



**Municipality of Anchorage**  
**Planning Department**  
**Memorandum**



**G.1.**

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**DATE:** June 9, 2025  
**TO:** Planning and Zoning Commission  
**THRU:** *AB* Mélisa Babb, Planning Director  
**FROM:** *DAC* Daniel Mckenna-Foster, Long-Range Planning Division Manager  
**SUBJECT:** PZC Case No. 2025-0044, Text Amendment to Title 21 Regarding Nonconformities

**BACKGROUND**

Anchorage is a city with a large land area, many old buildings, and complicated land use regulations that have varied over time. Because of this, there are likely a large number of situations across the Municipality in which existing development does not line up perfectly with the code it would be subject to if it were built today; this is known as a "nonconformity." AMC 21.13 "Nonconformities" provides guidance on when nonconformities are legal under current code:

*The acknowledgement and relief granted to existing property, land uses, and structures provided in this chapter are intended to minimize negative economic effects on development that was lawfully established prior to the effective date of this title and any subsequent amendments (AMC 21.13.010).*

AMC 21.13.010 further states that it is the intent of that chapter of code to allow nonconforming situations "until they are removed or brought into conformance with this title, and to encourage their re-use and movement towards conformity." Most legal nonconformities are allowed to continue until there are changes to the lot, structure, or use that meet certain thresholds. When those changes occur, the development must move towards compliance with current code. There is no precise data on how many nonconforming situations might exist, or whether or not Anchorage can expect to reach a state where all properties eventually conform to the most current regulations.

Any high-level policy discussions might be well served to discuss the following items in any conversation around nonconformities: a) How much nonconformity is acceptable to the community city-wide in terms of zoning regulations, b) whether existing regulations to which conformity is required are serving the public's needs, and c) whether the process of bringing properties into conformity produces a benefit to the community worth the cost to the property owner.

In recent years, the Assembly has taken legislative action to reduce the cost of bringing developments into compliance, such as in AO 2024-15, which reduced the instances when developments had to pay a fee for nonconformities they could not otherwise address, and AR 2024-376, which established a policy to streamline zoning reviews, including looking at nonconforming situations, for properties adding Accessory Dwelling Units. This AO proposes to reduce some of the thresholds at which a development with legally nonconforming conditions must start moving toward conformity with current code with the intent of reducing barriers to renovations of existing buildings and to support infill development.

## **POLICY SUPPORT**

Policy guidance supporting redevelopment and infill:

- Policy #21 of the Anchorage 2020—Anchorage Bowl Comprehensive Plan, *"In order to use existing commercial land more efficiently, redevelopment, conversion, and reuse of underused commercial areas shall be encouraged."*
- Strategy #8 of the Anchorage 2040 Land Use Plan calls for the preservation and reuse of older buildings.
- **Action 2-7 of the 2040 Land Use Plan calls for the adoption and application of an adaptive reuse ordinance to promote reuse of older structures, consistent with life safety standards.**
- Policy 2.3 of the 2040 Land Use Plan Policy calls for the removal of barriers to desired infill development and incorporating flexibility in development requirements to promote adaptive reuse of older buildings and compact infill/redevelopment, including that which reflects traditional urban neighborhood design contexts.
- Policy 9.3 of the 2040 Land Use Plan calls for the retention and intensification of industrial uses on existing sites via reuse and redevelopment.
- The 2040 Land Use Plan policy calls new ways of helping applicants navigate the permitting process for priority projects, including compact housing and adaptive reuse of older buildings.
- The Mayor's 10,000 Homes in 10 Years strategy calls for incentivizing construction and rehab and remediating neglect.

## OVERVIEW OF CHANGES BY SECTION

Section	Overview of proposed changes
<p><b><u>Section 1:</u></b>  21.03.180 Site Plan Review</p>	<ul style="list-style-type: none"> <li>Clarifies that this site plan review shall not apply to standalone trade permits on the interior of a building, or renovations which only change windows or affect the interior of the structure.</li> </ul>
<p><b><u>Section 2:</u></b>  21.13.030 Nonconforming Uses of Land or Structures</p>	<ul style="list-style-type: none"> <li>Expands the exemption for work that does not trigger a nonconformity review. While previously only small internal changes were allowed, now, any internal changes are allowed as long as they don't increase the footprint of the building.</li> </ul>
<p><b><u>Section 3:</u></b>  Characteristics of Use</p>	<ul style="list-style-type: none"> <li>Clarifies that interior work does not trigger nonconformity restrictions.</li> <li>Increases the threshold that triggers nonconformity requirements from a project costing 10% of assessed value of the property to a project costing 50% of assessed value of the property.</li> </ul>

## COMMENTS RECEIVED

The Planning Department received comments from the Flood Hazard Administrator of MOA Private Development, MOA Private Development, Development Services, Eagle River Street Maintenance, Traffic Engineering, AWWU, and two comments from the general public.

- Most agencies had no comment.
- The Flood Hazard Administrator noted that the national flood insurance program requires all structures that have damage or improvements that are more than 50% of market value to be brought into compliance with all FEMA Floodplain Regulations. This proposed AO would not override those existing regulations.
- Development Services provided recommendations for additional changes, which staff have incorporated into a second version of the ordinance.
- One comment from the general public asked if the ordinance applies outside of the Anchorage Building Service Area. This code applies where the Chugiak-Eagle River code chapter says that 21.13 applies.
- The second comment from the general public provided additional recommendations, which staff offers to the Commission for consideration.

## **STAFF RECOMMENDATION**

Staff recommends approval of the ordinance updated following agency review.

## **SUGGESTED FINDINGS**

1. The 2020 Comprehensive Plan and 2040 Land Use Plan both mention the need to resolve issues related to aging mobile home parks or manufactured housing parks.
2. The 2024 Manufactured Housing Communities Assessment and Feasibility Study identified obstacles to developing manufactured housing and recommended some options for addressing them.
3. Mobile homes and manufactured homes are traditionally an attainable form of housing for households at a variety of income levels.
4. Existing code in Title 21 applies more restrictive regulations to mobile or manufactured homes than other types of homes.
5. Public comment from local housing providers encouraged the project to go further to provide more opportunities for mobile dwelling units.

Attachments: Draft Ordinance  
Comments Received

**Proposed Draft Ordinance**  
**(revised)**

**PZC Case No. 2025-0044**

**Nonconformities**

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Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Planning Department  
For reading: \_\_\_\_\_

**ANCHORAGE, ALASKA**  
**AO NO. 2025-\_\_**

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER**  
2 **21.03, REVIEW AND APPROVAL PROCEDURES, AND CHAPTER 13,**  
3 **NONCONFORMITIES, TO ALLOW MORE FLEXIBILITY FOR THE**  
4 **RECONSTRUCTION OR REHABILITATION OF NONCONFORMING**  
5 **STRUCTURES.**

6  
7 (Planning and Zoning Commission Case No. 2025-0044)  
8

9 **WHEREAS**, The Mayor's 10,000 Homes in 10 Years strategy calls for incentivizing  
10 construction and rehab and remediating neglect; and

11  
12 **WHEREAS**, Policy #21 of the Anchorage 2020—Anchorage Bowl Comprehensive  
13 Plan, "*In order to use existing commercial land more efficiently, redevelopment,*  
14 *conversion, and reuse of underused commercial areas shall be encouraged.*"; and

15  
16 **WHEREAS**, Strategy #8 of the Anchorage 2040 Land Use Plan calls for the  
17 preservation and re-use of older buildings; and

18  
19 **WHEREAS**, Action 2-7 of the 2040 Land Use Plan calls for the adoption and  
20 application of an adaptive reuse ordinance to promote reuse of older structures,  
21 consistent with life safety standards; and

22  
23 **WHEREAS**, 2040 Land Use Plan Policy 2.3 calls for the removal of barriers to  
24 desired infill development and incorporating flexibility in development requirements  
25 to promote adaptive reuse of older buildings and compact infill/redevelopment,  
26 including that which reflects traditional urban neighborhood design contexts; and

27  
28 **WHEREAS**, the 2040 Land Use Plan policy called new ways of helping applicants  
29 navigate the permitting process for priority projects, including compact housing and  
30 adaptive reuse of older buildings; and

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32 **WHEREAS**, 2040 Land Use Plan Policy 9.3 calls for the retention and intensification  
33 of industrial uses on existing sites via reuse and redevelopment; and

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35 **WHEREAS**, AO No. 2024-15 took the first step in reducing the cost of development  
36 projects in nonconforming buildings; and

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38 **WHEREAS**, AR No. 2024-376 established the Assembly's policy to streamline  
39 zoning reviews, including looking at nonconforming situations, for properties adding  
40 Accessory Dwelling Units; and

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2025-05-27

1 **WHEREAS**, reducing costs for renovating or rehabilitating existing structures will  
 2 help Anchorage achieve its goals and development needs; now, therefore,

3  
 4 **THE ANCHORAGE ASSEMBLY ORDAINS:**

5  
 6 **Section 1.** Anchorage Municipal Code section 21.03.180, Review and Approval  
 7 Procedures, Site Plan Review, is hereby amended to read as follows (*the remainder*  
 8 *of the section is not affected and therefore not set out*):

9  
 10 **21.03.180 SITE PLAN REVIEW**

11  
 12 \*\*\* \*\*

13 **B. General Applicability**

14  
 15 This section shall not apply to repairs, maintenance, remodeling, renovations  
 16 or standalone trade permits in the interior portions of structures that do not  
 17 constitute a Change of Use as defined in 21.15.040, nor to renovations  
 18 whose only impacts to the exterior of a structure is limited to the addition of  
 19 windows.

20  
 21 [THIS SECTION SHALL NOT APPLY TO REMODELING, RENOVATION,  
 22 OR REPAIR TO INTERIOR PORTIONS OF STRUCTURES THAT ARE  
 23 SUBJECT TO SITE PLAN REVIEW UNDER THIS TITLE, EXCEPT THOSE  
 24 INTERIOR AREAS THAT AFFECT CONFORMITY TO THE APPROVAL  
 25 CRITERIA FOR SITE PLAN REVIEW OR THE DEVELOPMENT AND  
 26 DESIGN REQUIREMENTS OF THIS TITLE].

27 \*\*\* \*\*

28  
 29 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-142(S-1), 6-21-  
 30 16; AO 2021-89(S), 2-15-22; AO 2022-36, 4-25-22)

31  
 32 **Section 2.** Anchorage Municipal Code section 21.13.030, Nonconformities,  
 33 Nonconforming Uses of Land or Structures, is hereby amended to read as follows  
 34 (*the remainder of the section is not affected and therefore not set out*):

35  
 36 **21.13.030 NONCONFORMING USES OF LAND OR STRUCTURES**

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 38 \*\*\* \*\*

39 **C. Change of Use**

- 40  
 41 1. Any nonconforming use may be changed to another  
 42 nonconforming use if all of the following criteria are met:
- 43 a. The director finds that the proposed nonconforming use  
 44 is more appropriate to the district than the existing  
 45 nonconforming use;
  - 46 b. Any characteristics of use that are out of compliance  
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with this title are not changed to become less compliant with the requirements of this title; and

- c. No structural alterations are made other than those required by title 23, and all changes are interior only or do not increase the footprint of the building[, OR MINOR INTERIOR STRUCTURAL ALTERATIONS, SUCH AS CUTTING A DOOR INTO A SHEAR WALL].

\*\*\*      \*\*\*      \*\*\*

(AO 2012-124(S), 2-26-13; AO 2021-89(S), 2-15-22)

**Section 3.** Anchorage Municipal Code 21.13.060, Nonconformities, Characteristics of Use, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**21.13.060 CHARACTERISTICS OF USE**

**A. Developments Are Conforming**

\*\*\*      \*\*\*      \*\*\*

- 3. No change shall be made to any development outside any existing structures unless the change is in the direction of conformity to the requirements of this title.

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**C. Bringing Characteristics into Compliance**

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**1. Applicability**

This section 21.13.060 applies to all multifamily, commercial, mixed-use, community use, commercial marijuana and industrial development projects that:

\*\*\*      \*\*\*      \*\*\*

- b. Involve a development project costing more than 50[10] percent of the assessed value of the structure (or, if no structure over 150 square feet exists, the assessed value of the land); and

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**2. Standard**

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- d. The director, in consultation with the applicant, shall determine which characteristics shall be addressed, within the expenditure requirements noted herein. The director and the applicant shall consider how to maximize the public benefit and minimize the economic impact to the property owner. The director shall not require compliance with a standard that would create non-compliance with a different standard (i.e., the director shall not require the addition of landscaping that would cause the development to fall under the minimum required number of accessible parking spaces).
- e. The applicant may appeal the director’s decision to the urban design commission, which shall hold a non-public hearing on the appeal.
- f. For the purposes of this section, “total project costs” shall be determined by the building official pursuant to municipal code[,] and shall be exclusive of all costs of improvements that move the development in the direction of conformity to the requirements of this title. The costs of remodeling, renovation, or repair that are interior to an existing structure not subject to site plan review shall also be excluded where no change is made to the footprint of the building[THE VALUE OF THOSE IMPROVEMENTS ARE LESS THAN 50 PERCENT OF THE REPLACEMENT VALUE OF THE STRUCTURE]. The portion of the total project costs that are related to increases in conformity shall be credited toward the percentages required in subsections C.2.a. and C.5.

\*\*\*      \*\*\*      \*\*\*

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-82, 7-28-15; AO 2017-55, 04-11-17; AO 2018-67(S-1), 10-9-2018; AO 2019-11, 2-12-19; AO 2020-38, 4-28-20; AO 2021-89(S), 2-15-22; AO 2024-15, 2-27-24, AO 2024-24, 4-23-24)

**Section 4.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

\_\_\_\_\_  
Municipal Clerk

(Planning and Zoning Commission Case No. 2025-0044)

DRAFT

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**Comments Received**

**PZC Case No. 2025-0044**

**Nonconformities**

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# MUNICIPALITY OF ANCHORAGE



Development Services Department

Private Development Division

*Mayor Suzanne LaFrance*

## MEMORANDUM

### Comments to the Assembly

**DATE:** May 6, 2025  
**TO:** Melisa Babb, Planning Director  
**FROM:** Greg Soule, Development Services Director  
**SUBJECT:** AO 2025-00XX Nonconformities AO

#### **Department Recommendations:**

Development Services recommends the following changes to the proposed code language.

21.03.180

B. General Applicability: This section shall not apply to standalone trade permits, repairs, maintenance, remodeling, or renovations to interior portions of structures that do not constitute a Change of Use as defined in 21.15.040, nor to renovations whose only impacts to the exterior of a structure is limited to the addition of windows.

23.13.060 C

Add 2<sup>nd</sup> paragraph

2. This section shall not apply to the construction of an Auxiliary Dwelling Unit (ADU) on any residentially zoned parcel when the proposed ADU will not cause a non-conformity or exacerbate an existing non-conformity.

## Kimmel, Corliss A.

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**From:** Ellis, Steve M.  
**Sent:** Thursday, May 8, 2025 3:39 PM  
**To:** Blake, Lori A.; Kimmel, Corliss A.  
**Cc:** Mckenna-Foster, Daniel R.  
**Subject:** RE: 2025-0044 Request for Reviewing Comment

The Municipality of Anchorage Participates in the FEMA National Flood Insurance Program (NFIP). The NFIP requires all structures that have damage or improvements more than 50 percent of the current market value of the structure, must be brought into compliance with all FEMA Floodplain Regulations.

Steven M. Ellis  
Flood Hazard Administrator  
Private Development Division  
Development Services Department  
907-343-8078, [steven.ellis@anchorageak.gov](mailto:steven.ellis@anchorageak.gov)

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**From:** Stewart, Gloria I. <[gloria.stewart@anchorageak.gov](mailto:gloria.stewart@anchorageak.gov)>  
**Sent:** Friday, April 18, 2025 10:55 AM  
**Cc:** Stewart, Gloria I. <[gloria.stewart@anchorageak.gov](mailto:gloria.stewart@anchorageak.gov)>  
**Subject:** 2025-0044 Request for Reviewing Comment

