



Municipality of Anchorage
Community Development Department
Planning Division



MEMORANDUM

Date: May 11, 2012
To: Planning and Zoning Commission
From: *JW* Jerry T. Weaver, Jr., Director
Subject: Case 2011-104 – Proposed Amendments to Provisionally Adopted Title 21:
Public Comment Issue-Response for Chapter 4

This memorandum provides responses and recommendations as to issues raised by the public about the provisionally adopted **Chapter 21.04, Zoning Districts**. These issues were raised at the March 12 and 19, 2012 public hearings and in written public comments on Case 2011-104.

Previous memoranda dated April 19 and May 4 covered title 21 chapters 1-3 and 8. Subsequent memoranda will cover remaining chapters and issues. All memoranda and exhibits are being posted on the title 21 rewrite project web page as they are completed. The URL is below.

Some of the comments regarding the zoning districts have been previously reviewed and addressed by the Department and the Administration. The responses to such issues in this memorandum refer to the relevant pages of the following Exhibits:

- Exhibit A.** August 23, 2011 memorandum from the Department to the Mayor in response to issues raised by a consultant hired by the Mayor to review the provisionally adopted Title 21; and
- Exhibit B.** October 19, 2011 memorandum from the Department to the Mayor, which summarizes the Administration's decisions and direction regarding issues raised by the consultant (already provided to PZC on April 19).

These were provided with the April 19 issue-response memorandum and are available at <http://www.muni.org/Departments/OCPD/Planning/Projects/t21/Pages/Title21Rewrite.aspx>.

The issue-responses in this memorandum also reference the following:

- Provisionally Adopted Title 21 with Technical Edits, dated 12-12-2011
- Consolidated Table of Proposed Amendments, dated 3-12-2012
- The applicable public comments in **Exhibit D**, Comments Received for PZC Case 2011-104, (which was provided along with Exhibits A – C on April 19)

Economic Impacts Analysis and Anchorage Bowl Land Use Plan Map

Some of the issues pertaining to chapters 4 – 7 and 12 relate to potential economic impacts of the provisionally adopted title 21. Commissioners have requested economic impact analysis documents to support its deliberations on matters related to zoning districts and allowed uses.

PZC has also discussed the conceptually approved draft Anchorage Bowl Land Use Plan Map, which is a technical reference to help evaluate where in general the new districts may apply. Commissioners have requested documentation of an implementation strategy for new districts.

The exhibits below respond to these issues and supplement this memo. **Most of the information below was already provided or presented in some form to PZC.** The material below is primarily an update, elaboration, and/or re-submittal of previous information, to use for reference from the issue-response memos.

- Exhibit D-1** Comment Received for PZC Case 2011-104
(which due to an error was left out of Exhibit D provided to PZC on April 19)
- Exhibit E.** Title 21 Economic Impact Analysis - Overview Update (Forthcoming in week of 5/14. This will update previous information, with background materials.)
- Exhibit E-1.** Title 21 Economic Impact Analysis Executive Summary and Addendum (2008)
- Exhibit E-2.** Title 21 Economic Impact Analysis Draft Report (2008)
- Exhibit E-3.** Municipal Assessor opinion: “Possible Property Value Impacts of Mixed-use Districts” (Letter dated May 9, 2012)
- Exhibit F.** Anchorage Bowl Land Use Plan Map – with updated overview memorandum (Forthcoming in week of 5/14. This will be an update of previous information.)
- Exhibit G.** Anchorage Commercial Land Assessment (2012)
- Exhibit H.** Anchorage Housing Market Analysis (2011)
- Exhibit I.** Anchorage Industrial Land Assessment (2009)
- Exhibit J.** Municipal Department of Law opinion: “Title 21 – Down Zoning and Takings Analysis – Overview of Alaska Jurisprudence” (Dept. of Law Matter No. 05-0117, May 27, 2005)
- Exhibit K.** Comparison of Director Review and Approval Authority

Chapter 21.04 Issue-Response Table of Contents:

4 - 1. Deleting the R-2F District	Page 5
4 - 2. R-3 District – Allowing Single-family Houses Anywhere	Page 6
4 - 3. Deleting the R-4A District and Commercializing the R-4	Page 8
4 - 4. Retaining the D-2, D-3, B-1B, and B-4 Districts	Page 9
4 - 5. Deleting the Mixed-use Districts	Page 11
4 - 6. Applying Mixed-use District Development Standards in the B-3 District	Page 14
4 - 7. Eliminating the Option for Enhanced Sidewalks in Mixed-use Districts	Page 15
4 - 8. Deleting the Transition District and Airport Zoning	Page 17

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4-1. Deleting the R-2F Residential District

- ▶ Section 21.04.020F., Page 107 of Provisionally Adopted Title 21

Issue: Is the provisionally adopted new R-2F district necessary—what value does it add?

Public comments: Everything that can be built in the proposed R-2F district can be built in the existing R-2D and R-2M districts. R-2D already allows one- and two-dwelling structures, and R-2M allows three- and four-unit structures. Delete R-2F as it is unnecessary. (Dan Coffey)

All existing districts should remain and no new districts created. (Don Dwiggins)

Response: The Department disagrees with the proposed deletion of the R-2F residential district. This district came as a result of public comments, was included in two rounds of public review drafts, and lastly was provisionally adopted by the Assembly.

The commenter made this proposal last year to the Administration, claiming R-2F is mixed-use, when in fact R-2F is a residential district that allows low-density multifamily in small buildings up to four dwellings in size. Page 25 of **Exhibit A** documents the Department's August 2011 policy review of this issue for the Mayor. **Exhibit B** documents the Administration's decision to move forward with the provisionally adopted R-2F District.

The reprised proposal to delete R-2F starts out by again associating R-2F with the wrong districts ("Residential Mixed-use"), however its primary argument now is that R-2F falls in between the existing R-2D and R-2M in terms of density and allowed uses, so it must be redundant. But with such reasoning, why even have an R-2M district? Everything allowed in the R-2M, from a house up to an 8-plex, can be built between its neighbors, the R-2D and R-3. For that matter, everything can be built using just two zones, R-1 and R-4. Would that simplify title 21?

Anchorage has a progression of residential districts that, for the most part, incrementally steps up building bulk and housing density from one zone to the next. This provides for development compatible with each neighborhood, thereby implementing the Comprehensive Plan.

However, currently, allowed density jumps from a two-family dwelling in the R-2D zone to an eight-dwelling structure allowed in the R-2M. Residents in some R-2M zoned neighborhoods, where the predominant housing is single- and two-dwellings with some 3- and 4-plexes scattered in, raised concerns that their neighborhoods could redevelop with significantly larger buildings and higher densities, inconsistent with the area. MOA agreed there should be a district to allow certain outlying multifamily areas to continue to have more than a duplex but to avoid 8-plexes. The R-2F provides that incremental step that is missing today.

Furthermore, this provides a less controversial rezoning option for achieving multi-dwelling housing opportunities at 8-12 dwellings per acre near designated transit and employment, and a transition between lower and higher density uses.

Recommendation: Forward the provisionally adopted R-2F for adoption.

4-2. R-3 Multi-family District – Allowing Single-family Houses Anywhere

- ▶ Sections 21.04.020H., 21.05.010E (Table of Allowed Uses), and 21.06.020A (Table of Dimensional Standards) of the Provisionally Adopted Title 21
- ▶ Proposed Amendments 21, 31, and 49 in Consolidated Table

Issue: Should single-family be permitted or prohibited in the R-3 Multifamily District?

Public comments: We should be restrained in allowing SF homes in R-3 zones. The challenge posed for Anchorage's future is that of providing more dwellings than current zoning would accommodate. Multifamily lands need to be preserved. Instead of allowing single-family homes in R-3, some R-3 areas should be allowed to rezone to lower intensity use where indicated in an adopted land use plan. (Anchorage Citizens Coalition)

Beware of amendments allowing single-family homes in R-3. Preserve multifamily land to meet housing needs, and follow the Comprehensive Plan. (Adopt Title 21 Coalition; Joan Diamond)

Allowing single-family homes in R-3 districts would make sense in certain areas of the city. But it would not make sense to grant the whole city this flexibility given the projected future need/demand for R-3 housing in Anchorage. (Airport Heights Community Council)

Either allow SF to be built in the R-3 district, or, at a minimum allow it in some R-3 districts as supported by staff. Beware of this second solution. The revitalization of Mt. View and other older districts is dependent upon continued replacement of older and dilapidated 4- and 6-plexes, but existing multiplexes cannot be replaced with the same densities. (Dan Coffey)

There are a variety of project examples Outside have a mixture of single-family and multifamily homes in one development site. The provisionally adopted code would not allow either that or small-lot (cottage) homes. It rules out design alternatives that can achieve our objectives. This should be reconsidered. (Tim Potter March 19 testimony)

Response: Continuing to allow single-family houses in R-3 zoned areas conflicts with the Comprehensive Plan and perpetuates the inability to meet Anchorage's forecasted housing needs. However, compact housing projects with 15 or more dwellings per acre incorporating small-lot single-family housing or a mix of housing types could be appropriate, as provided below.

First, there is simply not enough land zoned for multifamily housing in Anchorage. Vacant land capacity in multifamily zoning districts is less than half the forecasted demand for townhouse and multifamily dwellings¹. Given today's low vacancy rate for rental housing in Anchorage, efficient use of multifamily zones is essential to meet future housing need.

¹ Source of housing capacity estimates in this issue-response is Exhibit H: Anchorage Housing Market Analysis.

While there is also a shortage of land for single family housing, much of that can be accommodated in Chugiak-Eagle River and elsewhere. In contrast, most of the multifamily housing demand will need to be accommodated in the Bowl, where the anticipated market demand and urban infrastructure are located.

Therefore, more efficient use of multifamily zoned lands in the Bowl for compact housing is essential and the best hope to alleviate the housing shortage. For example, capacity in the R-3 district vacant lands could be increased from the estimated 2,700 additional units to more than 4,000 units IF future developed densities in R-3 were to increase from its historical average of 18 DUA (e.g., 3 units on a 7,000 sf lot) to 28 DUA. While that would be a reach, at the very least R-3 density should not decrease. The Comprehensive Plan recommends multifamily properties develop at a minimum density, and directs that, "Implementation will require amendment of multifamily zoning district regulations to eliminate low-density housing."

The provisionally adopted title 21 with the Mayor's proposed amendments takes a small step towards meeting this policy, by removing the low-density single-family housing option from much of the R-3 medium density multifamily district. It still allows two-family and townhouse dwellings in all of R-3. Also, existing single-family homes are protected because the title 21 rewrite exempts houses from most nonconformity provisions, allowing them to continue to exist in the R-3 in perpetuity.

The Mayor's proposed amendments allow single-family attached and detached dwellings in areas of R-3 that are designated for lower density in the city's future Land Use Plan Map. This provides for areas like Mountain View and eastern Fairview. The Mayor proposed no further changes, to avoid underutilizing R-3 where it is designated for medium density housing.

Several public comments on this case indicate there is interest in allowing innovative forms of compact, efficient single-family housing, such "small-lot" housing (also referred to as cottage housing) or projects containing a mix of housing types. Small-lot housing on individual lots small enough to yield at least 15 DUA would be an efficient use of R-3 lands. In fact, the Comprehensive Plan supports "Small-Lot Housing" as an efficient use of multifamily residential lands. However, to be consistent with the R-3 district intent (and housing need), this housing form would need to yield at least three dwelling units on a typical 7,000 sf lot (i.e., more than 15 DUA). Short of this, re-introducing single-family houses in the R-3 District will conflict with the Comprehensive Plan, and further exasperate options in addressing the housing shortage.

Recommendation: Forward the provisionally adopted title 21 with the Mayor's amendments as to single-family in the R-3 District. Add an exception to allow single-family homes in compact developments that yield a minimum net density of 15 DUA (dwelling units per acre), thereby achieving the intent of the R-3 district and the Comprehensive Plan.

(Note: The chapter 6 issue-response memorandum elaborates on the small-lot housing strategy.)

4-3. Deleting the R-4A District and Commercializing the R-4

- ▶ Sections 21.04.020I. and 21.05.010J. of Provisionally Adopted Title 21

Issue: Is the provisionally adopted new R-4A district necessary, or, alternatively, should commercial mixed-use be allowed in the existing R-4?

Public comments: Delete the new R-4A zone as it is unnecessary. Instead, impose all or some of the provisionally adopted standards from the R-4A district in the existing R-4 zone. Existing zones allow for the same level of development as R-4A, and the R-4 district can be modified to accommodate commercial mixed-use without having to go through a rezoning. (Dan Coffey)

All existing districts should remain and no new districts created. (Don Dwiggins)

Response: The Department disagrees with the proposed deletion of the R-4A district and insertion of R-4A district standards allowing half-commercial development into the existing R-4.

The commenter made this proposal last year to delete the R-4A residential mixed-use district and insert dramatically more commercial use into the existing R-4 residential multifamily district. The Administration reviewed and rejected this proposal, and Exhibit B documents the Mayor's decision to move forward with the provisionally adopted R-4 and R-4A districts.

Page 28 of **Exhibit A** provides a full analysis of why Anchorage needs to retain the existing R-4 multifamily residential district for primarily residential use. Important reasons to avoid changing the R-4 into a mixed-use district allowing half-commercial projects include:

- It would conflict with the Comprehensive Plan on multiple counts.
- It would enable converting dwellings and residentially zoned property to commercial use throughout the R-4 district.
- It would diminish new housing availability by allowing competing non-residential uses on already scarce residential lands.
- It would worsen imbalances between employment in Downtown and Midtown and the supply of housing nearby, because the majority of R-4 is found in these areas.
- It would introduce substantial commercial uses and traffic encroaching into existing residential neighborhoods.

The supply of R-4 zoned land is limited and inadequate to meet anticipated housing needs (see **Map 1** on page 29 of Exhibit A). Anchorage needs to reserve its only high density residential zoning district primarily for housing, without commercial encroachment, and leave most of the existing R-4 zoned areas intact near Downtown and Midtown.

Meanwhile, R-4A is very different from R-4—in character, purpose, and intended location. **Exhibit A** (p. 29) provides a full description and policy review of the R-4A district, specifically:

- It is a higher-intensity district that allows up to half of a development to be a commercial (non-residential) use, allowing up to six times more commercial space on a site than existing R-4, up to one-third more bulk, and an exponentially wider range commercial retail use types.
- It helps Anchorage augment the existing residential land supply in the Comprehensive Plan’s “redevelopment/mixed-use” policy areas near Midtown and Downtown employment centers, by encouraging mixed-use residential projects in:
 - (a) underutilized commercial areas zoned RO or B-3, and
 - (b) on certain large sites currently zoned residential (e.g., R-2M, R-3).
- It incentivizes redevelopment of underutilized sites into urban housing, by allowing commercial uses providing greater returns on the same site, improving financial feasibility.
- It preserves some housing capacity by requiring residential, unlike mixed-use or B-3 zones

The commenter’s proposal to graft R-4A standards into R-4 fails to meet his own objective to allow mixed-use without rezonings. Most of the sites ideally suited to benefit from the new R-4A standards are located in zoning districts other than R-4—such as the R-2M, R-3, and RO. R-4A arose in part from discussions with property owners of underutilized sites in these zones.

Rezoning will occur as property owners review the advantages of the new district for their development needs. Additionally, the implementation strategy is for MOA to facilitate and incentivize zonings to R-4A where consistent with the Comprehensive Plan, such as through rezoning fee waivers, administrative assistance, and expedited reviews.

Gaining entitlement to R-4A district status will then allow the property owner to obtain administrative review and approval of innovative mixed-use residential projects, not possible in any existing title 21 zone (See “**Country Lane**” example project on pages 29-30 of **Exhibit A**).

Recommendation: Implement the provisionally adopted R-4A residential mixed-use district as a new zoning option for property owners to choose at appropriate locations.

Keep the existing R-4 district intact as a residential district. Use it efficiently for multifamily housing opportunities, and avoid commercializing it by inserting more commercial use.

4-4. Retaining the D-2, D-3, B-1B, and B-4 Districts

Issue: Which existing districts if any should be retired and/or replaced, and which to retain?

Public comment: To the extent possible, retain all existing zoning districts, rather than deleting and replacing them with new ones. The new mixed-use districts would require a significant number of rezonings throughout the municipality. This would be very disruptive to business and to existing developments in Anchorage. (Dan Coffey)

All existing districts should remain and no new districts created. (Don Dwiggin)

Response: The department disagrees with this proposal to reverse the progress to update the zoning ordinance. The title 21 rewrite does retain most of the existing zoning districts in the Bowl, including the R-1 and B-3 districts. The title 21 rewrite creates new zoning districts for the choice of property owners, but does not require rezonings from the retained districts.

The rewrite retires four antiquated and rarely used districts: the D-2, D-3, B-4, and B-1B. The Department sponsored rezoning of 13 properties affected by the retirement of these four districts will be done at no cost to the property owners. The impacts by district are as follows:

1. The D-3 residential district is not in use. Its development standards are nearly identical to the R-3 district, except allowing more institutional-type uses and a few other non-residential uses. The D-3 was intended to be applied to substantial tracts of undeveloped land planned for eventual residential use. There are no such tracts of land left in the Anchorage Bowl.
2. The D-2 residential district has similarly redundant relationship to the R-2M district, and is found on only three lots. Two of the lots are Penland Mobile Home Park and the third is an abutting vacant lot fronting on DeBarr Road. The proposed districts for these properties are R-2M and R-3. This change will not affect the status of the mobile home park conditional use.
3. The B-4 is a “rural business district” and is found only on the Totem Theaters and adjacent McDonalds lot along Muldoon Road. The area is no longer rural and should be included in the sponsored rezone to any one of a number of appropriate commercial or mixed-use districts.
4. There are only eight (8) lots zoned B-1B, out of more than 67,000 lots in Anchorage. Its restrictive development regulations coupled with a lack of standards necessary to foster walkable, cohesive neighborhood centers render B-1B neither favorable as a rezoning option for property owners nor able implement the neighborhood centers called for in the Comprehensive Plan. As a result, it has not been a part of *any* of the five public review draft rounds of the title 21 rewrite.

The provisionally adopted districts including the Neighborhood Mixed-use District sufficiently address the community’s current needs and objectives. As one of the three mixed-use districts, the NMU District creates a mixed-use center that facilitates more efficient use of land, more activities that can coexist in close proximity, and stronger interconnections. In comparison to the B-1B, it:

- Provides more flexible provisions for lot dimensions, landscaping, and parking;
- Enables more compact, intensive reuse, infill, or redevelopment of properties;
- Allows a third commercial story (allows building heights up to 45 - 50 feet);
- Incentivizes mixed-use projects (mixed-use is optional not mandatory); and
- Incorporates height transitions and buffering for surrounding neighborhood protection and compatibility (and public acceptance for infill).

To facilitate the retirement of these four zoning districts, the Department has contacted the property owners to initiate a rezoning of the 13 properties to appropriate districts more advantageous to the development needs of the property owners as well as the relationship of the

property to the surrounding neighborhood. The Department initially sent notices to the property owners, has spoken with those who have responded with questions, and will follow up with each individual owner as title 21 moves toward final adoption and implementation.

Recommendation: Carry through with the retiring the D-2, D-3, B-4, and B-1B districts. Facilitate rezonings of the 13 properties to more advantageous districts for the development needs of the individual properties, at no cost to the property owners.

4-5. Deleting the Mixed-use Districts

- ▶ Section 21.04.050A, B, and C, Page 116 (lines 42 – 45) through page 119 (lines 1 – 36) of Provisionally Adopted Title 21
- ▶ Proposed Amendment #24 in Consolidated Table

Issue: Should Anchorage adopt the new mixed-use districts?

Public comment: The commenter proposes to delete all of the new mixed-use zoning districts from the provisionally adopted Title 21. The commenter claims that new districts would require substantial rezonings which would be disruptive to business and new development. The commenter contends that the provisionally adopted code would allow mixed-use projects only if property owners rezone to mixed-use. Finally, the commenter also states that “staff has proposed” the mixed-use districts, which implies that these districts are not a community product nor have they progressed very far in community approvals. (Dan Coffey, pages 152-155)

Response: The three mixed-use districts are essential zoning districts to facilitate the development of regional, town, and neighborhood centers as identified in the *Anchorage 2020 – Anchorage Bowl Comprehensive Plan*. These districts have been at the center of the new zoning ordinance since its first draft in 2004, and have evolved through extensive discussion by a wide range of stakeholders over the subsequent drafts of the code rewrite. The mixed-use districts implement mixed-use centers at three different geographic scales in these Comprehensive Plan policy areas. These range from “major employment centers” that are the most intensely developed areas of the Municipality with the highest concentrations of office employment, down to the neighborhood scale focal points for community retail and services.

Three mixed-use zones differentiate the mixed-use centers by scale and function just as Anchorage’s residential zones today differentiate the residential neighborhoods, allowing a scale and function appropriate to each part of town. The general location of the mixed-use centers compared to current zoning is shown on **Map 2, page 33-34 of Exhibit A**.

The mixed-use districts will help create cohesive centers which accommodate a variety of uses (e.g., commercial, institutional, parks, and residential) within a compact, defined area that is characterized by more efficient use of land, stronger connections between uses, and an enhanced pedestrian-oriented environment. It achieves this, in part, by applying standards such as the following on a district-wide basis:

- Locating buildings and their primary entrances closer to the street and sidewalks;
- Locating parking lots to the side or behind buildings rather than between the front of the building and the street;
- Providing incentives to encourage enhanced pedestrian connections, residential development, and other features of benefit to the public; and
- Reduced minimum parking requirements.

Mixed-use districts allow most of the same land uses that are also permitted in the B-3 general commercial district, minus some highly auto-dependent land uses that do not fit into a compact pedestrian-oriented commercial area. For example, self-storage facilities and aircraft, marine and vessel sales aren't allowed in the mixed-use zones but are permitted in the B-3 zoning district.

One common misunderstanding about mixed-use districts is that they would require residential and commercial uses on the same lot or the same building. Although this type of development is encouraged in the mixed-use districts through incentives to the property owner, this is not required in these districts. The term "mixed-use" is really referring to a mix of complementary uses located within a compact and walkable district. This district-wide form cannot be achieved in the B-3, as explained in issue-response 4-6 below.

Also, despite some claims, property owners that choose to remain zoned B-3 will continue to be allowed to develop mixed-use projects without having to rezone, although rezoning to a mixed-use district would be an advantageous choice for compact site plans and help build a mixed-use center.

Despite some claims, the evidence indicates changes in zoning to mixed-use districts will have a neutral impact on property values—ie., no loss in value—as compared to current B-3 zoning. **Exhibit E-1** summarizes the land valuation comparison of the Title 21 Economic Impact Analysis. The full analysis is in **Exhibit E-2** (pp 8-34). The Municipal Assessor corroborates with these findings in **Exhibit E-3**, anticipating little effect on price or value from the zoning changes.

Another misconception about the mixed-use districts is that there would be extensive mandatory rezonings to convert existing zones, particularly B-3, to the new mixed-use zones. However, it would be highly unlikely for the Municipality to initiate an areawide rezoning for areas generally identified as mixed-use centers in the Comprehensive Plan, without more specific direction through a district or neighborhood plan.

The preferred zoning implementation strategy, brought forward by the Administration and Department on page 6 of Exhibit B, is once the mixed-use zoning districts are in the zoning code, property owners could evaluate if a mixed-use district would be beneficial to his or her property

and pursue that option. Rezoning will occur as property owners review the advantages of the new district for their development needs.

Additionally, the implementation strategy is for MOA to facilitate and incentivize zonings to mixed-use where consistent with the Comprehensive Plan, such as through rezoning fee waivers, administrative assistance, and expedited reviews of rezoning fees). These eliminate cost barriers against property owners to rezone. The Municipality could also explore ways to further facilitate rezonings to implement an area-specific district or neighborhood plan.

For Midtown, the Administration has brought forward proposed amendments such that Midtown property owners will have the option of remaining with existing B-3 zoning or may choose to rezone to the RMU (Regional Mixed-use) District.

However, the Mayor rejected the commenter's proposal to delete the mixed use districts. The current zones no longer meet Anchorage's needs as it moves into growth by infill/redevelopment: more efficient use of land, wise use of the urban infrastructure, strong pedestrian connections, and district function and scale appropriate to each part of town. The commenter's proposal would be a major step backwards and effectively cut ties that the provisionally adopted Title 21 has with implementing the policies of the Comprehensive Plan for future growth.

For additional discussion about the need to retain the mixed-use districts within the provisionally adopted Title 21, reference **Exhibit A, pages 31-34**.

Recommendation: Forward the three mixed-use districts for adoption. The Department and Administration have recommended the following amendments and clarifications:

- Delete the MT-1 and MT-2 Midtown district placeholders.
- Implement the provisionally adopted NMU, CMU, and RMU mixed-use districts as a new zoning option for property owners to choose to do when it meets their development needs, and facilitate rezonings to mixed-use through fee waivers, administrative assistance, and expedited review procedures, thereby eliminating barriers to rezoning for property owners.
- Amend the provisionally adopted B-3 district to reaffirm that B-3 is intended to stay and remain available to commercial property owners, including in central Midtown.
- Amend the RMU district to clarify it will be available as an option for Midtown B-3 property owners who want to rezone to a mixed-use district.

4-6. Applying Mixed-use District Development Standards in the B-3 District

Issue: Can mixed-use standards be applied to existing zoning districts, such as the B-3 district, rather than create new mixed-use zoning districts, to implement the mixed-use concept?

Public comment: A commenter proposes that rather than create new zoning districts, existing zones can be revised to allow mixed-use development. Many of the new standards set out in the proposed new mixed-use zoning districts could be required for mixed-use projects in existing zones. This methodology results in mixed-use development being something that a property owner can choose to do without needing to rezone. It also allows mixed-use development when the city is ready for it, not when the code mandates that it occur. (Dan Coffey, pages 152-155)

Response: The commenter's proposal reflects a misunderstanding of what mixed-use districts implement. Mixed-use is not a site specific goal. The main focus is not for individual properties to achieve mixed-use (e.g., residential/commercial). Mixed-use projects are not mandated, and most individual developments within mixed-use centers are not likely to be mixed-use projects.

The purpose of mixed-use districts is to create a cohesive district that accommodates a variety of uses compatibly within a defined geographic area. Mixed-use district standards apply to all uses in order to facilitate compact site development regardless of use type; allow more uses to coexist in close proximity; and, require convenient pedestrian connections to allow walking and transit to be more practical. The district's physical urban form, not mixed-use buildings, promotes its character and function.

The illustration below (from Anchorage 2020) shows the concept for a mixed-use center. Not one individual building in the illustration is shown as mixed-use. However, the sum of the whole creates a cohesive district in which a variety of compatible uses interact with one another.



Mixed-use Center Concept (Comprehensive Plan)

The success of both the mixed-use center and its individual component developments in the illustration does however depend on a consistent set of development regulations—the same standards that apply to all uses. For example, most of the buildings and active uses are set closer to streets and sidewalks. Parking lots are located beside or behind each building.

The commenter's proposed grafting of the mixed-use district development standards onto individual mixed-use projects in the B-3 district would fail to implement or achieve mixed-use centers. It would result in a patchwork development pattern where mixed-use projects might occur rather than a cohesive district. Mixed use standards work best when applied uniformly to a zoning district or to a discrete area of development.

The commenter's proposal would also create disincentives for potential mixed-use projects in the current B-3 district. More development standards would be applied to only mixed-use projects than for adjacent single-use projects which utilize B-3 district standards.

The commenter's proposal would also be administratively difficult to implement since a B-3 zoning district, for example, would have two possible sets of development standards. Many sites are developed or improved, or buildings are constructed, "on spec" rather than with a specific tenant or use in hand. In addition, some buildings could include "flex space", which is constructed to accommodate either residential or commercial, depending on changes in the market.

Recommendation: The Department recommends keeping the three mixed-use districts in the provisionally-adopted Title 21 as an essential tool in implementing the comprehensive plan.

4-7. Eliminating the Option for Enhanced Sidewalks in Mixed-use Districts

- ▶ Section 21.04.050G.5., Page 121, Line 13 of Provisionally Adopted Title 21
- ▶ Proposed Amendment R10 in Consolidated Table

Issue: Shall mixed-use development standards require six foot wide sidewalks and suburban style arterial landscaping, or, alternatively, shall the standards instead offer and incentivize an option for main street style enhanced sidewalk environments for the property owner to choose?

Public comment: Proposed Amendment R10 expands the draft code regulations substantially, and should be rejected. In the provisionally adopted draft code, the sidewalk width is set at six feet in the mixed-use developments. In the Proposed Amendment, the width is set at 12 feet and divided into three zones, which is like zoning sidewalks. (Dan Coffey, page 274 of Exhibit D)

Response: The department disagrees with the public comment. It misunderstands and mischaracterizes Amendment R10.

In fact, Amendment R10 replaces a rigid requirement for a wider sidewalk (six feet) in mixed-use areas with an option that is incentivized for the property owner to choose to do. Proposed Amendment R10 actually saves space (increasing development potential), and provides the

owner some mutual benefits with the public from the enhanced sidewalk “main street” environment it creates.

Amendment R10 effectively reduces the minimum required sidewalk width in mixed-use districts from six feet down to five feet. It does so by deleting the six foot requirement so that the minimum width defaults back down to the five feet that applies in the rest of the code.

The Amendment further creates a new option for the property owner. The developer may (ie., choose to) provide an enhanced sidewalk with “main street” style amenities in lieu of required site perimeter landscaping. The option combines the regular sidewalk (five feet) with required site perimeter landscaping (typically eight feet) to create an enhanced main street style sidewalk environment (twelve feet total).

Furthermore, subject to approval of the municipal engineer the enhanced sidewalk may be placed wholly or in part within a right-of-way. In other words, the area of the ROW that is used for landscaping and walkways may be counted toward the enhanced sidewalk environment.

The dimensions and required streetscape features of the alternative sidewalk environment adapt traditional downtown main street sidewalk design principles to Anchorage’s suburban arterials. These sidewalk elements are common to commercial main streets, downtowns, and mixed-use places around the country. Parts of 4th and 5th Avenues in Downtown Anchorage are familiar examples and a local precedent. Like other main streets, these Downtown Anchorage sidewalks provide a relatively wide pedestrian movement zone (middle), flanked by a “furniture” zone and a “storefront” zone. The furniture zone buffers the pedestrian from moving vehicle traffic in the street, and provides a place to locate objects such as street trees, utility boxes, light poles, street signs, and other landscaping. The storefront zone of the sidewalk, also referred to as a “building interface zone”, provides a paved space along the margins of the building that buffers pedestrians from doors swinging open. It also provides window shopping space and space to stop along the street-facing façade of the building along the street.

Amendment R10 increases the flexibility of zoning code to allow developments to create a “main street” style commercial sidewalk environment, with street trees and extra sidewalk width, in lieu of suburban style arterial landscaping buffers. This is more consistent with the intended street character of the mixed-use districts. While not required, it would be available as a choice, subject to administrative review by municipal engineers.

Recommendation: Forward Amendment R10 for adoption.

4-8. Transition (T or TR) District and Airport Zoning

- ▶ Section 21.04.050A., Page 122, Line 13 of Provisionally Adopted Title 21
- ▶ Proposed Amendment 30 in Consolidated Table

Issue: Until such time as when an Airport-specific zoning district is finalized, how shall the Municipality address airport zoning in the interim? Should the existing title 21 Transition (T) district provisions be added back as the “TR” district, or, alternatively, should the Airport temporarily remain under current title 21 land use regulations including the existing T district?

Public comments: Ted Stevens Anchorage International Airport (TSAIA) states that Proposed Amendment 30 adding back the existing Title 21 Transition district provisions would be problematic. It would mislead the public and divert attention from completing a long-term Airport District. Both TSAIA and MOA recognized early on during the title 21 rewrite process that the existing title 21 zones do not appropriately address TSAIA’s unique situation. TSAIA and MOA have invested lots of time and resources to begin developing an Airport District (AD) to reflect TSAIA’s unique characteristics, which include FAA grant assurance requirements and impositions about land use. Completion of the AD is the long term solution to this issue, and it is necessary to press on with finalizing a new AD district. If title 21 rewrite is adopted before an AD can be completed, then TSAIA lands should be temporarily excluded from the rewrite and remain under the terms of the existing title 21 until such time as an AD is incorporated into the new title 21. The title 21 rewrite placeholder for the AD district (page 122 of the provisionally adopted title 21) should also include explanatory intent language indicating TSAIA’s unique situation, and the mutual intent to complete the AD district. (SOA Ted Stevens Anchorage International Airport)

Turnagain Community Council supports deleting the AD district from the rewrite, and opposes the language in Proposed Amendment 30 for a TR district. Provide the public with a redline comparison between the proposed TR language and the existing T district, and the rationale for any differences. Re-insert current title 21 T district language in 21.40.240.D.3 and 21.40.240.E.1. regarding conditional uses. (Turnagain Community Council)

Dan Coffey states there is no need for local zoning regulations on lands in TSAIA boundaries, that TSAIA has a master plan that is subject to public review. He asserts that staff wants to regulate TSAIA, but has not been able to reach any agreements with TSAIA on this, and that MOA proposals were probably beyond MOA authority to regulate a state airport. (Dan Coffey)

Response: Currently TSAIA is covered by three different zoning districts within its borders: PLI (public lands and institutions), I-1 (light industrial), and T (transition).

Through the rewrite project, MOA was working to assist the airports by creating a single zoning district tailored for airport management and development, instead of the patchwork of unrelated districts that creates different rules in different places for the same use. MOA and TSAIA disengaged from the airport district rewrite process in the past few years to focus on preparation of the West Anchorage District Plan (WADP). Both parties intend to return to discussions on how

the airport should be zoned and what regulations should apply, but that will occur at a later date beyond the immediate review schedule for the overall title 21 rewrite.

The bottom line is that when the title 21 rewrite is adopted, there will not yet be an airport district in place. Therefore, the existing districts at the airport need to be maintained in code. The MOA needs to either complete the proposed Airport district as part of the title 21 rewrite, or maintain the current T district that exists on airport lands until such time as an Airport district is implemented.

Removing local zoning altogether, as suggested by Mr. Coffey, would be against the interests and responsibilities of the home rule Municipality, and would conflict with the Comprehensive Plan. As a basic matter, all parts of the Municipality are zoned, including areas managed and master-planned by State or Federal entities, such as Chugach State Park, JBER, BLM lands, the Anchorage Coastal Wildlife Refuge, UAA, and State airports. Zoning also gives public notice as to land status, and a process for changing the land use designation, were that to occur. In addition, having a district at the Airport allows the local community to address compatibility between non-operational areas of an entity and the surrounding parts of the community. The MOA has a history of legal opinions stating MOA regulatory controls over Airport land. Although TSAIA has a master plan that is subject to public comment, TSAIA is not obligated to obtain formal MOA approvals or change their master plan. The WADP is predicated on future adoption of an airport zoning district. To simply disregard one would be contrary to the Comprehensive Plan and the specific policies in the forthcoming WADP.

Amendment 30 was originally proposed because the existing zoning district must remain in code until there are appropriate districts to replace all existing Transition (T) zones. It altered the existing T district with changes in language and formatting to fit into the rewrite, and renamed the district "TR" in keeping with the rewrite two-letter abbreviation system. However, public comments reject the TR district language as confusing and misleading about the intent. Both TSAIA and the adjacent Turnagain neighborhood prefer keeping the existing T zone language, at least until there is agreement on how the airport should be zoned and what regulations should apply.

A temporary resolution would be to apply what may be referred to as the "donut hole" strategy, whereby the area within the TSAIA boundaries would be excluded from the Title 21 rewrite, and would remain under the existing Title 21 code until such time as a new Airport District is incorporated into the new Title 21. Title 21 rewrite project is already using this strategy for Downtown Anchorage, whereby MOA will adopt the title 21 rewrite for most of the Anchorage Bowl, however continue to apply pre-existing title 21 land use regulations in the central business district until completion of regulations tailored to Downtown, based on the Downtown Comprehensive Plan (2007). The same could be done for the Airport until completion of appropriate airport zoning pursuant to the WADP.

Recommendation: Do not forward Amendment 30, but rather temporarily exclude the area within the TSAIA property boundaries from the Title 21 rewrite. The title 21 adopting ordinance would state that TSAIA lands (in addition to Downtown) remain under the pre-existing Title 21 code until such time as a new Airport District is incorporated into the new Title 21.