

# Planning and Zoning Commission

March 18, 2024

Case #: **2024-0006**

Case Title: **Title 21 Text Amendments: H.O.M.E. Initiative**

Agenda Item #: **G.1.** Supplementary Packet #: **1**

Comments submitted after the packet was finalized:

- Hillside's Home And Landowners Organization (HALO) Resolution
- Turnagain Community Council
- University Area Community Council Resolution 2024-02
- Anna Bosin
- David Ustick
- John Weddleton
- Marc June
- Adam Baldwin
- Craig Updegrove
- Diane Harps
- Eric Glatt

Additional information:

Other:

Sent by email:   **X**   yes            no

# Supplementary Packet #1

## Additional Comments Received

### Commenters

### Page

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#### 1. Comments Received March 7-15, 2024

- Hillside's Home And Landowners Organization (HALO) Resolution 1
- Turnagain Community Council 3
- University Area Community Council Resolution 2024-02 7
- Anna Bosin 31
- David Ustick 32
- John Weddleton 33
- Marc June 34
- Adam Baldwin 35
- Craig Updegrove 36
- Diane Harps 37
- Eric Glatt 38

**Davis, Tom G.**

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**From:** John Weddleton <john@weddleton.com>  
**Sent:** Wednesday, March 13, 2024 11:17 AM  
**To:** Davis, Tom G.  
**Cc:** Perry, Susan; Katie Nolan  
**Subject:** HALO resolution regarding PZC case 2024-0006 HOME  
**Attachments:** HALO Resolution PZC Case 2024-0006 on AO2023-87(S) Home 2-3-24 FINAL.pdf

**[EXTERNAL EMAIL]**

The attached resolution is sent on behalf of Katie Nolan, the President of the Hillside's Home And Landowners Organization (HALO).

John Weddleton  
907-770-0685



A RESOLUTION OF THE HOME AND LANDOWNERS ORGANIZATION, (HALO), REPRESENTING HOMEOWNERS OF THE ANCHORAGE HILLSIDE AREA, REGARDING PLANNING AND ZONING COMMISSION CASE 2024-0006 CONCERNING AO 2023-87(S) THE 'HOME' PLAN

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WHEREAS, HALO (Home And Landowners Organization, Inc) is an organization formed in 1969 by residents in the South Anchorage/Hillside area to represent their best interests in advocating for rural development safety and security of its residents; and

WHEREAS, Anchorage's frequent housing shortages are addressed in our existing land use plans; and

WHEREAS, AO 2023-87(S) proposes a Bowl-wide rezoning that is diametrically opposed to the overriding policies of *Anchorage 2020* and the *2024 Land Use Plan* to focus density around Town Centers and Regional Centers to maximize the use of expensive public infrastructure and to provide for a variety of neighborhoods for diverse lifestyles (This is a 'Strong Towns' focus before there was a Strong Towns movement!); and

WHEREAS, AO 2023-87(S) is not consistent with the *Hillside District Plan*; and

WHEREAS, the *Hillside District Plan* addresses increases in homebuilding in the area through a variety of policies that focus on more significant constraints on development than any constraints caused by zoning; and

WHEREAS, proposed amendments to AO 2023-87(S) from Assembly members Zac Johnson and Randy Sulte (pages 79-82) provide for a PZC review that follows Title 21's typical requirements for rezones; and

**NOW, THEREFORE**, the homeowners of Southeast Anchorage, through HALO, hereby resolve that the Planning and Zoning Commission review the proposed AO 2023-87(S) following the standard process for rezones as provided in AMC 21.03.210 to recommend amendments to Code enactments in Sections 1,2,3 and 4 to be consistent with the comprehensive plans and all of its elements, and consider sections 1,3 and 4 in light of the approval criteria for rezones in AMC 21.03.160E.

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**Anoragehalo.org**

Sarah Densen, Brena Doolan, Peter Johnson, Marc June, Mike Kenny, David Michael, Christine Monette, Gail Morrison, Lizzie Newell, Joan Priestly, Rachel Ries, Carmela Warfield, Jason Warfield, and John Weddleton. Katie Nolan, President  
Non-profit 501c4 organization, ID 92-0116692

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**TURNAGAIN COMMUNITY COUNCIL**  
c/o Federation of Community Councils  
1057 W. Fireweed Lane, Suite 100, Anchorage, Alaska 99503  
Cathy L. Gleason, President

March 13, 2024

RE: PZC Case 2024-0006 - Assembly Ordinance 2023-87(S)

Dear Planning and Zoning Commission Chair and Members:

The Turnagain Community Council (TCC) appreciates the opportunity to submit the following comments to the Planning and Zoning Commission (PZC) on the **Home Initiative, PZC Case 2024-0006 - Assembly Ordinance 2023-87(S)** — with a PZC public hearing scheduled for Monday, March 18, 2024.

**TCC RECOMMENDS PZC PUBLIC HEARING POSTPONEMENT:**

TCC recommends postponing PZC action on this case based on the following concerns:

- There has not been adequate time for TCC and the general public to obtain, assess and make informed comments to PZC on this significant Municipal Code change;
- There are too many unresolved issues associated with this complex proposal; and
- The sequence and process of adopting this ordinance and making required changes to both the *2020 Anchorage Comprehensive Plan* and *2040 Anchorage Land Use Plan* seems unclear at best. These are reflected in the Planning staff comments to the PZC on Case 2024-0006, and we support those recommendations.

TCC has closely followed Assembly initiatives to respond to Anchorage's housing shortage over the two years. We have submitted testimony on several proposed ordinances, and some of our Land Use Committee members attended the Housing Summit meeting sponsored by the Assembly last November 2023. We recognize the severity of the current housing crisis and the need to facilitate construction of new housing that is more attainable and affordable to buy and rent. We also agree that prompt — but thoughtful — action is needed to address this issue.

In comments submitted to the Assembly, we have urged them to improve their public outreach to inform Anchorage residents about the intent and content of their HOME Initiative proposal, provide information and time necessary for residents to make informed comments on proposed ordinances, and correct a tendency to drop last minute amendments to ordinances that the public may not see until the day of a public hearing.

**Need For Adequate Community Involvement**

It is not easy for the average citizen or volunteer community councils to navigate Municipal websites to find the information they need to process information on this HOME Initiative proposal and provide comments. With a March 4<sup>th</sup> Assembly webinar, a March 11<sup>th</sup> deadline for comments to the Assembly packet (which, unfortunately, TCC was not able to meet), and a PZC public hearing on March 18<sup>th</sup>,

there has not been enough time for us to prepare informed comments. Much of the information we needed was not available until this past weekend. **TCC strongly recommends PZC postponing its March 18<sup>th</sup> public hearing until after the Assembly makes their proposed community presentations in April and March, as advertised on their website.**

If the PZC feels that it must open the public hearing on March 18th, then **TCC requests that the hearing is continued — to a date after the Assembly community meetings are held in April and May**, so that the public can benefit from being better informed and have a better understanding of the proposed residential zoning changes in Municipal Code.

### **TCC'S CURRENT POSITION — WITH CONDITIONS:**

Based on the information we have to-date on the HOME Initiative proposal, TCC supports the concept to reduce the number of residential zoning districts from 13 to 5 to provide more certainty for construction of new housing and lower the cost of development **as long as it:**

- Is done with adequate community involvement, including presenting enough information in a timely matter that allows making informed comments;
- It does not substantially increase housing density as residential zoning districts are consolidated, without community involvement or rezoning, if needed;
- Any required revisions to the *2040 Anchorage Land Use Plan* and the *2020 Anchorage Comprehensive Plan* are made with adequate community involvement — and take place **before** rezoning consolidation action is taken; and
- The consolidation of residential zones on the *2040 Anchorage Land Use Plan* maps and zoning district maps are made with extensive community involvement.

### **Ordinance Effects on Density and Residential Use**

The new material in the PZC packet and Assembly webinar slides provides the proposed use tables and dimensional standard tables that were previously lacking. It appears that the sponsors select the smallest dimensional standards from the existing “suite” of zones being consolidated and apply it to the new zone. While that increases residential housing density, it appears to be relatively consistent with the existing zoning dimensional requirements, based on the new use tables. Given our current housing circumstances, we generally support that approach, subject to addressing our continuing concerns related to inadequate on-street parking, neighborhood street access/demand, landscaping, setbacks, and other infrastructure capacity issues, and on the Hillside, environmental issues such as slope, drainage, and water/septic facilities. **However, we want more time to discuss intent and details with the Assembly sponsors.**

### **Required Revisions to the 2040 Land Use Plan and the 2020 Comprehensive Plan**

This is perhaps the most significant and least addressed issue. **Normal planning policy would dictate revising the two plans first** to support the need for more affordable and attainable housing, and then revising zoning district and maps that reflect those revisions. At best, this attempts to do so simultaneously — but, the proposed ordinance provides no detail as to how the public will be involved in this process in a meaningful way. TCC feels revising both of these important Municipal planning documents **before** making significant changes to residential zoning is the most appropriate process to take.

The Planning staff appears to conclude that the proposed ordinance represents **area-wide rezoning, which they state is not allowed prior to making supporting revisions to both the**

**2040 Land Use Plan and the 2020 Comprehensive Plan.** This finding presents serious legal implications that should be resolved before the PZC takes action on PZC Case 2024-0006 - Assembly Ordinance 2023-87(S). If the proposed changes represent a consolidation of zoning districts that generally preserve designated residential land use and density as they exist in both the 2040 Land Use Plan and Zoning District, it might not represent area wide rezoning. However, again this needs to be addressed before PZC takes action.

### **How and When the Consolidation of Zones Takes Place on the Ground and in Zoning and Land Use Maps**

Perhaps one of the biggest unknowns is that the sponsors provide no detail as to how and when the consolidation of zones takes place on the ground and in zoning and land use maps. It could be a simple matter of transposing the existing zone boundaries to the consolidated zone boundaries, or there could be intent regarding zone transitions and changing use by right. **TCC strongly feels that this step should go through public review and comment**, and ideally take place before finalizing the ordinance, or at the very least, made a condition of approval.

In conclusion, TCC generally supports the concept of zoning consolidation, but there is not enough time and information for the public to make meaningful comments to the PZC. We feel that the public process can be made more deliberative with TCC's recommendations — without involving lengthy delays in addressing a critical community need — and TCC is ready to engage in that process.

Sincerely,



Cathy L. Gleason  
Turnagain Community Council President

CC:

Assembly member Anna Brawley  
Assembly member Kameron Perez-Verdia  
Assembly member Daniel Volland  
Municipal Clerk's Office/Assembly members  
Federation of Community Councils

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**UNIVERSITY AREA COMMUNITY COUNCIL (UACC)  
RESOLUTION 2024-02**

RECEIVED

MAR 11 2024

**A Resolution of UACC Supporting  
RCCC's Objection to Municipal Wide Residential Rezoning**

**WHEREAS** The Anchorage Municipal Charter Art, VIII, Sec 8.01 establishes Community Councils as representatives for neighborhoods in planning and development; **and**

**WHEREAS** Community Councils are intended to reflect actual neighborhoods and provide guidance advice on management of lands within their boundaries; **and**

**WHEREAS** The Municipal Assembly proposes to repeal and amend portions of Anchorage Municipal Code (AMC) Title 21.04, 21.05, 21.06, and 21.07 to rezone the existing ten residential zones into five residential zones [AO 2023-87(S)], including the elimination of R-1 (Single-family residential) with the intent to encourage affordable housing within the Municipality of Anchorage; **and**

**WHEREAS** The Rabbit Creek Community Council (RCCC) submitted comments to oppose the implementation of AO 2023-87(S) after careful analysis of proposed changes and its conformance with the 2020 Comprehensive Plan, the 2040 Land Use Plan, the Hillside District Plan, and AMC Title 21.03.160 (Atch RCCC Ltr February 24, 2024, comments to the Planning and Zoning Commission); **and**

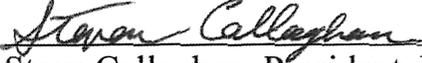
**WHEREAS** RCCC representatives presented their key concerns with AO 2023-87(S) to the University Area Community Council (UACC) at the March 6 UACC meeting, including (1) that available data does not demonstrate that current residential zoning constrains new housing construction; and (2) that AO 2023-87(S) does not comply with the 2040 Land Use Plan or the 2020 Anchorage Comprehensive Plan; **and**

**WHEREAS** The University Area Community Council concurred with the RCCC concerns identified in the February 24 correspondence.

**NOW THEREFORE** The UACC hereby resolves to concur with RCCC to oppose implementation of AO 2023-87(S) that would rezone residential areas within the Municipality. The UACC further recommends that the Municipal Assembly, Municipal P&Z Department staff, and/or the Planning and Zoning Commission provide additional supporting information and conduct analyses as identified in the RCCC February 27, prior to an Assembly vote on AO 2023-87(S).

**Resolution Vote:** For: 11 Against: 1 Abstain: 3

This resolution was approved by the University Area Community Council this day of **March 6, 2024.**

 3/11/2024  
Steve Callaghan, President, UACC

CC: MOA Mayor  
MOA Assembly Members  
MOA Clerk  
MOA P&Z Commission  
RCCC President

Atch: RCCC Ltr w/atchs, February 27, 2024

## Correspondence



**RABBIT CREEK COMMUNITY COUNCIL (RCCC)**  
A Forum for Respectful Communication & Community Relations



**1057 West Fireweed Lane, Suite 100 / Anchorage, AK 99503**

February 27, 2024

RE: PZC Case 2024-0006 - Assembly Ordinance 2023-87(S)

Dear Planning and Zoning Commission:

The Rabbit Creek Community Council (RCCC) has closely followed Assembly initiatives to respond to Anchorage's housing shortage over the past year. Our members attended Housing Summit Week in November. As a Council we routinely seek data and information on land use and planning from Municipal Staff. RCCC carefully analyzed AO 2023-87(S) [87(S)] and compared it to the 2020 Comprehensive Plan (Comp Plan), the 2040 Land Use Plan (LUP), the Hillside District Plan (HDP), and Anchorage Municipal Code Title 21.03.160 (Rezoning) and other sections of municipal code.

RCCC voted at our February 8, 2024, meeting to oppose the implementation of 87(S) on numerous grounds, as summarized in this letter and fully presented in our Attachments.

**87(S) is not ready for a decision - Title 21.03.160 Rezoning**

87(S) does not give complete and accurate information regarding the proposed rezoning action and thus cannot be given due scrutiny under the rezoning criteria of 21.03.160.E. Among the missing information: data demonstrating that current zoning constrains housing; effect on property appraisals/land costs; and future infrastructure costs and capacities.

**87(S) does not meet primary purposes of Title 21 - Title 21.01 General Provisions and Title 21.04.020 Zoning District purposes** – 87(S) fails to comply with many of the stated purposes of Title 21 planning and zoning, including: efficient use of existing infrastructure; promoting development in city centers and infill areas for efficient travel patterns; and promoting development patterns that protect and enhance a variety of appealing and distinctive neighborhoods.

**87(S) does not meet rezoning approval criteria - Title 21.03.160.E**

- E.1. Public health, safety, and general welfare
- E.2. Conform to Comprehensive Plan and Map
- E.4. Compatible with surrounding development
- E.5. Sufficient infrastructure and services
- E.6. Avoid or mitigate significant environmental impacts
- E.7. Avoid significant impacts to adjacent land uses

E.8. Avoid a land use pattern that is contrary to the Comprehensive Plan

**87(S) does not comply with the 2040 Land Use Plan**

The LUP calls for targeted rezoning and explicitly “does not recommend areawide rezoning.” LUP Map 2-1 (p 31) has been misrepresented as the reason for areawide rezoning: but Map 2-1 is a land use patterns map, not a zoning map. The recommended actions of the LUP are shown on the LUP Map 3-1. Actions Map (p. 94) and Appendix A: Planning Atlas Map PZ-2 Zoning Map Amendments (p. 111), and LUP Strategy 6 (p. 75). These maps plus other LUP language, explicitly call for targeted rezoning. See Attachments, Map 1 and Map 2 at end of this letter.

**87(S) does not comply with the Anchorage 2020 Comprehensive Plan**

The Anchorage Comp Plan calls for targeted rezoning in specific commercial and residential areas, not ubiquitous areawide rezoning and re-combining of all residential zones. The 2020 Comp Plan cites design standards as an essential tool for compatible infill and for distinctive neighborhoods.

**87(S) does not comply with the Hillside District Plan**

87(S) would rezone the entire Hillside into one zone. The HDP growth policy has strong justifications for varying residential zoning and density based on existing infrastructure, onsite well and septic, and natural constraints such as slopes, soils, and hazards. The HDP provides for: selective infill in areas of the lower Hillside near existing infrastructure; maintaining current zoning and densities in the Central Hillside, downzoning in a few parts of the upper Hillside; and a Conservation Subdivision approach to sensitive environmental areas. 87(S) provides no justification for undermining the HDP.

**Recommended actions in lieu of a Planning and Zoning Commission decision on 87(S)**

Our recommendations, expanded in the Attachment are:

- 1) Obtain a legal determination whether 87(S) can be evaluated under Title 21.03.060 as a standard rezoning action.
- 2) Suspend the 87(S) rezoning effort and fund a 2050 Comprehensive Plan with broad public outreach and data-driven staff analysis.
- 3) Suspend the 87(S) rezoning effort until we have all the pieces (e.g., design, dimensional, and development standards; allowable uses; needed code/plan amendments, etc.).

**Recommended actions if PZC moves forward on 87(S)**

- 1) Retain the details of the purpose statements for all current districts: R6, R7, R8, R9, and R10 zones. These purpose statements give invaluable guidance during rezones, variances, conditional use permits and other administrative decisions.
- 2) Rezone the R1-A in Upper Potter Valley low density to R8 or R9 as recommended in the HDP and LUP. This is a high elevation, roadless area with wetlands, and does not meet the proposed R1A/STFR description in 87(S). The setting is not “urban/suburban” and is

located far from “well-developed infrastructure, public water and sewer, and municipal services.” The 2040 LUP recommends downzoning this parcel (Planning Atlas Map PZ-2).

- 3) If the Assembly pursues a change to the R3, then the logical conversion of R3 within RCCC would be Single- and Two-Family Residential (STFR) under 21.03.160.E.3. The 2040 LUP recommends downzoning the R3 parcels within RCCC (Planning Atlas Map PZ-2). R3 on the southeast Hillside does not fit the proposed Compact Mixed Residential-Medium (CMR-M) zone. RCCC’s R3 is mostly within the Golden View Bridge subdivision. It is already built out with homes that have a fairly high lot coverage. This R3 is unlikely to be retrofitted with multifamily apartments, condominiums and multi-story townhouses. It does not meet the purpose of “efficient use of residential land near commercial, community activity centers, town centers, and areas well served by transit.”
- 4) Retain design guidelines for Mixed Use districts, such as those in the current R3A Mixed-Use Development Standards. It is easy for commercial areas to feel uninviting and unsafe for residential occupancy. Many of the standards under 21.04.020.H.2.d are common sense and need not be expensive: e.g., parking lot placement, visible primary entries, shadow effects, and street-facing windows all provide for security and health of occupants. Other standards in the current Mixed-Use district should be retained to protect the long-term value of properties, such as important viewsheds.
- 5) Require a condition of approval in Title 21.05 to include Accessory Dwelling Units in calculations of residential density. Currently 21.05.070.D.1.b.iii(E) does not require ADUs to be counted in site density. There is no logical or legally defensible reason not to count ADUs. ADUs have the same housing benefits as any other housing type, and they create the same need for services and infrastructure as any other housing type.
- 6) Require a condition of approval that a single-family home plus an ADU should be defined as a two-family development under zoning district definitions. Under the proposed 87(S), all single- and two-family residential lots are de facto triplex lot or four-plex lots. 87(S) does not allow predictability of future density of individual blocks or neighborhoods. High uncertainty does not serve individual residents and investors, nor public planners and administrators.

### **Incorrect Inferences from 2040 Land Use Plan Map 2-1. Anchorage 2040 LUP Map (p.31)**

RCCC requests that the Planning and Zoning Staff and Commission carefully review the 2040 Land Use Plan maps, which the Assembly sponsors have cited to justify creating five new residential zones.

LUP Map 2-1 illustrates broad themes, with 70 zoning districts simplified into 18 *for map legibility*. Map 2-1 used five colors to show residential *designations*, not zoning. Map 2-1 is accompanied by multiple text explanations such as Actions Check List, Strategy 6: “an areawide rezone is not recommended” (p. 75).

Zoning Districts are more detailed than land use designations, as explained on page 29, LUP:

“Most every land use designation has a corresponding set of zoning districts which implement it. This allows for a range of possible zoning densities to reflect local conditions and characteristics of the site and surrounding area. The area’s land use designation does not imply that the most intense corresponding zoning district is recommended or is the most appropriate for every parcel.”

The 2040 LUP Map 3-1. Actions Map (p. 94), shows where rezoning is recommended. The Actions Map, and accompanying Strategies, clearly recommend targeted rezoning to encourage infill and redevelopment in commercial centers, in and near neighborhood centers, and near transit corridors. The 2040 Planning Atlas, Map PZ-2, has the most detailed recommendations for rezoning (see Attachment). The Planning Atlas shows that some compact residential areas should be up zoned, and some should be downzoned to match infrastructure capacity and natural constraints.

### **Scenario: how “simplified zoning” can lead to urban sprawl**

RCCC offers an example of how simplified zoning can backfire on the “WHEREAS” claims in 87(S), that “simplified zoning” creates efficiency and predictability. If 5,000 new housing units are built in the next 5 years under simplified zoning, and 1,000 of them end up in the back of Bear Valley or Potter Valley, and the other 4,000 are scattered like confetti everywhere in the Bowl, that land use pattern is the opposite of efficient. That land use pattern is urban sprawl. The new customer base for both private and public service is scattered, rather than concentrated. This means high demands to extend new infrastructure, and thousands of new vehicle miles traveled. There are major negative impacts on public health, on carbon emissions, and the natural environment. On the Hillside, wells and septic capacity may be outstripped. If “simplified zoning” allows all lots to have 30 or 40 percent building coverage, even in steep upper watersheds such as Bear Valley and Potter Valley, there will be major adverse impacts to hydrology, drainage, and valued elements of the natural environment such as wildlife, scenic views, and forest coverage. In addition, more residents will be vulnerable to high winds and wildfire in high hazard zones.

In contrast to “simplified zoning,” Anchorage’s current zoning and adopted plans would guide the 5,000 new housing units to cluster near commercial and neighborhood centers, and along transit corridors. This targeted infill and redevelopment will enable efficient use of infrastructure, walkability, higher use of transit, and a concentrated customer base that will support mixed-use development. All residents will have a choice of urban versus suburban versus rural neighborhoods in Anchorage ***as intended in adopted land use plans***. The 2040 Land Use Plan calls for small, localized adjustments to zoning to achieve targeted infill and redevelopment. By contrast, 87(S) is an areawide rezoning to disperse new growth, under the incongruent claim we have heard of “density everywhere.”

The attached summary of our recommended actions and concerns is followed by a detailed review of 87(S), documenting where we believe it negates our data-based, publicly developed, cost-efficient 2020 Comprehensive Plan, 2040 Land Use Plan, and area-specific plans. We expect to hold Assembly members accountable to their promise that over the next several months, the upcoming March 4th webinar, March 18<sup>th</sup> Planning and Zoning Commission hearing, and proposed meetings with community members will truly be opportunities to substantially modify 87(S) and result in a proposal in June 2024 that can contribute to housing affordability through targeted infill matched to existing infrastructure, without encouraging urban sprawl or diminishing the variety and distinctive characters of individual neighborhoods throughout Anchorage.

Sincerely,



Ann Rappoport, Co-chair



John Riley, Co-chair

Attachments

Attachment 1. Anchorage 2040 LUP Map (p. 31) and 2040 LUP Map 3-1. Actions Map (p. 94)

Attachment 2. 2040 LUP Planning Atlas PZ-2. (p. 111)

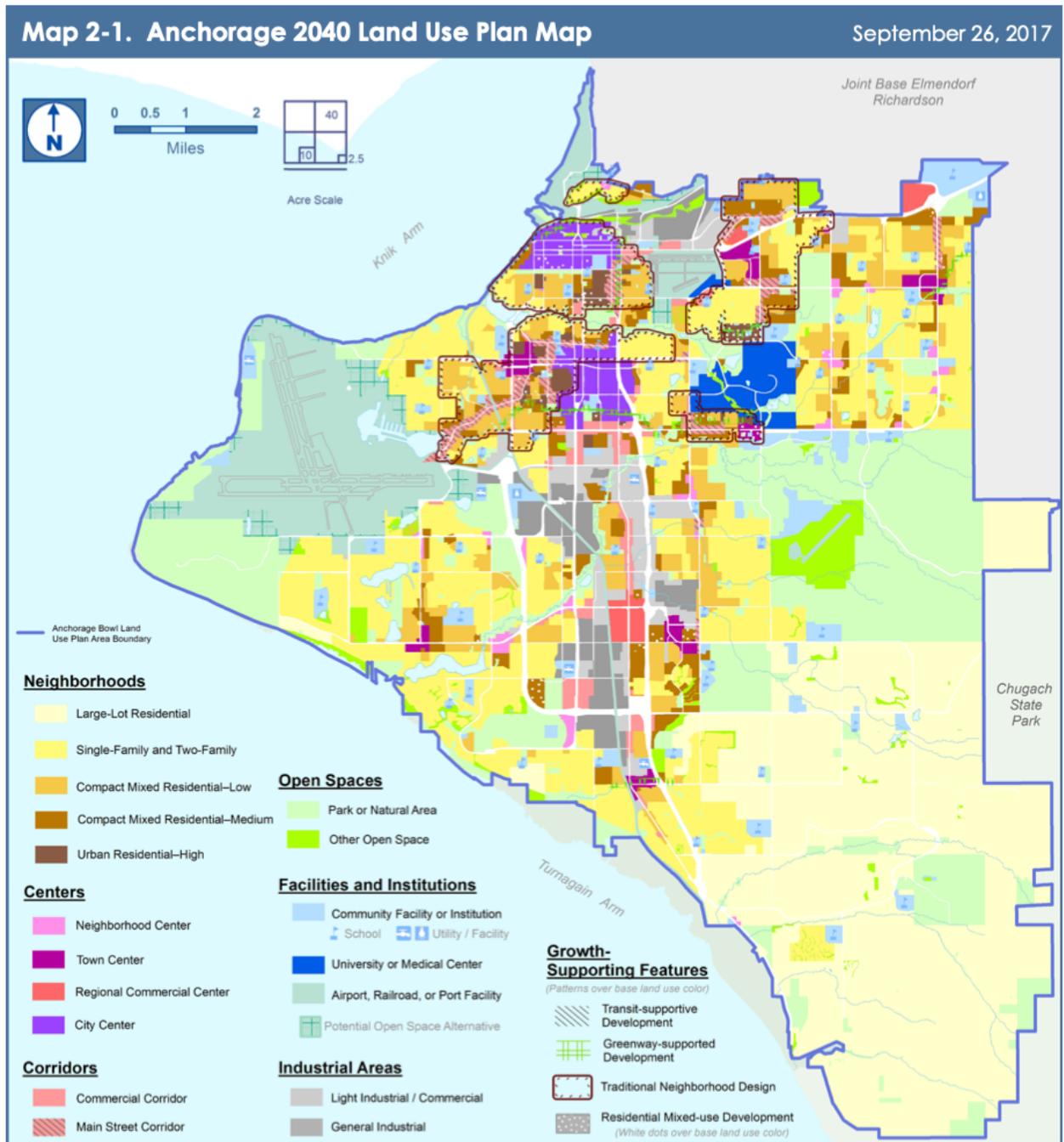
Attachment 3. Analysis and Justification for RCCC Recommendations and Comments on AO No. 2023-87(S) in seven sections:

1. 87(S) is not ready for a decision under Title 21.03.160
2. 87(S) does not meet primary purposes of Title 21 - Title 21.01.03 General Provisions, Title 21.01.130, and Title 21.04.020 Zoning
3. 87(S) does not meet rezoning approval criteria: - Title 21.03.160.E Approval Criteria
4. 2040 Land Use Plan - 87(S) does not comply
5. Anchorage 2020 Comprehensive Plan – 87 (S) does not comply
6. Hillside District Plan – 87(S) does not comply
7. Recommended actions in lieu of a Planning and Zoning Commission decision on 87(S)

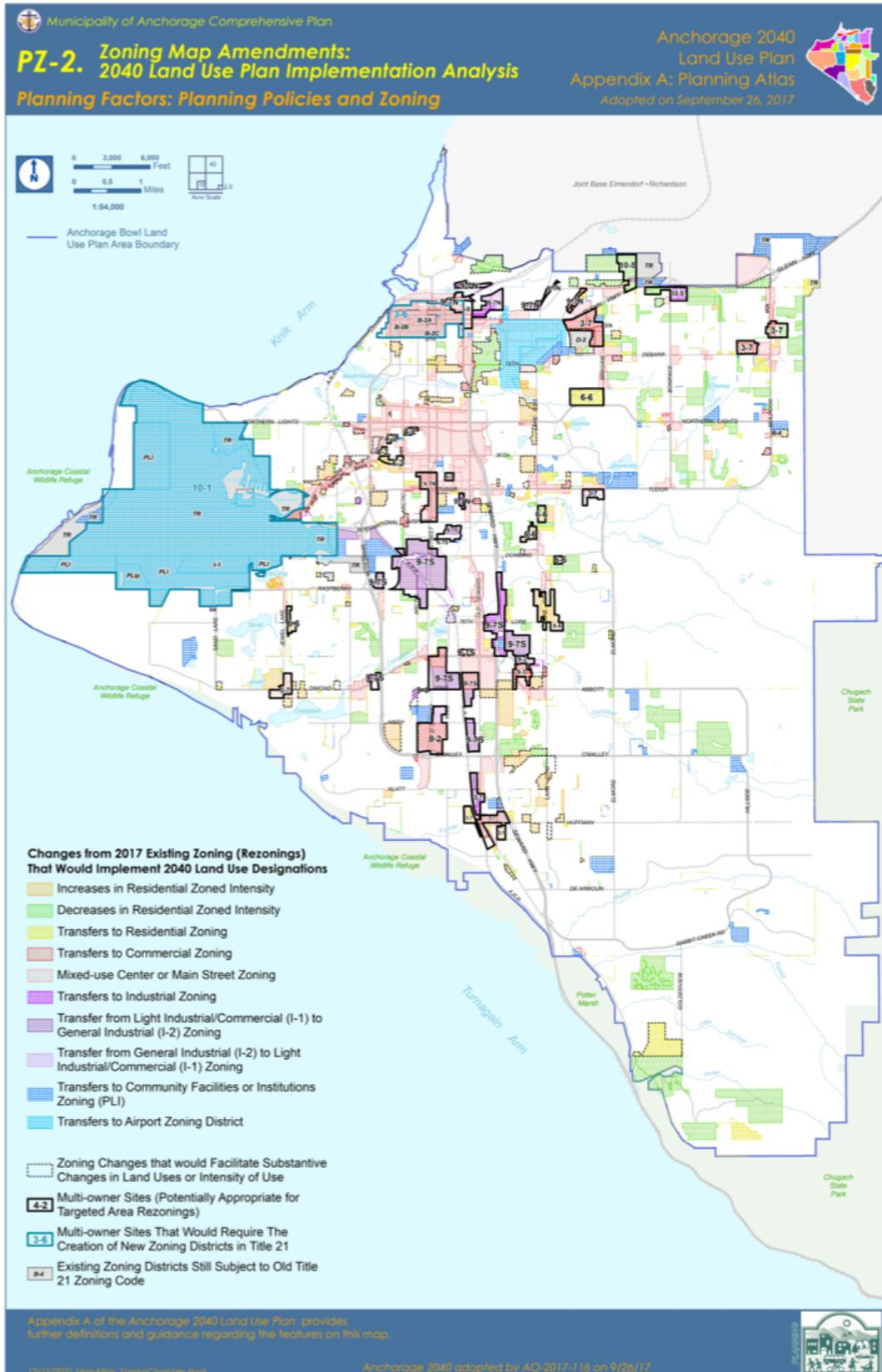
cc: MOA Planning Department

Attachment 1.

Anchorage 2040 Land Use Plan Map (p. 31) & 2040 Land Use Plan Map 3-1 Actions Map (p. 94)







**ANALYSIS AND JUSTIFICATION FOR RCCC RECOMMENDATIONS AND COMMENTS  
ON AO No. 2023-87(S)**

RCCC agrees that Anchorage is suffering from a housing shortage. We appreciate the Assembly's attention on housing. As we have all heard, major factors contributing to the lack of new and of affordable housing are beyond the Assembly's influence: high mortgage interest rates, building supply issues, lack of experienced construction trades people, and weaknesses in Alaska's economy. Nearly all these issues are shared by municipalities across the United States. We are also aware of studies documenting the negative social impacts of exclusionary zoning and appreciate the Assembly's efforts to avoid that situation. However, we are concerned that the current approach in 87(S) is not backed by planning data, will not have the intended effect on housing supply or affordability, and violates Anchorage's adopted land use plans, Title 21 land use code, and Municipal planning and zoning processes.

We believe targeted rezoning would better address the issue of Anchorage's housing shortage, while using existing infrastructure to reduce development costs, and concomitantly protecting distinctive neighborhood character and area-specific plans developed with public input. We offer suggestions on ways to implement our land use plans to achieve cost-efficient development, housing choices, and distinctive neighborhoods. Our analysis and comments are presented here in six sections, as summarized in the cover letter, followed by our recommended actions in lieu of implementing 87(S).

1. **87(S) is not ready for a decision under Title 21.03.160**
2. **87(S) does not meet primary purposes of Title 21 - Title 21.01.03 General Provisions, Title 21.01.130, and Title 21.04.020 Zoning**
3. **87(S) does not meet rezoning approval criteria: - Title 21.03.160.E Approval Criteria**
4. **2040 Land Use Plan - 87(S) does not comply**
5. **Anchorage 2020 Comprehensive Plan – 87 (S) does not comply**
6. **Hillside District Plan – 87(S) does not comply**
7. **Recommended actions in lieu of a Planning and Zoning Commission decision on 87(S)**

**Section 1. 87(S) is not ready for a decision under Title 21.03.160**

1. Lack of evidence. Zoning is a fundamental tool of land use planning and should not be dramatically reconfigured without cause-and-effect data and analysis.
  - a. No data has been presented to demonstrate that zoning in Anchorage constrains housing stocks or causes unaffordability. Current zoning is being scapegoated as a cause of housing unaffordability in Anchorage.
  - b. No rationale has been presented for eliminating the purpose statements for the current distinct large lot residential zones. These zoning districts are based on infrastructure

insufficiency, cost-efficiency, environmental constraints, and quality of life. They are well-documented and justified in the Hillside District Plan (HDP), the 2040 Land Use Plan (LUP) and the 2020 Comprehensive Plan (Comp Plan).

- c. The proposed zoning changes of 87(S) reduce predictability and create cost-inefficiency for infrastructure and services, both in existing and new developments.
  - d. We can find no geographical nor quantitative evidence for the WHEREAS section claims that simplifying zoning, “. . . promotes efficient land use by utilizing existing infrastructure; reducing urban sprawl, and minimizing the need for extensive new infrastructure,” or will create a customer base for the public transit system, [can] help preserve natural areas and open spaces, and reduce carbon emissions. This information should be provided in order for the Planning and Zoning Commission (PZC) to reasonably review 87(S).
2. 87(S) prioritizes a single Comp Plan Policy (affordable housing) while violating numerous co-equal Comp Plan policies.
  3. 87(S) will force multiple, fundamental changes to adopted land use plans, with the consequence of unraveling those plans. This process is contrary to Alaska Statutes that planning shall guide regulations, not the reverse.
  4. 87(S) is incomplete, denying the public, staff, and PZC the chance to understand the full effects. It does not provide full details for dimensional standards, development standards, design standards, allowable uses, and all the amendments this rezoning will force upon numerous land use plans with which 87(S) it does not comply. These elements are all integral to zoning. They are definitional. These elements should be laid out before lands are zoned, and in fact used to analyze which lands receive new zoning. 87(S) fails to clearly describe these elements.
  5. The public has been denied meaningful participation and informed review of the successive ordinances that are assumed under 87(S). The measure’s sponsors continue to develop their initiative piecemeal and separate from professional municipal planning staff. Their efforts lack supply-demand analysis, long-term cost-benefit analysis, and the public-generated vision and quality of life framework that supports current land use plans and zoning districts. Staff are relegated to analyzing piecemeal drafts that become obsolete before they are subject to public hearings. The Assembly sponsors have repeatedly made game-changing floor amendments at PZC and Assembly public hearings which precludes any professional analysis or public comments.
  6. The cascading effects of 87(S) and subsequent changes to code and the unidentified but sweeping changes to the Comp Plan that 87(S) will require are outside the scope of normal rezoning. We question whether 87(S) can legally and fairly be considered under 21.03.060, the rezoning process for a number of reasons outlined in Section 2.

**Section 2. 87(S) does not meet primary purposes of Title 21, including in Title 21.01.03 General Provisions, Title 21.03.60 Rezoning, and Title 21.04.020 Zoning**

Anchorage Municipal Code Title 21.01

The purposes of Title 21 in codifying the Comp Plan are established in the first section where there are numerous co-listed purposes. No single purpose should be pursued to the negation of numerous other purposes. Proposed AO 87(S) and the series of associated “HOME” ordinances work AGAINST several Title 21 purposes as highlighted below in the list of Title 21’s purposes: 21.01.03 The purpose of this title is to implement the comprehensive plan in a manner which protects the public health, safety, welfare, and economic vitality by:

- A. Encouraging the efficient use of existing infrastructure and the available land supply in the municipality, including redevelopment;
- B. Encouraging a diverse supply of quality housing located in safe and livable neighborhoods;
- C. Encouraging a balanced supply of nonresidential land uses that are compatible with adjacent land uses and have good access to transportation networks;
- D. Promoting well-planned development that reflects the municipality’s unique northern setting, natural resources, and majestic surroundings;
- E. Providing appropriate development incentives to achieve an economically balanced and diverse community and to promote further economic development in the municipality;
- F. Protecting the diversity of fish and wildlife habitats by minimizing adverse impacts of land development on the natural environment;
- G. Protecting development and residents of the municipality from flooding, wildfires, seismic risks, and other hazards;
- H. Encouraging development of a sustainable and accessible system of recreational facilities, parks, trails, and natural open space that meet neighborhood and community-wide needs;
- I. Promoting development in city centers and infill areas so as to create efficient travel patterns.

Title 21.03.60.A Rezoning

Section 21.03.160.A Rezoning - Purpose and Scope establishes the purpose of zoning as follows: “Zoning is intended to provide a degree of certainty that is important for long-term investment and neighborhood cohesion and stability.”

Contrary to this intention, 87(S) increases the unpredictability of future residential neighborhoods for both private and public decision-making by removing or drastically changing design standards and density standards called for in the adopted land use plans.

Title 21.04.020 Residential Districts, General Purpose and Intent

By eliminating many design standards and by merging distinctive zoning districts, 87(S) would reduce the distinction of neighborhoods, fail to mitigate the impacts of higher density, and reduce the predictability of future development. This fails to comply with the intent of zoning required here:

- “A.5. Protect the scale and character and unique appeal of existing residential neighborhoods and of community areas generally;
- A.8. Where appropriate, minimize the location of residences in high natural hazard areas . . .
- A.11 Designate areas for residential living that support neighborhood identity and economic vitality and thus give predictability to residential settings and encourage investments and enhancements.”

**Section 3. 87(S) does not meet rezoning approval criteria: - Title 21.03.160.E Approval Criteria**

Section 21.03.160.E establishes nine criteria which ALL must be met before the planning and zoning commission may recommend approval and the assembly may approve a proposed rezoning action. 87(S) does not meet six of these criteria.

Criteria E.1. is for the public interest, “The rezoning shall be in the best interest of the citizens of Anchorage and shall promote the public health, safety, and general welfare.”

- Best Interest - areawide rezoning overturns the adopted land use plans which should be considered to represent the broad, long-term interests of the citizenry. The adopted land use plans were developed in an iterative process over a period of years with robust data, professional analysis, and extensive, documented public input. The adopted plans represent the best interests of the citizens of Anchorage more accurately than 87(S) that appears to have been developed largely with real-estate interests in lieu of municipal planning staff expertise and public input.
- Public health - random, scattered residential infill across the entire Bowl creates a pattern of urban sprawl and induces more driving, which poses public health risks from traffic crashes, sedentary lifestyles, particulate emissions, greenhouse gas emissions, and inequity for non-drivers. Public health is also degraded by the disruption and dysfunction posed by 87(S) from higher density in areas with onsite well and septic systems, and from drainage issues, increased run-off, soil erosion and loss of natural vegetation in areas not physically suited for higher residential zoning.
- Safety - random, scattered residential infill across the entire Bowl creates safety hazards because transportation infrastructure, emergency services, and other public services cannot be expanded everywhere at once. Emergency egress, wildfire defense, and disturbance of slopes are specific safety concerns. Safety is also diminished by induced vehicle travel.

Criteria E.2. requires a rezoning to comply with and conform to the Comprehensive Plan.

Note: there is a very long list of ways in which 87(S) fails to comply or conform with the comprehensive plan, including the plan maps. We expect that Municipal Planning staff will have a much more complete list but have listed a number of these below.

- 2040 Land Use Plan Map 3-1. Actions Map (p. 94) – recommends and identifies areas for targeted rezoning and specifically does not recommend areawide rezoning.
- 2040 Land Use Plan Map 2-1. Land Use Plan Map (p. 31) – does not recommend “simplified” residential zoning. The Plan clearly states that this map illustrates “a more general picture of future land use,” not zoning or re-zoning. The difference between land use designations and zoning districts is clearly stated in the 2040 LUP: “Most every land use designation has a corresponding set of zoning districts which implement it. This allows for a range of possible zoning densities to reflect local conditions and characteristics of the site and surrounding area. The area’s land use designation does not imply that the most intense corresponding zoning district is recommended or is the most appropriate for every parcel.” (p. 29, emphasis added).
- “Simplified zoning” undercuts the main principles of the Comp Plan and the LUP. We found 87(S) to not be in compliance or to not meet these, as follows.
  - Growth allocation. Both existing plans allocate growth to various quadrants of the Bowl based on extensive analysis of infrastructure, proximity, development constraints and existing neighborhood patterns. 87(S) is not in compliance with the plans as it would redistribute growth in unpredicted ways and is not based on a detailed locational analysis.
  - Centralized, targeted infill and redevelopment. Both plans emphasize centralized, targeted infill and redevelopment, that will guide most future residential development to cluster in or near commercial centers, neighborhood centers, and transit corridors. Instead, 87(S) invites new residential development anywhere, guaranteeing density nowhere and encouraging urban sprawl and all the attendant inefficiencies and health impacts.
  - Support higher density with infrastructure. Both plans have policies to ensure that higher density areas will be supported by existing infrastructure and additional investments in pedestrian access, transit, parks, and other place-making investments. Contrary to these policies, 87(S) invites random pockets of density, making it very difficult to match growth to new public infrastructure and services or to give predictability to private investors and home purchasers.

- Design standards. Both plans place an emphasis on design and dimensional standards as “essential tools” to ensure that the aesthetic form, distinctive features, and livability of traditional neighborhoods will be maintained, e.g., Comp Plan policies 11, 12, 13, 23, 24, and 25. As previously described, 87(S) lacks a complete list of design and development standards. We are particularly concerned that recent related ordinances from the sponsors of 87(S) have already stripped away some design standards and reduced lot setbacks.
- Distinctive neighborhoods, by design. Both plans support distinctive neighborhoods and a range of densities, e.g., Comp Plan policies 13, 46, 47, 50, and 52. The choice of densities is reduced through 87(S) because it ignores the need for design standards to maintain the scale, form, and distinctive characteristics of neighborhoods. With its areawide application, 87(S) neither identifies or protects the characteristics of neighborhoods, as advocated in the LUP (pp. 36-49) and Comp Plan.

Criteria E.4. establishes that, “The rezoning is compatible with surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities.”

The higher densities and the removal of environmental purpose statements allowed under 87(S) pose negative impacts to watersheds. Degradation of watersheds will in turn impact residential areas with onsite wells and septic, and riparian areas and estuaries such as Potter Marsh, a State Critical Habitat. The higher densities in subalpine and alpine areas will also impact wildlife movement and habitat of adjoining Chugach State Park.

Criteria E.5. concerns the capacity of infrastructure to support the rezoning: “Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, while maintaining adequate levels of service to existing development.”

Maps in the 2040 LUP Planning Atlas and HDP document the limited infrastructure and services within the HDP area compared to other parts of the Bowl. This lack of infrastructure and services means that development will not be cost-efficient either to investors or the tax-paying public, compared to other parts of the Bowl. The Anchorage Water and Wastewater Utility service area covers only parts of the lower Hillside (HDP Map 5.8, p. 5-31). The Planning Atlas shows the unlikelihood of transit in large areas of the Bowl, including south of Dimond and Abbott roads (Map CI-2, p. 47). There is a pronounced lack of pedestrian facilities in much of Anchorage (Atlas Map CI-3, p. 49). The projected school capacity in 2040 will be far over-capacity in south Anchorage even under current zoning, with under capacity projected in north and central Anchorage (Atlas Maps CI-4a, p. 55; CI-5a, p. 56; CI-6a, p.57). Park capacity is also markedly underdeveloped in south Anchorage, compared to other parts of the Bowl (Atlas Map

CI-7, p. 59). The HDP shows that not all the Hillside is even within the Anchorage Parks and Recreation Service Area (Map 6.4, p. 6-14) or the Building Safety Service Area (Map 6.5, p. 6-20).

Criteria E.6 addresses significant adverse impacts upon the natural environment:

“The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts shall be substantially mitigated.” This criterion is not met by 87(S) because:

- Rezoning creates infill anywhere, creating a sprawl pattern of growth that induces more driving than the current zoning and targeted infill. Increased vehicle miles traveled (VMT) create significant negative impacts on air, water, noise, storm water management. The rezoning fails to assess adverse air quality impacts as required for major public land use and transportation decisions under Comp Plan Policy 40.
- Deleting the lowest density zones on the Hillside decreases habitat and harms wildlife movement including movement from alpine areas in Chugach State Park to lowland areas and the Coastal Wildlife Refuge. The increased densities also will result in greater impacts to natural terrain and topography, and hinder watershed-scale management, in contravention to HDP Policies and 2020 Comprehensive Plan Policies 13, 66, 67, 70, 71.

Criteria E.7 ensures rezoning will not result in significant adverse impacts on adjacent land uses:

“The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations.” However 87(S) will not do this.

- Eliminating design and development standards in the higher density zones such as Mixed Use is contrary to the many policies of the LUP and Comp Plan which establish that design standards are an essential tool for successful, compatible infill.
- The greatly increased densities possible on the Hillside pose damaging impacts to adjoining land uses: disruption to aquifer recharge; drawdown of the aquifers; loss of septic function; uncontrolled run-off; erosion; traffic bottlenecks on substandard roads.

Criteria E.8. prevents rezoning from exacerbating a land use pattern that is inconsistent with the Comp Plan. Contrary to this criterion, 87(S):

- Promotes “infill anywhere” with reduced design and dimensional standards, which is inconsistent with the Comp Plan land use pattern of targeted infill and redevelopment, supported by increased infrastructure and design standards.
- Promotes in-city urban sprawl and increased vehicle miles traveled (VMT).
- Is inconsistent with the HDP by potentially increasing density from two- to eight-fold or even greater and by eliminating the design and development standards that both the Comp Plan and LUP repeatedly cite as key implementation tools.

For the Hillside, areas zoned R10 cannot safely be developed at higher density without development criteria. That zoning district is currently described: “where natural physical features and environmental factors such as slopes, alpine and forest vegetation, soils, slope stability, and geologic hazards require unique and creative design for development. Creative site design and site engineering are essential.”

#### **Section 4. 2040 Land Use Plan - 87(S) does not comply**

As described previously under criteria for 21.03.160E, the LUP Map 3-1. Actions Map (p. 94) recommends and identifies areas for targeted rezoning and specifically does not recommend areawide rezoning. 87(S) does not comply with the LUP’s policies for: growth allocation; centralized, targeted infill and redevelopment; matching growth to existing infrastructure; safe, efficient travel and reduced vehicle traffic; design standards; or distinctive neighborhoods, by design.

Our review finds 87(S) not in compliance with these LUP Goals (pp. 17-23):

- “Goal 2: Infill and redevelopment meets the housing and employment needs of residents and businesses in Anchorage.” This goal has 12 actions. Areawide residential rezoning is not one of the actions. The HOME Initiative could and should focus on several actions for Reinvestment Focus Areas, economic incentives, and “create a medium-density residential district that allows mixed use commercial in an integrated neighborhood setting . . . Direct this district to locations next to Centers or Corridors.” Action 2-6, page 83.
- Goal 3 promotes mixed-use, walkable commercial centers. 87(S) thwarts infill into commercial centers by increasing density allowances everywhere. Dispersal instead of concentration defeats the concept of thriving centers.
- “Goal 5: Coordinated and targeted infrastructure investments catalyze new growth, provide an acceptable return on investment, and equitably improve safety and quality of life.” 87(S) also thwarts the Municipality’s ability to coordinate and target infrastructure for optimum growth and quality of life, because infill is invited anywhere.
- “Goal 6: Anchorage coordinates transportation and land use to provide safe, efficient and affordable travel choices.” The promotion of “infill anywhere” as promoted in 87(S) circumvents the Municipality’s ability to predict where to invest in transit, active transportation, or roads. Safety is compromised. Cost-efficiency is hard to ensure.
- “Goal 7: Infill development is compatible with the valued characteristics of surrounding properties and neighborhoods.” There are seven implementation actions for this goal, none of which are incorporated in 87(S). The areawide approach to infill anywhere without design standards found in 87(S) ignores the valued characteristics of surrounding properties and neighborhoods.

#### **Section 5. Anchorage 2020 Comprehensive Plan – 87 (S) does not comply**

Existing Case Law documents the importance and precedence of the Comp Plan.

In **Lazy Mountain Land Club v. Matanuska- Susitna Borough Board of Adjustment and Appeal**, (Sept 1, 1995) 904 P 2d 373, the Supreme Court of Alaska stated that "Adoption of a comprehensive plan must precede enactment of zoning regulations." The court concluded "that the language of AS 29.40.040 requiring that zoning regulations be enacted "in accordance with" or "in order to implement" the comprehensive plan, requires the Borough's zoning regulations must be consistent with a validly enacted plan."

In **South Anchorage Coalition, Inc. v. Coffey**, 862 P.2d 168, 174, the court stated that "many of the evils in zoning practice can be ameliorated by judicial insistence upon the zoning board's compliance with the statutory requirement that any changes in the zoning ordinance be made "in accordance with a comprehensive plan."

There is little value given to the public process when others can, in a relatively short period of time and with minimal public interest or notice, in effect rewrite any portion of the Comp Plan to suit their needs or desires. American Law of Zoning 5.02, at 263 (2nd 3d. 1976) states: "The notion that zoning regulations should be imposed only in accordance with a comprehensive plan is founded on the basic premise that zoning is a means rather than an end. The legitimate function of a zoning regulation is to implement a plan for the future development of the community."

An opinion in late 2000 from a Municipality of Anchorage attorney to Mayor Wuerch when asked, "Is it mandatory for land use decisions to follow the Comprehensive Plan?" said, "the answer is 'yes'."

Under AS 29.40.040. Land Use Regulation, a comprehensive plan adopted under AS 29.40.030 shall be implemented with subsequently enacted provisions to implement the plan governing the use and occupancy of land. This clearly establishes the role of Title 21 as an implementation tool of the Comp Plan and the broad definition of a Comprehensive Plan described in AS 29.40.030.

#### Specific policies of the 2020 Comp Plan

Comp Plan Policies 1 and 2 specify that Neighborhood or District Plans are essential strategies to develop specific land use guidance.

Comp Plan Policy 3 allocates residential growth for various geographic subareas of the Anchorage Bowl, and the Southeast Anchorage allocation for the Hillside is roughly met by current zoning and the Hillside District Plan. Individual parcel up zoning continues to add incremental density to the Hillside in places where infrastructure and natural site conditions can support it: e.g., Sky View Estates on Lower O'Malley, and Huffman Hills on lower Huffman.

Numerous 2020 Comp Plan policies encourage infill, redevelopment, and greater density, and these policies list design standards as essential strategies for implementation. The Assembly, in

recently passed AO 2023-103, proposed AO 2023-87(S), and the un-numbered ordinance from January 2024, delete many design standards while also increasing density, directly violating Comp Plan policies such as 3, 9, 11, 12, 17, 18, 19, 21, 22, 24, 25 and 46.

Specifically, Comp Plan Policy 46 states: “the unique appeal of individual residential neighborhoods shall be protected and enhanced in accordance with applicable goals, policies and strategies.” Essential strategies include neighborhood or District Plans, such as the HDP which was developed through a carefully implemented public process and covers the Rabbit Creek Community Council area; and Design Standards, including Streetscape Standards and guidelines. A list of current neighborhood and special area/issue plans and studies is at 21.01-1 (pp. 1-5 through 1-7).

### **Section 6 Hillside District Plan – 87(S) does not comply**

The Hillside District Plan (HDP) currently has residential zoning allowing for residential growth commensurate with the Comp Plan and Land Use Plan. At the time of the HDP adoption, zoning allowed for 5,030 additional homes, which was solidly within the southeast sub-area growth allocation of 4,00 to 6,000 homes.

Policies of the HDP support targeted residential growth (NOT increased density everywhere). Density targets in the HDP are based on infrastructure and environmental conditions, with Goal 1 on location and intensity of development including:

- Primary Hillside as a whole - “Policy 1-A. Encourage a greater proportion of future Hillside growth to occur in the lower Hillside, in areas located closer to existing services and infrastructure; to a limited degree reduce the amount of future development in the southeast Hillside” (p. 2-4).
- Central Hillside - “Policy 1-C. Maintain the same land use designations and zoning in this area as were established prior to the beginning of this plan” (p. 2-4).

The overarching point of the five policies under Goal 1 in the HDP is: **Maintain the Hillside’s Existing Low-Density, Rural Residential Character.**

The HDP is an adopted part of the Comprehensive Plan. It clearly outlines the infrastructure and environmental constraints to high density in the Hillside area with its steep terrain, and large areas lacking sewer, water, and paved roads. It outlines long-term solutions to some of these constraints (see the Hillside Home and Landowner Resolution, February 1, 2024, and the HDP Summary of Plan Policies, p 1-21). However, since completion of the HDP, the Assembly and Administration have not enacted those solutions, and constraints remain in terms of substandard roads, drainage, onsite water capacity, onsite sewers, lack of pedestrian systems, and low levels of emergency services – all exacerbated with the construction of more homes.

87(S) specifically does not meet the following goals of the Hillside District Plan:

Goal 1: Location and Intensity of Development

Goal 2: Character of Development

Goal 3: Infrastructure and Efficient Growth Patterns

Goal 5: Environmental Quality

Goal 7: Visual Quality

Goal 8: Drainage Management

87(S) Reduces the ability to manage run-off on a watershed basis, reduces the low-density and lot coverage that helps to manage the run-off from high elevation and steep lots. Does not implement the Hillside Area Natural Resource Protection Plan or protect aquifer recharge areas or wildlife movement corridors from the Coastal Wildlife Refuge to Chugach State Park.

Goal 9. Roads

By allowing “infill anywhere,” 87(S) increases pressures on substandard roads and areas with poor emergency egress while at the same time reducing the predictability needed to expand road infrastructure efficiently

Goal 13. Water and Wastewater “. . . Preserve the viability of onsite water and wastewater systems and the quality of domestic water supplies.”

The MOA lacks information on the carrying capacity of the well-water resources or the cumulative effect of denser septic systems. Allowing higher density in upper watersheds, and “infill anywhere,” threaten to outstrip the carrying capacity of onsite services.

Goal 14. Funding and Managing Infrastructure

The HDP has 16 policies to facilitate orderly and sustainable growth on the Hillside. Many of these include adopting additional development standards and guidelines for challenging site conditions. On the contrary, 87(S) removes existing guidelines and purpose statements for large lots and fails to include standards recommended by the HDP for sub-alpine and alpine elevations, steep slopes, ridgetops, challenging site conditions, rural roads, and rural character.

## **Section 7. RCCC recommendations: Follow the Land Use Plans, do not subvert them**

### Recommended actions in lieu of 87(S)

Given the concerns RCCC has raised about how 87(S) would negate the Comp Plan and Land LUP, and our concern that 87(S) is likely illegal, we have three primary recommendations:

- 1) A legal determination should be requested as to whether 87(S) can be evaluated under 21.03.060 as a standard rezoning action; or whether 87(S) and subsequent expected implementation measures constitute a much broader, cascading, legislative action that has the effect of overriding the basic land use patterns and development and design guidance of the Comp Plan at several levels, including the HDP and other neighborhood plans.

- 2) If 87(S) subverts the basic guidance of large parts of the Comp Plan and area-specific plans, suspend the 87(S) rezoning effort, and fund a 2050 Comprehensive Plan with broad public outreach and data-driven staff analysis, similar to the Comp Plan and LUP processes. Comprehensive plans are intended to guide zoning, not the other way around (per Alaska Statutes). Municipal Code intends our Comp Plan to be updated every 20 years: our Anchorage 2020 Comp Plan was adopted 22 years ago.
- 3) If 87(S) does not require a major Comprehensive Plan amendment or a new Comp Plan, suspend the 87(S) rezoning effort until all the implementation pieces are drafted, to allow for simultaneous review. The current 87(S) does not provide details for dimensional standards, development standards, design standards, allowable uses, and all the amendments this rezoning will force upon numerous land use plans. The public, Muni Planning and other Staff, and the Planning and Zoning Commission cannot be expected to see, understand and analyze the cumulative changes under such a piecemeal roll-out.

**Recommended actions if the PZC and Assembly amend 87(S) to comply with Title 21.03.160.E, Rezoning Approval Criteria**

Retain the current zoning of the HDP for the R6, R7, R8, R9 and R10 areas, given the definition of those zones based on limited access, limited services, and environmental constraints and travel distances.

Retain details of the purpose statements for all current districts, R6, R7, R8, R9, and R10 zones. These purpose statements give invaluable guidance for considering rezones, variances, conditional use permits and other administrative decisions.

Rezone the R1-A in Upper Potter Valley low density to R8 or R9 as recommended in the HDP. This is a high elevation, roadless area with wetlands, and does not meet the proposed R1A/Single and Two Family Residential (STFR) description in 87(S). The setting is clearly not “urban/suburban” and is located far from “well-developed infrastructure, public water and sewer, and municipal services.”

If the Assembly pursues a change to the R3 Residential Mixed-Use zone, then the logical conversion of R3 within RCCC would be to STFR under 21.03.160.E.3. The LUP recommends downzoning the R3 parcels within RCCC (Planning Atlas Map PZ-2). The limited R3 areas within the RCCC area do not fit the proposed Compact Mixed Residential-Medium (CMR-M) zone. Primarily within the Golden View Bridge subdivision which has already been fully built out with homes that have fairly high lot coverage, this R3 area is unlikely to be retrofitted with multifamily apartments, condominiums and multi-story townhouses. Lacking any nearby commercial area, community activity center, town center, or area well served by transit, it does not meet the purpose of “efficient use of residential land.”

Retain design guidelines for Mixed Use districts, such as those in the current R3A Mixed Use Development Standards. It is easy for commercial areas to feel uninviting and unsafe for residential occupancy. Many of the standards under 21.04.020.H.2.d are common sense and need not be expensive: e.g., parking lot placement, visible primary entries, shadow effects, and street-facing windows all provide for security and health of occupants. Other standards in the current Mixed-Use district should be retained to protect the long-term value of properties, such as important viewsheds.

Require a condition of approval in Title 21.05 to include Accessory Dwelling Units in calculations of residential density. Currently 21.05.070.D.1.b.iii(E) does not require ADUs to be counted in site density. There is no logical or legally defensible reason not to count ADUs. Accessory Dwelling Units have the same housing benefits as any other housing type, and they create the same need for services and infrastructure as any other housing type.

A single-family home plus an ADU should be defined as a two-family development under zoning district definitions. 87(S) is not transparent regarding the proposed one- and two-family residential zone. Under the proposed 87(S), all single- and two-family residential lots are de facto triplex lot or four-plex lots. 87(S) does not allow predictability of future density of individual blocks or neighborhoods. High uncertainty does not serve individual residents and investors, nor public planners and administrators.

### **Section 8. Recommended actions in lieu of a Planning and Zoning Commission decision on 87(S): A cooperative way to implement our Land Use Plan**

As we have taken a deep dive into our HDP, zoning, and development throughout Anchorage, RCCC has been reminded of some significant recommendations and needs that are even more urgent to pursue for the greater Hillside area. We request the Assembly's support to establish entities that can coordinate future Hillside infrastructure and services as outlined in the HDP. These entities can help the Hillside catch up on infrastructure and determine the localized and overall carrying capacity of onsite well water and septic systems, as outlined in the HDP:

- Hillside stormwater management entity (HDP Policies 8A, 8B and 8D).
- Well Water Protection Program (13-G and 13-K).
- A consolidated roads, trails and drainage entity to manage and finance roads, drainage, built/green infrastructure, watershed protection and aquifer recharge, and trails at a watershed or Hillside area scale.

RCCC supports additional Title 21 development and design guidelines recommended in the HDP (e.g., see Summary p. 6-23). Guidelines are needed for Hillside land that has environmental constraints or that poses high impacts to the surrounding area. RCCC would like to participate in the drafting of:

- Hillside Conservation Subdivision standards under Title 21, per HDP Policy 14-L. The intent is to cluster development in ways that save on infrastructure costs and conserve sensitive or high-value open space.
- Standards for lighting 14-O.
- Standards for steep slopes and higher elevations 14-I and 14-J.
- Standards for ridgetop development 14-P.

The sound planning policies of the HDP were based on inventories, descriptions and analyses of existing and future conditions that took several years and resulted in a level several magnitudes more thorough and precise than any analysis we have seen to justify the zoning proposal of 87(S). Specifically of concern to RCCC is lack of evidence of a detailed analysis of Hillside conditions. A broader concern is for the potential consequences of this proposed areawide rezoning for all of Anchorage.