Hello all. Attached please find our Routing Coversheet for Case No. 2025-0044 (T21 Code Amendment) together with a Planning Dept. Memorandum to aid in your review of the case. Case 2025-0044 is scheduled for review and recommendation by the Planning and Zoning Commission at a Public Hearing on 06/09/25. The routing material can be viewed by clicking on the link below, scrolling to bottom of page and selecting 2025-0044 Reviewing Agency Routing. **Please submit comments as instructed on the Memorandum.**

[https://www.muni.org/CityViewPortal/Planning/Status?planningId=18178.](https://www.muni.org/CityViewPortal/Planning/Status?planningId=18178)



Planning Department  
MUNICIPALITY OF ANCHORAGE

Gloria I. Stewart  
Senior Planning Technician •  
Planning Department  
Current Planning Division - Zoning & Platting  
Email: [gloria.stewart@anchorageak.gov](mailto:gloria.stewart@anchorageak.gov)  
Phone: (907) 343-7934  
4700 Elmore Road, Anchorage, AK 99507  
[www.muni.org/planning](http://www.muni.org/planning)



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## MEMORANDUM

DATE: May 5, 2025

TO: Current Planning Division Supervisor.  
Planning Department

THRU: Kristen A. Langley, Traffic Safety Section Supervisor,  
Traffic Engineering Department

FROM: Randy Ribble, Assistant Traffic Engineer

SUBJECT: Traffic Engineering Department Comments

**2025-0044 Assembly Ordinance for text changes to AMC 21.13.060 Nonconformities and Redevelopment.**

Traffic Engineering has no objection to the proposed text changes to AMC 21.13.060 Characteristics of Use standards for when exterior site improvements may be required.

# MEMORANDUM

**DATE:** April 29, 2025

**TO:** Elizabeth I. Appleby, AICP, Manager & Platting Officer, Planning Department, Current Planning Division

**FROM:** Alex Prosak, P.E., Civil Engineer II, Planning Section, AWWU

**RE:** Zoning Case Comments

Decision date: June 9, 2025

Agency Comments due: May 12, 2025



AWWU has reviewed the materials and has the following comments:

**2025-0044 Review and Recommendation by Planning and Zoning Commission of an Ordinance of the Anchorage Assembly amending AMC 21.03, Review and Approval Procedures, and Chapter 13, Nonconformities, to allow more flexibility for the reconstruction or rehabilitation of nonconforming structures.**

1. AWWU has no comments on this Proposed Amendment to AMC 21.03 and Chapter 13.

If you have any questions pertaining to public water or sewer, please call (907) 786-5694 or send an e-mail to [alex.prosak@awwu.biz](mailto:alex.prosak@awwu.biz).



# MUNICIPALITY OF ANCHORAGE



**Eagle River Street Maintenance**  
Eagle River Town Center, Room 131  
12001 Business Blvd., Eagle River 99577

*Mayor Suzanne LaFrance*

Phone: 907-343-1510  
Fax: 907-694-1540

Daniel Mckenna-Foster

Current Planning Division  
P.O. Box 196650  
Anchorage, AK 99519

May 6, 2025

RE: Case 2025-0044 non-conformities and Re-development.

The Eagle River Street Maintenance staff have reviewed the case and no comments or concerns with the request.

In the event that the CBERRRSA Board of Supervisors has additional comments they will be forwarded.

Sincerely,

**Tony Winsor**  
**Deputy Officer**  
Eagle River Street Maintenance  
Administration, M.O.A.  
Office: 343-1512  
Email: Anthony.winsor@anchorageak.gov

## **Anchorage2040**

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**From:** LaFrance, Paul J.  
**Sent:** Thursday, May 8, 2025 2:14 PM  
**To:** Anchorage2040  
**Subject:** 2025-0044 Review Comments

Private Development has no comments.

