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Reviewed by: Assembly Counsel  
For reading: February 24, 2009

**ANCHORAGE, ALASKA  
AO NO. 2009-26**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY TO AMEND  
ANCHORAGE MUNICIPAL CODE AND THE ZONING MAP OF THE MUNICIPALITY OF  
ANCHORAGE BY ENACTING A NEW CHAPTER 21.66, ESTABLISHING THE  
DOWNTOWN EAGLE RIVER OVERLAY DISTRICT.**

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THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1:** Anchorage Municipal Code Title 21, Land Use Planning, is hereby amended  
to add a new chapter, Chapter 21.66, Downtown Eagle River Overlay District.

**Chapter 21.66  
Downtown Eagle River Overlay District**

- 21.66.005 Title of chapter.**
- 21.66.010 Scope, goals and boundary description.**
- 21.66.015 Overlay R-O residential-office district.**
- 21.66.020 Overlay B-3 general business district.**
- 21.66.025 Repairs and maintenance.**
- 21.66.030 Design modifications.**
- 21.66.035 Permitted uses: Alternative equivalent compliance.**
- 21.66.040 Residential design standards.**
- 21.66.045 Commercial design standards.**

**21.66.005 Title of chapter.**

This chapter may be cited and referred to as the Downtown Eagle River Overlay District.

**21.66.010 Scope, goals and boundary description.**

A. *Scope:* The underlying area encompassed by the Downtown Eagle River Overlay District is within either the R-O residential-office district or the B-3 general business district. This chapter superimposes a unique set of supplemental land use restrictions, and implements certain site and architectural design requirements, in support of the community goals established for the Downtown Eagle River Overlay District. Developments within the area designated by this chapter as the Downtown Eagle River Overlay District are required to conform to the requirements of the

underlying district and the modifications imposed by the overlay district requirements, as set out in this chapter.

B. *Community goals for the Downtown Eagle River Overlay District:*

1. Create a cohesive town center.
2. Foster a sense of place as a unique, vibrant business district and community center.
3. Maintain a small-town character consistent with community values expressed through community meetings.
4. Promote incremental improvements in a manner that encourages business development and investment without creating additional costs or undue hardship to existing uses and businesses.
5. Promote residential and commercial development that is distinctive, compatible with the town center of Eagle River, and provides a transition between single family residential neighborhoods and the commercial core of the town center.
6. Provide variety and visual interest in the exterior design of residential buildings.
7. Promote a more pedestrian oriented town center.
8. Promote commercial and public buildings that reflect a human scale of limited height.
9. Promote a commercial design vocabulary compatible with our Alaskan setting that can serve as a unifying theme.

C. *Boundary description of district:* The Eagle River Overlay District shall encompass the area described within the following bounds, as identified on the Downtown Eagle River Overlay District Boundary Map 21.66-A:

From a point of beginning at the northwest corner of Tract S-1-B of Timber Ridge Units Subdivision, as found on Grid NW0251, proceeding east on the south side of Farm Avenue, crossing the Old Glenn Highway and continuing east along the north property line of lot 1-B, Block 12, Walter G Pippel Subdivision, Addition 2, to the northeast corner of lot 1-B, then proceeding southwest along the eastern boundary of lot 1-B, Block 12 to the intersection with the north side of Horseshoe Drive, then following Horseshoe Drive along the frontage of lots 2, 3, 4, 5, 12, 11, and 10 of Block 12, to the intersection with the Eagle River Loop Road Right-of-Way, then crossing Eagle River Loop Road to the northeast corner of lot 4 of Block 11, then southwest along the eastern boundary of lots 4 and 17 of Block 11 to the intersection with

1 Hanson Drive, then crossing Hanson Drive to the northeast corner of Lot 7 of  
2 Block 7, then west along the south side of Hanson Drive to the intersection  
3 with the northeast corner of Tract A of the Martin Business Park, then south  
4 along the eastern boundary of Tract A to the intersection with Easy Street,  
5 then crossing Easy Street to the northwest corner of Lot 12 of Block 5 and  
6 then south along the western boundary of lots 12 and 1 of Block 5, crossing  
7 Park Place Street and proceeding south along the western boundaries of 1  
8 and 12 of Block 6 to the intersection with Coronado Road, then proceeding  
9 east on the south side of Coronado Road to the northwest corner of Lot 5 of  
10 the Sunny Slopes Subdivision, then south along the western boundaries of  
11 lots 5, 6, 15, 16, 25, 26, 35, 36, 47, 48, 49, and 65 to the intersection with  
12 Monte Road, then crossing Monte Road to the south side, then proceeding  
13 west on Monte Road to the northwest corner of lot 17 of Ashley Park  
14 Subdivision, then proceeding south along the western boundaries of lots 17,  
15 16, 15, 14, 13, and 12 to the intersection with Lynne Drive, then west on  
16 Lynne Drive to the Old Glenn Highway, then proceeding south on the west  
17 side of Eagle River Elementary School and continuing south along the east  
18 side of Eagle River Road to the southwest corner of the Eagle River  
19 Elementary School property, then proceeding west across Eagle River Road  
20 to the eastern edge of the New Glenn Highway Right-of-Way, then north  
21 northwest along the eastern edge of the New Glenn Highway to the  
22 intersection with the southwest corner of Tract B-5 of Eagle Glenn South  
23 Subdivision, then east to the intersection with Regency Road, then north  
24 across Regency Road and continuing northwest along the west side of  
25 Regency Road to the northwest corner of Tract B-9, then following the  
26 northern boundary of Tract B-9 to the intersection with the southwest corner  
27 of tract A-1, then continuing north and west along the boundary of Tract A-1  
28 to the intersection with Regency Drive, then crossing Regency Drive to the  
29 north and proceeding north along the western boundary of Tract S-1-B to the  
30 point of beginning at the northwest corner of Tract S-1-B.







## Eagle River Overlay District

### Overlay District Boundary and Height Restriction Map

September 3, 2008

#### LEGEND

-  Eagle River Overlay District Boundary
-  Underlying zoning designation of R-O, as identified in AMC 21.40.130.
-  Height Restricted to 60 feet
-  Height Restricted to 45 feet

Note: All underlying zoning within the overlay district bears the designation of B-3, as identified in AMC 21.40.180, except for those areas specifically identified as R-O.

### Downtown Eagle River Overlay District Boundary Map 21.66-A

#### 21.66.115 Overlay R-O residential-office district.

The following statement of intent and use regulations shall apply in the Downtown Eagle River Overlay R-O district:

A. *Purpose and Intent.* The Downtown Eagle River Overlay R-O district is intended to include urban and suburban residential and professional office uses that are needed and appropriate in areas undergoing a transition, or in areas where commercial uses might be damaging to established residential neighborhoods. The Downtown Eagle River Overlay R-O district is further intended to provide a mix of low to medium density residential uses with certain specified business, personal and professional services that can function efficiently without generating large volumes of vehicular traffic. The regulations and restrictions in the Downtown Eagle River Overlay R-O district are intended to protect, preserve and enhance the

residential uses while permitting uses characterized principally by consultative services or executive, administrative or clerical procedures.

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Single-family, two-family and multiple-family dwellings.
2. Hotels, motels and motor lodges on sites with a minimum area of 14,000 square feet, provided that principal access to such uses shall be from streets of class I or greater designation on the official streets and highways plan. Uses involving the sale, dispensing or service of alcoholic beverages may be allowed in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.
3. Boardinghouses and lodginghouses.
4. Private clubs and lodges. Uses involving the sale, dispensing or service of alcoholic beverages may be allowed by conditional use only.
5. Parks, playgrounds and playfields, and municipal buildings in keeping with the character of the district.
6. Museums, historic and cultural exhibits, libraries and the like.
7. Child care centers and child care homes.
8. Public, private and parochial academic schools.
9. Hospitals and nursing facilities.
10. Residential care facilities, any size.
11. Transitional living.
12. Offices of physicians, surgeons, dentists, osteopaths, chiropractors and other practitioners of the healing sciences.
13. Accounting, auditing and bookkeeping services.
14. Engineering, surveying and architectural services.
15. Attorneys and legal services.

16. Real estate services and appraisers.
17. Stock and bond brokerage services.
18. Insurance services.
19. Photographic services.
20. Funeral services; provided, however, that crematoriums are specifically prohibited.
21. Banks, savings and loan associations, credit unions and similar financial institutions.
22. Private employment agencies, placement services and temporary personnel services.
23. Headquarters or administrative offices for such charitable or eleemosynary organizations as the Red Cross, Tuberculosis Society, Cancer Society, Heart Association, Boy Scouts, Girl Scouts and similar quasi-public organizations of a noncommercial nature.
24. Veterinary clinics, provided that such activities shall be conducted within a completely enclosed building.
25. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
26. With a permitted non-residential use or residential use of 6 dwelling units or more as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
27. Barbershops and beauty shops.
28. Computer aided learning center.
29. Offices and centers for family self sufficiency service.
30. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. Accessory uses incidental to any of the principal uses listed in subsection B of this section.
2. For hotels, motels or motor lodges having 20 or more rental units, personal and professional service establishments and restaurants which are clearly incidental to the operation of the permitted principal use.
3. Bed and breakfast with three or less guestrooms.
4. Bed and breakfast with four guestrooms only by administrative site plan review.
5. Antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas as accessory uses to other than residential structures of 6 dwelling units or less as specified in the supplementary district regulations.

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

1. Townhouses, row houses and office buildings built to a common wall at side lot lines.
2. Utilities substations.
3. Off-street parking spaces or structures.
4. Planned unit developments.
5. Privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval.
6. Habilitative care facilities.
7. Two or more drive-up bank stations.
8. Type 1, 2 and 3 local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
9. