidential Development Adjacent to Existing Residential Use.
 - a. Policy Issue: This provision states that “as a condition of approval of any conditional use permit, site plan review, subdivision or variance of any not residential use **located in or within 300 feet of any residential district,....**” can be required to meet eleven conditions.
 - b. Policy Consideration: Requiring an adjacent commercial use with 300 feet of any residential use to meet any one of 11 conditions could amount a substantial reduction in the value of the commercial property. This could amount to a taking.
 - c. Policy Consideration: The MOA has never required an adjacent property to be limited in this fashion.
 - d. Recommendation Delete the phrase “located in or within 300 feet of any” and substitute “abutting”. “Abutting” is defined to mean “sharing a common property line”.
 - e. Recommendation: Delete subsection * of 21.07.070 C.

Section 21.07.080: Landscaping and Screening

General Information

- 1) The current title 21 code establishes the types of landscaping in 21.45.125. Many landscaping requirements for commercial and industrial zoned properties are set out in the existing zoning districts (21.40). There are additional requirements in the supplemental district regulations (21.45) dealing with specific requirements tied types of uses (e.g. 45.290-Self Storage Facilities, 45.310-Child Care Centers); More requirements are set out in the chapter on standards for conditional uses and site plans (21.50). These requirements are again tied to the type of use (e.g. 50.050-Convenience Store, 50.60 Gas stations). Landscaping requirements for streets and highways is set forth in 24.15. The point of all this is that landscaping requirements are spread throughout the existing land use code. This is a major criticism of our existing code.

- 2) Unlike the existing landscape requirements in our current code, the draft code sets out most landscaping requirements in chapter 21.07.080. This is a real benefit. However, the proposed code is still sprinkled with specific requirements related to various different uses.
- 3) A major problem with the new proposed code is that it presents an entirely new methodology for determining how much landscaping is required in a specific circumstance. There are "landscape units" established for trees and bushes, hardscape materials (fencing pavers, boulders, lighting, waterfalls, etc). Each of these landscaping materials is given a unit value. These values are then applied to the various sub-categories by type and a requirement is established. I believe that calculating the landscaping materials required in this manner is very bureaucratic, which, by definition, makes it confusing and costly.
 - a. Policy issue: Should the current practice of describing the required landscaping by number and types of shrubs and trees be replaced by the "landscape units" methodology.
 - b. Policy Consideration: The current title 21 establishes the types of landscaping in 21.45.125. Many landscaping requirements for commercial and industrial zoned properties are set out in the existing zoning districts (21.40). There are additional requirements in the supplemental district regulations (21.45) dealing with specific requirements tied to the type of use. More requirements are set out in the chapter on standards for conditional uses and site plans (21.50). These requirements are again tied to the type of use. Landscaping requirements for streets and highways is set forth in 24.15. The point of all this is that landscaping requirements are spread throughout the existing land use code. This is a major criticism of our existing code.
 - c. Policy Consideration: Unlike the existing landscape requirements in our current code, the draft code sets out most landscaping requirements in chapter 21.07.080. This is a real benefit. However, the proposed code is still sprinkled with specific requirements related to various different uses.
 - d. Policy Consideration: The draft code imposes an entirely new methodology for determining how much landscaping is required in a specific circumstance. There are "landscape units" established for trees and bushes, hardscape materials (fencing pavers, boulders, lighting, waterfalls, etc). Each of these landscaping materials is given a unit value. These values are then applied to the various sub-categories by type

and a requirement is established. The landscaping materials required in this manner is very bureaucratic, which, by definition, makes it confusing and costly.

- e. Recommendation: A licensed, practicing landscape architect developed an alternative landscaping provision that does NOT use the "landscape unit" methodology. Adopt Exhibit "P" in its entirety as it represents the years of experience of private landscape architects.

Section 21.07.080 G 1- Dumpster Screening

- 1) The draft code calls for all existing dumpsters to be screened within a seven-year amortization period and if a property owner cannot then comply the property owner gets to apply for a variance.
 - a. Policy issue: Should all existing dumpster have to be screened within seven years or should existing dumpsters be "grandfathered and dumpster screening only required for new developments.
 - b. Policy Consideration: While some commercial and residential developments can accommodate dumpster screening on existing sites, many (most) cannot. The cumbersome amortization and variance requirements found in the proposed code are bureaucratic, somewhat arbitrary and costly. While dumpsters are not particularly attractive in older high-density neighborhoods, screening as an aesthetic consideration, should probably not drive the MOA's requirements.
 - c. Recommendation: Existing dumpsters should be "grandfathered" and dumpster screening only required for new developments. Exhibit "Q".

Section 21.07.110-Residential Design Standards

- 1) Residential design standards are called for in the 2020 Comprehensive Plan. This section provides design standards for multi-family, townhouse, single family and two-family residences. The section also provides for alternative equivalent compliance in the event that a homebuilder or developer comes up with a better solution to the issues that this section addresses. The equivalent compliance applies to all residential residences.

- 2) General Considerations: All required standards have a cost. It is already very costly to build homes in Anchorage. Affordable housing is a major issue in Anchorage whether it be rental housing or home ownership. In this regard, note that the Mayor has convened a "second round" of his Homeless Task Force that is concurrently looking into ways to provide more affordable housing that does not require substantial government subsidies.
- 3) In recognition of the significant costs resulting from the provisions of the draft ordinance, the Commission should analyze whether the costs imposed result in real benefits to our community.
 - a. Policy Issue: Since many of the design requirements are based on a menu of choices and since the more choices that are required the greater the cost, what is the appropriate number of requirements from each menu to balance the costs and the aesthetic design requirements while still complying with the requirements of the 20/20 comprehensive plan?
 - b. Recommendation: The Anchorage Home Builders (AHB) has worked on the Title 21 re-write for several years. They support the recommendations found in Exhibit "R".
 - c. Note: Exhibit "R" does NOT address section 21.07.110 C Standards for Multifamily Residential or 21.07.110 D Standards for Townhouse Residential even though the provisions in these subsections are every bit as egregious as those in 21.07.110 E and F.

EXHIBIT O

21.07.030 Usable Open Space

A. Purpose

1. In residential development, usable open space is intended to provide residents with opportunities for active and passive outdoor recreation, relaxation, and enjoyment. No usable open space is required in commercial or industrial developments other than mixed use developments in the R-4, B-1A, B-1B and B-3 districts.
2. Usable open space is defined as common open space or private open space in any combination that meets the requirements of this section. All lands associated with the development shall be included in the calculation of usable open space except as provided in 21.07.030 D.

B. Applicability and Open Space Requirement

New residential developments shall be required to set aside a combination of private and common usable open space according to the following minimum requirements, except where specifically provided otherwise.

1. R-3 district: For multi-family residential developments, at least 300 square feet of usable open space per dwelling unit shall be provided. At least one-third of the usable open space shall be shared in common among the units.
2. R-4 district: For a multifamily uses, at least 200 square feet of usable open space per dwelling unit shall be provided. At least one third of the usable open space shall be shared in common among the units.
3. RO and nonresidential development in residential districts:
 - a. Usable open space equal to five percent of the gross floor area of the nonresidential portion of the development shall be provided.
 - b. Where dwelling units are part of the development, an additional 120 square feet of private usable open space per dwelling unit shall be provided.

C. Exemptions

The following are exempt from the usable open space requirement:

1. Single-family, two-family, triplex, mobile home and townhouse residential uses.
2. Non-residential uses;
3. Any building floor area devoted to parking and/or loading; and
4. Any building with less than 1,000 square feet of gross floor area.

D. Standards

1. Areas Not Credited

Lands within the following areas shall not be counted towards required private open space areas:

- a. Setbacks with average slopes over 10 percent;
- b. Drainage ditches, swales, and other areas constructed to collect and channel water;
- c. Required site perimeter and required parking lot landscaping;
- d. Public or usable streets or street rights of way;
- e. Parking facilities, driveways, other motor vehicle circulation areas, loading areas, and refuse collection areas; and
- f. Land covered by structures not intended solely for recreational uses.

2. Usable Open Space Areas

Required usable open space may consist of usable yard, garden, patio, deck, balcony, or other open space reserved for the exclusive use of a single dwelling unit. It shall be designed for the occupants of a specific dwelling, and

provided immediately adjacent to, and with direct access from the dwelling. The minimum inside dimension for such an area used to meet the usable open space requirement shall be no less than 10 feet for ground level spaces such as yards, or six feet for above ground level spaces such as balconies. Individual usable open space for the exclusive use of each dwelling unit shall have an average slope of less than five percent.

3. Physical Delineation

A fence, hedge, earth berm, railings on decks, and/or other continuous linear landscaping features shall define and separate ground-level usable open space from abutting street rights-of-way. Such features may be incorporated as part of required perimeter landscaping.

4. Common Usable Open Space

Usable open space areas to be used in common by residents and/or associated with mixed uses are intended to be usable spaces that incorporate user amenities facilitating passive or active recreation and relaxation. These areas shall meet the following standards:

- a. At least half of the common usable open space shall be contiguous.
- b. Common usable open space shall be conveniently accessible to residents or users of the development.
- c. The minimum inside dimension for an area used to meet the requirement shall be 10 feet for residential uses and 15 feet for nonresidential uses.
- d. Common usable open space may include lawn areas; picnic areas; gardens; natural vegetation; equipped recreation areas; sports courts; hard surfaced pedestrian spaces such as patios, decks, courtyards, housing courtyards, or plazas; indoor usable open space pursuant to D.5. below; and/or roof tops or terraces.
- e. Up to 25 percent of the total required open space area may be developed for active recreation, such as with play equipment or delineated sports field.

5. **Indoor Usable Open Space Option**
Up to 50 percent of the total required usable open space for residential uses, may be indoors. Such space:
 - a. Shall be climate controlled and furnished with features and amenities that encourage its use;
 - b. Shall be accessible to all residents and
 - c. Shall not be combined with some other function, such as laundry or storage, but such other functions may be immediately adjacent to the common usable open space.

6. **Incentive for High Quality Spaces**
The total open space area requirement may be reduced by 25 percent if the largest common open space area meets all the other requirements of this section and the following standards:
 - a. Has less than an average five percent slope;
 - b. Is well-drained and not wetlands;
 - c. Has a minimum inside dimension of 25 feet; and
 - d. Receives sunlight access on the majority of the open space for at least four hours per day between the spring and fall equinox.

7. **Ownership**
All usable open space areas not reserved for the exclusive use of a single dwelling unit shall be owned jointly or in common by the owners of the development or permanently preserved through some other mechanism satisfactory to the director. While usable open space may be platted into separate tracts, those tracts which provide required usable open space shall not be sold separately from the development.

8. **Fee In Lieu Prohibited**
The payment of fees in lieu of the set-aside of land for private common open space is prohibited.

EXHIBIT P

Proposed language developed by a landscape architects who actually do work in Anchorage, Alaska.

21.07.080 LANDSCAPEING, SCREENING, AND FENCES

A. Purpose

Note: The current draft is unnecessarily wordy in many places. The purpose section at the beginning of Section 7 is such an example. I believe it is good to include a purpose or intent with these sections, but pare this down to the absolute minimum.

This section is intended to ensure that new landscaping and the retention of existing vegetation is an integral part of all development. It is also the intent of this section to provide flexible requirements that encourage and allow for creativity in landscape design. More specifically, these provisions are intended to:

1. Visually enhance industrial, commercial and residential development through retention of existing native or ornamental vegetation or through new landscape improvements.
2. Separate, screen and buffer adjacent incompatible land uses through the use of landscape plantings, fencing and/or space.
3. Reduce and treat runoff of stormwater to preserve the quality of local streams and water bodies.

B. Exemption for Temporary Uses

Unless required under section 21.05.080, temporary uses in accordance with Section 21.05.080 are exempt from the requirements of this section.

C. Landscape Plan

Note: The draft refers to a Title 21 users guide to find the Landscape Plan requirements. Don't send someone to another document if you don't have to. It can be concisely included here.

All landscaping and screening required under this Section 21.07.080 shall be reflected on a landscape plan. All development, except for single and two-family homes on individual lots shall submit a landscape plan. State requirements govern when a landscape architect is required for preparation of a landscape plan and are addressed under Alaska State Statutes Chapter 48. Said landscape plan shall be reviewed and approved administratively by Municipal staff or higher decision-making bodies as required by other sections of this title. A landscape plan prepared by a landscape architect, licensed and registered in the State of Alaska, and certified by the landscape architect to meet the requirements of this Title shall be exempt from administrative review. Such a certification does not exempt the plan from review by higher bodies, where required by other sections of this Title. Minimum requirements for the landscape plan are:

1. Plan scale shall be easily readable and not greater than 1-inch equals 40-feet.

2. Plan shall call out common and scientific name for each plant type or ground cover to be used.
3. Plan shall identify plant locations and sizes in accordance with the sizing standards of the American Standard for Nursery Stock (ANSI Z60.1-2004) as published by the American Nursery and Landscape Association.
4. Plan shall identify locations and areas where existing native vegetation is being used to fulfill the requirements of this section.
5. Location of buildings, walkways, vehicular circulation (to include adjacent streets), retaining walls, and fences and any other permanent structures.
6. Topography, expressed in contours or spot elevations and location of utility easements.

Note: For types of landscape this section is closer to existing title 21 than the proposed Title 21. The existing Title 21 actually does a reasonable job in providing appropriate quantities of plant materials in a way that can be easily understood and checked by plan reviewers. The new Title 21 is unnecessarily complicated for both users and reviewers and will not necessarily result in better landscapes. The existing Title 21 does not clearly require quantities of shrubs and the approach below does. The following also clarifies interior landscape, and buffer landscape, which is not entirely clear in the current Title 21. This approach is something everyone who does this will be familiar with and it should be remembered that this represents the minimum requirement.

D. Types of Landscaping. There are two basic types of landscaping: visual enhancement landscape and buffering landscape. Visual Enhancement Landscape is intended to enhance the appearance and integrate new or renovated development into the surrounding context of the community. Buffering landscape is intended to buffer one land use from an adjacent land use that may be visually or audibly intrusive. The determination of where buffering landscape is required is based on the adjacency of specific land uses. Space and landscape requirements for landscape types are identified in the landscape requirement matrix, Figure XX-X.

1. Perimeter Landscape.

Perimeter landscape is a visual enhancement landscape treatment intended to integrate new or renovated development into the surrounding community. Perimeter landscape is required along property perimeters which face on public rights-of-way. Perimeter landscape is not required at alleys. Total landscape requirement is determined by length of property line adjacent to right-of-way. Landscape improvements within perimeter landscape areas may be organized to the best advantage of property development and site aesthetics. It is not intended that landscape improvements be evenly distributed along the length of the property. Landscape improvements must be placed within the area identified as the perimeter landscape as identified in Table XX-X TABLE OF LANDSCAPE REQUIREMENTS.

2. Parking Lot Perimeter Landscape

Parking lot perimeter landscape is a visual enhancement landscape treatment intended to soften the edges of parking lots for new and renovated facilities. Parking lot perimeter landscape is required for all parking lots with 10 cars or more. Parking lot perimeter landscape is required for all sides of parking lots except where directly against a building with a sidewalk and public building entry. Landscape requirements are determined by the linear dimensions of the perimeter of the asphalt or concrete paving. Where parking lot landscape corners at the perimeter occur, the landscape corner may be measure and counted for determining either Parking Lot Perimeter Landscape or as Parking Lot Interior Landscape requirements, but not both. Walkways adjacent to parking lots are not counted for overall parking lot dimensions. It is intended that landscape improvements required for parking lot perimeter landscape be evenly distributed around a parking lot within the area designated as Parking Lot Perimeter Landscape. Trees and shrubs may be grouped as best serves the site and promotes the safety of the parking lot, plowing and storage of snow, and site aesthetics.

3. Parking Lot Interior Landscape

Parking lot interior landscape is a visual enhancement landscape treatment intended to visually break up the area of larger parking lots. Parking lot interior landscape is required for any parking lot striped for 20 or more vehicles. Area of the parking lot shall be determined by the total paved area including parking and internal circulation within the property lines. Adjacent pedestrian walkways may be deducted from the total. Parking lot interior landscape requirements are as follows:

- a. 20-100 vehicles: 5%
- b. More than 100 vehicles: 8%
- c. For parking lots of more than 200 spaces, provide a linear landscape break with a minimum width of 8-feet parallel to every third drive aisle. This area may count toward the total interior parking lot landscape requirement.

4. Arterial Landscape

Arterial landscape is a visual enhancement landscape primarily for commercial enterprises situated along major arterials in our community which rely on visibility into the site. The intent is to provide attractive frontage that does not restrict site visibility. For properties located on collectors and arterials, as determined by the Official Streets and Highways Plan within B-1A, B-1B, and B-3 districts, the arterial landscape requirements may be substituted for the requirements of perimeter landscape. Note that these requirements represent the minimum requirements and property owners may provide trees and other landscape enhancements as desired.

5. Buffer Landscape

Buffer landscape is intended to help separate one land use from another that may be visually or audibly intrusive. Buffering is required wherever one of the identified uses is

adjacent to another requiring buffering regardless of whether the property is immediately adjacent to, or separated by a right-of-way or alley. Where buffer landscape is required in the same area that requires parking lot perimeter landscape, buffer landscape is required. Buffering is required between the following uses:

Note: The below description includes RMU, CMU, and NMU which may have been deleted from the re-write and if so should be deleted from this text

- a. Between R-1, R-1A, R-2A, R-2D land uses, and R-3, R-4, R-4A land uses
- b. Between all Residential and NMU, CMU land uses, and B-1A land use
- c. Between all Residential land uses, and RMU, MT-1, MT-2 land uses
- d. Between all Residential land uses, and B-3, RO, I-1 and I-2 land uses

6. Site Interior Landscape

Site interior landscape includes the entire site not covered by paving, structures, or other landscape provisions. Site interior landscape may be covered with hardscape paving, living ground cover, turf, trees, shrubs, planting beds, and/or mulch at the owner's discretion.

7. Freeway Landscape

Freeway landscape is intended as a visual enhancement landscape and is not intended to screen or block adjacent uses. This landscape type is limited to specific areas along major highways in Anchorage.

E. Landscape Materials

Anchorage lies generally within the USDA climactic zone 3. This categorization is intended to help identify plants with suitable hardiness to survive in our climate. There are known microclimates within Anchorage that are less severe in some areas and more severe in others. It is not the intent of this Title to dictate the use of individual species; however owners are encouraged to understand the local climate and to use plant species known to be hardy. It is the owner's responsibility to replace plant materials which are provided in response to the requirements of this Title, but perish due to poor maintenance, lack of hardiness or mechanical damage. In all cases the plant materials shall be living and free of defects and of normal health, height, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1, latest available edition, American Nursery and Landscaping Association. Plants may be nursery grown or native transplants, provided they meet the requirements of ANSI Z60.1.

1. Size of Materials

Trees

- a. Minimum Size for deciduous trees: 2-inch caliper
- b. Minimum Size Coniferous Trees: 6-inch height

Shrubs

- a. Minimum Size for deciduous shrubs: 18-inches

b. Evergreen Shrubs:

18-inches

TABLE XX TABLE OF LANDSCAPE REQUIREMENTS

TYPE OF LANDSCAPE	BED WIDTH OR AREA/ LOCATION REQUIRED.	PLANT MATERIALS REQUIRED	ALTERNATE COMPLIANCE
Perimeter Landscape	Minimum average bed width: 8-feet as measured for each leg of the perimeter. Minimum bed width: 5-feet	1 tree and 3 shrubs per 20 linear feet of perimeter leg. 1/3 of trees shall be coniferous trees. All area within the bed shall be covered with living ground cover, turf, or mulch. *	Use of specialized paving, raised planters, pedestrian amenities, and pedestrian scale lighting may be used to offset 1/3 of the plant material requirements identified for this use.
Parking Lot Perimeter Landscape	Minimum average bed width: 8-feet as measured for each leg of the perimeter. Minimum bed width: 5-feet	1 tree and 3 shrubs per 20 linear feet of perimeter leg. 1/3 of trees shall be coniferous trees. All area within the bed shall be covered with living ground cover, turf, or mulch. *	Where a parking lot perimeter occurs in the same location requiring perimeter landscape improvements, the requirements for parking lot landscape improvements take precedence (no use of alternate compliance allowed).
Parking Lot Interior Landscape	Provide total area in accordance with Parking Lot Requirements. Minimum allowable internal area: 165 square feet. Minimum bed width: 6-feet without auto overhang, 8-feet with auto overhang.	1 tree and 6 shrubs per 150 square feet of total internal landscaping required. All area within the bed shall be covered with living ground cover, turf, or mulch. Plant materials shall be evenly distributed through beds in the parking lot.	Not Applicable
Arterial Landscape	Minimum width 6-feet (not average), for the linear length of the property abutting the arterial.	6 shrubs per 20 linear feet of the perimeter facing the arterial. All area within the bed shall be covered with living ground cover, turf, or mulch.	Not Applicable
Buffer Landscape	Buffer landscape is required on any property line of commercial, industrial, or public institutional land adjacent to an "R" zoned	Provide 2 trees and 6 shrubs for every 20 linear feet of property line requiring buffer landscape. ½ of all trees shall be coniferous.	A 6-foot high opaque fence may be used in lieu of 10-feet of planting bed width. Where a fence is used in lieu of width,

	property. Average Planting bed width shall be 25-feet, with minimum not less than 20-feet.	Distribute trees and shrubs evenly along the length of the property line. All area within the bed shall be covered with living ground cover, turf, or mulch. If relying on existing vegetation to meet these requirements, use of fence for alternate compliance is not allowed.	provide a 6-foot minimum width landscape bed on the "R" side of the fence and install at least half of the required plantings on that side of the fence.
Site Interior Landscape	Site Interior Landscape accounts for all areas of the site not associated with paved surfaces, structures, perimeter , buffer, or parking lot landscape	All areas of the site not occupied by hard surface paving, structures , signage, or other required landscape enhancements, shall be covered with living ground cover, turf, trees, shrubs, mulch, and/or planting beds at the discretion of the owner.	Not Applicable
Freeway Landscape	Landscape requirements along freeways shall apply to any lot abutting the right-of-way of: <ol style="list-style-type: none"> 1. Seward Highway between Tudor road and potter road 2. Glenn Highway between Boniface Parkway to the Military Reservation Boundary 3. Minnesota Drive/O'Malley road between International Airport Road and the Old Seward Highway 	Provide three trees and 10 shrubs per 20 linear feet of frontage. ½ of all trees shall be coniferous. Trees and Shrubs may be distributed along frontage at owners discretion. All areas of ground surface within the planting area shall be covered with living ground cover, turf, or mulch.	Planting bed width may be reduced by 10-feet with provision of an 8-foot high fence. If this option is chosen, the fence shall be set back 20 feet from the right of way, plant material requirements remain the same, and all plantings are required on the right-of-way side of the fence.

	Planting bed width along right of way shall be 30-feet minimum		
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EXHIBIT Q

21.07.080 G. Screening

1. Purpose

Screening consists of landscaping, the retention of natural vegetation, or the use of physical structures to block views of specific activities or specific parts of a property or structure.

2 **Refuse Collection**

Applicability: In order to improve the image of the municipality's streets and neighborhoods, refuse collection receptacles for all new developments of all types shall be subject to the following requirements:

a. Residential Dwellings In Class A Districts.

i. Except as allowed below, single-family two-family, townhouse, and three-unit multifamily dwellings on lots less than 40,000 square feet shall not have dumpsters unless the dumpster is serviced from an alley .

b. Residential Dwelling in Class B Districts.

i. A group of three or more dwellings may share a dumpster if the following criteria are met:

(1) *The dumpster is bear-proof;*

(2) *The Alaska Department of Fish and Game determines that a bear-proof dumpster would reduce the potential for problem bears in the neighborhood; and*

(3) *The dumpster is located and screened in accordance with the standards below.*

c. Screening: to the maximum extent feasible, in all new developments, refuse collection receptacles shall be screened from view from abutting streets by buildings, fences, landscaping or a screening enclosure consisting of a durable three sided screen structure.

This screening requirement does not mandate that the collection receptacle be completely screen from any street, but rather that the receptacle be obscured from view by any of the methods listed above.

- i. Notwithstanding all other requirements of this section, garbage cans and recycling bins that are 96 cubic feet or smaller are considered screened if they are not visible (except on garbage pickup days) from the abutting street from which vehicular access to the residence is taken.
 - ii. Site plans for all new developments shall include the proposed location and type of refuse receptacle and the receptacle screening that will be used and the access provisions for service trucks.
- d. Residential Dwellings in the Chugiak-Eagle River area shall meet the requirements in 21.10.
 - e. Location: In all new developments, outdoor refuse collection receptacles shall not be located in any required front setback and shall, to the extent reasonably feasible and depending on the size, location, and configuration of the site, and need for access by refuse collection vehicles, be set back from the front plane of the principal structure. Refuse collection receptacles shall not be located within any area used to meet the minimum landscaping or parking requirements and loading berth requirements of this chapter, or be located in a manner that obstructs or interferes with any designated vehicular or pedestrian circulation routes onsite.
 - f. Maintenance of Refuse Collection Receptacle: The lids of dumpsters in screening enclosures without roof structures shall remain closed except when being accessed by users or refuse service trucks, and shall be maintained in working order.

EXHIBIT R

21.07.110: Residential Design Standards.

A. Purpose

The standards of this section 21.07.100 are intended to promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; and promote an integrated character for the municipality's neighborhoods. Specifically, the standards:

1. Promote new residential developments that are distinctive and relate and connect to established neighborhoods;
2. Provide for variety in the exterior design of residential buildings;
3. Locate active living spaces, entrances, and windows to improve the physical and visual connection from residences to the street, to allow for opportunities for casual surveillance of the street; and
4. Improve the compatibility of residential development with surrounding neighborhoods and protect property values of both the subject property and surrounding development.

B. Alternatives and Flexibility

1. **Alternative Equivalent Compliance**
The alternative equivalent compliance procedure set forth in subsection 21.07.010D. may be used to propose alternative means of complying with the intent of this section. Structures over eight units may apply directly to the Planning and Zoning commission for alternative compliance with plans at least 30 percent complete, that include exterior elevations and dimensions, floor plans, landscaping, and parking plans.
2. **Minor Modifications**
Minor modifications may be applied, pursuant to section 21.03.120, *Minor Modifications*.

3. Design Innovations

For all residential developments, The decision-making body may approve design innovations that are not provided for by the menu choices for design features in the various menus of this section. The applicant shall demonstrate that the innovate design feature achieves the intent of the subsection, and that:

- a. Achieves an equal or better design solution for the development than would result from application of the basic menu choices; and
- b. Does not adversely affect adjacent properties or streets.

4. Driveways

The municipal driveway standards established by the traffic engineer, including parameters for driveway characteristics such as angles, profile, landing grades, number and distances between shall apply to all residential development.

NOTE: Sections 21.07.110 C (Multi-Family) and 21.07.110 D (Townhouse) have been taken out of this proposed amendment.

E. Standards for All Single-Family Residential Structures

1. Applicability
The standards of this subsection E. apply to all single-family residential structures.
2. Permanent Foundation
All dwellings shall be on a permanent foundation.

See Amendment 588

3. Aspect Ratio or Roof Design

a. The dimensions of a rectangle, drawn to encompass the whole structure measured at 30 inches above the ground, shall be as follows: the shorter dimension of the rectangle shall be more than 30 percent of the longer dimension of the rectangle; or

b. If all of the dwelling is single-storied, it shall have a pitched roof of at least three to 12 (rise to run).

c. The director may provide a waiver in writing at a design concept phase, that exempts a structure from meeting either of these requirements.

4. Appeals The Board of Adjustment shall hear appeals from the director's decision in this subsection.

F. Standards for Some Single-Family and Two-Family Residential Structures

1. Applicability

The standards of this subsection F. apply to any single-family use except for single-family residential uses on lots of 20,000 square feet or greater, any two-family use that is not constructed in townhouse-style and is on a lot less than 20,000 square feet, and [APPLY TO] any multifamily use with single-family style construction on a single lot. This section does not apply in Girdwood.

2. Mix of Housing Models

Any subdivision or development of five or more units shall have a mix of housing models, as determined during the building permit process, according to the following table:

3. Primary Entrance

a. A porch or landing with a minimum inside dimension of at least sixteen square feet shall be provided at the primary entrance. The porch or landing shall be covered by a roof of at least sixteen square feet.

b. The location of the primary entrance to each residence and the walkway to that entrance shall be clearly visible from the street. The roofed porch/landing of primary entrances on side elevations shall extend at least three feet from the elevation. Primary entrances shall not be located on the rear of the structure.

c. A hard-surfaced pedestrian walkway shall be provided from the street, sidewalk, or driveway to the primary entrance. Roof drainage shall not fall upon the walkway.

4. Garages

a. Where a garage (with no habitable floor area above) extends from the rest of the structure towards the street, the width of the non-garage portion of the front building elevation shall be no less than the length that the garage extends from the rest of the structure.

b. Garage doors facing the street shall comprise no more than 67 percent of the total width of a dwelling's building elevation. Single-story homes are exempted from the garage door area limitation.

c. Dwelling units with a street-facing building elevation that is 40 feet wide or narrower and with garage doors that face the street shall feature at least one design element from each of the three lists below.

i. *List A:*

(A) At least one dormer that is oriented toward the street.

(B) The front building elevation has two or more facades that are offset by at least 16 inches. Each façade or a combination of

TABLE 21.07-12 MIX OF HOUSING MODELS

Number of units	Number of different models required
5-15	2
16-30	3
31-45	4
46 or more	5

Each housing model shall be noticeably different through at least three of the following variations:

- a. Noticeably different window placement and entrance location.
- b. Noticeably different façade detail elements, siding material, or siding colors.
- c. Noticeably different placement of the building footprint on the lot. A four foot setback differential to the closest front corner of the adjacent façade shall be acceptable.
- d. Noticeably different garage placement.
- e. Noticeably different roof design/feature. This includes the main ridgeline being oriented differently, two or more additional roof planes, addition of at least one dormer, or a different roof style.
- f. Noticeably different exterior elevations.
- g. Noticeably different building massing.

The development (of five or more units) shall be arranged to avoid placing identical housing types, including mirror image floor plans, on lots that share side lot lines.

offset facades shall be at least one third of the area of the building elevation,.

- (C) Front-facing balcony, accessible from a habitable room, at least six feet wide, that projects from a façade at least two feet and is enclosed by an open railing.

ii. *List B:*

- (A) A primary entrance area with a covered porch or landing at least eight feet wide, incorporating visual enhancements such as gabled roof forms, roof brackets, fascia boards, side lights, and/or ornamental columns divided visually into top, middle, and bottom.
- (B) A bay window on the front elevation at least six feet wide that extends a minimum of 12 inches outward from a façade, forming a bay or alcove in the room within.
- (C) If the garage is more than one car wide, multiple garage doors are used.

iii. *List C:*

- (A) Windows and primary entrance door(s) that occupy a minimum of 25 percent of the wall area of the front elevation. Windows in the garage door do not count towards the 25 percent.
- (B) Trim (minimum three and one half inches wide) of a different color from the primary siding color, shall outline all windows, doors, and roof edges on the front building elevation, and may outline corners and projections/recesses on the front building elevation.

(C) A minimum of two different siding materials and/or patterns are used on the front building elevation. Doors and trim do not qualify as a type of siding material.

d. The house may encroach into the minimum front [BUILDING] setback [MAY BE REDUCED] by up to five feet when there is no garage, or where there is a garage (attached or detached) where the front wall of the garage is located at least 8 feet behind the front façade of the house.

5. Windows

a. Windows and primary entrance door(s) shall occupy a minimum of 7 percent of the wall area of a building elevation facing a street. Windows in the garage door count towards the 7 percent requirement.

b. Any building elevation with solar orientation shall have at least one window that is a minimum of six square feet.

c. An overall reduction in required window area may be approved if demonstrated by calculation by an energy rater certified by the state of Alaska that the reduction is necessary to achieve an upgraded Energy Star rating of Five Star or Five Star Plus.

G. Prohibited Structures

[RESERVED]

Quonset hut is defined as a self-supporting structure that is shaped like a longitudinal half of a cylinder resting on its flat surface, with or without straight sides of six feet or less on the cylinder (non-gable) sides, that is more than 10 feet wide across the gable end, or 15 feet along the non-gable side, or 10 feet high, and has two of the four following characteristics:

1. Prefabrication.
2. Fabric or plastic material or corrugated metal roofing.
3. Ribbed appearance in the roofing material

See Amendment 704

4. A roof system that is in height as tall as or taller than the wall systems on the non-gable sides.

H.Site Design

1. Subdivisions
Subdivisions of land shall comply with the standards of chapter 21.08, *Subdivisions*.

2. Multiple Structures on One Lot³
RESERVED

Dan Coffey 6/18/11 12:10 PM
Comment: INCORPORATE AMENDMENT 65

3. Alleys³

a. Access to parking for residential uses shall be from the alley when the site abuts an alley, except that street access is permitted in any of the following situations:

i. Access to a townhouse dwelling on a corner lot may be from the [SECONDARY] street frontage having the secondary front setback or the alley.

ii. Due to the relationship of the alley to the street system and/or the proposed housing density of the development, the traffic engineer determines that use of the alley for parking access would be a significant traffic impact or safety hazard.

iii. The traffic engineer determines that topography or other natural feature or physical barrier makes alley access infeasible.

iv. The alley is not improved and traffic engineer determines that improvement is not feasible.

v. A single-family dwelling, two-family dwelling, or [TWO-UNIT] townhouse dwelling with two units, with alley access may have a garage or driveway that faces the street if the garage door is no wider than 10 feet and the driveway no wider than 12 feet at any point.

b. In situations where a group of lots front[ING] an entire block on one side of a street between two intersections, abut a mid-block alley, and are being developed together, then

see Amendment #6
see Amendment #6

parking access to the structures shall be from the alley, the buildings may encroach into the front setback by a maximum of 5 feet.

c. If a new development includes alleys, the lot depth requirement is reduced by half the width of the alley and the lot area requirement is reduced by 12 percent for those lots that abut an alley. Vehicular access to all dwelling units on lots abutting alleys shall be from the alley, and vehicular access to such units from the street is prohibited.

I. Affordable Housing

1. Purpose

This subsection provides the minimum acceptable standards for affordable housing units that are intended to be counted towards a bonus incentive or any other requirement of this title, to ensure that affordable housing will provide a benefit to future residents and the community overall.

2. Standards

Affordable housing units shall meet the following standards in order to be credited towards a requirement, menu choice, or as a special feature bonus incentive of this title.

a. The affordable housing units shall meet the definition of affordable housing in chapter 21.14;

b. At least 50 percent of the habitable floor area of affordable housing units shall be located in a story above grade plane, as defined in chapter 21.14, except that the finished surface of the floor above the affordable housing unit shall be a minimum of four feet above grade;

c. The affordable housing units shall be intermingled with all other dwelling units in the development; and

d. The exterior appearance of the affordable housing units shall be indistinguishable from the other dwelling units in the development, except where the director determines that the exterior is compatible in appearance and consistent in quality with the other dwelling units.

CHAPTER 8
SUBDIVISION STANDARDS
PAGES 28 - 30
EXHIBIT "S"

Chapter 8-Subdivision Standards

General Information

- 1) As noted in the 20/20 Comprehensive Plan, “most of the suitable land in the Anchorage Bowl is already developed. Much of the remaining vacant land is in areas where development is more difficult”. Further, the 20/20 Plan goes on to state that “the remaining supply of vacant land in the Anchorage Bowl that is suitable for development is limited”.
- 2) Dealing specifically with single-family homes, the plan notes that “the current supply of land for new urban single-family homes in the Anchorage Bowl is limited” and that “the outflow of new single-family home construction to Chugiak-Eagle River and the Matanuska-Susitna Borough will continue to increase.”
- 3) The 20/20 Plan also finds that the Hillside “contains almost two-thirds of the Anchorage Bowl’s vacant residential land. It has the most vacant land suitable for single-family homes.” The Plan further notes, “much vacant land on the upper Hillside is poorly suited for building due to adverse environmental conditions and lack of infrastructure.”
- 4) In the decade since the adoption of the 20/20 Comprehensive Plan we have seen substantial development in Chugiak-Eagle River, in the Mat-Su Borough and on the Hillside. It is clear that the predictions in the 2020 Plan have proven to be a true and accurate forecast of what has actually occurred.
- 5) Unfortunately, the draft code requires development standards of a type that reflect residential development in the Anchorage bowl.
 - a. Policy Issue: Should the Subdivision Standards currently incorporated in the draft plan be modified to reflect that most residential development will continue occur on the hillside and in Chugiak-Eagle River?
 - b. Policy Consideration: If the answer to the policy issue is yes, then the Commission should, at a minimum, adopt the following changes to the draft code.
 - i. 21.08.030 F 1 and 21.08.040 A: Streets and roads.
Recommendation: Allow for private roads and streets.
 - ii 21.08.030 F 5: Cull-de-Sacs.
Recommendation: Provide that sidewalks, walkways, pathways and trails are not required within any cul-de-sac itself.
 - iii 21.08.040 C: Walkways.

- c. Recommendation: Allow the platting authority to determine when and where walkways need to be incorporated into a subdivision.

6) 21.08.040 D: Trails

- a. Policy Issue: Since trails, walkways, sidewalks, etc are required in all new subdivisions, the requirement of a trail as found in subsection 1.a. is arguably appropriate where property being developed abuts the large community use areas. However, is it appropriate/necessary to require a vehicular right of way to the "*large community use area*"?
- b. Policy Consideration: Subsection 1. a. Mandates that the platting authority "*require the dedication of a public pedestrian easement for a trail designated or adopted municipals plans for connectivity with a trail or access point to a large Community Use Area or Natural Resource and Recreation Facility Plan or the Chugiak-Eagle River Comprehensive Plan. And for connectivity with a trail or access point identified in the most current Chugach State Park Access Inventory.*"
- c. Policy Consideration: Subsection 1. b. Mandates that the platting authority "*require the dedication of a vehicular right-of way for public access to trails and parks access points as defined in an adopted plan*"
- d. Policy Consideration: Requiring a road versus a trail, it puts a substantial burden on homeowners who live in the subdivision where the vehicular right of way is required. The requirement diminishes the value of the property. In addition, there will undoubtedly arise other circumstances like the situation that currently exists in the Flat Top access area. There will be a significant increase in public parking in subdivisions where these vehicular rights of way are required.
- e. Policy Issue: The vehicular issue is not one of access, but rather who should pay the price for such access. The private property owner or the government. It could be argued that such a requirement amounts to a taking of property for a public purpose without compensation.
- f. Recommendation: Require that a trail to provide access to a "*large community use area*", but do NOT require that a road be constructed by a developer.

- 7) 21.08.060 H: Subdivision Agreements and Warranties. This section deals with the warranty for infrastructure installed by the developer as required by a Subdivision Agreement.
- a. Policy Issue: Once a public infrastructure is completed, the developer contacts the MOA for an inspection. Once the inspection is complete and any deficiencies corrected, the project goes on warranty. Unfortunately, there appears to be practice by the MOA of repeatedly finding deficiencies and delaying the commencement of the warranty. Delaying the commencement of the warranty allows for continued inspection fees and leaves the cost maintenance, the cost of snow plowing and other costs on the developer.
 - b. Recommendation: Amend this section to provide that, after the initial inspect that takes place after the construction of the subdivision and after correction of all noted deficiencies arising out of the initial inspection, the warranty period begins. Any subsequently discovered deficiencies are to be corrected during the warranty period, but the warranty period begins after the correction of all deficiencies noted in the initial inspection. Exhibit "S".

EXHIBIT S

21.08.060H Release of Guarantee of Improvements

1. Inspection will be made by the municipality prior to acceptance of the improvements for warranty. The municipality shall have 14 days to complete the inspection and provide a list of deficiencies, except that the municipal engineer may extend the 14 day period for unusual circumstances such as extreme weather. The 14 day period shall begin on the day the municipality receives written notice from the subdivider that the subdivider's own comprehensive inspection has confirmed that construction of all required improvements is complete, all applicable subdivision agreement requirements are fulfilled, and the project is ready for municipal inspection.
2. After the initial municipal inspection provided for in subsection H.1 has been completed, and all listed deficiencies noted in the initial municipal inspection and provided in writing to the subdivider have been corrected, the subdivider shall notify the municipality in writing and the municipality shall perform a final inspection of the listed deficiencies within 7 days of receiving the notification, except that the municipal engineer may extent the 7 day period for unusual circumstances such as extreme weather.
3. If the final inspection reveals uncorrected listed deficiencies identified in the initial inspection that were provided to the subdivider in writing prior to the final inspection, this procedure shall be repeated until all deficiencies noted in the initial inspection have been corrected. The warranty period shall begin after all the deficiencies in the initial inspection have been corrected.
4. Any new deficiencies that were not discovered and identified in writing and delivered to the subdivider during the initial inspection, but were found in the final or any continuing inspection shall be noted and corrected during the warranty period. However, these deficiencies shall not delay the commencement of the warranty period. The warranty period shall begin after all of the deficiencies in the initial inspection have been corrected.

5. The municipality shall release the obligation for performance guarantees upon the acceptance of the improvements for warranty, together with the posting of adequate security for warranty.
6. The municipality may refuse to release the obligation for any particular public improvement if the subdivider or contractor is in present or imminent default in whole or in part on the completion of any public improvement or warranty covered by the subdivision agreement.

CHAPTER 12
NONCONFORMITIES
PAGE 31
EXHIBIT "T"

Chapter 12-Nonconformities

- 1) Since the adoption of a new land use code will undoubtedly result in the creation of a significant number of nonconforming lots, structures and uses, it is important to do as much as possible to reduce the number of these non conformities because of the attendant expense, uncertainty and dislocation that becoming a nonconformity will cause the property owner.
 - a. Policy Issue: Should the number of non-conforming structures, lots and uses be kept to a minimum so as to limit the economic harm to property owners?
 - b. Recommendation: Commercial property owners reviewed and commented extensively on this chapter. A revised chapter 12 was drafted based on these comments. See Exhibit "T" attached. The revised chapter 12 should be adopted by the Commission.

EXHIBIT T

This exhibit is an amended version of Chapter 12 (Nonconformities) written by the Consultant during and after discussions with commercial property owners.

In addition this exhibit contains comments by a commercial property owner on the staff's criticism of this proposal.

**Comments on Planning Department's Response
to
Consultant's proposed changes to the draft Title 21, Chapter 12,
Nonconformities.**

The Planning Department's comments describe the nonconformities section as setting "thresholds for when a use or structure must meet or move towards" strict compliance with the new land use code (emphasis added). This fails to adequately characterize the nonconformity issue.

Nonconformities must be considered in both historical and economic perspectives:

- 1) All structures in the Municipality fully complied with the land use codes in effect at the time they were built;
- 2) No building owner expects that a change in a land use code in the future will force them to tear a building down (what the Department calls "must meet"), or make major modifications (what the Department calls "move towards"), before the end of the building's economic life.

The consultant's proposed changes to the provisionally adopted new code assure owners of existing buildings that:

- 1) they can do any work to restore the condition of any part of an existing building (both the building itself and site improvements),
- 2) they can do tenant improvements, and
- 3) they can do renovations.

The bulk of the Planning Department Response addresses issues concerning "maintenance and repair". The Planning Department contends that the draft code, chapter 12 "already significantly expands the definition of 'maintenance and repair'". It does not. The draft code, chapter 12 **reduces** the scope of the existing code's allowable maintenance and repair (emphasis added).

The existing land use code allows owners of nonconforming buildings to make all ordinary repair as well as repair or replace of nonbearing walls, fixtures, wiring or plumbing so long as the cost does not exceed 10% of the building's current replacement cost within a 12 month period.

The draft code is far more restrictive. The new draft code allows, under specified circumstances, only repairs and maintenance “**required** to keep structures or sites in a safe condition” (emphasis added). Furthermore, these repairs are allowed only if they do not expand or alter the building. The draft code specifically authorizes only “repairs that are **necessary** to maintain and to correct any damage or deterioration to the structural soundness or interior/exterior appearance of a building” (emphasis added).

The draft code’s use of restrictive modifiers like “necessary” and “required” impose vague limitations. The existing code’s use of dollar amounts over time is more reassuring to owners because the scope of work allowed is not debatable and the financial constraints are clear. The consultant’s proposed changes to the provisionally adopted chapter 12 ensure that the definitions of maintenance and repair include

- 1) “restoration to good or sound condition of any part of existing structure or characteristic of use,” and
- 2) “tenant improvements and renovations.”

The Planning Department complains that the consultant’s proposed changes will “[open] the door to continual rebuilding and/or renovating of a nonconforming use or structure to the extent that it will never be removed and replaced....” Owners of buildings view on-going renovation, as opposed to deterioration, as desirable.

The draft code as a whole creates a host of ways that existing legal buildings become nonconforming. Consider all the new district specific standards of 21.04, all the new use specific standards of 21.05, and all the new design and development standards of 21.07. Also, the draft code requires building owners to spend money over time in order to bring their buildings into better compliance with the new code standards (See provisionally adopted 21.12.060 (c)). The new land use code should not accelerate the deterioration of buildings by limiting tenant improvements, restoration and renovation of existing buildings.

**EXHIBIT U
NONCONFORMITIES**

**SECTION 21.12.010
GENERAL PROVISIONS**

21.12.010 GENERAL PROVISIONS

A. Purpose

1. The purpose of this chapter is to regulate continued existence of legal uses, structures, lots, and signs established prior to the effective date of this Title, or the effective date of future amendments to this Title, that no longer conform to the requirements of this Title. All such situations are collectively referred to in this chapter as "nonconformities." It is the intent of this chapter to permit these nonconformities to continue until they are removed or brought into conformance with this Title, and to encourage their re-use and movement towards conformity. The acknowledgement of and the relief granted to existing properties, land uses, and structures provided in this chapter are intended to minimize negative economic effects on development that was lawfully established prior to the effective date of this Title and any subsequent amendments.
2. This chapter also regulates characteristics of use such as parking and landscaping. Section 21.12.060 addresses the requirements for developments that don't comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07

B. Authority to Continue

1. Generally

Any nonconformity that lawfully existed as of the effective date of this Title and that remains nonconforming, and any nonconformity that is created as a result of any subsequent rezoning, amendment to the text of this Title, or by the acquisition of property for a public purpose, may be continued or maintained as a nonconformity only in accordance with the terms of this chapter, unless such nonconformity falls within the exceptions set forth in subsection 21.12.010B.2.

2. Exception Due to Variances or Minor Modifications

This chapter shall not apply to any development standard or feature that is the subject of a variance or minor modification granted under this Title. Where a variance or minor modification has been granted that results in a development standard or feature that does not otherwise conform to the requirements of this Title, that development standard or feature shall be conforming.

3. Conditional Uses and Site Plan Reviews

A use that lawfully existed as of the effective date of this Title that is allowed by conditional use or through an administrative or major site plan review in the district in which it is located under this Title, but which lacks a conditional use approval or an approved site plan review, shall not be deemed a nonconforming use, but rather shall be considered to exist as a conditional use or to have an approved site plan. Associated nonconforming structures or lots and characteristics of use that are out of compliance with this Title shall be governed by the provisions of this chapter, and if applicable, shall be modified under the provisions of this

chapter. Other modifications shall be in accordance with the appropriate modification processes in chapter 21.03.

- a. A conditional use or use with an approved site plan, existing prior to the effective date of this Title that is permitted in its entirety as a principal use in the district in which it is located under this Title shall not be deemed a nonconforming use. Such use shall be deemed a permitted principal use and the conditional use permit or the approved site plan shall be null and void.

C. Determination of Nonconformity Status

In all cases, the burden of establishing the existence of a legal nonconformity shall be solely upon the owner of the nonconformity, not the municipality. Verification of nonconforming status may be established through the process set forth in section 21.03.240, *Verification of Nonconforming Status*.

D. Government Agency Property Acquisitions

If a structure, use of land, use of structure, or characteristic of use does not comply with the requirements of this Title solely as a result of an acquisition of land by a government agency for a public purpose, then such structure, use of land, use of structure, or characteristic of use on land not acquired by the government shall be deemed conforming. At the time of such acquisition, the municipality shall provide documentation of conformity to the affected property owner(s).

E. Change of Ownership or Tenancy

Legal nonconformities are not affected by changes of ownership, tenancy, or management of property.

F. Maintenance and Repair

1. Repairs or maintenance of nonconformities that are required to keep structures or sites in a safe condition are permitted, provided that the repair or maintenance does not increase the extent of nonconformity. For purposes of this section, "maintenance or repair" shall mean:
 - a. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior/exterior appearance of a building or structure without expanding or altering the building or structure;
 - b. Repair of uses or structures that are damaged or destroyed by 50 percent or less of the replacement cost of the use or structure at the time of damage;
 - c. Replacement, repair, or maintenance of mechanical and electrical equipment;
 - d. Maintenance of land areas to protect against environmental and health hazards and promote the safety of surrounding land uses;

- e. Repairs that are required to remedy unsafe conditions that cause a threat to public safety;
 - f. Repairs and maintenance of nonconforming signs as set forth in section 21.12.070, Nonconforming Signs;
 - g. Restoration to good or sound condition of any part of an existing structure or characteristic of use; and
 - h. Tenant improvements and renovations.
2. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

G. Additions and New Construction

In those situations where an addition to an existing structure, or a new structure on an existing lot, is permitted despite the existence of a nonconformity or being out of compliance with the regulated characteristics of use, the addition/new construction shall comply with all requirements of this Title. The director may allow an exception to any maximum setback requirements when such requirement is shown to be impractical.

H. Replacement Cost

Where the term "replacement cost" is used in this chapter, it shall be determined by the building official pursuant to municipal code.

I. Willful Destruction

In the event of arson or other willful destruction, any rights to reinstate, replicate, rebuild, or otherwise reestablish the nonconforming use or structure, as allowed in this chapter, shall be prohibited if such casualty is traceable to the owner or his or her agent. Such instances shall result in loss of the nonconforming status.

**EXHIBIT U
NONCONFORMITIES**

**SECTION 21.12.020
SINGLE AND TWO FAMILY STRUCTURES
&
MOBILE HOMES**

21.12.010 SINGLE AND TWO-FAMILY STRUCTURES AND MOBILE HOMES

A. Applicability

In this chapter, only sections 21.12.010, 21.12.020, and 21.12.050 shall apply to lawfully erected nonconforming single- and two-family structures and mobile homes. The other sections of this chapter shall not apply to lawfully erected single- and two-family structures and mobile homes.

B. Expansions and Enlargements

Any lawfully erected nonconforming single- or two-family structure may be expanded or enlarged, as long as the nonconformity is not increased.

C. Damage or Destruction

Any lawfully erected nonconforming single- or two-family structure that is damaged or destroyed may be rebuilt in the same location as long as the nonconformity is not increased. Further, the structure may also be rebuilt in a manner that moves towards conformity.

D. Mobile Homes

1. Lawfully erected nonconforming mobile homes may be repaired or replaced, as long as the nonconformity is not increased.
2. Lawfully erected nonconforming mobile homes on individual lots may be moved within the lot in compliance with setback regulations.
3. Mobile homes in nonconforming manufactured home communities may be repaired or replaced, in compliance with setback regulations.

**EXHIBIT U
NONCONFORMITIES**

**SECTION 21.12.030
NONCONFORMING USES OF LAND OR STRUCTURES**

21.12.030 NONCONFORMING USES OF LAND OR STRUCTURES

A. Limitations on Continuation of Nonconforming Uses of Land or Structures

Nonconforming uses of land or structures may continue, subject to the general provisions of section 21.12.010 and the following limitations, or as provided in C below:

1. No nonconforming use of land shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the regulations that make the use nonconforming. Any nonconforming use on a lot or portion thereof may be altered to decrease its nonconformity.
2. No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the regulations that make the use nonconforming.
3. No existing structure devoted to a use not permitted by this Title in the district in which it is located shall be enlarged, extended, or constructed except in changing the use of the structure to a use permitted in the district in which it is located. (For example: a self-storage facility that is a nonconforming use in a district may not construct new storage units.)
4. Any nonconforming use may be moved or extended throughout any parts of a building that are reasonably adaptable for such use at the time of adoption or amendment of the applicable regulations, but no such use shall be extended to occupy any land outside such buildings. If a nonconforming use is moved to another part of the building, the space vacated shall not be filled with another nonconforming use except as provided in subsection 030 B. (For example: a warehouse that is a nonconforming use in a district and occupies half of a building may expand into the other half of the existing building, but may not begin to store items outside the building.)
5. No additional structure not conforming to the requirements of this Title shall be erected in connection with the nonconforming use of land or structure.

B. Change of Use

1. Any nonconforming use may be changed to another nonconforming use if all of the following criteria are met:
 - a. The director finds that the proposed nonconforming use is more appropriate to the district than the existing nonconforming use;
 - b. Any characteristics of use that are out of compliance with this Title are not changed to become less compliant with the requirements of this Title; and

- c. No structural alterations are made other than those required by Title 23, or minor interior structural alterations, such as cutting a door into a shear wall.

Appeals of the director's decision shall be made to the zoning board of examiners and appeals in accordance with subsection 21.03.040B.

- 2. If a nonconforming use is superseded by a permitted use, the nonconforming use may not thereafter be resumed.

C. Damage or Destruction

Any person wishing to replicate a nonconforming use that has been damaged or destroyed to an extent of more than 50 percent of the replacement cost at the time of destruction shall apply as stated in C.1. below.

1. Administrative Approval

- a. An application for administrative approval to rebuild a nonconforming use shall contain the information specified in the Title 21 Users' Guide, and shall be submitted to the director.
- b. Notice of the application shall be published, mailed, and posted in accordance with section 21.03.020H.
- c. There shall be a 30 day comment period, starting from the date of notice, before the director acts on the application as provided in subsection C.1.d. below.
- d. The director shall review the application and act to approve, approve with conditions, or deny the application based on the approval criteria of subsection C.2. below. Findings of the director shall be in writing. The director may impose limitations or conditions as may be necessary to meet the approval criteria or to reduce or minimize any potential adverse impact on other property in the area.
- e. Appeals of the director's decision may be made to the zoning board of examiners and appeals, pursuant to section 21.03.040B.
- f. If the application is approved or approved with conditions, the use shall continue to be a nonconforming use and be subject to the provisions of this chapter.

2. Approval Criteria

- a. The nonconforming use is or shall be made compatible with uses allowed on adjacent properties, in terms of site design and operating characteristics (such as lighting, noise, odor, dust, and other external impacts);
- b. The nonconforming use will not limit, impair, or impede the normal and orderly development and improvement of surrounding property for uses permitted on those properties;

- c. Utilities, access roads, drainage, and other necessary facilities are sufficient to service the use, or will be provided;
- d. Adequate measures have been or will be taken to provide ingress and egress that are designed to minimize traffic congestion on the streets; and
- e. The nonconforming use will not result in the creation of additional nonconformities or the need for any variances.

D. Abandonment or Cessation of Use

- 1. A nonconforming use may be rebuttably presumed to have been abandoned and its nonconforming rights extinguished where any one of the following has occurred:
 - a. The owner has indicated, in writing, an intent to abandon the use.
 - b. A conforming use, or a less intensive nonconforming use approved by the zoning board, has replaced the nonconforming use.
 - c. The building or structure that houses the nonconforming use has been removed.
 - d. The use has been discontinued, vacant, or inactive for a continuous period of at least one year, unless the discontinuation has occurred as a result of market conditions and the owner of the property or structure is actively making efforts to continue the use.
- 2. Once abandoned, the prior legal nonconforming status of the use shall be lost and any subsequent use of the property shall comply with all applicable provisions of this Title, unless the nonconforming use is reestablished through the process described in E. below.

E. Overcoming Presumption of Abandonment

A rebuttable presumption of abandonment based on evidence of abandonment, as provided in D. above, shall be rebutted upon a showing of substantial compliance with all of the following, to the satisfaction of the zoning board of examiners and appeals, that:

- 1. The owner has been maintaining the land and structure in substantial compliance with all applicable regulations, including applicable building and fire codes
- 2. The owner has been maintaining or pursuing all applicable permits and licenses.
- 3. The owner has filed all applicable tax documents; and
- 4. The owner has been engaged in any activity that demonstrates there was no intent to abandon, such as actively and continuously marketing the land or structure for sale or lease.

EXHIBIT U
NONCONFORMITIES

SECTION 21.12.040
NONCONFORMING STRUCTURES

21.12.040 NONCONFORMING STRUCTURES

A. Continuation of Nonconforming Structures Generally

Recognizing that the adoption of a new Title 21 code will create nonconforming structures, it is the intent of this section to allow existing non-conforming structures as well as structures that are made nonconforming as a result of changes to Title 21, to continue and, in appropriate circumstances even increase the nonconformity in ways that do not materially and significantly intensify the nonconformity. Nonconforming structures may continue, subject to the general provisions of section 21.12.010 and the following limitations:

1. No nonconforming structure, whether existing prior to the effective date of this Title or resulting from the provisions of this Title, may be enlarged or altered in a way that increases its nonconformity. Any structure or portion thereof may be altered to decrease its nonconformity, or may be altered or enlarged if the alteration does not materially and significantly intensify the nonconformity. This subsection shall not be construed to allow the expansion of a nonconforming use of structure, which is governed by section 21.12.030 above.
2. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
3. Tenant improvements or renovations within an existing structure shall not be an enlargement or an alteration as is proscribed in subsection 1 above.

B. Overheight Buildings

1. If a lawful building erected prior to effective date, does not comply with the requirements of this title with regard to height, such building shall be conforming with regard to height.
2. Where a lawful building, existing on effective date, is engineered and constructed for enlargement by the addition of one or more stories, such structure may be enlarged within the full plan dimensions of the existing structure by the addition of not more than two stories. This provision shall apply to buildings that conform to the height limitations as well as to overheight buildings

C. Buildings Exceeding Maximum Setback

If a lawful building erected prior to effective date does not comply with the requirements of this Title with regard to maximum structure setbacks, such building shall be conforming with regard to setbacks.

D. Damage or Destruction

A person wishing to replicate a nonconforming structure that has been damaged or destroyed to an extent of more than 50 percent of the replacement cost at the time of destruction, shall have the right to replicate the nonconforming structure subject to the provisions of Title 23 and to the provisions of 21.12.030 C.1.a through f.

E. Legalization of Nonconforming Dimensional Setback Encroachments

1. Generally

Structures that encroach into required setbacks and were built before January 1, 1986, may continue in existence provided the following requirements are met:

- a. An application for the registration of nonconforming encroachment is submitted to the department; and
- b. The encroachment is determined not to be a life safety hazard by the director.

2. Procedures for Registration

- a. Application for the registration of nonconforming encroachment shall be submitted to the department, on a form provided by the department. The application shall require an as-built drawn by a land surveyor registered in the state of Alaska, which shows all structures existing on the lot at the date of application. The application shall also require information supporting the assertion that the structure and encroachments were constructed prior to January 1, 1986. The director may require the petitioner to provide additional information to support this application.
- b. Within 30 days of receipt of all requested information, and upon an adequate showing that the requirements stated in subsection 21.12.040E.1. above are met, the director shall issue or deny a certificate permitting the continued use and existence of the encroachment. The certificate shall note the size and characteristic of the setback encroachment and the structure. A copy of the required as-built shall be attached thereto.

3. Operation

Once registered, the encroachment shall enjoy all the protections and privileges afforded to a nonconforming structure under the provisions of this chapter.

4. Appeal

Any aggrieved person may appeal the grant or denial of a certificate to the zoning board of examiners and appeals.

**EXHIBIT U
NONCONFORMITIES**

**SECTION 21.12.050
NONCONFORMING LOTS OF RECORD**

A. Nonconforming Lots

1. Residential Districts

a. Except as restricted in subsection B. below, in any residential zoning district except R-4, notwithstanding limitations imposed by other provisions of this Title, one single-family detached dwelling and customary accessory buildings may be erected on lots that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:

- i. Any district-specific standards, use-specific standards, and dimensional and design standards such as setbacks, parking, landscaping, etc. are met; and
- ii. The lot is of record as of the effective date of the original adoption or amendment of applicable regulations.

b. Except as restricted in subsection B. below, in the R-3 zoning district, notwithstanding limitations imposed by other provisions of this Title, one single-family detached dwelling and customary accessory buildings or one two-family dwelling and customary accessory buildings may be erected on lots that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:

- i. Any district-specific standards, use-specific standards, and dimensional and design standards such as setbacks, parking, landscaping, etc. are met; and
- ii. The lot is of record as of the effective date of the original adoption or amendment of applicable regulations.

c. Except as restricted in subsection B. below, in the R-4 zoning district, notwithstanding limitations imposed by other provisions of this Title, one multifamily structure containing not more than three dwelling units, and customary accessory buildings may be erected on lots that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:

- i. Any district-specific standards, use-specific standards, and dimensional and design standards such as setbacks, parking, landscaping, etc. are met; and
- ii. The lot is of record as of the effective date of the original adoption or amendment of applicable regulations.

2. Nonresidential Districts

Except as restricted in subsection B. below in any nonresidential zoning district, notwithstanding limitations imposed by other provisions of this Title, any use allowed in the district by table 21.05-2 may be erected on

lots that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:

- a. The review and approval process indicated in table 21.05-2 is applied;
- b. The use does not have a minimum lot size greater than the minimum lot size required by the underlying zoning district;
- c. Any district-specific standards, use-specific standards, and dimensional and design standards, such as setbacks, parking, open space, landscaping, etc. are met; and
- d. The lot is of record at the effective date of the original adoption or amendment of applicable regulations.

B. Undivided Parcels

1. If two or more contiguous lots in single ownership, either of which contains less than 5,500 square feet of area are of record on or after November 27, 1990, and either is nonconforming by virtue of this Title or any amendment thereto, the lands involved shall be considered to be an undivided parcel for the purpose of this Title, and no portion of such parcel shall be sold or used that does not contain a lot area and lot width equal to or greater than the minimum lot area and width required in the zoning district it is in. If a lot that results from being combined through this provision does not meet the dimensional requirements of the zoning district or of chapter 21.08, the lot shall be considered a legal nonconforming lot at the time of recordation.
2. This provision shall not apply to those lots legally created as part of a townhouse development, a cluster housing development, a zero lot line development, or a planned unit development

C. Legalization of Lots Created Prior to September 16, 1975

1. Lots existing prior to September 16, 1975, that do not meet the district requirements for minimum area and/or width, and that were not created in accordance with the regulations of the federal, state, or municipal government, may continue in existence provided the following requirements are met:
 - a. An application for the registration of nonconforming lot is submitted to the department; and
 - b. The lot is determined to be sufficient in size to allow construction of a structure and comply with associated district-specific, dimensional, and development and design standards such as setbacks, parking, landscaping, etc.
2. The application shall be on a form provided by the department, and shall be accompanied by an as-built drawn by a land surveyor registered in the

state of Alaska, which shows the lot boundaries. The department may require additional information to support the application.

3. Within 30 days of receipt of all requested information and upon an adequate showing that the requirements stated in subsection C.1. above are met, the director shall issue or deny a certificate for the lot. The director may impose such conditions on the certificate as he or she determines appropriate to protect the general welfare. A copy of the required as-built shall be attached to the certificate.
4. Once registered, the lot shall enjoy all the protections and privileges afforded to a nonconforming lot under the provisions of this chapter.
5. Any aggrieved person may appeal the grant or denial of a certificate to the zoning board of examiners and appeals within 30 days of the director's determination.
6. Nothing in this section shall preclude relief for nonconforming lots by means of a variance.
7. Nothing in this section shall exempt any lots from the provisions of subsection B. above.
8. The department shall publish the registration of a nonconforming lot including the street address and legal description of the property in a newspaper of general circulation in the municipality within seven days of the issuance of the certificate.

EXHIBIT U
NONCONFORMITIES

SECTION 21.12.060
CHARACTERISTICS OF USE

21.12.060 CHARACTERISTICS OF USE

A. Developments Are Conforming

1. Any development that was legally established or permitted before effective that does not comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07 shall be considered conforming on effective date
2. No change shall be made to any existing development that materially and significantly increases any existing nonconformity, but all changes that are in the direction of conformity to the requirements of this Title are permitted.

B. Parking Out of Compliance

Notwithstanding section C. below, if changes to a use or development increase the minimum number of required parking spaces, the number of spaces related to the increase shall be provided. For example, if a use or development that is required to have 30 spaces only has 20 spaces, and changes to the use or development allowed through this Title create a total minimum requirement of 35 spaces, the use or development shall, at a minimum, provide additional 5 spaces, but shall not be required to provide any additional spaces to make up for the lack of spaces that existed prior to the changes. The addition of more spaces may be negotiated through the process outlined in section C. below

C. Bringing Characteristics Into Compliance

1. Applicability

This section 21.12.060 applies to all multi-family, commercial, mixed-use, public/institutional, and industrial development projects that:

- a. Do not comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07.
- b. Involve a change to the exterior appearance of the building costing more than 10 percent of the assessed value of the structure (or, if no structure over 500 square feet exists, the assessed value of the land) excluding interior tenant improvements, renovation, maintenance and repair and financing costs from the cost calculation; and
- c. Require a permit under Title 21 and/or Title 23.

2. Standard

- a. An applicant for a building or land use permit for a multi-family, commercial, mixed-use, or industrial development that meets the applicability thresholds of section C.1. above, shall be required to spend 5 percent of the total project costs on bringing the development towards compliance with the district-specific standards of chapter 21.04, the use-specific standards of chapter

21.05, and/or the design and development standards of chapter 21.07 (hereafter called "characteristics").

- b. If the applicant can bring the development into full compliance with Title 21 for less than 5 percent of the total project costs, then no additional monies need be spent. The municipality shall not require more than 5 percent, but the applicant may choose to spend more.
- c. If the applicant chooses to spend more than 5 percent, the amount in excess of 5 percent may be credited, as outlined in the Users' Guide, towards future improvements under this section.
- d. The director, in consultation with the applicant, shall determine which characteristics shall be addressed, within the expenditure requirements noted herein. The director and the applicant shall consider how to maximize the public benefit and minimize the economic impact to the property owner. The director shall not require compliance with a standard that would create non-compliance with a different standard (i.e., the director shall not require the addition of landscaping that would cause the development to fall under the minimum required number of parking spaces).
- e. The applicant may appeal the director's decision to the zoning board of examiners and appeals, which shall hold a non-public hearing on the appeal.
- f. For the purposes of this section, "total project costs" shall be determined by the building official pursuant to municipal code, adjusted in accordance with 21.12.060(c) and shall be exclusive of all costs of improvements that move the development in the direction of conformity to the requirements of this Title. The portion of the total project costs the increase conformity shall be credited towards the percentage requirements in subsection C.2.a. and C.5.

3. Insignificant Change

If the director and the applicant concur that 10 percent of project costs is not enough money to result in a significant change to any characteristic, the applicant shall place the required 10 percent of project costs as outlined in subsection C.4. below.

4. No Applicable Characteristics

If no characteristics can be brought towards conformity without causing other characteristics to come out of compliance, or if the only characteristics left to be addressed are so major as to require relocating the structure, or something of similar magnitude, then the applicant shall not be required to perform such work. Instead, the applicant shall place the required 5 percent of project costs in a municipal account dedicated to public improvements (such as pedestrian or landscaping improvements)

in the census block group (based on the 2000 census) that the development is in, or an adjacent census block group.

5. Large Commercial Establishment

If the development project is a Large Commercial Establishment, as defined in section 21.07.120, then the applicant shall spend an additional 10 percent of the total project costs on bringing the structure into compliance with the design standards of section 21.07.120. If the structure already complies with section 21.07.120, then this subsection C.5. shall not apply.

6. Timing of Work

The characteristics of use shall be brought towards compliance with all applicable provisions of this Title prior to the issuance of the building or land use permit or shall be included in the work to be accomplished under the permit.

7. Existing Buildings

Existing buildings which are constructed over a lot line on abutting lots shall be deemed to be existing on a commercial tract permitting such development and such structures can be enlarged so long as they comply with other applicable provisions of this code.

**EXHIBIT U
NONCONFORMITIES**

**SECTION 21.12.070
NONCONFORMING SIGNS**

1 **21.12.070 NONCONFORMING SIGNS**

2 **A. Effective Date**

3 The effective date of this section 21.12.070 is October 1, 2003.

4 **B. Amortization Provisions**

5 **1. Legal Nonconforming Permanent Signs**

6 Any permanent freestanding or building sign lawfully built prior to the
7 adoption of this Title that does not comply with the maximum height,
8 maximum area, or the number of signs permitted as set forth in this Title
9 shall be considered a legal nonconforming sign.

10 **2. Amortization of Permanent Signs**

11 Any permanent sign exceeding current size or height requirements by
12 greater than 50 percent must be brought into compliance with this Title
13 before May 16, 2016, which is ten years from the date of adoption of this
14 provision.

15 **3. Amortization of Illuminated Signs**

16 Any illuminated sign that does not meet the requirements of subsection
17 21.11.090A., with the exception of subsection 21.11.090A.3.a., shall be
18 altered to comply with the requirements of this Title by May 31, 2008. All
19 LED signs shall comply with the luminance standards of subsection
20 21.11.090A.3.d. by November 30, 2005.

21 **4. Amortization of Animated Signs**

22 Any sign that contains non-complying animation, changeable copy, or
23 flashing or moving parts shall be altered to comply with the requirements
24 of this Title within 180 days from the effective date of this section.

25 **C. Termination**

26 Except as provided in subsection 21.11.090D., a nonconforming sign shall
27 immediately lose its legal nonconforming status, and therefore shall be brought
28 into conformance with this Title or removed, when any of the following occur:

29 1. The size or shape of the sign is changed.

30 2. The location of the sign is changed.

31 3. The business is sold and there is a change of use of the premises.
32 A change of use occurs when the type of use is not within the
33 same use category as the immediate prior allowable use type,
34 determined by reference to the tables of allowed uses under this
35 Title.

36 4. The nonconforming sign is accessory to a nonconforming use that
37 has lost its nonconforming status.

38 5. If more than 50 percent of the assessed value of the principal
39 structure on a property is replaced, repaired, or renovated, the
40 existing sign(s) for the principal structure shall be removed or

1 brought into compliance with the provisions of this Title at the time
2 of replacement, repair, or renovation.

- 3 6. Change is permitted in the direction of conformity to the
4 requirements of this Title. A sign will lose its legal nonconforming
5 status immediately upon any change which increases
6 nonconformity. Municipal permit fees are waived for
7 nonconforming signs to be brought into full conformity, if an
8 estimate by a licensed and bonded contractor with a designated
9 date of completion of the new conforming sign is provided by May
10 16, 2008, which is two years from the date of passage of this
11 provision.

12 **D. Maintenance of Nonconforming Signs**

13 Nonconforming signs shall continue to be maintained in safe condition pursuant
14 to the building regulations of the municipality until such sign is required to be
15 removed as set forth in this section.

16 **E. Reconstruction of Damaged Sign**

17 If a sign and/or its support are damaged to the extent where the repair costs
18 exceed 50 percent of the replacement cost of the sign, the sign shall be removed
19 or brought into compliance. If the repair costs do not exceed 50 percent of the
20 replacement cost of the sign, the director may authorize the sign to be repaired,
21 provided all repair work is completed within 90 days, subject to the director
22 extending the time for good cause, of the date the director determines the
23 damage requires replacement or permits repair. In no event may a sign be
24 maintained in an unsafe condition during the process of this determination or the
25 period necessary for repairs.

26 **F. Historic Signs**

27 The urban design commission may grant exceptions to these standards
28 whenever a sign or property has been designated an historic sign pursuant to the
29 guidelines and criteria established and adopted by the urban design commission.

30 **G. Extension of Time to Comply**

31 The dates established in this section for a sign to be brought into compliance with
32 the requirements of these regulations may be appealed to the zoning board of
33 examiners and appeals by the owner or lessee of the nonconforming sign
34 pursuant to section 21.03.040B., *Appeals to Zoning Board of Examiners and*
35 *Appeals*. In evaluating the extension of time for a nonconforming use, the zoning
36 board of examiners and appeals shall consider the following factors to determine
37 whether the owner of the sign has had reasonable amount of time to recoup his
38 or her investment:

- 39 1. The value of the sign at the time of construction and the length of time the
40 sign has been in place;
- 41 2. The life expectancy of the original investment in the sign and its salvage
42 value, if any;

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3. The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;
 4. The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;
 5. The extent to which the sign is not in compliance with the requirements of this chapter; and
 6. The degree to which the board determines that the sign is consistent with the purposes of this chapter.

ADDITIONAL MATTERS

PAGE 32

EXHIBIT "U"

Additional Matters:

- 1) Snow Storage: In December 2009 and again in April 2010, the staff submitted a proposed Snow Storage and Disposal ordinance to the Assembly's Title 21 Committee. The committee rejected the proposal. Now it is being re-introduced by staff. Exhibit "U".
 - a. Policy Issue: Is it necessary to direct property owners how to deal with the snow that falls on their property?
 - b. Policy Consideration: It is amazing that businesses and multi-family apartment owners have been able to deal with snowfall for nearly 100 years without the intervention of the planning department.
 - c. Policy Consideration: Snow Storage is also the subject of Amendment 38 in the August 2011 list of amendments. It was NOT in the list of Amendments in the May 20, 2010.
 - d. Recommendation: Follow the lead of the Assembly's title 21 committee and reject all snow storage staff proposals.

EXHIBIT U

This exhibit is a copy of proposals presented by staff to the Assembly's Title 21 committee regarding snow removal which was rejected by the Committee.

TREATMENT OPTIONS

02.18.2010 ASSEMBLY WORK SESSION

For purposes of the February 18, 2010 Anchorage Assembly work session discussions, optional levels of control for treatment of snow melt runoff from on-site snow storage are outlined below. Discussions of treatment options are organized by site size (Medium/Small and Large) and by treatment objective (Detention/Dilution, Filtration and Drainage Control). Note that these treatment options reflect specific suggested elements in snow storage and meltwater treatment practices that may be elected for application by a site owner as outlined in the guidance requirements. For every applicable site size and use, a site owner may elect to apply a treatment practice that would not require use of any of these treatment options (e.g., removal of all on-site snow by April 15th or application of some approved alternative snow disposal practice).

The following discussions of treatment options provide brief need and practicability implication statements for each optional level of control. For the sake of brevity, data and other information justifying stated positions and citations of source material are not included but are available. The intent is to provide opportunity for the work group to select specific options (with some understanding of the treatment and practicability implications that each carries with it) for reference and use in the final on-site snow storage and treatment guidance manual.

MEDIUM/SMALL SITE TREATMENT OPTIONS:

DETENTION/DILUTION TREATMENT

OPTION 1: NO CHANGE

No change to current practices—allow unmanaged runoff of dissolved solids in meltwater from existing sites and rely on current new development requirements to provide control.

This does not address chloride release and subjects the MOA to community treatment responsibility and regulatory penalty at EOP. Currently spring commercial parking chloride release represents more than half of this pollutant load at outfalls and our sampling and modeling shows chloride release is likely to locally exceed EPA standards without mixing zones.

OPTION 2: CONTROL SALT APPLICATION (as a general BMP)

Prohibit application of any salt on any parking surfaces including any indirect application of salt and require certification from service providers.

Prohibition of salt application would include any addition of salt to any sand or aggregate applied to parking surfaces and would require site owners to obtain certification from service providers that no salt was used in sand applied to their lots. If compliance was achieved, this option would have the highest positive environmental (and economic, through reduction in corrosion losses) impact. It is currently the option that Municipal Street Maintenance elects, using dry sand stored in heated buildings with only minimal brine application immediately prior to sand to assist in 'embedment' of the coarse aggregate the city uses.

However, despite service providers' statements that little salt is used in their current practices, we believe this would likely significantly impact how most private sanding practices are now commonly done (use of 'winter mix' with high fines content, outdoor storage of sand, and use of 'cold'/uninsulated sanding trucks, all of which require a significant addition of salt—5 to 10% by weight—to allow spreading of the sand).

A 'no-salt' requirement would also be difficult to enforce but certification requirements would prompt owners and service providers to comply. Ultimately compliance could be determined by monitoring of individual parking lots, which may be required under current NPDES permit if ADEC regulators believe compliance is weak.

OPTION 3: PROVIDE A MINIMUM DETENTION/DILUTION BASIN

Require installation of a minimum of 0.02 ft³ dry detention per 1 ft² of plowed surface

All meltwater from stored snow would be required to be conveyed into the detention basin. This treatment should provide a de minimus reduction in chloride release, perhaps sufficient to comply with water quality regulation at Municipal outfalls.

However, this would entail a significant space and capital investment: i.e., a volume of about 870 cu.ft, or a basin about 17 feet on a side and 3 feet deep would be required for each acre of parking lot.

BASIC FILTRATION TREATMENT**OPTION 1: NO CHANGE**

No change to current practice—allow unmanaged release of suspended solids in meltwater from existing developments and rely on new development standards to provide controls.

Parking lot 'dirt' measured by WMS is approximately equivalent in character and loading to that measured in arterial street gutters. It is mobilized from snow piles in a similar fashion to that observed by WMS at uncontrolled Municipal snow disposal sites and represents a significant fraction of the total sediment release at municipal outfalls. A 'Do Nothing' option does not address sediment release from commercial parking and subjects the MOA to community responsibility for all treatment and EPA/ADEC regulatory penalty at EOP.

OPTION 2: PROVIDE MINIMUM SEASONAL FILTRATION

Direct all meltwater flows from stored snow through or over weighted, tiered booms or other approved filtration media.

At minimum controlling and directing all meltwater from snow storage areas to pass through or over tiered weighted booms prior to discharge off-site would be required. Booms would consist of minimum 8-inch diameter pervious fabric tubes filled with compost, or absorbent or other filtration materials. A tiered boom placement would consist of a continuous inner boom placed concentrically inside a continuous outer boom, with the booms fixed everywhere along their lengths at a separation of not less than 18 inches. Booms would be continuously weighted along their whole length and placed such that all flows from snow storage areas will pass through or over (but not under) the first boom to the next and through or over (but not under) the second boom prior to discharge off-site. Use of fabric catch basin inserts or other

devices that may clog rapidly and allow bypass of untreated meltwater would not be permitted.

BASIC MELTWATER CONVEYANCE AND CONTROL

OPTION 1: NO CHANGE

No change to current practice—allow unmanaged release of meltwater flows from existing developments and rely on new development standards to provide controls.

Uncontrolled off-site release presents a number of potential off-site water quality problems, most related to erosion

This option is acceptable from a water quality standpoint (except where flows create erosion problems) but may not be acceptable to RsOW or street maintenance business and regulatory needs. Other options need to be addressed and defined by these affected agencies.

OPTION 2: DIRECT AND CONTROL MELTWATER FLOWS OFF-SITE

Direct all meltwater flows along a controlled conveyance to discharge points and control erosive energy at point of discharge off-site.

Uncontrolled off-site release presents a number of potential off-site water quality problems, most related to erosion. Combined with other on-site controls, this option will minimally control for

OPTION 3: REQUIRE BASIC MS4 CONNECTION REQUIREMENTS

Contain and direct snow melt water to an approved MS4 drainage system or receiving water

Option 2 may minimally meet water quality concerns but may not be acceptable to RsOW or street maintenance business and regulatory needs. These needs are beyond the scope of this document to address and would need to be addressed and defined by the affected agencies.

LARGE SITE TREATMENT OPTIONS:

Work session stored snow treatment and drainage options for large parking surfaces (>10,000 ft²) are very similar to those for the medium plowed surfaces category, though differ in some respects based on requirements for new/re-development versus existing developments. Impacts and implications for optional treatment requirement strategies are also similar for the two categories.

However differences in impacts are not likely to be simply linearly related to differences in sizes between medium and large sites. Impacts are more likely to scale logarithmically and therefore have a greater effect on drainage systems and receiving waters for large sites than the number of such facilities would suggest. Similarly, their large scale and potential for more localized impact subjects them to greater regulatory exposure and oversight. Economics of scale, however, are expected (both from a practical aspect and from the viewpoint of the regulatory agencies) to positively affect the ability of site owners to apply more complex and larger controls at the MEP.

The following discussion addresses options specific to large sites, particularly for differences in new- and re-development and existing developments. Otherwise options for large sites should review those outlined above for medium sites

DETENTION/DILUTION TREATMENT

OPTION 1: NO CHANGE

No change to current practice—allow unmanaged release of dissolved solids in meltwater from existing developments and rely on new development standards to provide controls.

OPTION 2: CONTROL SALT APPLICATION (as a general BMP)

Prohibit application of any salt on any parking surfaces including any indirect application of salt and require certification from service providers.

OPTION 3: PROVIDE A MINIMUM DETENTION/DILUTION BASIN

Require installation of a minimum of 0.02 ft³ dry detention per 1 ft² of plowed surface

No differences are proposed for new- versus existing developments for any of the Detention/Dilution Treatment options. These options are the same as those proposed for Medium Sites.

BASIC FILTRATION TREATMENT**OPTION 1: NO CHANGE**

No change to current practice—allow unmanaged release of suspended solids in meltwater from existing developments and rely on new development standards to provide controls.

OPTION 2: PROVIDE MINIMUM SEASONAL FILTRATION

Direct all meltwater flows from stored snow through or over weighted, tiered booms or other approved filtration media. (same as Medium Sites)

OPTION 3: PROVIDE STRUCTURAL SURFACE FILTRATION

Install structural surface filtration devices (as described at 7.2.2.4 of the Storm Water Treatment Plan Review Guidance Manual) modified as necessary to perform under shallow frozen ground conditions.

Structural surface filtration devices include permanently installed systems that can provide some particulate treatment without the need for deep excavations or access to storm drain pipe systems. Because of their shallow foundation and drainage requirements they have modest construction costs and can occupy relatively small footprints. On the other hand their treatment performance is limited, particularly for larger runoff volumes, and may be significantly reduced for snow melt runoff (frozen ground conditions) unless specific design and maintenance modifications are enforced. In any event, this option would provide some positive treatment for particulates at a moderate cost in space and dollars and would be particularly suitable for existing developments where storm pipe drainage systems are not present. For larger runoff surfaces these devices are likely to provide only very limited treatment at best, particularly in frozen ground/dormant vegetation conditions. On this basis they are difficult to justify as replacements for dynamic filtration devices where storm pipe systems are present.

OPTION 4: PROVIDE HYDRODYNAMIC FILTRATION (OGS)

Install structural hydrodynamic filtration devices (as described at 7.2.2.4 of the Storm Water Treatment Plan Review Guidance Manual).

Hydrodynamic filtration devices include permanently installed systems that provide particulate treatment in buried vaults through hydraulically enhanced gravity settlement. These systems are most easily installed with connection to piped storm drain systems but can be installed to discharge to a deep ditch. They have relatively small footprints and a total installed cost of about \$10,000 to 15,000 for a device size sufficient to meet snow melt water treatment

requirements. These devices are very effective at removing fine particulates, particularly those most likely to settle in storm drain pipes and receiving waters.

All new development and re-development exceeding about 10,000 ft² is currently required to install these devices or equivalent so that this option would reflect no change in development requirements. Requiring this option for existing developments where MS4 pipe drainage is already available to the site would represent a moderate cost to the site owner. It also has the advantage of placing treatment where it is most effective and least costly, and assessing the pollutant generator for the costs of such treatment. The result would provide incentive for improved on-site sanding and snow storage management practices and would reduce treatment costs to the community at large. Requiring this option for large existing sites that do not have access to piped storm drainage systems is not recommended as a practicable alternative.

BASIC MELTWATER CONVEYANCE AND CONTROL

OPTION 1: NO CHANGE

No change to current practice—allow unmanaged release of meltwater flows from existing developments and rely on new development standards to provide controls.

OPTION 2: DIRECT AND CONTROL MELTWATER FLOWS OFF-SITE

Direct all meltwater flows along a controlled conveyance to discharge points and control erosive energy at point of discharge off-site.

OPTION 3: REQUIRE BASIC MS4 CONNECTION REQUIREMENTS

Contain and direct snow melt water to an approved MS4 drainage system or receiving water

No differences are proposed for new- versus existing developments for any of the Meltwater Conveyance and Control Options. These options are the same as those proposed for Medium Sites.

Assembly Committee Document 7.2.X

Amendments to snow storage and disposal provisions. This document is intended to replace Assembly Committee Document 7.2.B. which was dated March 12, 2009.

December 3, 2009

Insert the following new subsection 21.07.040F., *Snow Storage and Disposal*, at page of 27 of the provisionally adopted Section 21.07.040, and re-letter subsequent subsections:

A. Snow Storage and Disposal

1. Intent

This section addresses seasonal storage and management of plowed snow from on-site parking lots and other motor vehicle areas. It requires developments to provide space to accommodate plowed snow, and also allows alternative and innovative solutions. Its objectives are:

- a. Ensure water quality treatment and drainage control of snow melt;
- b. Maintain safe and convenient access and circulation; and
- c. Protect adjacent landscaping, walkways, streets and property.

2. Applicability

Except where stated otherwise, all existing and new uses with on-site surface areas to be plowed for motor vehicle access, such as parking lots, associated driveways, tractor trailer areas or vehicle sales shall comply with this section. The following uses and surfaces are exempt:

- a. Single-family, two-family, townhouse and mobile home uses;
- b. Snow disposal sites subject to subsection 21.05.060E.8.;
- c. Pedestrian or non-motorized surfaces, walkways and pathways; and
- d. Ice-free (snow melting) surfaces and/or covered surfaces.

3. Operational Standards

For all applicable uses:

- a. The maximum height of snow storage piles shall be 15 feet.
- b. Plowed snow shall not interfere with required pedestrian or vehicle circulation or sight distance.
- c. Plowed snow may be removed to an approved snow disposal site. Plowed snow shall not be otherwise removed from the property, such as to an adjacent property, street, alley, sidewalk, right-of-way, or other public place pursuant to Title 24.
- d. Plowed snow shall not be placed in any required parking space for more than 72 hours.

6. Snow Melt Drainage

Snow storage shall be located, designed and maintained such that:

- a. Drainage of snow melt is to be contained on site until directed through a treatment facility as provided in subsection F.7;
- b. Drainage of snow melt is diverted away from walkways, parking facilities, driveways, neighboring properties, streets, alleys, sidewalks and rights-of-way; and
- c. Discharge of flows off-site shall be controlled and directed. A subsurface piped drainage connection shall be provided to convey treated snow melt runoff into any adjacent piped storm drainage system.

7. Snow Melt Treatment

- a. Detention and treatment facilities for chloride, particulates, metals, hydrocarbons and other pollutants shall be provided prior to discharge of snow melt from a site sufficient to comply with the municipal *Snow Storage and Disposal Treatment Guidance Manual*, and shall be subject to review and approval by the municipal engineer.
- b. As an alternative to providing treatment facilities on-site, existing uses, redevelopments not subject to subsection F.4., and developments with less than 10,000 square feet of applicable surface area to be plowed may dispose of all piled snow using an approved alternative snow management strategy in subsection F.5. by no later than April 15, if it is demonstrated to the satisfaction of the director and municipal engineer that it is not reasonably feasible for the site to meet the treatment requirements in F.7.a. above. Snow storage to accommodate fallen snow after April 15 shall be limited to periods of no more than 72 hours.

**Assembly Committee Document
7.2.X—A**

Following are proposed amendments to the draft *Snow Storage and Disposal* provisions in Assembly Committee Document 7.2.X, dated December 3, 2009. The following amendments accompany the draft *On-site Snow Disposal and Treatment Guidance Manual*.

February 18, 2010

AMENDMENTS:

1. Page 2, subsection 5.b., change the name of the guidance manual to "municipal *Snow Disposal and Treatment Guidance Manual*".

2. Page 3, subsection 6.c., amend as follows: "Discharge of flows off-site shall be controlled and directed. An approved ~~A SUBSURFACE PIPED~~ drainage connection shall be provided to convey treated snow melt runoff into any adjacent piped storm drainage ~~facility~~ ~~SYSTEM~~."

3. Page 3, subsection 7.a., change the name of the guidance manual to "municipal *Snow Disposal and Treatment Guidance Manual*".

4. Page 3, subsection 7.b., delete the last sentence.

SAVTS

NO

Assembly Committee Document 7.2.X – B

Proposed amendments to snow storage and disposal provisions. This document replaces Assembly Committee Document 7.2.X. which was dated December 3, 2009. Track changes highlighting proposed new text in yellow and deleted text in grey show the proposed changes from Document 7.2.X.

April 1, 2010

Insert the following new subsection 21.07.040F., *Snow Storage and Disposal*, at page of 27 of the provisionally adopted Section 21.07.040, and re-letter subsequent subsections:

E. [A] Snow Storage and Disposal

1. Intent

This section addresses seasonal storage and management of plowed snow from on-site parking lots and other motor vehicle areas. It requires developments to provide space to accommodate plowed snow, and also allows alternative and innovative solutions. Its objectives are:

- a. Ensure water quality treatment and drainage control of snow melt;
- b. Maintain safe and convenient access and circulation; and
- c. Protect adjacent landscaping, walkways, streets and property.

2. Applicability

Except where stated otherwise, all existing and new uses with on-site surface areas to be plowed for motor vehicle access, such as parking lots, associated driveways, tractor trailer areas or vehicle sales shall comply with this section. The following uses and surfaces are exempt:

- a. Single-family, ~~[TWO-FAMILY]~~ townhouse, and mobile home dwelling on individual lots ~~[USES]~~;
- b. Snow disposal sites subject to subsection 21.05.060E.8.
- c. Pedestrian or non-motorized surfaces, walkways and pathways; and
- d. Ice-free (snow melting) surfaces and/or covered surfaces.

3. Operational Standards

For all applicable uses (including existing uses and new development):

- a. The maximum height of snow storage piles shall be 15 feet.
- b. Plowed snow shall not interfere with required pedestrian or vehicle circulation or sight distance.
- c. Plowed snow may be removed to an approved snow disposal site, or shared among abutting or contiguous lots jointly managed for snow storage and disposal purposes. ~~Plowed snow shall not be otherwise removed from the property, ~~except as provided in~~ an adjacent property, street, alley, sidewalk, right-of-way, or other public place without a valid right-of-way permit pursuant to Title 24.~~

Revised

1 the alternative strategy and the future implementation of contingency measures if
2 such contingency measures are ordered by the municipal engineer.

3 b. The method of disposal shall comply with the municipal Snow ~~STORAGE AND~~
4 Disposal and Treatment Guidance Manual. *Review & Approval*

5 c. Drainage control and treatment shall be provided as established in subsections F.6
6 and F.7 or as otherwise permitted by the municipal engineer.

7 **6. Snow Melt Drainage**

8 Snow storage shall be located, designed and maintained such that:

9 *slow*
10 a. ~~Drainage of snow melt is to be contained on-site until directed through a
treatment facility as provided in subsection F.7.~~

11 b. ~~Drainage of snow melt is diverted away from walkways, parking facilities,
12 driveways, neighboring properties, streets, alleys, sidewalks and rights-of-way,
13 and~~

14 c. Discharge of flows off-site shall be controlled and directed. An approved ~~A~~
15 ~~SUBSURFACE PIPE~~ drainage connection shall be provided to convey treated
16 snow melt runoff into any adjacent piped storm drainage facility ~~SYSTEM~~.

17 **7. Snow Melt Treatment**

18 a. Detention and treatment facilities for chloride, particulates, metals, hydrocarbons
19 and other pollutants shall be provided prior to discharge of snow melt from a site
20 sufficient to comply with the municipal Snow ~~STORAGE AND~~ Disposal and
21 Treatment Guidance Manual, and shall be subject to review and approval by the
22 municipal engineer.

23 b. As an alternative to providing treatment facilities on-site, existing uses,
24 redevelopments not subject to subsection F.4., and developments with less than
25 10,000 square feet of applicable surface area to be plowed may dispose of all
26 piled snow using an approved alternative snow management strategy in
27 subsection F.5. ~~BY NO LATER THAN APRIL 15~~, if it is demonstrated to the
28 satisfaction of the director and municipal engineer that it is not reasonably
29 feasible for the site to meet the treatment requirements in F.7.a. above. ~~SNOW~~
30 ~~STORAGE TO ACCOMMODATE FALLEN SNOW AFTER APRIL 15 SHALL BE~~
31 ~~LIMITED TO PERIODS OF NO MORE THAN 72 HOURS~~.

32 c. Plowed snow shall be set back from streams, watercourses, wetlands and
33 waterbodies as specified in section 21.07.020, and is prohibited within ten feet of
34 storm water outfalls and discharge points. (Moved from subsection 3 above.)

APPENDIX

AMENDMENTS

PAGE 33 - 34

EXHIBITS "V" & "W"

APPENDIX:

Amendments:

The staff has recently proposed a set of 118 proposed amendments, the August 23, 2011 amendments. These amendments follow 89 earlier proposed amendments dated May 20, 2010.

- a. Policy Issue: How should the Commission deal with all of these amendments?
- b. Recommendation: The staff should be required to submit both the May 20, 2010 and the August 23, 2011 amendments to the Commission along with a draft of the proposed code that is footnoted so that the amendments can easily be tied to specific code provisions during the review of the draft code.
- c. Note: The May 2010 proposed amendments are footnoted in the draft code making it easy to see where the amendments would apply. This is not the case with the August 2011 amendments.
- d. Note: Some of the amendments from May 2010 were reviewed and approved by the Planning and Zoning Commission. Some were not. These amendments were not reviewed or approved by the Assembly's Title 21 Committee. Nor did the Assembly's Committee review the 21 new amendments found in the August 23, 2011 list of amendments.

Attached to this Appendix is a comparison of amendments from the two amendment lists. The difference between the two lists is 29 amendments. 89 of these amendments are identical. Of the difference, 8 amendments are represented by staff to be "technical" edits (amendments 111-118). The remaining 21 are new amendments prepared by staff. See Exhibit "V" attached for a comparison of the two lists of amendments in an effort to make the Commission's review of the amendments easier.

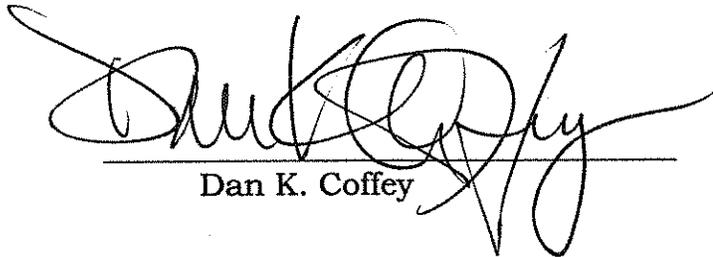
- a. Policy Consideration: It was not necessary for staff to prepare a new list in August containing most of the same amendments from May 2010. It would have made the Commission's work far easier to provide the draft code with

the footnotes along with the May 20, 2010 amendments and a separate list of the new proposed amendments.

Also attached to this Appendix is an analysis of selected amendments are attached in this Appendix. See Exhibit "W".

- a. Recommendation: Adopt the recommendations made in Exhibit "W".
- e. Recommendation: Once a decision relative to the issues in Chapters 3, 4, 5 and 7 are made, the Commission can review and consider the numerous minor amendments that relate to those chapters.

Respectively submitted to the Planning and Zoning Commission this 12th day of March, 2012.



Dan K. Coffey

EXHIBIT V

**COMPARISON OF THE MAY 2010 AND AUGUST
2011
AMENDMENT LISTS**

There are three categories relating to these amendment lists as follows:

- 1) Duplicate Amendments
- 2) New Amendments
- 3) Omitted Amendments

This Comparison uses the May 20, 2010 amendment list as the base line and then adds references to the August 23, 2011 amendment list. This was done because of the footnoting in the draft ordinance that reflects every amendment in the May 20, 2010 list.

Because of two double entries (Amendment 23 add 28) and the omission of an amendment numbered 18, the May 20, 2010 amendment list has 89 amendments. The August 23, 2011 amendment list has 118 amendments. The difference is 29 amendments. Of the difference, 8 amendments are represented to be "technical" edits (amendments 111-118). The remaining 21 are new amendments which are noted in the chapter reports following.

COMPARISON OF AMENDMENTS¹

MAY 2010 AMENDMENTS
AMENDMENTS

AUGUST **2011**

Chapter 1 Amendments

Amendment # 1*

Amendment # 82

Amendment # 2

Amendment # 83

Amendment # 3

Amendment # 85

Amendment # 4

Amendment # 85

8-11 list added amendment # 1

¹ Amendments with an asterix are discussed infra. Policy Issues, Policy Considerations, Recommendations are made as to those Amendments.

Chapter 2 Amendments

Amendment # 5

Amendment # 2

Amendment # 6

Amendment # 3

8-11 list added amendment 86

Chapter 3 Amendments

Amendment # 7

Amendment # 7

Amendment # 8

Amendment # 8

Amendment # 9*

Amendment # 87

8-11 list added amendments # 4, 5, 6, 9, 10, 11 & 12

Chapter 4 Amendments

Amendment # 10*

Amendment # 88

Amendment # 11

Amendment # 89

Amendment # 12

Amendment # 90

Amendment # 13*

Amendment # 91

Amendment # 14*

Amendment # 92

Amendment # 15*

Amendment # 13
See also #113

Amendment # 16

Amendment # 14

Amendment # 17*

Amendment # 15

Amendment 18 is not included in the May 20, 2010 list. The numbering in the May 20, 2010 list goes from 17 to 19.

Chapter 5 Amendments

8-11 list added amendment #16

Amendment # 19

Amendment # 17

8-11 list added amendments #18 & 19

Amendment # 20

Amendment # 93

Amendment # 21*

Amendment # 20

Amendment # 22

Amendment # 21
See also # 94

There are 2 Amendment 23s in the May 2010 list

Amendment # 23 (# 1)

Amendment # 22

Amendment # 23 (# 2)

Amendment # 95

Amendment # 24

Amendment # 23

Amendment # 25

Amendment # 24

Amendment # 26

Amendment # 25

Amendment # 27

Amendment # 96

There are 2 Amendment 28s in the May 2010 list

Amendment # 28 (# 1)*

Amendment # 26

Amendment # 28 (# 2)*

Amendment # 97

Amendment # 29

Amendment # 98

Amendment # 30

Amendment # 99

Amendment # 31

Amendment # 27

Amendment # 32*

Amendment # 28

Amendment # 33*

Amendment # 29

Chapter 5 Amendments (continued)

Amendment # 34	Amendment # 30
Amendment # 35	Amendment # 31

Chapter 6 Amendments

Amendment # 36*	Amendment # 100
Amendment # 37*	Amendment # 101
Amendment # 38	Amendment # 32
Amendment # 39	Amendment # 33

Chapter 7 Amendments

8-11 list adds amendment # 34-Wetlands

Amendment # 40*	Amendment # 35 See also # 38
Amendment # 41	Amendment # 102 See Also # 36

In the 8-11 list amendment #36 is not an amendment but a reference to concerns about open space and references amendment # 102

Amendment # 42	Amendment # 37
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*8-11 List adds amendment # 38-Snow Storage**

Amendment # 43	Amendment # 103
Amendment # 44*	Amendment # 104
Amendment # 45	Amendment # 105
Amendment # 46	Amendment # 39
Amendment # 47*	Amendment # 106
Amendment # 48	Amendment # 40

Chapter 7 Amendments (continued)

Amendment # 49	Amendment # 41
Amendment # 50	Amendment # 42
Amendment # 51	Amendment # 43
Amendment # 52	Amendment # 44

8-11 list adds amendment # 45-cross access

Amendment # 53	Amendment # 46
Amendment # 54	Amendment # 47
Amendment # 55	Amendment # 48
Amendment # 56	Amendment # 49
Amendment # 57	Amendment # 50

*8-11 List adds amendment 51-Window Percentage**

Amendment # 58	Amendment # 52
Amendment # 59	Amendment # 53
Amendment # 60	Amendment # 54
Amendment # 61	Amendment # 55
Amendment # 62	Amendment # 56
Amendment # 63	Amendment # 57
Amendment # 64*	Amendment # 58
Amendment # 65*	Amendment # 107
Amendment # 66*	Amendment # 59
Amendment # 67	Amendment # 60
Amendment # 68	Amendment # 61

Chapter 7 Amendments (continued)

Amendment # 69*

Amendment # 62

Chapter 8 Amendments

Amendment # 70

Amendment # 63

Amendment # 71

Amendment # 64

Amendment # 72

Amendment # 108

Amendment # 73

Amendment # 109

Amendment # 74

Amendment # 65

8-11 List adds amendments 66 & 67

Chapter 9 Amendments

Amendment # 75

Amendment # 68

Amendment # 76

Amendment # 69

Amendment # 77

Amendment # 70

Amendment # 78

Amendment # 71

Amendment # 79

Amendment # 72

Amendment # 80

Amendment # 73

8-11 List added amendment # 74-Standards

Chapter 11 Amendments

Amendment # 81

Amendment # 75

Chapter 12 Amendments

Amendment # 82

Amendment # 110

8-11 List added amendments # 76 & 77

Chapter 13 Amendments

Amendment # 83

Amendment # 78

Chapter 14 Amendments

Amendment # 84

Amendment # 79

Amendment # 85

Amendment # 80

Amendment # 86

Amendment # 81

Non-substantive “technical” edits for clarity and to correct errors

There are eight (8) amendments in this section (amendments 111-118). Only one (1), amendment113 referring to the I-1 zone, is referenced earlier in the both the May 2010 and the August 2011 amendment lists. See May 2010 amendment # 15 and August 2011 amendment # 13.

EXHIBIT W

COMMENTS ON SELECTED PROPOSED AMENDMENTS

The Comments below are organized on the basis of the May 20, 2010 list of amendments. The number in parenthesis after the Amendment # is the corresponding amendment in the August 23, 2011 list.

Chapter 1

Amendment # 1 (82): 21.01.060 B. REJECT

This proposed amendment deletes language in the draft code that makes it very clear that the specific terms and provisions of Title 21 control land use. The existing language makes it crystal clear that the "specific design and development standards" in title 21 "trump" the "general provisions" of the Comprehensive Plan.

Chapter 3

Amendment # 9 (87): 21.03 190: Streets and Trail Reviews. REJECT

This proposed amendment, drafted by staff, combines streets and trail review with applicants going between PNZ and UDC. At the request of the Chair of the Title 21 Committee, the Mayor's consultant rewrote this amendment to simplify the process and reduce the level of review with regard to trails.

As amended, major trails go to UDC and Roads go to PNZ. There is no cross-jurisdiction between the two commissions.

See also the discussion in paragraph # 6 the Summary of Major Issues on page 8.

Chapter 4

Amendment # 10 (88): 21.04.020 J. 2. C: Floor Area Ratios. AMEND

This proposed amendment should only be used if the Commission determines that it is unnecessary to create the R-4F mixed use zone and determines that the existing R-4 zone will permit limited commercial. If this is the decision, 21.04.020 I and J should be revised.

Amendment # 13 (91) 21.04.050 G. 2. B. Floor Area Ratios. REJECT

This proposed amendment assumes that the NMU mixed use district will be approved and provides for floor area ratio incentives to encourage residential development.

Amendment 10 is similar, but the "incentives" in amendment 13 far exceed those offered in amendment 10. This is an example of how staff limits development in zones that they disfavor and then restores the limited rights if someone develops in a zone they favor.

Under this method of land use control, staff determines what is best for the city. This is known as state planning. It was tried unsuccessfully by Joseph Stalin and eventually abandoned.

The market is a far better decision maker than staff will ever be. That is why the recommendation that mixed use be allowed in the R-4 zone rather than creating a new mixed use R-4F zone should be the choice of the Commission.

Amendment # 14 (92) 21.04.050 G. 5. Mixed Use Development Standards Sidewalks and Walkways. REJECT

This amendment expands the draft code substantially. In the draft code, the sidewalk width is set at 6 feet in the mixed use developments.

In the proposed amendment, the width is set at 12 feet and divided into 3 zones; "a pedestrian movement zone", "a building interface zone", and "a street interface zone". By golly if we are going to zone sidewalks, this is one heck of a plan.

The previous amendment (# 14) is indicative of the problems associated with mixed use developments. Planners get these "wonderful" ideas out of books and then attempt to impose them on the people who actually build homes, apartments and commercial buildings.

Assume that a street is sixty feet wide, 30 feet on either side of centerline. Assume further that 40 feet are used for automobiles, 20 feet each direction for traffic. This is a common street in Anchorage. This leaves 10 feet on each side of the road that is not used for traffic.

However, this amendment requires a 12 foot sidewalk which means that, at a minimum, the developer must give up an additional 2 feet of property. Say the frontage is 100 feet and that the price per square foot for the land is \$50.00, the City has just required an expenditure of \$10,000.00. Who pays for that?

Amendment # 15 (13 and 113) I-1 District. REJECT

The current code (21.40.200) states that the I-1 district is intended primarily for urban and suburban light manufacturing, processing,

storage, wholesale and distribution operations, but also permits limited commercial uses. Examples of permitted uses are found in subsection B and include 57 different types of permitted commercial uses (subsection 1 a. through eee). These permitted uses range from antique stores to motor vehicle and aircraft display lots and from bus terminals to amusement arcades.

Why the staff wants to limit the use of I-1 land when we have a "substantial surplus" (see the 20/20 Comprehensive Plan), is not entirely clear.

Amendment # 17 (14) 21.04.070 I Transition District. REJECT

The only reason that this district is proposed to continue is to allow the planners to resolve the "issues relating to zoning at the airport." The staff wants to regulate land use at TSAIA, but has not been able to reach any agreements with TSAIA on this subject. The proposals advanced by the MOA are opposed by the State (DOT/PF) and probably beyond the MOA's authority.

The airport has a master plan that is subject to public review and comment.

The airport has agreed to be subject to the building code, Title 23. Anyone who builds on airport property is required to get a building permit.

There is no need to include the airport in the provisions of Title 21.

Chapter 5

Amendment # 21 (20) 21.05.040 G. 2. Parks, Public or Private. ADOPT

In the May 20, 2010 there were two competing proposals for regulating parks. One was prepared by the Commission and the other by the Parks and Recreation Commission. Only one proposal (Parks and Rec) was presented in the August 23, 2011 proposal. At least the staff had the sense to recommend the better of the two proposals (the one written by folks who have experience dealing with parks).

Amendment # 23(2) (97) 21.05.050 F. 3. Office, Business or Professional in the I-1 and I-2 District. REJECT

This proposed amendment is another limitation on land use in the I-1 and I-2 districts. It also attempts to eliminate business or professional office uses in the I-2 district.

It imposes a 45 foot height limit on buildings in which offices can be located. If you own a 46 foot high building, you can't have an office in that building.

It requires that the business or profession “directly serve the function of an industrial or public/institutional use permitted in the district”. If your building is greater than 5,000 feet only 25% of it can be used for office.

Amendments # 32 & 33 (28 & 29): 21.05.070 D 1 b. iii (b) and iii (C)(1) Accessory Dwelling Units. REJECT BOTH.

Amendment # 32 would allow an Accessory Dwelling Unit in the R-1 and R-1A districts. This eliminates single family lots in Anchorage. There is an existing code provision in the current title 21 which deals with ADUs. 21.45.035. This code provision was adopted in 2003 and amended in 2005. Current code does NOT permit a second home on any single family lot.

The current requirement is that “One ADU may be added to or created within a detached single family dwelling on a lot, tract, or parcel, but only if the detached single family dwelling is the sole principal structure on that lot, tract or parcel.

Current law also states that “ADUs shall be allowed in all zoning districts except R-1 and R-1A. The proposed amendment is directly contradictory to an existing code section enacted in the very recent past.

It is a remarkable thing to watch staff at work. They limit the R-3 zone to multifamily where single family and two family structures are now permitted, thus reducing density. At the same time, they want to allow two structures on one lot in the R-1 and R-1A districts, thereby increasing density and at the same time reducing property values (and taxes) while dismantling single family neighborhoods.

Chapter 6

Amendment # 36 (100) 21.06.020 B. Table 21.06-2. Height Limits in B-3. REJECT

This amendment would place height limits on B-3 property where no such limit currently exists (See 21.40.180).

Staff proposes, in other sections to allow height increases if you rezone your property to RMU, CMU or NMU and build what they want you to build. This is yet another example of staff using the land use and zoning code to force their views on the community.

Amendment # 37 (101) 21.06.020 C, Table 21.06-3 Floor Area Ratios. REJECT.

First, the Commission should not create new mixed use zones. The standards that have been developed for mixed uses should, in part, be

applied to mixed use development in the existing zones. If the Commission agrees with this approach to mixed use, then the provisions of 21.04.050 G. 2. could come into play.

Chapter 7

Amendment # 40 (35 & 38) 21.07.020 B 6 b. ii.-Development Standards.
REJECT

This amendment refers to 21.07.040 F which is entitled Prohibited Discharges. It is unclear what this amendment would accomplish, but if there is a snow storage pile that discharges "snow " or "ice" (see 21.07.040 F 3) that "causes siltation" or contains "soil" or "dirt" or "vegetation" or "other material", then you have violated federal law. See also Exhibit "U" and the discussion under Additional Matters found on page 30 of the Summary of Major Issues.

Amendment # 44 (104) 21.07.030 D. 3. Physical Delineation REJECT

This amendment adds a reference to non residential private open space. Whether or not private open space in non-residential buildings is going to be required is an issue before the Commission. The addition of the highlighted language in amendment 44 (underlined in amendment104) is inappropriate.

Amendment # 47 (108) 21.07.060 F. 16. Pedestrian Amenities ADOPT

This Amendment is intended to be added to an existing menu of choices under the general heading of Pedestrian Amenities in section 060 of Chapter 7 which is entitled Transportation and Amenities. Unlike Amendment 14 which is a mandatory provision, this is one of 16 menu choices. As such, it allows a development to choose how to proceed without being required to proceed.

Amendment # 65 (107) 21.07.110 H. 2. Site Condos ADOPT

This amendment regulates the development of multiple residential structures on a single lot. While it may require some amending depending upon the Commission's decision on mixed-use commercial (see sub-section B 2), the other provisions are appropriate and necessary.

If the MOA had this ordinance in place when many of the current Site Condos were being built, we would not have the current issues with Site Condos.

Note that the requirements of 21.03.100 E (currently 21.15.105) were established in response to the Site Condos being developed a few years ago.

Staff, that drafted the code provision and told the Assembly that the application was intended to solve issues with Site Condos imposed the requirements of 21.15.150 on developments that were NOT Site Condo developments.

See Summary of Major Issues, Chapter 3, paragraph 2, page 7 for a discussion on Off-Site Improvements.

Amendment # 66 (59) 21.07.110 H. 3. Driveway width. REJECT

The Traffic Engineer has specific standards for driveway width. There I no need to change those standards to meet some objective of the planning department.

The proposed amendment should be replaced with an amendment that states that the standards established by the traffic engineer shall determine residential driveway widths.

Amendment # 69 (51 & 62) 21.07.130 A. 6. f. ADOPT

These comments deal with 20 of the proposed 118 amendments. There are numerous other proposed amendments, but before they can be considered, the Commission must make policy determinations as to how it wants to proceed with the issues associated predominately with Chapters 3, 4, 5 and 7.

Davis, Tom G.

From: Roxy McDonagh
Sent: Thursday, March 15, 2012 3:01 PM
To: Davis, Tom G.
Cc: Cheryl Richardson
Subject: Title 21 public hearing - Mayor's amendments

Dear Planning and Zoning Committee Members,

I am writing concerning the recommended elimination of Midtown Zoning Districts, and the effect this would have on nearby residential areas. I am especially concerned with the shadows high rise buildings can cast and the decreased quality of life for the residences of the area affected.

For starters, the compromise which was previously accepted is flawed and is worthless. The whole point of the rule was to prevent the cut-off of sunlight during the WINTER. The idea was to make Anchorage a more livable Winter City. By restricting the no shadow rule only from March 21 to October 21 is to impose no restriction at all. During those months the sun is nearly always directly overhead and casts almost no shadow. A home would have to right next to a tall building to be effected by shadow during this time period. The time period should be from October 21 to March 21 when the sun is low on the southern horizon thus causing tall buildings to cast very large shadows. A little bit of scientific understanding and reasoned thought should have made this self-evident.

I moved into a home on East 23rd Avenue between Eagle and Barrow in 1972. One of the things I loved about my home was that on sunny winter days the sunshine poured in through the large south facing windows. The sunshine raised my spirits making me feel comforted and warm even on the coldest of days. This is important during our long winters.

When they built the first Denali Tower it did not cause us any problem as it was far enough away and not so tall. When it was announced that a second tower would be built, the neighborhood supposed it would be identical to the first tower. As the summer progressed it became evident that it would be a much taller building. As each month passed we wondered just how much higher it would go. As the summer moved into fall it also became evident that this new building was going to start casting a shadow into our yard and over our home. Ever since, our home has been in shadow virtually from sunrise to sunset during the winter months. Obviously, in the summer with the sun higher in the sky there is no shadow.

It has been shown scientifically that the lack of sunlight in the winter can cause significant health problems. By deliberately developing zoning rules that does not prevent the blocking of sunlight to residential areas, you are having an effect on the health and wellbeing of the people who live in those areas. It is not that difficult to develop zoning rules which make it possible to have a well designed area in which transitions allow planning for tall buildings, med-sized buildings and lower buildings which do not cut-off sunlight to residential areas.

I hope you will see the importance of this issue for people who live in midtown, or who live in a residential area that may in the future incorporate very tall buildings. We all want the same goal - to make Anchorage a welcoming place to live all year around including the winter months.

Sincerely,

Roxy A. McDonagh
402 East 23rd Avenue
Anchorage, AK 99503

Zoning and Platting Cases On-line

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Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

1. **Select a Case:**

2. View Comments:

Case Num: 2011-104

An ordinance amending Title 21 for Title 21 rewrite

Site Address: N/A

Location: Provisionally adopted Title 21 Rewrite Chapters 1, 2, 3, 4, 5, 6, 7, 8, 12, 13, and draft Chapter 14, in addition to the Proposed Amendments.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

3/18/12

michael kenny

17016 aries ct.

anchorage ak 99516

March 18, 2012 Re; PZC Case 2011-104 Dear Planning and Zoning Commission Members, Engineering and building require standards and principles assuring structural integrity; whether a fishing shanty or skyscraper. In a functioning democracy, integrity is also crucial to a lasting structure. For instance if our voting process lacks integrity our governing structure will soon lack legitimacy. This Community has followed a democratic public process in hammering out the Title 21 rewrite over the past ten years. It has not been easy. Sausages were encased. Compromises were hard fought and won. But the process followed the agreed upon ground rules, had integrity and produced the Provisionally Adopted Title 21 rewrite (PZC Case 2011-104). In a backroom, Consultant Dan Coffey accomplished much of what Assemblyman Dan Coffey could not in the publically produced Provisionally Adopted Title 21. This lacks integrity. Many if not all of these proposed mayoral amendments are the result of Mr. Coffey's consultation. From my vantage point, it appears that these amendments are intended to benefit narrow special interests over the community's quality of life. I support the specific recommendations contained in the Anchorage Citizens Coalition comments as concerns these proposed amendments. Procedurally, the commission can propose new amendments after public testimony closes. It is my understanding that the commission could then disregard the public on new amendments to the entire code. Such actions will drain integrity completely from this ten year public effort. That is simply unacceptable. Sincerely, Michael Kenny 17016 Aries Ct. Anchorage, AK. 99516

Title 21 Rewrite

From: Joan Diamond
Sent: Sunday, March 18, 2012 6:11 PM
To: Title 21 Rewrite
Subject: Pass provisional Title 21

New P/Z Commission,

Anchorage does not have to be held hostage by the contingent of the population who do not want to change the way business is done in Anchorage. Anchorage is an island of ugliness surrounded by a sea of beauty. Since the Comprehensive plan was passed in April of 2001, Title 21 which would implement the philosophy has been sabotaged by the current mayor and his side kick, Dan Coffey.

I have been involved since the Denver consulting company was hired by George Wuerch to design a future path for improved development for Anchorage. Presently, the city is hostile to live in, the population is mostly obese and neighborhoods are disconnected to employment centers, schools, and parks.

The provisionally adopted Chapters of Title 21 reflect millions of dollars, public input and professional time that reflects a city for the future.

- Reject the mayor's proposal to delete all of the design standards for single family homes.
 - The standards are minimal as they have been continuously chopped away through 8 years of public process.
 - Most builders already far exceed proposed minimal standards.
 - The standards allow choices through a (already watered down) menu system.
 - Innovative designs are allowed under the Alternative Compliance routine.
 - Allowing "the market" to decide the minimums will not protect the value of your home from "snout houses." Plain boxes that look like homes for cars can be built next door in established neighborhoods.
 - The intent of the standards is to offer minimal protection to neighborhood aesthetics and home values.
 - Required vegetation is increasingly needed as we clear and develop every available lot.
 - Design standards are specifically required in the Comprehensive Plan.
 - (And no, there are no rules on paint colors!)

- Reject the mayor's proposal to decrease setbacks from streams to 25' from the proposed 50' to 100' in the Provisionally Adopted code.
 - After considerable research, discussion, review and compromise with the T21 subcommittee, the provisionally adopted 50-foot setback is much lower than the 100 foot minimum recommended in scientific literature.
 - Stream setbacks average 100-feet nationwide.
 - In Alaska: Soldotna has a 100-foot setback, the Mat-Su Borough has a 75-foot setback, and both Juneau and Homer have 50-foot setbacks.
 - Stream setbacks are necessary to control floodwaters, provide water quality treatment by capturing and filtering pollutants, protect base stream flows to reduce threats of flash floods, maintain stream stability preventing channel migration and maintain stream health for fish and wildlife habitat.
 - Anchorage's existing 25' setback came about because of politics, compromise and what was acceptable in the mid 1980's—not from scientific or practical findings.
 - Nationally, the economic benefits of streamside protection are well documented indicating higher home values near streams and greenbelts (15% higher in Anchorage) and better quality of life rankings, which attract potential businesses and homeowners.
 - Reduced setbacks create issues of increased peak runoff (floodwaters, storm water) entering streams resulting in flash floods increased erosion and sedimentation.

- The proposed change causes increased financial hardships for property owners and the Municipality, as well as being detrimental to property, infrastructure and habitat.
- Reject the mayor’s proposal to delete height restrictions in the B-3 zones in Midtown unless strong protections for residential sunlight are in place.
 - Allowing tall buildings to cast shadows on homes pick winners and losers and the losers are homeowners.
- Reject the mayor’s proposal to increase the allowed commercial uses (that means “stores”) in the Industrial I-1 zones. Wait until completion of the Anchorage Commercial Land Study and adoption of the Anchorage Bowl Land Use Plan Map, to reexamine the uses allowed.
 - Anchorage 2020 Policy #26 clearly states: “Key industrial lands, such as the Industrial Reserves designated on the Land Use Policy Map, shall be preserved for industrial purposes.”
 - Commercial and other non-industrial uses in industrial zoning districts can be incompatible with neighboring properties.
 - The provisionally adopted Title 21 already allows a limited number of commercial uses to occur within the I-1 district that support or are compatible with industrial uses.
 - Allowing certain commercial uses such as offices and grocery stores to locate in industrial zones results in further sprawl and traffic congestion.
 - Anchorage 2020 policy #21 directs new commercial development to locate primarily within Major Employment Centers, Redevelopment/Mixed-Use Areas, Town Centers, and Neighborhood Commercial Centers.
- Reject the mayor’s proposal to reduce private open space requirements. An earlier compromise allowed nonresidential developments to reduce their parking requirements if they provide some additional private open space. The mayor proposes deleting this and modifying other wording regarding open space.
 - The provisionally adopted section replaces the current Title 21 “usable yard” regulations with a “private open space” requirement that focuses on improvements in quality and usability, and avoids requiring more area than current code.
 - The provisionally adopted Title 21 does not substantially increase the amount of area required, and allows less space but encourages higher quality space
 - The provisionally adopted code also explicitly allows rooftops, balconies, and atriums to count as private open space.
 - We still need to see the precise language that is proposed.
- Reject the mayor’s proposal to delete the connectivity index needed for easier walking and biking. Approve T21 as it is and propose a clearly written alternative later.
 - When neighborhoods are connected, it encourages more walking and biking, better health for its citizens, and a greater sense of community.
 - Administrative relief is written into the provision to account for situations that make it impossible to meet the standard.
 - The connectivity index makes sure there are adequate vehicle routes in and out of neighborhoods so traffic does not clog just a few routes and intersections. The index also provides more options for bicyclist and pedestrians to move in and between neighborhoods.
 - The connectivity index allows the subdivision designer great flexibility to design the road system, as long as the number of intersections and the number of links meets the required ratio.
 - (C’mon subdivision designers, the math required is really simple. You can do it!)
- Reject changes that diminish neighborhood protection height transitions.
 - In Alaska’s northern climate, tall buildings have more extreme shadowing and day-lighting impacts to surrounding areas that affect gardens, warmth, and how we use our yards. Height transition standards

- between different building types protect property values and investments in residential property, and full enjoyment of residential lots.
 - Neighborhood protection transitions become more important as the demand for infill and redevelopment grows next to existing residential neighborhoods.
 - The height transition standard improves the compatibility of higher intensity development with adjacent lower density neighborhoods by guiding where building bulk is placed on a lot. It protects property values on both sides of the fence.
 - Years of testing and refinement over a series of drafts have calibrated the height transition to avoid impacting the development potential of a subject commercial lot.
 - Experience elsewhere demonstrates that an infill/redevelopment strategy has a greater chance of success if neighborhoods have confidence they will be protected through better building and site design.
- Reject the mayor’s proposal to decrease sidewalks on cul-de-sacs.
 - Removing sidewalks is a setback to Comprehensive Plan policies for pedestrian environment and connectivity.
 - Sidewalks should be required along both sides of public streets for all types of developments in class A zoning districts, including cul-de-sacs.
 - Public streets through areas of institutional and industrial developments will have pedestrians as well as commercial or residential areas. Institutional uses, in particular, such as churches and schools, can have fairly high levels of pedestrian activity.
- Reject any language that would decrease landscaping standards when the mayor’s proposal to rewrite the section is implemented.
 - The provisionally adopted landscaping section is the result of hundreds of hours of citizens’ time spent reviewing and commenting on the section, staff research and review of drafts with a committee of landscape architects, response to comments received from the public, including comments from the American Society of Landscape Architects, and review and changes to the section made by the Urban Design Commission, Planning & Zoning Commission, and the Municipal Assembly.
 - Building design standards were decreased over the years in exchange for increased landscaping. The balance of the compromises will be destroyed if both landscaping and design standards are reduced.
 - A new landscape ordinance is a key Comprehensive Plan strategy to improve our city.
- Reject language that decreases standards for multi family and townhouse development.
 - The Anchorage Police Department recognizes and encourages the public safety value in street facing windows and visible and accessible entries.
 - “Eyes on the street” help deter criminal activities in neighborhoods.
 - A 15 percent window requirement is modest and practical. It can be easily met, and represents the lowest percentage that achieves the objectives for the project.
 - Developers who propose multifamily projects near existing neighborhoods face opposition from the local community because there are few minimum standards to guarantee development will be compatible with the existing neighborhood character.
- Watch out for language that would allow expedited changes to the code in cases where clear mistakes were made in the rewrite.
 - This change could be good if worded so the cases where it would be applied are limited. Changes would be made case by case, and not allowed to apply sweepingly across all other sections of the code.
 - Major changes to the code should be made by using the approved amendment process.
- Watch out for language allowing Single Family homes in R-3 zones
 - With the low vacancy rate for rental housing in Anchorage today, all multifamily zoned lands need to be preserved to meet future housing demands.
 - The Comprehensive Plan requires an “amendment of multifamily zoning district regulations to eliminate low-density housing. Design standards for minimum residential density development will be developed before this strategy takes affect.” In the provisionally adopted code, the department recommended a baby-

- step towards meeting this policy—namely the removal of detached single family housing as an allowed use in the R-3 district.
- While there are several areas currently zoned R-3 that should be designated for a lower density, these are a geographic issue to be addressed by the draft Anchorage Bowl Land Use Plan Map
- **Help Build a liveable city that invites a future for all of us.**

Joan Diamond



March 19, 2012

Anchorage School District

5530 E. Northern Lights Blvd.
Anchorage, Alaska 99504-3135
(907) 742-4000

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Re: Case 2011-104, Proposed Amendments to Provisionally Adopted Title 21

The Anchorage School District submitted its review comments to the Commission on December 12, 2011. These comments addressed issues of concern regarding both the provisionally adopted Title 21 and proposed amendments being considered by the Commission. Since then, District and Municipal Planning Division staffs have worked closely to resolve major concerns.

The following issues have been resolved to the District's satisfaction:

- **Charter schools in non-PLI zoning districts** (21.05.010, Tables 21.05-1 and -2) – An issue that appeared to limit charters school locations has been resolved: charter schools will be allowed in B-3, RO, R-1 thru R-7, and mixed use districts, except middle and high charter schools will not be allowed in a neighborhood-scale mixed-use (NMU) district in order to encourage retail and every day services at the business node.
- **Buffer landscaping** (21.07.080.E) – Existing schools not in compliance are to be grandfathered. Only when new development occurs would school sites be required to include landscape buffering to bring the site into closer compliance with Title 21. Issues of concern regarding isolation of schools from serving as centers of community, safety, security, and reduced availability of site usage for tight urban sites will need to be addressed by both design professionals and municipal code authorities.
- **Snow removal and disposal: required on-site detention** (21.07.040.F and *Snow Disposal and Treatment Guidance Manual*) – Except when new site development projects are undertaken, existing schools will be grandfathered. The proposed Manual has been deleted. The District already implements appropriate operational procedures through its Storm Water Management Plan, dated January 28, 2010.
- **Snow removal and disposal: salt admixtures disallowed** (21.07.040.F) – The proposed Manual, which specified “no salt” has been deleted. Title 21 will not regulate salt admixtures.

The following unresolved issues continue to be of major concern to the District:

- **Outdoor play space for elementary and middle schools** (21.05.040.E.3.iv) – The District has charter schools that would be forced to relocate if they were required to provide 2 square feet of outdoor play space for every 1 square foot of classroom space.

This requirement would preclude future charter or magnet schools whose programs might avail themselves of proximity to knowledge communities, such as downtown urban businesses or performing arts centers. Other cities, such as Detroit, have developed similar urban schools with magnet programs that thrive on proximity to downtown assets; play space is provided at nearby facilities, such as the YMCA.

Although this provision may have been created and intended for private schools, it affects District schools. Through its Mission, the District focuses on students' success by offering well-rounded curricula, which includes health and exercise. It aligns the physical environment with the curricula through creation of educational specifications. By including educational specification for play space in Title 21, the land use planning ordinance is pre-empting the District's responsibility for creating educational specifications appropriate to the success of some special schools and their programs.

The District urges that responsibility for outdoor play space for elementary and middle schools be relegated to those responsible for educating students under approval of the State of Alaska's Department of Education. The District recommends deletion of 21.05.040.E.3.iv.

- **Intermodal shipping containers (connexes)** (P&Z Amendment #48 and 21.05.070.D.12.b.i and iii) – Paragraph 21.05.070.D.12.b.i requires connexes to be either screened on four sides with “structures, landscaping, and/or fences at least as high as the unit, or alternately, shall be sided and roofed with materials substantially similar to the siding of the primary structure”.

The District has a number of permanent connex units, primarily at its middle and high schools. As noted in its December 12, 2011 comments, permanent connexes serve two primary purposes: 1) emergency preparedness and 2) site-based exterior storage, such as for athletics and career and technology education curriculum materials storage.

Emergency preparedness connexes, by necessity, are placed so that they can be moved readily between sites for disaster response. Many connexes are located out of public view, for example, those north of Service High School's gymnasium. The District has sought to locate and finish its emergency preparedness connexes in a recessive manner.

The District objects to the proposed Title 21 method of screening and questions the value of end results that would visibly increase units' bulk. For example, "primary siding" on a number of schools consists of precast concrete or masonry. This provision would require those not screened to have concrete or masonry siding and roofs. (Note that materials used for siding and roofs serve very different purposes, are normally not the same, and would not be recommended by design professionals for both surfaces.)

The District has four major concerns:

- a. Cost of screening or cladding – The projected cost of screening or cladding all District connexes is major, possibly as much as \$1 million.
- b. Treating all units the same, including those not readily visible to the public – The intent of Title 21 appears to be to protect the public from objectionable views lacking aesthetics. Treatment of outdoor refuse collection receptacles (dumpsters) requires them to be "screened from view from abutting streets". The intent appears to be similar to that regarding connexes. Where functionally possible, the District is intending to relocate some dumpsters out of view of abutting streets, especially where gates would otherwise be required. Could not the same rationale be used for connexes? Some connexes at Service HS are hidden behind the gymnasium from view of Abbott Road – the value of screening or cladding them is questionable.
- c. Materials – Where screening is not used as an option, cladding material is required for both sides and roof. The District fails to understand the necessity of applying cladding to flat roofs not otherwise visible – the added cladding would increase a unit's visual mass. Where schools primary "siding" is concrete or masonry, the visual mass would be increased at significant relative costs. Application of recessive paint, or paint that matches the building color scheme, would appear to better achieve the intent.
- d. Screening on four sides – By their nature, connexes are mobile and have access from one end. Landscaping on four sides would make the units immobile and impede access. The size of the access end is minor compared to the overall bulk. Recessive paint treatment would preserve their mobility and ease of access.

In 2008, an Assembly member of the Title 21 committee proposed the following language: "In PLI districts, connex units or similar structures shall be finished with uniform, recessive appearance and be screened by L2 level landscaping in such manner that visual monitoring for safety and security is maintained." Some

connexes are located near athletic fields are seasonal in nature, and, because they are mobile, are relocated when not in use. Fixed landscaping, therefore, would be a concern. Other than that concern, the District supports the concept of recessive finishes because it meets the intent of suppressing objectionable visual impact at a reasonable cost.

- **Dumpster screening** (P&Z Amendment #70 and 21.07.080.G) – The District has about 57 school facilities that will require screening dumpster enclosures; many of those, visible from abutting streets, will require gates. While the increase in amortization period from 5 to 7 years is helpful, the screening will cost \$750,000 in current dollars. Since the District regularly undertakes site improvement projects, it would prefer to combine dumpster screening with those projects. In the meantime, the District intends to work with dumpster vendors to move units to least visually objectionable locations while not impeding the vendors’ access and operations.
- **Review procedures** (Section 21.03, in general, and 21.03.180 specifically) – Municipal reviews impact project schedules and costs. Depending on projects’ scope and scale, there may be diminishing value resulting from reviews that could be considered excessive. With responsibility for managing approximately 100 facilities, the District depends on efficiency. The majority of minor projects are undertaken during summer school breaks, so efficiency and planning ahead for reviews is critical.

The District regularly undertakes many building and site improvement projects, including seasonal changes in site use or location. Examples include:

- Relocatable classrooms,
- Storage sheds – King Career Center fabricates framed storage sheds of <200sf, without plumbing or electricity, for use by many ASD schools as temporary storage structures,
- Playground upgrades,
- Flooded free skate areas within snow berms, and
- Fenced in Career and Technology Education areas at middle and high schools.

The District has three concerns:

1. **Time limited value of site plans** (21.03.180.D) – Site plans are approved for 24 months with applications for 12-month extensions thereafter. A number of years ago, the District began developing master plans for many schools showing anticipated relocatables’ locations so that annual adjustments could be made during summers without delay of reviews and approvals; this effort stopped once it became clear that approval was time limited and the recurring approval process for so many schools would be prohibitive. The result discouraged responsible planning for facilities.

2. Lack of specificity for level of review tied to scope and scale (21.03.180.B and C, Tables 21.05-1 and -2, Tables of Allowed Uses) – 21.03 refers to the tables in Chapter 21.05. These tables consistently show Major Site Plan Review for all educational facilities; this is an extensive review. Currently, levels of Municipal review appear to be subject to interpretation of staff. Without more specificity, any of the projects listed above would be required to undergo Major Site Plan Review. The District desires to have specific objective criteria assigning appropriate review levels to projects' scope and scale.
3. Imbalance of extensive development and approval process relative to minor projects (21.03.180.G) - Municipal Planning staff was recently asked what the review procedure would be for storage sheds, as an example. The response was, "...they would likely be subject to a minor amendment to the site plan." Whether time-limited or not, a majority of District schools do not have approved site plans, in part, because they have not required any significant changes since original construction decades ago. Because there is no approved site plan, adding one storage shed to a school campus would require development of a master site plan. This would then have to be submitted for a Major Site Plan Review and its extensive process. Such an effort could exceed the value of the storage shed.

As noted, the District has been seeking clarifications from Municipal staff and appreciates their willingness and efforts to answer its questions and seek to resolve its concerns.

Sincerely,



Mike Abbott
Assistant Superintendent, Support Services

cc: Carol Comeau, Superintendent

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

** These comments were submitted by citizens and are part of the public record for the cases **

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

1. **Select a Case:**

2. View Comments:

Case Num: 2011-104

An ordinance amending Title 21 for Title 21 rewrite

Site Address: N/A

Location: Provisionally adopted Title 21 Rewrite Chapters 1, 2, 3, 4, 5, 6, 7, 8, 12, 13, and draft Chapter 14, in addition to the Proposed Amendments.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

3/19/12

claudia bieber

16450 st.james circle

anchorage ak 99516

As a 33 year resident of the Rabbit Creek Community I want to oppose the addition of a school facility to the Rabbit Creek Community Church. The church initially was originally "sold" to PNZ, Rabbit Creek Community, and neighbors adjacent to the church as a small neighborhood church. Title 21 needs to provide for non-residential uses in large lot neighborhoods. As of this date church well tests and useage have caused neigboring homes to have well failures. This information was provided to PNZ. There is no municipal water or sewer to the property. Traffic and life safety issues for Rabbit Creek residents have not been addressed. Church leaders are the only ones professing a need for a school facility. Church neighbors have opposed expansion plans for several years, but plans continue to get passed by PNZ without regard for future outcome for residents of Rabbit Creek.

Title 21 Rewrite

From: Chris M Turletes [cmturletes@uaa.alaska.edu]
Sent: Monday, March 19, 2012 5:45 PM
To: Title 21 Rewrite
Subject: Comment on the Institutional Master Plan section
Attachments: title 21 Comments IMP 19 mar 12.pdf

Chris Turletes, CFM
Associate Vice Chancellor
Facilities and Campus Services
Office Ph: 907.786.1110; Cell: 907.244.8063
Office Fax: 907.786.4901
email: ancmt2@uaa.alaska.edu



March 19, 2012

TO: Planning Division, Municipality of Anchorage, P.O. Box 196650, Anchorage, Alaska 99519-6650

FROM: UAA Facilities and Campus Services, 3211 Providence Dr, Anchorage, AK 99508

SUBJECT: Title 21 Land Use Code Revision - Institutional Master Plan-- Comments

1. The University of Alaska Anchorage is notionally interested in the Municipality of Anchorage's Title 21 Institutional Master Plan. By University Policy each campus has to have a Master Plan. In the case of the University of Alaska Anchorage it would be efficient if the University Master Plan and the Institutional Master Plan could be the same document. The purpose of the plans is similar; the requirements are similar; the level of detail expected by the MOA Institutional Master plan is extreme.

2. Some of the things that the University doesn't like are:

Under the Institutional Master Plan Requirements Para B Applicability: refers to multiple building sites of 25 contiguous acres. Para C.1. Planning area says shall include all the areas that are under the ownership and control of the institution. I think "contiguous" should be removed and the language in para C. 1. be used in its place.

In section C. 2. , Submittal Requirements, Mission and Objectives (23.03.110, C, 2.b., page 42-43)— where it wants us to list the "maximum number of people present on the site for any single event or activity". This seems like a very odd requirement. It's not clear what the intent of this requirement is. Is this a rough order of magnitude number? Is it the max occupancy of all of the buildings and spaces on the campus? Is it the largest possible number assuming multiple events? Why is that important? Is it realistic?

In Section C. 2. f. Development and Design Standards --for a plan of this magnitude "Standards" would be better described as "Guidelines". A guideline implies reasonable flexibility. In this same section in para v. Site and Building Design Standards, "standards" should be guidelines.

In Section E—Approval Criteria item 3 should be omitted. The plan doesn't "ensure " anything beyond conformance to the plan.