Thank you,

[Paul LaFrance, PE](#)  
*Private Development Engineer  
Development Services Department  
Municipality of Anchorage  
(907) 343-8310*



April 18, 2025

Elizabeth Appleby, Current Planning Manager  
MOA, Community Development Department  
Planning Division  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

[Sent Electronically]

Re: MOA Zoning Case Review

Dear Ms. Appleby:

The Alaska Department of Transportation and Public Facilities (DOT&PF) has reviewed the following zoning cases and have no comments:

- **2025-0044 – Title 21 Amendment Simplify Zoning Code**
- **2025-0056 – AMATS Academy and Vanguard CSS review**
- **2025-0067 – Verizon Portage Valley Cell Tower CUP**

The Alaska Department of Transportation and Public Facilities (DOT&PF) has reviewed the following zoning cases and has the following comments:

- **2025-0046 – St Patrick’s Parish Admin Site Plan Review**
  - No objections to the proposed site plan
  - No direct vehicular access to Muldoon Road will be allowed from this site. Vehicular access must be taken from Halligan Street and E 20<sup>th</sup> Ave as shown on the site plan.
  - Applicant will need to apply for a permit for the proposed pathway connections to Muldoon Road. Pathway connections are handled through the driveway/approach road review process. Permits can be applied for on DOT&PF Right of Way ePermit website: <https://dot.alaska.gov/row/Login.po> A Central Region permit office can be reached at 1-800-770-5263 for assistance.
- **2025-0055 – AK Railroad 240 West 1<sup>st</sup> St Zoning Map Amendment**
  - No objection to the proposed zoning map amendment
  - Please be aware any future redevelopment under the A & C St bridge will have limitations and restrictions.

All properties accessing DOT&PF roads must apply to Right-of-Way for a driveway permit, subject to provisions listed in 17 AAC 10.020. Any previously issued driveway permits become invalid once the property undergoes a platting action and must be reissued.

We recommend the petitioner verify all section line easements and DOT&PF road rights-of-way adjacent to their property. For assistance, the petitioner may contact the Engineering group within the Right of Way section in DOT&PF at (907) 269-0700. The petitioner is liable to remove any improvements within the easements and rights-of-way that impede the operation and maintenance of those facilities even if they are not shown on the plat, so it is in the petitioner's best interest to identify the exact locations and widths of any such easements or rights-of-way before they improve the property.

If any section line easements or road rights-of-way exist within the bounds of their plat, we recommend the petitioner dedicate them. If there is an existing right-of-way or easement, the petitioner is unable to develop that portion of the property yet continues to pay property taxes on it; dedicating will remove that cost to the petitioner.

If there are any questions regarding these comments please feel free to contact me at (907) 269-0522 or [mark.eisenman@alaska.gov](mailto:mark.eisenman@alaska.gov).

Sincerely,



Mark Eisenman  
Anchorage Area Planner, DOT&PF

cc:

Sean Baski, P.E., Highway Design Group Chief, DOT&PF  
Matt Walsh, Property Management Supervisor CR, Right of Way, DOT&PF  
Corliss Kimmel, Office Associate, Current Planning, MOA  
Lori Black, Office Associate, Current Planning, MOA  
Devki Rearden, Engineering Associate, DOT&PF  
Anna Bosin P.E, Traffic & Safety Engineer, DOT&PF

## Public Comments: 2025-0044

Commenter	Email	Phone Number	Submitted
Debbie Ossiander PO Box 670772 Chugiak, AK 99567	ossiander@hotmail.com	907-688-2308	4/29/2025 11:40:46 AM
	Is this ordinance meant to apply outside of the Anchorage Building Service area/ Anchorage Comp Plan boundaries?  (Girdwood and CER?)		

## Anchorage2040

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**From:** oscstmbt.ddecaprio@gci.net  
**Sent:** Monday, April 21, 2025 9:57 PM  
**To:** Anchorage2040  
**Subject:** 2025-0044

### [EXTERNAL EMAIL]

some concerns are:

1. "non-conforming" needs to be specifically defined because it can include anything from foundation to roof and can include building placement relative to lot line.

Further, the term implies the potential for financing and or insurance difficulty.

2. Specific mention. of marijuana, or any grown / manufactured product, in this document is discriminatory and should be omitted.

3. 50% of reinvestment cost based on building "value" as written, is subjective and arbitrary. Is it based on assessors highest valuation of land/building or a realtor best selling value? If these properties are to be city owned, by whatever means, then the reclamation cost must be put to public vote. If privately owned isn't up to the owners' discretion as to how much they are willing to spend?

4. Title 21 has limited footprint expansion since its inception. That particular section can be omitted.

end.