## Public Comments: 2024-0006

Commenter	Email	Phone Number	Submitted
Anna Bosin			3/8/2024 11:24:07 PM
<p>I support the HOME initiative! More housing is good for Anchorage and good for the state. This is arguably the least partisan action a government can take that because it is both a way to address the housing crunch happening locally (and generally nationally!) as well as help the City's bottom line to limit expansion of already over-extended infrastructure city-wide. Sprawl is not fiscally conservative and is robbing everyone of a high-quality city experience. Please address the over built transportation network along with the planning process as soon as possible. HOME can reinforce the importance of land use planning that is future focused.</p>			

## Public Comments: 2024-0006

Commenter	Email	Phone Number	Submitted
David A Ustick			3/14/2024 11:32:47 AM
<p>I believe that this bill is too nondescript as to "major and unknown" factors regarding the rezoning of our current residential zones. Reducing them to 5 zones would only benefit multi story buildings and loss of our daylight ..especially during our winter and spring months this could become a mental and medical problem city wide. Please vote NO on this ordinance</p>			

# Public Comments: 2024-0006

Commenter	Email	Phone Number	Submitted
John Weddleton			3/14/2024 3:11:49 PM
<p>It is good to focus on housing. I have worked towards more housing over decades and feel some discomfort opposing a bold plan to create more housing. As HOME has stumbled about over the past year, I have come to feel more strongly that this complete rezone for the Bowl needs to follow, not lead, a community conversation to modify our Comprehensive Plans.</p> <p>HOME is skewed too much towards housing as the only goal at the expense of other important community goals. The list of documents that make up our Comprehensive Plan consistently support the character of neighborhoods and the existence of a variety of neighborhoods. We show our celebration of this by naming and putting signs up welcoming people to our neighborhoods. To the typical person, the notion embodies yard sizes, building heights, separation from other housing, the number of families living on a property, the amount of sunlight filtering through in the winter. In code, these features are coldly called 'dimensional standards.'</p> <p>HOME combines districts with scant justification and then, generally, applies the tallest heights, the greatest lot coverage and the narrowest setbacks to all of the combined districts. While one of the sponsors has said the dimensional standards are 'nothing you haven't seen before,' it is more fully, a dramatic change to the majority of the rezoned Anchorage. It is not just that single family home districts are done away with, allowing 2 structures plus an ADU on any lot, but the dimensional standards will allow much taller buildings covering more of every lot. HOME seeks to homogenize neighborhoods with the most intense use prevailing. This is a big deal. We need the community to lead this discussion.</p> <p>HOME's homogenation leads in the opposite direction of our Comp Plan's focus on efficient use of existing public infrastructure. Our Plan's focus on growth around Town Centers is a 'strong town' strategy before there was a Strong Towns movement. Tripling density in single family districts, allowing over 3 du in the highest reaches of the Hillside and allowing unfettered commercial in multi-family districts is not a Strong Towns strategy. If we are to go this way, we need a comprehensive community discussion to prepare for the repercussions.</p> <p>One of the sponsors told me our current strategies aren't working so we have to go a different direction. More correctly, our current strategies have barely been implemented. The 2040 Land Use Plan strategies for reinvestment focus areas and strategic rezones provide significant opportunity to spur more housing in ways consistent with our Comprehensive Plan. Those should be given a fair shot at success before we take the U-turn HOME leads us toward.</p> <p>I appreciate the important information and guidance in the Staff report, especially those that point out the good features of the HOME proposal. If making Anchorage just a cheap place to sleep is what we need to do, the journey there needs a broad community conversation that an update of our comp plans would provide.</p> <p>Thanks for your work on this,</p>			

# Public Comments: 2024-0006

Commenter	Email	Phone Number	Submitted
<p>Marc June</p>			<p>3/14/2024 6:07:56 PM</p> <p>The Planning Department Staff Report regarding the HOME Initiative Proposal underscores the problem underlying the Proposal, i.e., it is a half-baked series of radical changes to Anchorage's Land Use System that jettisons decades of planning. Examples of the resulting chaos include Zoning Maps inconsistent with Title 21 (Staff Report at p. 12), the potential of 3 different versions of Title 21 controlling zoning, (Staff Report at p. 12) and the elimination of Special Limitations associated with existing Zoning (Staff Report at p. 20).</p> <p>Whether the greater densities envisioned by HOME Proposal result in a greater supply of affordable housing is questionable. Housing costs are more a function of construction costs and interest rates than densities. To date, the current experiment relaxing restrictions on Auxiliary Dwelling Units, Duplexes and Triplexes has not made any significant difference.</p> <p>As a more specific example, the HOME Proposal's combination of all large lot districts, consideration of the challenges of developing on steep slopes should be given more support. While the Proposal shows the intent to limit the number of units and lot coverage as slopes get steeper, the list of other considerations is proposed to be deleted, something done at great peril: there are many examples of exuberant developments trying to maximize lots on the Hillside with low regard for the natural constraints and the expected problems. The strength of the current R-10 zoning is the required consideration of natural constraints. Should the HOME proposal move forward, it should retain the list of considerations in 21.04.020.P.1 a-h .</p> <p><b>BACKGROUND:</b></p> <p>P. R-10: Low-density residential, alpine/slope district.</p> <p>1. Purpose. The R-10 district is intended for use in those areas where natural physical features and environmental factors such as slopes, alpine and forest vegetation, soils, slope stability, and geologic hazards require unique and creative design for development. Creative site design and site engineering are essential to ensure that the development of these lands will:</p> <ol style="list-style-type: none"> <li>a. Protect natural features such as ponds, streams, wetlands, and springs, and incorporate such features into the development of the site design;</li> <li>b. Ensure the use of site design techniques that take into consideration topographic constraints and other physical features;</li> <li>c. Avoid natural hazards including snow avalanche and mass wasting areas;</li> <li>d. Retain the natural flow and storage capacity of any watercourse and wetland, to minimize the possibility of flooding or alteration of water boundaries;</li> <li>e. Assure that soil and subsoil conditions are suitable for excavations, site preparation, and on-site waste water disposal;</li> <li>f. Provide adequate site drainage to avoid erosion and to control the surface runoff in compliance with the federal clean water act;</li> <li>g. Assure an adequate supply of potable water for the site development; and</li> <li>h. Minimize the grading operations, including cut and fill, consistent with the retention of the natural character of the site.</li> </ol>

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Commenter	Email	Phone Number	Submitted
Adam Baldwin			3/14/2024 7:44:45 PM
I support the general effort of the HOME efforts to create new affordable housing in Anchorage and widen economic opportunity for the citizens.			

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Commenter	Email	Phone Number	Submitted
Craig Updegrave			3/14/2024 7:59:57 PM
	If Anchorage wants to maintain and attract a viable workforce of young adults and starting families, our current zoning laws must adapt to be flexible enough to address the housing challenges that have forced many to move away. I support HOME!		

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Commenter	Email	Phone Number	Submitted
Diane Harps			3/14/2024 10:50:30 PM
<p>I am opposed the HOME initiative for many reasons. Chief among them is the speed at which this initiative has been brought forward.</p> <p>There is no evidence that breaking up neighborhood communities will produce more housing.</p> <p>Many voices in our community worked together to create a comprehensive plan and revisited it when to produce the 2040 land use plan.</p>			

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Commenter	Email	Phone Number	Submitted
Eric Glatt			3/15/2024 1:02:34 PM
<p>A city of Anchorage's modest size shouldn't make growth and change burdensome, and it shouldn't try to micro-legislate specific "character" outcomes for particular neighborhoods. Instead, it should allow the people who live here more freedom to shape the city they want to live in. Simplicity and flexibility should be the guiding principles. I hope, therefore, that the Commission recommends that the Assembly pass a version of HOME.</p> <p>I'd also suggest that the Commission consider recommending:</p> <ul style="list-style-type: none"> <li>* Allow up to 4 dwelling units &amp; structures on what are now R-1, R-1A, R-2A, and R-2D lots (HOME's proposed STFR), provided all other requirements are met. Economic viability for new construction sounds like it extends to 4-plexes and isn't listed to duplexes.</li> <li>* Eliminate restrictions on the number of dwelling *structures* per lot. Limiting the number of dwelling units on a lot should be enough. Let developers and buyers, or people who already own, decide how they'd like multiple-unit properties configured. (This could allow for "small cottages" or similar alternatives.)</li> <li>* Eliminate Special Limitation zoning that essentially creates a less-transparent, more individualized second zoning regime.</li> <li>* Don't fear limited commercial use in residential zones (highlighted in the PZC report on pp.4,6). Small businesses serving the neighborhood are a good thing!</li> <li>* Finally, consider the observation made at a recent Assembly meeting, among other places: More multi-unit construction is being done on B-3 lots than on "residential" lots, because developers find B-3 more flexible. One could conclude that either (1) the restrictions that exist in residential zones are important-and being evaded by building on B-3 lots-so the restrictions should be extended to B-3 lots, too; or (2) the restrictions in residential zones are too burdensome and costly to make development there worthwhile. Again: Simplicity and flexibility should be the watchwords, not burdens and restrictions.</li> </ul> <p>Thanks!</p>			