In Section F -- Compliance with Institutional Master Plan item number 3 seems that it should stop after "Such a certification shall be found if the proposed project is consistent or substantially consistent with the approved institutional master plan". No additional restrictive criteria need to be added. The whole purpose of the institutional master plan is to get an idea of future development.

G. Modifications to Approved Institutional Master Plans—Minor Amendments. The section starts by saying "The director may administratively approve amendments to an approved institutional master plan upon written application." It continues on to say "unless the assembly determines the amendment is a major amendment". If the decision is the administrator and the administrator takes action, how does the assembly make their determination that it is beyond the scope of the administrator? Remove the section about "unless the assembly determines the amendment is a major amendment."

Other areas of concern:

Nowhere in it does it talk about treating all of the land owned by the institution as one parcel, i.e. not looking at property lines within the campus. Our campus has many parcels I would think I that this approved master plan would allow me to build on a property line within my institutional boundary, or use all of the parking within institutional boundary to count towards overall parking needs for the campus.

The plan has a 10 year planning horizon which requires a significant level of detail and then a more conceptual plan projected out to 20 years. How long is the plan good for 10 years? Section D. 9.a implies the plan is good for a year after approval. The whole planning and approval cycles has taken several years. Seems to me the plan should be good for 10 years once it's approved.

3. The Institutional Master Plan should be a flexible tool the MOA and the developing institutions use to plan, develop and collaborate on. It should not be a tool so narrowly developed that it is a disincentive to produce. As written it is not clear to me what the incentive is to develop the Campuses master plan to comply with the requirements of the MOA Institutional Master plan.

Title 21 Rewrite

From: Larry Rundquist [rundquist@gci.net]
Sent: Monday, March 19, 2012 5:32 PM
To: Title 21 Rewrite
Subject: Title 21 Rewrite

I do not understand how the Planning and Zoning Commission can be considering acceptance of any of Mr Coffey's changes without going through a full public review process on the proposed changes. If Mr Coffey wanted to have input to Title 21, he should have participated during the years of public review. What good is a public process if one person can make changes after the public input is incorporated. Either ignore his changes or go back through a full public review of his changes.

Larry Rundquist
2912 Alder Drive
Anchorage Alaska 99508

RAY KREIG
201 Barrow #1
Anchorage, Alaska 99501-2429
(907) 276-2025 • fax 258-9614
e-mail: ray@kreig.com

I tried to testify last night but have to say I was astonished to have my time interrupted and disrupted by the chair. I was president of the Chugach Electric board for two years and I never did something like that to a citizen coming out of their home to appear before us.

The points I tried to make last night regarding Title 21 are in this letter.

March 20, 2012

Connie Yoshimura, Chair
Planning & Zoning Commission
4700 Elmore Road
Anchorage, AK 99507907

RE: **Title 21 Rewrite [Land Use Regulations]**
Downtown Soup Kitchen + Cordova House

Dear Chair Yoshimura,

Here is why **I oppose the proposed Title 21 rewrite in any form.** In fact we need to start unwinding the oppressive land use controls already in place. Here is only the latest reason I believe widespread reform is needed:

Last summer I sought assistance – both for myself and on behalf of Boardwalk Condo Association – regarding siting of the Downtown Soup Kitchen a half block from us. Boardwalk has 26 residential units and 7 commercial units.

Boardwalk owners are constantly blitzed with many neighborhood real estate permitting notices yet no one received any such notices for this major new, high-impact, facility.

After a frantic month-long investigation we uncovered that this project was carefully crafted to be slipped in “under the radar” so neighbors would know nothing about it until it was too late to do anything. Responsible agencies in the MOA and the State uncritically enabled private developer Dennis Lavey, owner of Days Inn, to arrange this.

This was a real estate and political deal already baked in the oven before property owners even knew about it. And it was the second such roll-over on land use regulation to hit us, the other being the expansion of the immediately adjacent Cornell Corrections halfway house, Cordova Center.

Same story...

Cornell Corrections maneuvered approval of a Cordova House increase from 192 residents to 296. Like the Downtown Soup Kitchen, Cornell got the municipal zoning ordinances changed — a strategy that would not notify neighbors and stir them up until it was too late for them to give any input to the decision. Again, with full complicity of the Muni and the State. And P&Z let them get away with this without doing anything to deal with the chronic two-decade long parking crisis (cars jammed onto steep, narrow city streets; it has no on-site parking for visitors).

For us, our Downtown East End area had been improving until these latest slams.

Enclosed is the report made on the above two sorry episodes to Boardwalk Condos unit owners.

Lesson learned, again and again and again:

Anchorage -- a city burdened with a protracted, complex, expensive (oppressive?) labyrinth of land-use planning and project permitting bureaucracy -- allowed and enabled Dennis Lavey and the Downtown Soup Kitchen to quietly insert this project in an inappropriate neighborhood on the wrong site. Note that the Downtown Soup Kitchen itself complained,

"The muni plan review process is an arduous process encumbered by a bureaucracy not readily matched elsewhere in the United States [3/21/11 Grant Progress Report #12]."

How do these circumventions relate to Title 21/Anchorage 20/20? Appearances are that the current system is corrupt and helps those with funds and connections to navigate its complexity. Making it even more Byzantine creates the opportunity for even more of the above to happen.

As far as I am concerned, land use regulation in Anchorage is a massive failure. It is incredibly costly and is not delivering value to the citizens. Passing the proposed Title 21 rewrite in any form will just make the situation even worse. MUCH WORSE.

- Although I respect the work Dan Coffey has done, I oppose any version or part of the Title 21 re-write passing.
- The Anchorage 20/20 Comprehensive Plan needs to be repealed or drastically rewritten to the extent that it appears to be driving ever increasing land use controls.
- Similarly, Planning & Zoning appears to be responsible for bringing this sort of extreme property rights and citizen oppression forward by hiring biased and self serving consulting firms that advocate these policies. A management review and restructuring of P & Z and its governing ordinances needs to happen to give the public more honest and credible administration.
- It is especially appalling that the Planning & Zoning Dept encourages neighbors to turn on each other and incite strife, meddling, petty conflict, and harassment with invitations to snoop and turn people in for "code violations".

Sincerely yours,



[SIGNED AND TRANSMITTED ELECTRONICALLY]

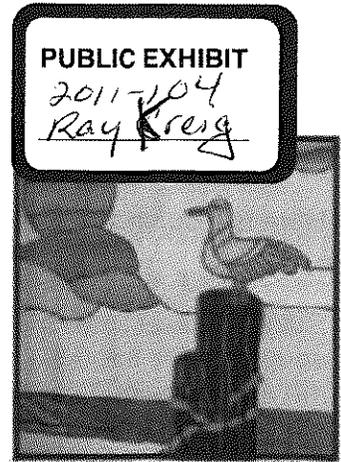
Ray Kreig

Enc: Boardwalk Beacon, SPECIAL ISSUE, August 2011
Boardwalk Condominium Association, 201 Barrow Street, Anchorage AK



Boardwalk Beacon

SPECIAL ISSUE
August 2011



This issue of the Beacon is devoted to major neighborhood issues that will likely greatly impact Boardwalk for years to come. It is long, but the board feels it is important for all owners to understand what has happened and be fully informed.

DOWNTOWN SOUP KITCHEN EXPANDS NEAR BOARDWALK

INVESTIGATION REVEALS WHAT HAPPENED | OUR OPTIONS WERE LIMITED

by Ray Kreig

I noticed a new building going up at 3rd and Cordova on May 27th. I was shocked to see a sign tucked away in the back alley announcing it was the new site of the Downtown Soup Kitchen, 250 feet from Boardwalk.

The Downtown Soup Kitchen (DSK) serves lunch to 300 to 500 people a day many of whom are also clients of Brother Francis Shelter and Bean's Café at 3rd & Ingra.

Boardwalk owners are blitzed with many neighborhood real estate permitting notices; I had not received any such notices for this major new facility (nor had anyone else). I was about to uncover that this project was carefully crafted to be slipped in "under the radar" so neighbors would know nothing about it until it was too late to do anything.

BOARDWALK BOARD REACTS

Boardwalk has typically been proactive when threats to neighborhood safety and redevelopment progress emerge. When it was suggested that the Brother Francis Shelter be moved to the FDIC owned Steenmeyer warehouse at 2nd & Cordova, the Boardwalk board mobilized neighborhood stakeholders in a series of meetings. Eventually that proposal was dropped. Similarly, this time, the board immediately contacted major neighborhood property owners and started an investigation which involved interviewing over two dozen people including DSK Board Chairman Mike Martin and board member Steve Smith who is also the construction manager for Kiewit Building Group contracted to erect the new DSK structure. At the time (in early June) the DSK was under construction, only the footings had been poured. If a strong community reaction could immediately be mobilized, there appeared to at least be a chance to pause the project.

Announcements:

Board Meeting

August 15, 2011
11:30 AM
Pacific Rim Properties,
405 W. 27th Ave.

Annual Meeting

August 18, 2011
5:30 PM, upstairs at
Pacific Rim Properties,
405 W. 27th Ave.

Association Manager:

Gaylen Gransbury
(907) 563-3345
Pacific Rim Properties,
405 W. 27th Ave.

Association Officers:

Cynthia Aiken
President
Ray Kreig
Vice President
Lee Ann Kreig
Secretary / Treasurer

Here is a summary of our findings.

HOW THE DOWNTOWN SOUP KITCHEN (DSK) PROJECT HAPPENED

Since 1979, at times more regularly than others, the Downtown Soup Kitchen (DSK) has been ladling up soup Monday through Friday in an alley behind a house adjacent to the Carpenter's Union hall at 434 E 4th Ave. ChangePoint church acquired the property in 2002. It also bought the two-story yellow house next door, where two days a week patrons can sign up for showers and laundry services. ChangePoint's social service arm, Grace Alaska, partners with 16 other churches to keep the mission going. Some days the line goes most of the way down the alley. Some days, it goes all the way to the end, turns the corner and then some. It used to be mostly homeless people and street kids lining up for lunch. These days, they are seeing a lot more working poor. Men, women and children. People with homes, cars and jobs, too many bills and too little cash (after Anchorage Daily News article, 10/13/08).

In 2008, the DSK received a "no strings attached" \$2 million grant from the legislature to "use for an expansion/new facility". Apparently only two pages of justification or detail was provided to the legislature. The DSK then encountered MOA permitting and zoning problems with the new project.

Municipal planning staff under the Begich administration shepherded a clarification to Title 21 land-use regulations through the Assembly in April 2009 specifically allowing social service facilities as a compatible land-use in many zoning classifications including the B-2C in our neighborhood and the Third & Cordova site. That act set up the stage for all this to happen and none of us know anything about it. The obligation to send a land-use change notification to the neighborhood by a "social service facility" was eliminated. DSK Board Chairman Mike Martin told me that he actually wrote parts of the ordinance.

The Sullivan administration then sat by (as did the State of Alaska) and exercised "no adult supervision" as the wrong site for this facility quietly was permitted and is now under construction at 3rd & Cordova.

I have a civil engineering and geotechnical site selection background and quickly did a site study to see if there was a better place for the DSK and found that clearly there was. My site search revealed a preferred alternative for a relocated DSK to the vacant 17 acre Alaska Native Service Hospital (ANSH) parcel (see map). It is owned by the Municipality of Anchorage (MOA) and is adjacent to the Brother Francis Shelter and Bean's Café. It is on an existing street and is adjacent to a large underutilized parking lot left over from the old ANS Hospital on a 5½ acre parcel to the west on federal land leased to Southcentral Foundation for its Quyana Clubhouse serving Alaskan native outpatients with mental health services. Current zoning for these parcels is PLI (Public Lands and Institutions).

No one in the MOA offered any part of the ANSH parcel to the DSK. There were some conversations by the DSK regarding the site, but apparently any possibility of using it was quickly chilled by the MOA.

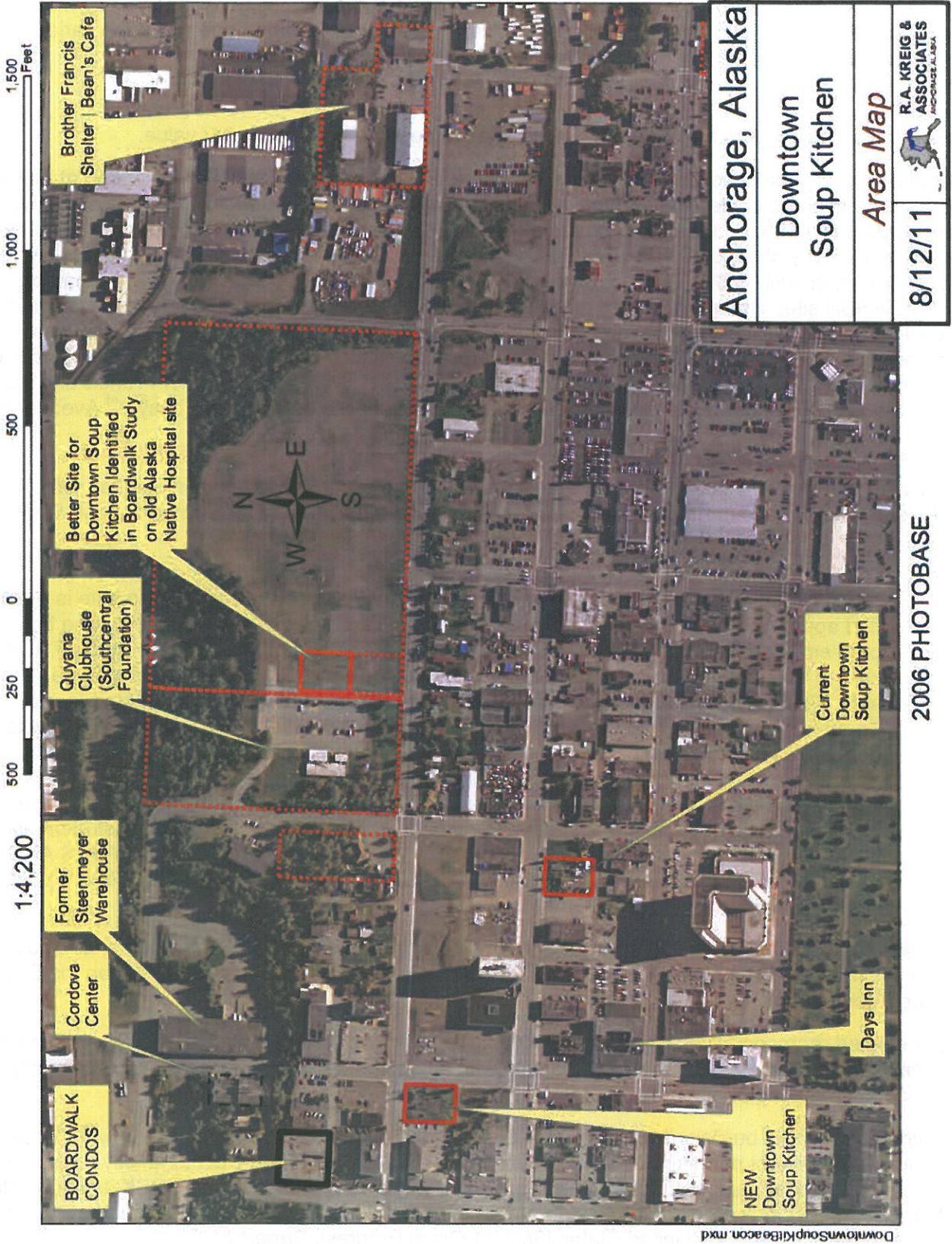
MOA's Heritage Land Bank and the Planning Department are telling people that the ANSH site cannot be used and must be kept in reserve because of 1) chemical contamination, 2) the need for a transportation corridor reserve, and 3) seismic instability. All of these reasons are without merit and they do not in any way prevent the MOA from providing a tiny one quarter or half acre site for the DSK on the southwestern corner of a 17.3 acre tract where none of these items are even an issue.

DAYS INN OWNER MAKES IT HAPPEN

Dennis Lavey owns the Days Inn at 4th & Cordova. He has been buying additional lots and buildings over the years on the block to the east from his hotel. This block also is the current site of the DSK which Lavey obviously wanted to add to his holdings.

Lavey owned the 3rd & Cordova site which he donated to the DSK for their new facility. He is buying the current DSK site at 434 E 4th Ave, reportedly for \$600,000. Both sites are essentially the same size so

Soup Kitchen Location



DowntownSoupKitchenBeacon.mxd

DSK is basically getting a \$600,000 cash infusion out of this deal. The DSK said it looked at about 10 sites. It's understandable that once this came together that they would hunker down and make it happen, especially with the "hear nothing, see nothing, speak nothing" approach out of the various governmental agencies (except for their "no strings attached" \$2 million state grant).

PROPERTY VALUE DEPRESSION DUE TO IMPROPER DSK SITING

Real estate adjacent to the DSK can be expected to be depressed in market value.

I have professional experience in assessment of real estate valuation factors and looked at how different DSK locations could affect property values. Assuming that properties within one block of the DSK would either go down 15% or if the DSK moved away one block, they would go up 15%; that properties one to two blocks away change 10% in value; and that those two to three blocks away, 5%. Property values in east downtown will be \$5 million or more LOWER if DSK builds at 3rd & Cordova rather than on the preferred ANSH site. Some real estate professionals consider property value depression near the DSK would actually be even more severe than these assumptions. But affects on property values were not considered by any government agency, state or local. Neither were the obvious safety considerations of the soup kitchen client population migrating multiple times daily between Brother Francis and the DSK, now a distance twice as long, up and down and crossing over to both sides of busy 3rd Avenue.

NO GOVERNMENT OVERSIGHT OR PARTICIPATION IN THE DSK SITING

Lofty statements from politicians on the downtown transient problem have been endless. Not to pick on Mayor Sullivan, his is merely the latest example in a long series from both Democrats and Republicans:

KEY LEADERSHIP STATEMENT

"The issue of chronic public inebriates is not new...What has been missing to date is a unified approach. I will bring all appropriate Municipal resources to bear toward solving this problem. In addition, my Administration will strengthen partnerships with the State of Alaska and the many community non-profits who also have a stake in making Anchorage safe...People should be able to walk in their communities and their parks without fear. Tourists should be able to travel freely in the city, enjoying all Anchorage has to offer without being accosted on the street. More and more often, many of our citizens and visitors pause before taking advantage of these and other activities in the city because they don't know who or what they might encounter along the way. Maintaining the quality of life we have come to enjoy and expect in our community is a top priority of my administration and it starts with feeling safe in any neighborhood." -- CHRONIC PUBLIC INEBRIATES AND RELATED ISSUES OF HOMELESSNESS; THE MAYOR'S STRATEGIC ACTION PLAN (Dan Sullivan, August 31, 2009)

But instead, the DSK brings the homeless even closer to tourists, downtown residents, and businesses with this move. I blame the municipality and the state for what has happened more than the Downtown Soup Kitchen (DSK).

Our elected representatives have failed to live up to their own stated goals and rhetoric to handle this problem intelligently by cooperatively teaming with all entities working in the area and especially with attention to protecting neighborhoods from deterioration.

Anchorage -- a city burdened with a protracted, complex, expensive (oppressive?) labyrinth of land-use planning and project permitting bureaucracy -- allowed and enabled the DSK to quietly insert this project in an inappropriate neighborhood on the wrong site. It should be noted that the DSK itself complained that, "The muni plan review process is an arduous process encumbered by a bureaucracy not readily matched elsewhere in the United States [3/21/11 Grant Progress Report #12]."

LONG HISTORY OF DOWNTOWN HOMELESS AND TRANSIENT PROBLEMS

1978 Kelso Report - A Descriptive Analysis of the Downtown Anchorage Skid Row Population:

"The downtown public inebriates present a pressing social problem to the Anchorage community. During the past year the Municipality of Anchorage through a declaration by the Municipal Health Commission, the Administration, the Anchorage Assembly, and with input from the Chamber of Commerce and the Downtown Merchant's Association, indicated that the short-range high priority in the field of alcoholism would be designated to the public inebriate...the congregation of men and women, who are often inebriated, seems to beget crime and violence, endangering both the public inebriate and other citizens. Consequently, many citizens avoid the downtown area, a situation which keenly affects merchants who derive their livelihood from their downtown businesses."

The transient, homeless and inebriate issue in downtown Anchorage has been a costly and high level community concern for over 30 years. There has been much planning to coordinate and design more cost-effective and successful delivery methodologies.

The business community, in large part as a reaction to negative fallout from the homeless problems supported establishment of the Anchorage Downtown Partnership (ADP). Many of us are paying an extra ADP levy on our properties to deal with the issue. Both the state and the municipality have spent hundreds of millions of dollars servicing these folks' needs with social service payments, emergency services, law enforcement, security etc. Apparently, the ADP did nothing to avoid the siting of the DSK at 3rd & Cordova.

It's unacceptable that both the State of Alaska and the Municipality of Anchorage sat on their hands and let the DSK take a 2008 legislative, no strings attached, \$2 million grant and do a land deal with downtown Days Inn owner Dennis Lavey to determine the location.

The DSK strenuously describes this as a "private" project; MOA planning and health department staff I've talked to also insist that as a "private entity" the DSK does not have to go through any site selection or master planning process in determining the location of this facility.

There is \$2 million in state money going into this facility. I previously noted that there could be \$5 million or more in neighborhood property value losses caused by the poor siting of the DSK facility. That would reflect on the order of \$1 million in present value of reduced municipality property tax collections, an additional public cost of this "private" land deal enabled by the MOA. On narrow legalistic terms, yes, it is private, but there are substantial public funds in it and potentially huge public costs that have not in any way been managed by governments that have responsibility to do so.

In my opinion, the state and municipal (and probably also the federal) governments had a clear obligation to coordinate, monitor and assist in social services delivery by both governmental and nongovernmental entities (and the Anchorage Downtown Partnership) in the downtown area. I found no evidence that any of these entities made a credible effort to assist the DSK or help them pick the best site, not only for their clients (users) but also for the public, especially property owners and residents of the east end of downtown who have been working for years to upgrade and renew this area.

Once the state grant was given to DSK and Lavey arranged for the property swap thanks to the 2009 fix to Title 21, it could be designed to be completely "under the radar" as to the neighborhood, nearby property owners, and the normal entities that review changes in land use. For example the Downtown Community Council never received a presentation or appearance by DSK.

Nevertheless the Municipality and especially the mayor of Anchorage have great influence over any so-

cial service entity. I found no evidence that anyone asked DSK if this really was the best site or that they were asked what negative influences on the new neighborhood would be and how they were planning to deal with them. Even if not formally required, these questions should still have been addressed by the MOA and State. One MOA staffer with major responsibility in the downtown social services area did mention to me that he advised DSK several months ago to go out and do outreach in the immediate neighborhood. DSK did not do this.

As property owners in Anchorage, we pay a substantial and ever rising amount of property taxes. The municipality failed us, failed the downtown business community, and even failed the users of DSK by not making an attempt to optimize this site. Some users of the DSK may die or be injured because of unnecessary traffic collisions due to pedestrian congestion on 3rd Avenue that would have been avoided had the ANSH site been used. Sitting back and letting the DSK and Dennis Lavey do all the decision-making on this siting was irresponsible.

WHAT COULD BE DONE?

Our neighboring property owners were very angry upon learning of the stealth insertion of this facility in our area. Some wanted to sue, others volunteered time to pressure politicians and work the issue. Before getting a number of people riled up and active (including our own owners), the Boardwalk board wanted to first get the facts of what had transpired and identify logical options of what might be possible to actually do.

Once Boardwalk's investigation was complete in mid-June, it was obvious that – no matter what mistakes might have been made – all concerned in state and local government were going to protectively close ranks and aggressively resist anyone who might question the DSK outcome. Conveniently, all they have to do is dismiss questioners as “malcontents and NIMBYs against a church distributing soup to the needy.”

Our neighbors, some of whom have very valuable properties that are now at risk, felt there was little that could be done to stop construction of the facility. Clearly, the MOA and the state have fostered this outcome. In the years to come it will be up to all of us to hold them to proper management of the problems they have enabled and that will result.

I will note that it is possible, maybe even likely, that the new Downtown Soup Kitchen will have less impact on its neighbors than the current one. After all, its customers will be served inside a large specially designed “for purpose” building while currently hundreds of people line up in an alley to be served out of a window. On the other hand, the fact remains that DSK does not plan to have on-site security such as is present at Brother Francis and Beans Café.

It is hard to see how a brand-new \$3 million building will be limited to just a few hours of operation in the middle of the day to feed lunches. It is inevitable there will be scope creep over the life of this structure. It ultimately may “make its own weather” and attract even more social service delivery entities to our neighborhood. Obviously, consideration of these questions should have been part of a social service institutions neighborhood master planning process that was not done by the state or the municipality.

Boardwalk is reviewing our security systems and will be making the necessary and appropriate upgrades.

If you would like a copy of the full report, DOWNTOWN SOUP KITCHEN INVESTIGATION by Ray Kreig, PE [Vice President, Boardwalk Condominiums] - Draft 3 (6/12/11), contact Ray Kreig, ray@kreig.com 276-2025.

Cordova House Expansion Status

By Dennis Sullivan & Lee Ann Kreig

Cordova House has been approved to increase its maximum occupancy levels from 192 residents to 296.

Cordova House is a Correctional Community Residential Center (CCRC) located immediately northeast of Boardwalk across 2nd Avenue (see map, page 3). It has been operating on the location since 1984. It operates apartment style living units, each with bedrooms, bathrooms, living/dining rooms, and individual kitchens, housing a total of 192 inmates. It houses primarily three types of persons: (1) those transitioning from a correctional facility back into society on furlough status; (2) those serving their sentence for a misdemeanor charge; and (3) those awaiting trial. Only those in the third category must be accompanied by CCRC staff if they leave the facility.

Cornell Corrections of Alaska, Inc. (Cornell) has been operating the Facility since 1999. In 2010, when Cornell received a notice that more beds were needed for housing persons in CCRCs in Anchorage, Cornell determined that existing ordinances did not allow for more beds at the Cordova facility because of a requirement for 150 square feet of space per resident as well as restrictions on increasing occupancy for all pre-1995 CCRCs.

Like the Downtown Soup Kitchen, Cornell sought changes to municipal zoning ordinances — a strategy that would not notify neighbors and stir them up. They pursued a legislative solution to eliminate these restrictions and substitute state correctional space requirements for stricter Municipal requirements.

AO 2011-1, introduced by Downtown Assemblyman Patrick Flynn on January 11, 2011, addressed both of these issues by consolidating responsibility for determining resident population and other program standards with Anchorage Department of Health and Human Services (DHHS) as part of the existing, separate DHHS permitting process required for CCRCs. Specifically, AO 2011-1 amends Title 21 to delete current population restrictions for Cordova House and replaces square footage calculations in Title 21 with a reference to the Anchorage DHHS requirements. The Anchorage DHHS square footage calculations have also been revised to make them consistent with State of Alaska and industry standards. Additional changes to Title 16 were placed before the Anchorage Assembly on February 15, 2011.

Having changed the laws to suit their needs, Cornell submitted an application to Anchorage Planning and Zoning earlier in the year to reconfigure the interior of the Cordova House to remove the existing individual kitchens and create a common dining area located on the ground floor. Because the State of Alaska allows operators to use a minimum 100 square feet per resident calculation rather than Anchorage's requirement of 150 feet overridden by passage of AO 2011-1, the maximum number of residents is increased from 192 to 296 residents.

On April 4, 2011, the Planning Department held a hearing on Cornell Corrections' petition. This was attended by Boardwalk owner and past officer of the board, Dennis Sullivan. His summary is as follows:

I attended a Planning and Zoning Commission meeting in April. It was a fairly early hurdle for Cordova House owners who are trying to expand their client bed space by 50 to 60 percent without increasing the size of their building.

Their premise is that if they use a communal kitchen/dining arrangement rather than the current apartment-style kitchenettes, they are allowed a 100 square foot per client living space instead of the current statutory 150 square feet, and can legally increase their population.

The meeting I attended focused on dumpster area cleanliness, auto and pedestrian traffic patterns, and parking for employees and visitors to the House. Significantly, the management company, Cornell Corrections of Alaska, Inc., will only increase its total staff by three to four persons to manage, feed, clean up after, and guard (one additional security person per shift) the additional clients. The parking plan presented by Cornell legal and architectural staff was inconclusive as to where sufficient designated parking spaces can exist, which was the concern of the Planning panel. Parking has always been inadequate.

My concern is that there will be half again as many clients in the halfway house without a commensurate increase in staff. This will be addressed by some other zoning or land use committee. Some of the persons housed at Cordova House are not allowed out of the facility, some are taken in groups to outside work/public service tasks, and some walk to bus transportation or nearby work locations.

The purpose of the halfway house experience is to transition an inmate back into society with greater personal responsibility. The remodel/transition to the new style will reduce this benefit. The failure to increase supervisory staff, cleaning staff, food service staff, and instructor/counseling staff will inevitably reduce quality of life for clients of the House, and for the residents, tourists, and businesses in the vicinity, since said residents will have less monitoring, less to do, and less space in which to do anything. The community will be impacted negatively, and this is very near the tourism center of Downtown Anchorage.

The mandate to add beds to the service industry dealing with the population served by Cordova House comes from the Anchorage 2020: Anchorage Bowl Comprehensive Development Plan. I submit that the intent of that plan is not to reduce quality of life for inmates housed in nor neighborhoods near existing facilities.

A call to the Planning and Zoning Department today indicates that the Cordova House expansion has been approved with minor requirements such as relocating the dumpster. The quiet passage of AO 2011-1 smoothed the way for Cornell to be in compliance with land use regulations governing the desired expansion. Like the Soup Kitchen, it was over before we knew anything about it. At the very least, Cornell should have been required to do something about the parking congestion they already are causing.



March 23, 2012

Mr. Jerry Weaver, Director
Community Development
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519-6650

Re: PZC Case 2011-104

Dear Mr. Weaver:

The following letter represents Cook Inlet Housing Authority's (CIHA) follow-up to our initial comments on Title 21. Since that time we have had the opportunity to meet with Dan Coffey in his capacity as consultant to the Municipality of Anchorage (MOA) as well as Planning Department staff.

We have been pleased by the effort that the administration and staff have made towards addressing our concerns. In many cases, amendments have been drafted that address or mitigate our concerns.

CIHA's mission is to deliver affordable housing. We leverage a variety of funding sources to develop affordable housing developments that are financially feasible and efficient to operate for the long-term. We also work to ensure that our developments are in line with neighborhood goals and community revitalization efforts. Our comments are aimed at provisions or processes in the proposed code which add time or cost without guaranteeing positive impact.

The comments expressed in this letter fall into three categories: general observations, specific issues raised in our previous letter that remain a concern, and new comments.

In our initial letter, we provided the following General Observations:

1. Adequate MOA staffing to implement the Rewrite is critical.
2. Provision language should be clear and unambiguous.
3. The Rewrite will increase development costs.
4. The Rewrite may preclude development on certain lot types.

We continue to urge staff, PZC, and the Assembly to consider these concerns through the Title 21 adoption and implementation process. The following represent additional General Observations:

5. Simplify applicability of building style and make requirements for townhome and multi-family more consistent. Building spacing differs between townhouse (20 feet) and multi-family (25 feet)

design guidelines. These increased building spacing requirements reduce the number of units that can be developed on a particular parcel, which in turn drives up the cost of housing. Furthermore, the different requirements among building styles creates confusion, especially when they have the potential to occur within a single development. For example, Loussac Place (which we consider to be townhomes) would be considered to have multi-family, townhome, and duplex buildings. Our decision to provide a mix of buildings was made to accommodate the number of units on the site while providing unit and building variety; yet the result would be a confusing application of the code and different code requirements within the same development.

The definition of townhomes should be broadened to not exclude a Loussac Place type development simply because the units have no rear doors. The design guidelines for townhomes and multi-family should be made more consistent. Finally, a single development should not be required to go through multiple design guidelines unless particular building types and portions of the development are significantly different.

6. Alternative processes are essential to ensure design flexibility and accommodation of unique sites. The Alternative Equivalent Compliance (AEC) provision provides needed flexibility. It should be expanded to cover more than building design standards (e.g. Transportation and Connectivity, Private Open Space). For example, Loussac Place provides a sidewalk on one side of the street, but adds pathways through the center and along the sides of the development for additional pedestrian and bike access. We would argue that this meets the intent of the code and should be an allowed alternative.

Also, if a Housing Courtyard meets the intent of the code but not the specific standards it should still be encouraged and “credited.” The Design Innovation Credit should be allowed to be used for more than one credit.

7. Additional processes will increase development costs and add uncertainty. New processes such as Major Site Plan reviews would require a current “by-right” use to go through a longer, more uncertain permitting process. There are additional requirements for a developer to notice and hold a community meeting and for a public hearing at PZC even though the new standards are prescribed. These processes increase design costs associated with this process, subject a developer to sometimes unreasonable public requests on what is a “by-right” use, and add uncertainty and unneeded complexity to the development process and schedule. For CIHA, this process will be especially (negatively) impactful due to the nature of our financing, which is competitive and time sensitive.
8. The User’s Guide is needed to clarify the code but also its intent during the adoption process. During CIHA’s testing, our professional architects misinterpreted the intent of the code on numerous occasions, and staff responded that this would be clarified in the User’s Guide. If in fact the User’s Guide will clarify these many issues, it is needed now as we consider code adoption. Title 21 should also be made clearer and more succinct to avoid the potential for these misinterpretations. In general, we believe that the User’s Guide could also be used to better

describe design intent, which could then offset the need to provide such specific design dimensions in the code itself.

9. Title 21 is only part of the process. We recognize that many of the additional site requirements are being offset by reductions to parking requirements. The parking reductions positively impact the ability of a developer to develop affordable housing. Yet when combining other requirements (e.g. drainage, traffic, fire) with the additional site plan requirements and criteria, small infill in particular will be negatively impacted.

In order to encourage infill development and compact housing, we need to work together to understand all regulatory aspects, and to find ways to convince functional departments within the MOA to be more flexible (e.g. reduce currently required private driveway widths in small multi-family developments). Redevelopment and multi-family housing for the most part is not feasible in Anchorage without significant subsidy; rather than adding more challenges we should be working on ways to make these developments work.

The following are our ongoing comments related to issues raised in our initial letter:

Issue 4, Private Open Space, 21.07.030: The R-4 zoning district requires a different amount of open space for townhome versus multi-family. Furthermore, the code requires that townhomes reserve open space for the exclusive use of each dwelling unit. The requirement should be consistent across building styles. Furthermore, CIHA and others developing townhouse style units as rentals do not want to provide exclusive open space for each unit, which raises operational complexity and cost, and is simply not needed in a rental environment. Allow the developer/owner to determine what type of open space is best suited for the type of development.

We believe open space and common areas (indoor and outdoor) are important parts of our family and senior developments. However, the open space requirement should be allowed to be more flexible to meet the unique site characteristics as well as the characteristics of the particular project. Interior space should not be limited to 25%, nor should it only count if it has two square feet of windows per square foot of floor space. Additionally, wetlands and drainage areas, while not appropriate for active use, can serve as quality open space interior to a development.

Issue 7, Landscape bond: The requirement for a two year warranty bond on landscaping should be removed. It adds cost and the MOA currently has the means to enforce the zoning code as it is. Such a bond on our Loussac project could cost an additional \$10,000. Furthermore, why is the MOA requiring private developers to obtain a bond when the MOA at times does not enforce its own landscaping responsibilities? This is a double standard that simply adds cost to a development.

Issue 11, Parking and Loading Design, amendment 84.3: It is unclear how this interfaces with pedestrian walkway requirements and breaks between garages, particularly at small infill sites or areas where interior parking courtyards provide access to unit garages. We are concerned that some of the requirements will be costly and add to operational challenges without adding positive impact to the public realm.

Issue 14, MF windows: This amendment effectively helps accommodate multi-story developments above first floor parking, such as Eklutna Estates. Still, 15% may be impractical for some site designs.

Issue 15, Building Spacing: Two three-story buildings would need to be more than 25 feet apart. This is a significant change to current building code, and may particularly impact smaller sized developments. The requirement either forces larger buildings (which are inherently more expensive) or a loss of units, both of which likely reduce housing affordability. The provision would require buildings at Loussac Place to be pushed farther apart, likely impacting the site and resulting in fewer units (and therefore a project that is less economically feasible).

Furthermore, the requirement is different for townhome developments, which would require 20 feet of separation if there are five or more units. A multi-family building with six units could have less mass than a 4 unit townhome, yet it will be treated differently. The code seems to stray from “form-based” goals and is inconsistent. Reduce the building separation requirement and make the application consistent across building styles.

Issue 16, Multi-family Weather Protection, 21.07.110C.8.: Many of the items are difficult to achieve. If you build multi-family, it is likely that half of your units will be on the northern side of the building, making it impossible to achieve “Year-round access to sunlight.” “Atriums,” “Sun traps,” and “Courtyards” should be simplified and count for more than one credit. If we want to encourage these features they should be easier to achieve and should earn significant credits rather than be additional requirements that affect a project’s feasibility.

Issue 17, Multi-family Wind Protected Courtyards, 21.07.110C.8.k: This section is overly prescriptive – there is a maximum size, minimum dimensions, height of surrounding building restriction, and wind protection. We could have a good courtyard but if it doesn’t comprise 50% of our open space we don’t receive credit. Make the section simpler and easier to achieve; provide suggestive guidelines in the User’s Guide. As residents, we all know we live in a sometimes windy environment. “Dictated” wind protection seems an unreasonable overreach of the code, and is unnecessary. Let the market place create such wind protected environments if the market place will pay for it as a beneficial amenity to a project.

Issue 23, Multi-family Pedestrian Entry, 21.07.110D.6.a.: This amendment is unclear. Change to: “a.i. Placement on a street-facing building elevation; a.ii. Where entry door is visible from the street; a.iii Where entry door faces common private open space such as a courtyard.” This section should provide flexibility where a shared internal driveway functions as the entrance to units, as well as infill on long narrow lots where units are located towards the rear of the lots. Consider a “mother-in-law” style unit in the back of a duplex lot, or a larger development with units located away from the main street.

Issue 27, Cottage Housing: We still encourage the MOA Planning Staff to draft a cottage housing ordinance, and will offer to initiate the draft.

Issue 28, Affordable Housing: Confirm that this definition is a housing unit occupied by a household earning no more than 80% of the area median income, adjusted for family size, as determined by HUD and not that the family actually pays no more than 30% of their actual income.

The following are issues not raised previously:

Issue 29, Parking lot landscaping, 21.07-4: A multi-family use in a multi-family zoning district, but adjacent to a single family home, would be required to surround a parking area of more than 6 cars with 15 foot wide L3 treatment. Yet the single family home owner could redevelop his/her lot without the provision. This seems uneven and unfair, and penalizes a by-right use. Make the standards consistent within a zoning district.

Issue 30, Multi-family and townhouse articulation: The sections should be simplified. Rather than specify the size of balconies and specific intervals of articulation, simplify the features to make it more achievable and, most importantly, to streamline the review process (e.g. avoid time consuming measurements from elevations).

Issue 31, Front entries and garages: CIHA tries to ensure that our units are interesting and welcoming. However, we cannot always design in a neo-traditional manner, as the design hinges greatly on the surrounding road and alley network as well as the size, dimension, and aspect of a lot. Thus, in some situations, requirements for landscaping in front of entries and between garages, individual walkways connecting to the street, may add cost with little gain. This is particularly true for developments with an internal orientation (e.g. Loussac Place).

On behalf of CIHA, we appreciate the opportunity for continued dialog. There has been much work and revision on the Title 21 Rewrite. And while we know that the adopted code will undergo many revisions in its initial years, we want to make sure we minimize unintended consequences prior to adoption. To that end, we are advocating simplification and streamlining where possible, with the acknowledgment that provisions can be made more effective over time.

Thank you again for the opportunity to provide comment.

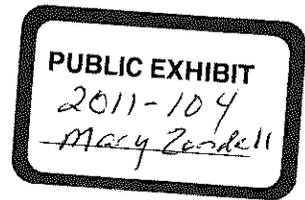
Sincerely,



Jeff Judd
Executive VP, Real Estate

Title 21 Rewrite: Topical Areas for Questions

- 1) Effective Date of Adoption
- 2) Oops Clause
- 3) Presentations to Community Councils
- 4) Allowing single-family housing in the R-3 Zoning District
- 5) I-2 Zoning District
- 6) Government Offices/Office Buildings
- 7) Limits to Downtown Development
- 8) Height Transitions for Neighborhood Compatibility
- 9) Private Open Space
- 10) Design Criteria Manual / User's Guide
- 11) Connectivity Schedule
- 12) Landscape Ordinance
- 13) Alternate Design Compliance
- 14) Institutional Master Plans
- 15) Quonset Huts?



06 CHURCH REGULATIONS NEED TO BE CHANGED

Mary Wondzell, 3/18/12

Rural Areas 1960-80'S

Rural Areas PRESENT TIME

1 Pastor	2+ Pastors
Board-often disagree	Board-Yes Board
Bible Sermons 20+minutes	Bible Sermons Less than 20 minutes.
Hymns 30+ mins. Low to medium volume	Hymns – replaced by very loud music, many modern Hip Hop type with vibrant loud decibel base often heard outside building.
Parishioners. A few help	Parishioners Are involved in running church
Small churches Used on Sundays.	Small churches with staff – used all week. Focus on Youth with Hip Hop type bands, video, games, skits, trips etc.
Modest local support, volunteers	Explosive growth, Non-profit status allows parishioners to make large tax exempt donations . Many churches do not pay taxes .
.Concentration on Worship	Concentration on expansion. Look for rural areas where Zoning Laws are less restrictive. Build classrooms to accommodate childcare, pre-school, Kindergarten -6 th grade and beyond.

**Studies show that when classrooms are built, explosive growth begins, followed by doubling of Church size to meet needs. Growth continues until Mega Church is built. Often satellite programs begin to accommodate this super size.*

THIS CHURCH METHODOLOGY HAD GONE UN-NOTICED IN RESIDENTIAL AREAS BECAUSE WE FAILED TO RECOGNIZE THEIR METHODS AND RESTRICT THEIR SIZE.

**Occupancy determines impacts.
Size restrictions must be established.
Require city water and sewer for all large non-residential establishments in large lot neighborhoods.**

Bibliography – next page.

Bibliography:

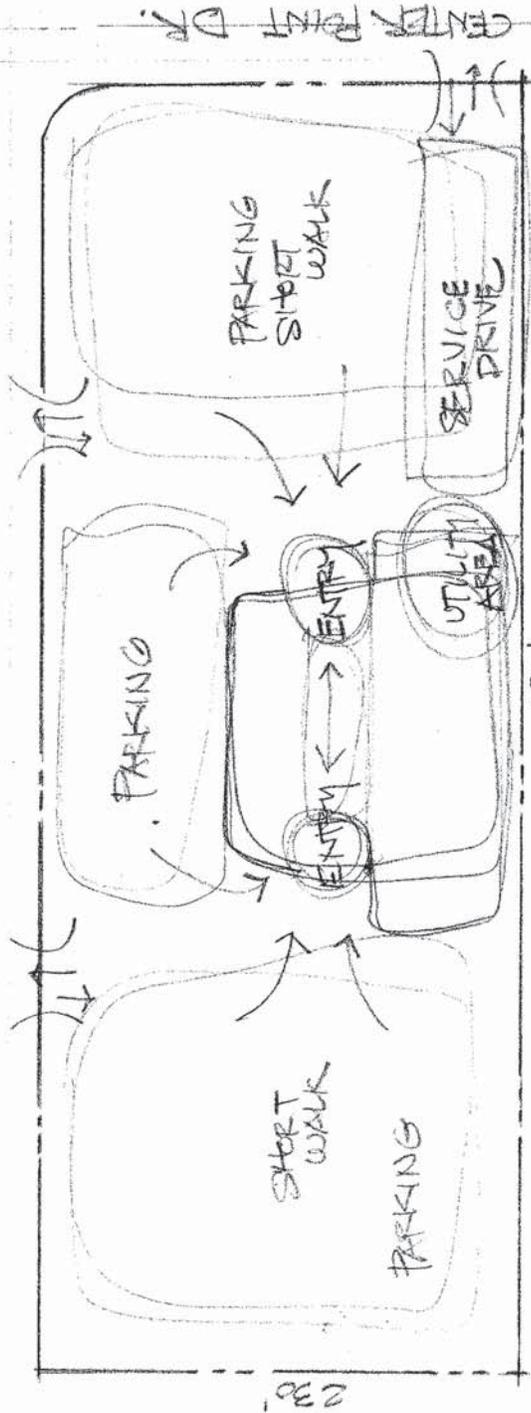
Kingdom in Power and Glory: Megachurches in Modern America, Emory Uni. 1996

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Baptist Crossroad Churches, Googled 28 pages.

from Gordon Thompson

36TH AVE

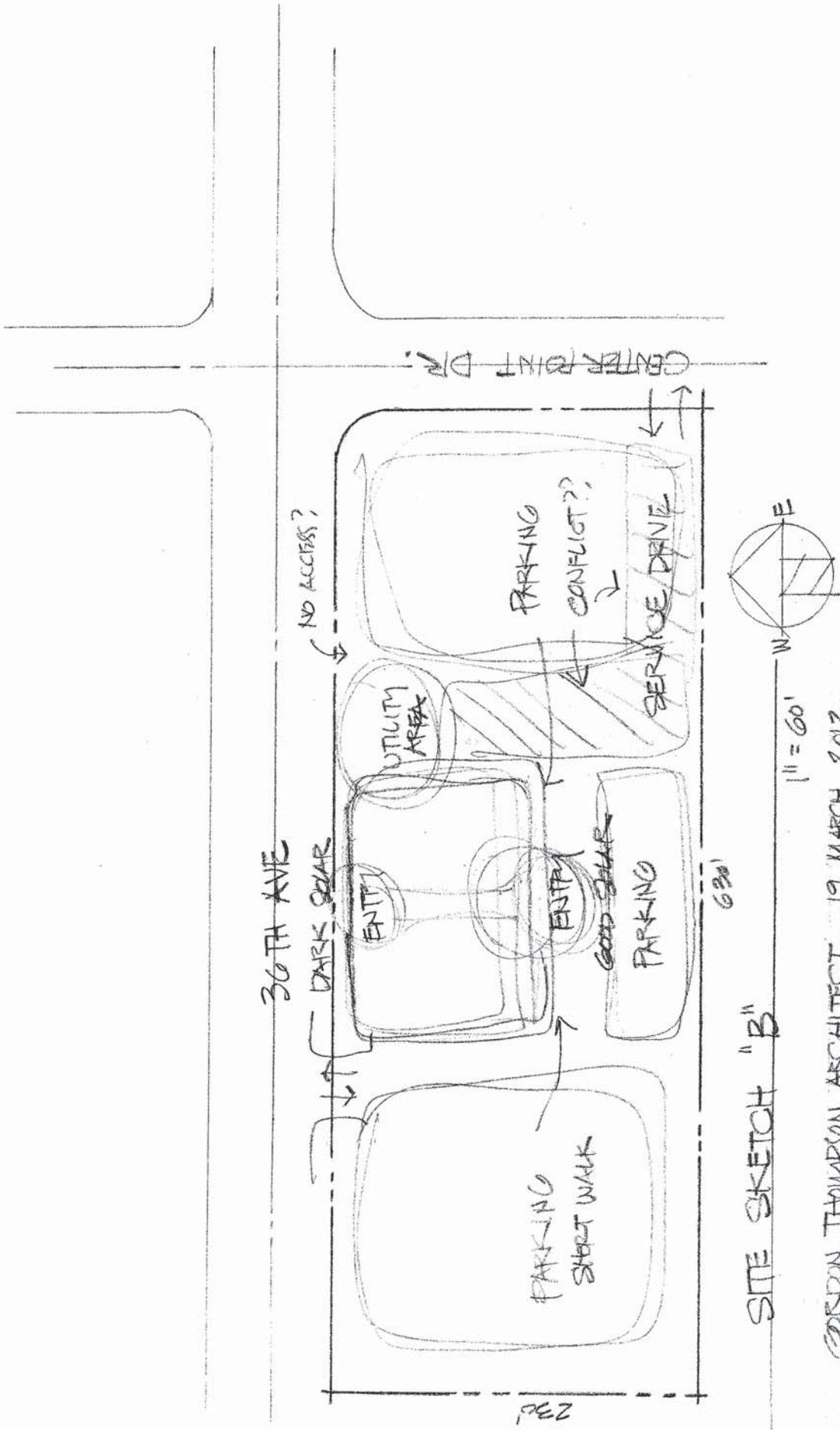


SITE SKETCH "A"

GORDON THOMPSON ARCHITECT 19 MARCH 2012

SITE CONSIDERATIONS:

- SOLAR
- WIND
- LOADING/UTILITY
- TRAFFIC PATTERNS
- PEDESTRIAN ACCESS
- SNOW FLOW/REMOVAL STORAGE
- F.D. ACCESS
- DRAINAGE
- GEOTECH SOILS
- UTILITIES
- LANDSCAPING
- VIEWS
- SETBACKS
- EASEMENTS
- TRASH/FUEL SERVICE
- SITE "PRESENCE"
- ADJACENT BUDGES
- CONTEXT



SITE SKETCH "B"

GORDON THOMPSON ARCHITECT 19 MARCH 2012

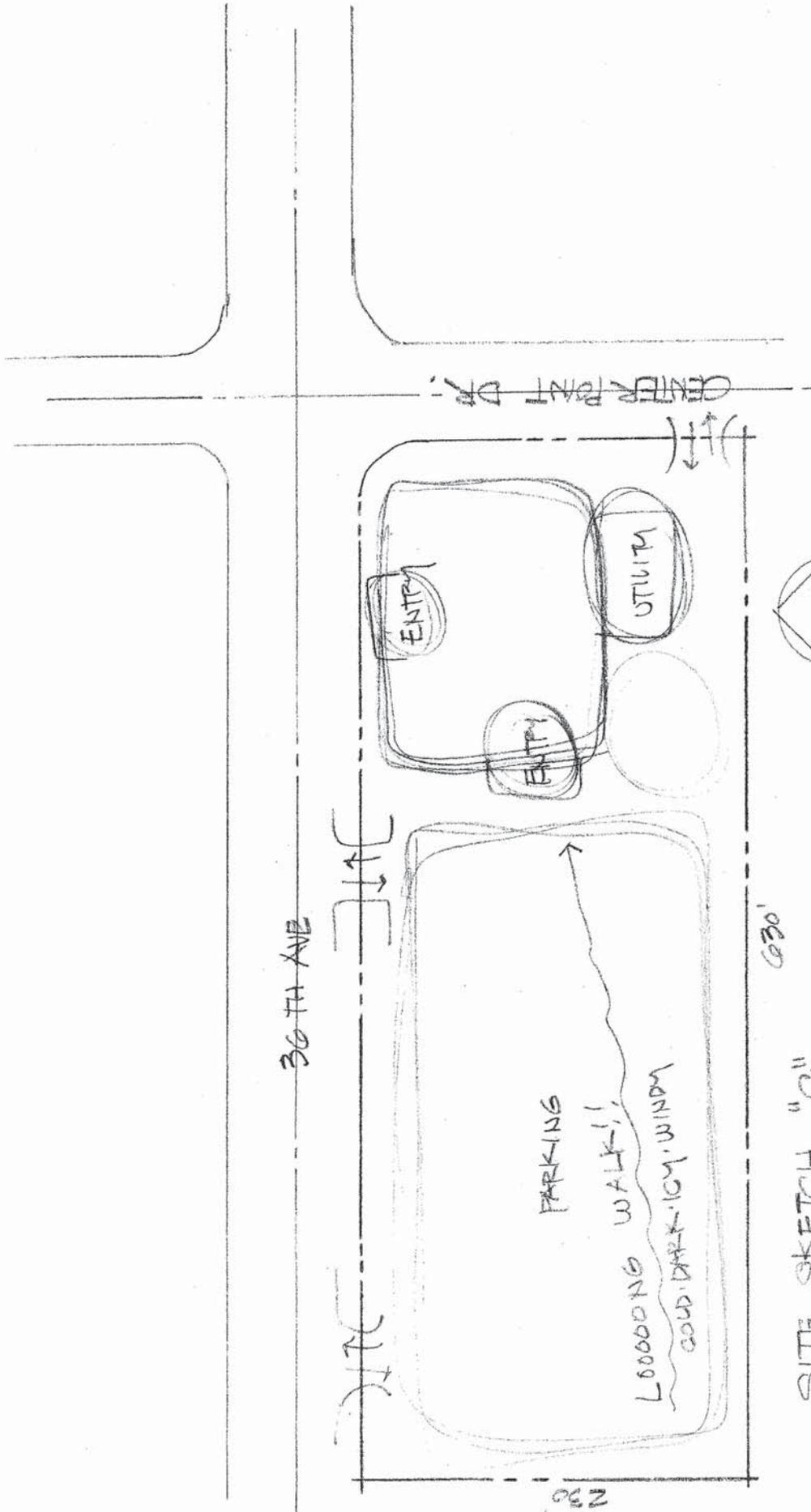


FIGURE 21.07.080-1 TABLE OF LANDSCAPE REQUIREMENTS (2nd Revisions per input from ASLA members) 12/28/2011

TYPE OF LANDSCAPE	BED WIDTH OR AREA/ LOCATION REQUIRED.	PLANT MATERIALS REQUIRED	ALTERNATE COMPLIANCE
SITE PERIMETER LANDSCAPE REQUIREMENTS			
Visual Enhancement Landscape	Minimum average bed width: 8-feet as measured for each leg of the perimeter. Minimum bed width: 5-feet	1 tree and 3 shrubs per 20 linear feet of perimeter leg. All area within the bed shall be covered with living ground cover, turf, or mulch. *	Use of specialized paving, raised planters, pedestrian amenities, and pedestrian scale lighting may be used to offset up to 1/3 of trees and 1/3 of the shrubs at the discretion of the planning director. Up to ½ of total shrubs required may be substituted with perennial plantings at a ratio of 3 1-gallon container perennials for every shrub required.
Buffer Landscape	Average Planting bed width shall be 20-feet, with minimum not less than 15-feet, except as modified by the provisions of Alternate Compliance, in which case, the minimum bed width shall be 10-feet.	Provide 2 trees and 6 shrubs for every 20 linear feet of property line requiring buffer landscape. At minimum, 1/3 of all trees shall be coniferous. Distribute trees and shrubs evenly along the length of the planting bed. All areas within the bed shall be covered with living ground cover, turf, or mulch. If relying on existing vegetation to meet these requirements, use of fence for alternate compliance is not allowed.	A 6-foot high opaque fence may be used in lieu of 10-feet of planting bed width.
Arterial Landscape	Minimum width 8-feet (not average), for the linear length of the property abutting the arterial.	Hedges in a combination of one-third evergreen plant material and two-thirds deciduous plant material which attain a mature height of at least four feet; or Hedges using all deciduous plant material plus an opaque screening structure of at least four feet in height; or A combination of trees and shrubs which attain a mature height of at least four feet.	Not Applicable

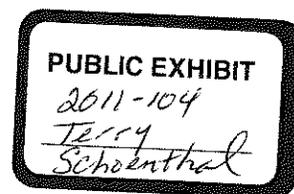
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TYPE OF LANDSCAPE	BED WIDTH OR AREA/ LOCATION REQUIRED.	PLANT MATERIALS REQUIRED	ALTERNATE COMPLIANCE
Freeway Landscape	<p>Landscape requirements along freeways shall apply to any lot abutting the right-of-way of:</p> <ol style="list-style-type: none"> 1. Seward Highway between Tudor road and potter road 2. Glenn Highway between Boniface Parkway to the Military Reservation Boundary 3. Minnesota Drive/O'Malley road between International Airport Road and the Old Seward Highway <p>Planting bed width along right of way shall be 30-foot minimum</p>	<p>Provide three trees and 10 shrubs per 20 linear feet of frontage. At minimum, ½ of all trees shall be coniferous. Trees and shrubs may be distributed along frontage at owner's discretion. All areas of ground surface within the planting area shall be covered with living ground cover, turf, or mulch.</p>	<p>Planting bed width may be reduced by 10-foot with provision of an 8-foot high fence. If this option is chosen, the fence shall be set back 20 feet from the right of way, plant material requirements remain the same, and all plantings are required on the right-of-way side of the fence. Any lot whose area, less the 30-foot setback, is less than the minimum lot area required in the zoning district; or Any lot whose depth, excluding all setbacks required by this title, is less than 100 feet.</p>
PARKING LOT LANDSCAPE REQUIREMENTS			
Parking Lot Perimeter Landscape	<p>Minimum average bed width: 8-feet as measured for each leg of the perimeter. Minimum bed width: 5-feet</p>	<p>1 tree and 3 shrubs per 20 linear feet of perimeter leg. All area within the bed shall be covered with living ground cover, turf, or mulch.</p>	<p>Where a parking lot perimeter occurs in the same location requiring perimeter landscape improvements, the requirements for parking lot landscape improvements take precedence (no use of alternate compliance allowed).</p>
Parking Lot Internal Landscape	<p>Provide total area in accordance with Parking Lot Requirements. Minimum area for individual bed shall be 165 square feet. Minimum bed width: 6-feet without auto overhang, 8-feet with auto overhang.</p>	<p>1 tree and 6 shrubs per 150 square feet of total internal landscaping required. All area within the bed shall be covered with living ground cover, turf, or mulch. Plant materials shall be evenly distributed through beds in the parking lot.</p>	<p>Where interior areas of a parking lot are used for biofiltration, the area may be used to meet up to 50% of the interior parking lot landscape requirements without the tree and shrub planting requirements.</p>

SITE INTERIOR LANDSCAPE REQUIREMENTS		
<p>Site Interior Landscape</p>	<p>Site Interior Landscape accounts for all areas of the site not associated with paved surfaces, structures, perimeter , buffer, or parking lot landscape</p>	<p>All areas of the site not occupied by hard surface paving, structures , signage, or other required landscape enhancements, shall be covered with living ground cover, turf, mulch, and/or planting beds at the discretion of the owner.</p>
		<p>Not Applicable</p>

Title 21 Key landscape Issues associated with Provisionally adopted version:

1. Eliminate any unnecessary text. A lot of the text and some of the requirements address issues that are not actually problems. Every word in Title 21 has a cost and the document should be as lean as possible.
2. Avoid unnecessary complexity. Based on testing, the matrix system provided is overly complicated and when tested, designers and reviewers frequently arrive at different total requirements. In a real Municipal setting this will require added negotiation to arrive at an acceptable design solution. In particular it will require more time for reviewers. The alternate system proposed requires some expanded landscape provisions, but more closely matches the existing Title 21 for implementation.
3. The new Title 21 should not assume a greater level of expertise or personnel within the Municipality in order to implement the changes. The provisionally adopted version requires better trained staff and specialty expertise that does not exist there now.
4. All legally binding requirements of Title 21 should be in Title 21. The Title 21 Users Guide is still not developed, but has the power of law. For landscape materials, people have to comply with a plant list that has yet to be developed. New plant hybrids come out every year, but the Municipality has a poor track record for updating these types of documents. We do not need an accepted plant list, because it is rare that plants die due to a lack of hardiness. The issues with the User's guide are similar in other chapters.
5. The surety requirement for plant survival is a new and expensive requirement. The 120% surety for landscaping is excessive and not clearly defined. I have never had 100% of plant materials die on a project and know of no cases where that has happened. Landscape should only be based on the value of plants. Topsoil and other landscape elements don't have to be replaced if plants die. The system is unfair to anyone.
6. The change in buffering requirements for Industrial zoned property also has a significant cost. Existing buffering has a requirement of 10 feet new requirement is 15 feet. Most industrially zoned parcels are relatively small.

21.07.080 LANDSCAPING, SCREENING, AND FENCES**A. Purpose**

This section is intended to ensure that new landscaping and the retention of existing vegetation is an integral part of all development. It is also the intent of this section to provide flexible requirements that encourage and allow for creativity in landscape design. More specifically, these provisions are intended to:

1. Visually enhance industrial, commercial and residential development through retention of existing native or ornamental vegetation or through new landscape improvements.
2. Separate, screen and buffer adjacent incompatible land uses through the use of landscape plantings, fencing and/or space.
3. Reduce and treat runoff of stormwater to preserve the quality of local streams and water bodies.

B. Exemption for Temporary Uses

Unless required under section 21.05.080, temporary uses in accordance with Section 21.05.080 are exempt from the requirements of this section.

C. Landscape Plan

All landscaping and screening required under this Section 21.07.080 shall be reflected on a set of landscape documents that include scale plans and planting schedules, as required. All development, except for single-family, two-family, three-family, and four-family homes on individual lots, shall have a landscape plan prepared by a licensed landscape architect registered by the state of Alaska or another design professional as allowed by state legislation. Said landscape plan shall be reviewed and approved administratively by Municipal staff or higher decision-making bodies as required by other sections of this title. Minimum requirements for the landscape plan are:

1. Plan scale shall be easily readable and not greater than 1-inch equals 40-feet.
2. Plans and/or schedules shall call out common and scientific name for each plant type or ground cover to be used.
3. Plan shall identify plant locations and sizes in accordance with the sizing standards of the American Standard for Nursery Stock (ANSI Z60.1-2004) as published by the American Nursery and Landscape Association.
4. Plan shall identify locations and areas where existing native vegetation is being used to fulfill the requirements of this section.
5. Location of buildings, walkways, vehicular circulation (to include adjacent streets), retaining walls, and fences.

6. Topography, expressed in contours or spot elevations and location of utility easements shall be identified on plans. Additionally all drainage features to include swales, biofiltration swales, drainage basins, and any inlets for storm drains shall be identified on plans. A separate plan, detailing site grading, that includes contours and or/spot elevations is acceptable.
7. Planting Details
8. North Arrow and Scale

D. Types of Landscaping

The landscape requirements of this title are required for the perimeters of sites, for the interiors of sites and for the perimeters and interiors of parking areas. There are two basic types of landscaping: visual enhancement landscape and buffering landscape. Visual Enhancement Landscape is intended to enhance the appearance and integrate new or renovated development into the surrounding context of the community. Buffering landscape is intended to buffer residential land uses from the more intense and in some cases visually incompatible land uses of multi-family residential, commercial and industrial uses. The determination of where buffering landscape is required is based on adjacency of specific land uses. Space and landscape requirements for landscape types are identified in the landscape requirement matrix, Figure 21.07.080-1.

1. Site Perimeter Landscape Requirements.

a. Visual Enhancement Landscape

Visual enhancement landscape treatment is intended to integrate new or renovated development into the surrounding community. Visual Enhancement landscape is required along property perimeters which face on public right-of-way. Perimeter landscape is not required at alleys. Total landscape requirement is determined by length of property line adjacent to right-of-way. Landscape improvements within perimeter landscape areas may be organized to the best advantage of property development. It is not intended that landscape improvements be evenly distributed along the length of the property. Landscape improvements must be placed within the area identified as the perimeter landscape.

b. Buffer Landscape

Buffer landscape is intended to help separate one land use from another land use that may be incompatible due to the intensity of use or the visual character. Buffer landscape is required for the land use types identified below, when they are adjacent to residential land uses of the types identified. These requirements are applicable if the two land use types are separated by a property boundary, by a street right-of-way or by

an alley. Where buffer landscape is required in the same area that requires parking lot perimeter landscape, buffer landscape is required. Buffer landscape is required between the following uses:

Note: The land-use designations identified in the provisionally adopted version of Title 21 may change during the process of approval. The final landscape version will identify where buffer landscaping is required by specific land-use type. The following provides a simplified indication of where buffer landscaping is required.

- a. Multi-Family housing with 5 or more units abutting lots zoned for single family or duplex units.
- b. All B-1A, B-1B, RO, B-3, RO, I-1, and I-2 abutting Residential Zones.
- c. **Arterial Landscape**
Arterial landscape is intended to enhance the appearance of development along major arterials and collector roadways in our community. The intent is to provide design flexibility that will allow a combination of trees and shrubs or shrubs alone for an attractive frontage that does not restrict site visibility. For properties located on collectors and arterials, as determined by the Official Streets and Highways Plan within B-1A, B-1B, and B-3 districts, the arterial landscape requirements may be substituted for the requirements of perimeter landscape. Note that these requirements represent the minimum requirements and property owners may provide trees and other landscape enhancements as desired.
- d. **Freeway Landscape**
Freeway landscape is intended to enhance the appearance of residential, commercial or industrial development along portions of the New Seward Highway and the Glenn Highway. Landscape improvements in these designated areas may be used to screen adjacent uses, such as residential uses impacted by the adjacent roadways. This landscape type is limited to specific areas along major highways in Anchorage as identified on Figure 21.07.080-1

2. Site Interior Landscape

Site interior landscape includes the entire site not covered by paving, structures, or other landscape provisions. Site interior landscape may be covered with hardscape paving, living ground cover, turf, planting beds, and/or mulch, or any combination of the above at the owner's discretion.

3. Parking Lot Landscape Requirements

- a. **Parking Lot Perimeter Landscape**

Parking lot perimeter landscape may require visual enhancement landscape treatment or buffer landscape treatment depending upon location. Parking lot perimeter landscape is required for all parking lots with 10 cars or more. Parking lot perimeter landscape is required for all sides of parking lots adjoining a lot line, except:

- 1) At vehicular and pedestrian ingress and egress points; and
- 2) Adjacent to lots being developed under a common development plan, where the director of community planning and development waives the requirement.

It is intended that landscape improvements required for parking lot perimeter landscape be distributed around a parking lot within the area designated as Parking Lot Perimeter Landscape. Trees and shrubs may be grouped to best serve the design intentions for the site and promote safe use. Sight-lines for entry and egress of parking lots shall be considered for placement of landscape improvements.

b. Walkways

The parking area shall be separated from any building on the same lot by a sidewalk or landscaped area, or both, at least four feet wide.

c. Vehicular Overhangs

Parked vehicles may overhang perimeter landscape areas by up to two feet provided that the overhang is limited by curbs or wheel stops and the adjacent planting area, clear of the vehicle overhang, is at least six feet in width.

d. Parking Lot Interior Landscape

Parking lot interior landscape is a visual enhancement landscape treatment intended to visually break up the area of larger parking lots. Parking lot interior landscape is required for any parking lot striped for 50 or more vehicles. Area of the parking lot shall be determined by the total paved area including parking and internal circulation. Adjacent pedestrian walkways may be deducted from the total. Parking lot interior landscape requirements are as follows:

- 1) 50-100 vehicles: 5%
- 2) More than 100 vehicles: 8%
- 3) For parking lots of more than 200 spaces, provide a linear landscape break with a minimum width of 8-feet parallel to every third drive aisle. This area may count toward the total interior parking lot landscape requirement.
- 4) 50% of the area required for parking lot interior landscape may be accommodated by biofiltration swales that do not have trees and shrubs. The use of biofiltration swales to partially fulfill some portion of the need for parking lot interior landscape requires that swales be a minimum of ten feet in width and that they are designed to promote biofiltration.

E. General Landscaping Requirements and Standards

1. Plant Materials

Anchorage lies generally within the USDA climactic zone 3. This categorization is intended to help identify plants with suitable hardiness to survive in our climate. There are known microclimates within Anchorage that are less severe in some areas and more severe in others. It is not the intent of this Title to dictate the use of individual species; however owners are encouraged to understand the local climate and to use plant species known to be hardy. It is the owner's responsibility to replace plant materials which are provided in response to the requirements of this Title, but perish due to poor maintenance, lack of hardiness or mechanical damage. In all cases the plant materials shall be living and free of defects and of normal health, height, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1, latest available edition, American Nursery and Landscaping Association. Plants may be nursery grown or native transplants, provided they meet the requirements of ANSI Z60.1.

a. Size of Materials

1) Trees

Minimum Size for deciduous trees:	2-inch caliper
Minimum Size Coniferous Trees:	6-foot height

2) Shrubs

Minimum Size for deciduous shrubs:	18-inches
Evergreen Shrubs:	18-inches*

*Note that in accordance with ANSI Z60.1 the 18-inch requirement does not necessarily represent height. For creeping evergreens, such as Junipers, the 18-inch requirement represents spread

b. Preservation of Existing Plant Material

This Title acknowledges the great benefit of preserving existing mature plant material over the replacement of such material with new immature landscape plantings. The mature landscape may consist of a mass of native plant materials that include a complete community of trees, shrubs and ground covers or it may consist of mature individual tree specimens.

1) Native Plant Material Mass

A mass of existing native plant material preserved on site may be utilized to fulfill the landscape requirements identified in this Title. To fulfill this requirement, existing plant materials shall include trees, shrubs, and groundcovers. The quantity of trees within the stand of native plant materials shall be at least equal to the quantity of trees required for the types of landscaping identified above.

Cottonwood trees (*Populus balsamifera*) may be kept, but shall not be included in the count of trees to meet these requirements. Provided that the stand(s) of existing vegetation meet the requirement for the quantity of trees, the area of the stand of existing vegetation shall be equal to at least 50% of the total square foot area for which the existing vegetation is fulfilling the landscape requirement. (Note: this will probably require a diagram to help clarify) Use of existing vegetation may be mixed with planted landscape improvements to fulfill total requirements.

2) Individual Tree Specimens

Existing individual tree specimens that are preserved on-site to fulfill the landscape requirements for Visual Enhancement, buffer, arterial, or freeway landscaping, as identified above shall be credited as follows:

- Evergreen Trees 10-20 feet in height: Equivalent to 3 new Trees
- Evergreen Trees 20 feet & Greater: Equivalent to 4 new Trees
- Deciduous Trees 6-10 inch Caliper: Equivalent to 3 new Trees
- Deciduous Trees 10 inch Caliper & Greater: Equivalent to 4 new Trees

Mature deciduous trees, to meet this requirement may not include *Populus balsamifera* (Cottonwood Trees).

2. Planting Location

a. Utility Easements

Required landscaping areas may overlap with utility easements.

b. Visibility Clearance Areas

All landscaping and screening materials shall comply with the visibility clearance requirements of AMC Title 9

3. Planting Bed and Vegetation Areas

a. Protection of Landscaping

All required landscaped areas, shall be protected from potential damage by adjacent uses, such as parking and storage areas. Concrete barrier curbs or an alternative barrier capable of maintaining separation between vehicles and plantings and at least 6-inches in height shall be provided between vehicular use areas and landscaped areas. Landscape areas shall be protected from impacts resulting from snow removal operations.

b. Existing Plant Materials

Where existing plant materials are used to meet the requirements of this section 21.07.080, plant materials shall be protected from construction activities in accordance with the following;

i. **Construction Fence**

A construction fence shall be placed around each tree or group of trees and shrubs to be retained at or beyond the edge of the drip line for the trees (approximate outer limit of tree branching). Construction fencing may be temporary for the duration of construction only, but shall consist of a durable material, such as chain-link or wood fencing. Plastic tape is not an acceptable alternate.

ii. **Plant Material Replacement**

In the event that existing plant materials die as a result of construction activity or for any other reason, the owner is responsible for replacement with other landscaping materials in accordance with the requirements of this Section.

4. Installation of Landscaping

a. Timing

All required landscaping and screening shall be installed by the developers. All landscaping shall be installed before a certificate of zoning compliance is issued. If a certificate of zoning compliance is requested between September and May, then the certificate shall be conditioned upon the landscaping being installed before the following August 31.

b. Surety

A letter of credit, escrow, performance bond, or other surety approved by the municipal attorney shall be provided as a refundable deposit to be returned to the owner at the end of a two-year warranty period. The surety shall be returned upon inspection of the landscape improvements and determination that a full complement of trees and shrubs, as required to meet the minimum standards of this title are present on site and in good health. This determination shall be made by a licensed landscape architect or by a certified arborist. Value of the surety shall be based on lot area in accordance with the following table:

Lot Area	Value of Surety
7,500 – 10,000 square feet	\$2,500.00
10,000-15,000 square feet	\$3,500.00
15,000-20,000 square feet	\$5,000.00
20,000-30,000 square feet	\$7,500.00
30,000-40,000 square feet	\$10,000.00
40,000-50,000 square feet	\$15,000.00
50,000-75,000 square feet	\$20,000.00
75,000-100,000 square feet	\$27,500.00
100,000 and greater square feet	\$35,000.00

This bond shall remain in place with the director for at least 24 months after installation to ensure survival and proper maintenance of the landscaping in accordance with this section. After the landscaping has been installed for 24 months, and an inspection has found that the required landscaping is in good health, the surety shall be released. If the landscape or some portion thereof is found to be dead or in poor condition, the owner shall replace those plant materials that are not acceptable with new plant materials in accordance with the size and species identified on the approved plan. If a property owner has installed more landscape materials than required by this Title, the owner shall be liable only for that portion of the landscape necessary to fulfill the requirements of this Title. Upon acceptable completion of landscape installation, the surety shall be released. Following release of the surety, it remains the responsibility of the owner to maintain landscape elements in accordance with subparagraph E.6.a below. Subsection may be waived for a landscaping area that meets the irrigation standards of subsection E.6.b, below.

5. Use of Landscaped Areas

Except as specifically allowed elsewhere in this title, structures and storage of motor vehicles are prohibited in areas required for landscape.

6. Maintenance and Replacement

a. Maintenance

Trees, shrubs, other vegetation, irrigation systems, fences, and other landscaping screening and fencing elements shall be considered as elements of a development in the same manner as other requirements of this title. The property owner shall be responsible for regularly maintaining all landscaping elements in good condition. All landscaping shall, to the extent reasonably feasible, be maintained free from disease, weeds, and litter. Any landscape element that dies, is removed, or is seriously damaged shall be replaced with the same type and size landscape element that is shown on the approved landscape plan for the site. All landscaping, screening, and fencing materials and structures shall be repaired and replaced as necessary to maintain them in a structurally sound condition.

b. Irrigation

To ensure that plants will survive, particularly during the critical two-year establishment period when they are most vulnerable to lack of watering, the bonding requirement established in subsection 21.07.080.E.4, above, may be waived by the director for any landscaping area that will be irrigated by one of the following:

- i. A below-ground irrigation system with automatic controller that has been installed in compliance with an approved permit or by an irrigation contractor with a minimum of 5 years of continuous experience.
- ii. An irrigation system designed and approved by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will be become established.

AIRPORT HEIGHTS COMMUNITY COUNCIL
RESOLUTION

Proposed Changes to the Provisionally Adopted Title 21

WHEREAS, the Anchorage assembly has already found the new Title 21 to be sufficiently acceptable, having provisionally adopted all but one of the fourteen chapters;

WHEREAS, the comprehensive plan (Anchorage 2020) is required by both municipal charter and state law to serve as the basis for land use regulations and decisions and serve as a guiding list of policy statements, goals, standards, and maps for guiding the physical, social, and economic development of our municipality;

WHEREAS, the rewrite of Title 21 is to ensure that the policies in Title 21 are as consistent as possible with the policies set forth in Anchorage 2020 (see Anchorage 2020 policy nos. 94 and 95)¹;

WHEREAS, after having reviewed the amendments put forth by the mayor, the Airport Heights Community Council makes the following recommendations:

1. The Airport Heights Community Council believes the community council should be the preferred body for public meetings regarding land use cases that require a meeting of the community. Article VIII of the municipal charter states that community councils were established to "...afford citizens an opportunity for maximum community involvement and self-determination."
2. The Airport Heights Community Council supports the provisionally adopted version of the "Site Condo Ordinance." The preservation of this section in its current form ensures that supporting infrastructure is built to support current and potential future developments.
3. The Airport Heights Community Council supports a standard public process regarding any changes to the provisionally adopted code after the effective date.

¹ Policy 94: Conduct a comprehensive revision of Title 21, Land Use Regulations; Policy 95: Title 21, Land Use Regulations shall be enforced to the greatest extent possible based in conjunction with policies stated in Anchorage 2020.

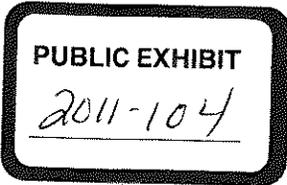
4. The Airport Heights Community Council believes that allowing single family homes in R-3 medium density multifamily districts would make sense in certain areas of the city. It would not make sense to grant the whole city this flexibility given the projected future need/demand for R-3 housing in Anchorage. See Anchorage Housing Marketing Analysis dated March 2012.
5. The Airport Heights Community Council supports the adoption of the provisionally adopted code regarding what can be built land designated I-1. Policy #26 of the comprehensive plan states the following: “Key industrial lands, such as Industrial Reserves designed on the Land Use Policy Map, shall be preserved for industrial purposes.”
6. The Airport Heights Community Council supports greater building height flexibility in midtown, as Midtown is a major employment center commercial area. Limiting the number of high-density office and residential developments to Downtown, Midtown, as well as the U-Med District encourages the development of successful city centers.
7. The Airport Heights Community Council supports the preservation of height standards that help ensure compatibility between higher intensity development and adjacent lower density residential districts.
8. The Airport Heights Community Council supports the 50’ stream setback requirement in the provisionally adopted Title 21. A 50’ setback will ensure less flooding events and the protection of natural habitat;
9. The Airport Heights Community Council supports the private open space requirements in the provisionally adopted Title 21. Reducing these requirements would go against the concerns expressed by community participants during the rewrite process regarding the lack of quality open space in multifamily residential developments;
10. The Airport Heights Community Council supports the provisionally adopted Title 21’s connectivity index. The connectivity index makes sure there are adequate vehicle routes in and out of neighborhoods;

11. The Airport Heights Community Council supports the provisionally adopted Title 21's requirement that sidewalks be included in cul-de-sacs in Class A zoning districts. Public streets through areas of institutional and industrial developments will have pedestrians as well as commercial or residential areas. Institutional uses, in particular, such as churches and school, can have fairly high levels of pedestrian activities.
12. The Airport Heights Community Council does not support complete deletion of design standards for single-family structures. The AHCC believes that building standards need to be in place that ensure compatibility with existing neighborhood character while also ensuring that the standards in the provisionally adopted code do not excessively increase the cost of building new or remodeling existing single-family units.

NOW, THEREFORE BE IT RESOLVED, that this 28th day of March, 2012, the Airport Heights Community Council adopts this document in its entirety and submits it to: the members of the Planning and Zoning Commission and the Anchorage Assembly, MOA Planning Department (Jerry Weaver and Tom Davis, Senators Ellis and Davis, Representatives Gara and Cissna, Mayor Dan Sullivan, and the Federation of Community Councils.



Geran Tarr, President
Airport Heights Community Council



March 19, 2012

To: Anchorage Planning and Zoning Commission
From: Matt Johnson Anchorage
re: Title 21 Public Hearing testimony

Thank you Madame Chair, and Commission Members, for this opportunity to testify.

My name is Matt Johnson. I've been an Anchorage resident for more than fifty years.

My grandparents, Earl and MaryJane Hillstrand homesteaded in Anchorage in the 40's. The old homestead was bounded by Chester Creek on the south, and what is now Lake Otis Parkway, 15th Ave. and Gambell. My family still owns a piece of the homestead. My wife and I are raising our three kids in the same vicinity.

This is our home. I love Anchorage and want to see the community thrive, for myself and especially for my kids.

That's why I'm deeply concerned by what appear to be attempts by a very small number of wealthy developers, and tea party activists, to hijack Title 21. As you know, the provisionally adopted version of Title 21 was hammered out over the course of eight or nine years by a committed group of Anchorage residents from all sides of the political spectrum. It's not a perfect document, but it did represent a consensus and a compromise acceptable to all participants, moving forward. Dan Coffey himself voted in favor of approving that version of Title 21 when it came before the Assembly.

So what happened? Politics happened. Polarizing politics. Paralyzing politics. We see it on the national scale. And we see it locally as well. I don't think we as a community should be playing politics with our kids' futures. And that is exactly what's at stake—our kids' futures.

I've been listening closely to the arguments of opponents of Title 21, here in these chambers last Monday, and recently at a Tea Party sponsored forum across the lobby, among other venues. Some of what I hear I can agree with. For example, I agree we should resolve the issue regarding Industrial land at the southern end of the C Street corridor. Nobody wants to see a property radically devalued over a technicality. Identify the problem, isolate it, and fix it.

That said, most arguments I hear from the developer/tea party lobby are frankly ridiculous. Here are a few of my favorites:

"Title 21 lets government choose winners and losers".

Well, I don't want BOMA picking winners and losers in my community.

"We are opposed to Centralized Planning, Stalin style."

The alternative is no planning at all, every man for himself. That's not a community.

“The word Community doesn’t appear in the Constitution. You have no right to a community.”
That’s precisely the type of thinking that makes Title 21 necessary.

“Title 21 is a violation of my property rights.”

What about MY property rights? What happens to the value of my investment when a high rise blocks the sun in my neighborhood?

And finally,

“It’s too expensive”

I believe the jury is still out on the expense issue. I have heard both that it will add costs and that it will reduce costs. In my experience, the most expensive act one can undertake it to not adequately plan for the future.

So what’s the way forward? One of you Commissioners posed a question last week,--how does one successfully navigate the complexities of the code and make responsible decisions regarding modifications, if any?

I suggest two guiding principles:

One-- put neighborhoods and families first.

Neighborhoods and families are the backbone and lifeblood of this city. Most of the wealth and vitality produced in Anchorage trickles up from us working people. Without safe, walkable, livable neighborhoods, schools and public places, there is no Target, there is no Carrs/Safeway, there is no Anchorage Aces.

And two—move Anchorage forward.

I have personally seen Anchorage change a great deal in the last fifty years. There is no question that the pace of change will only accelerate in the coming decades. We need to be out ahead of that change. I urge you to reject extremist political ideology from your deliberations, and move Anchorage forward with a version of Title 21 that respects the greater Anchorage community and hews to the version already provisionally adopted by the Assembly.

Thank you for your time.

Matt Johnson
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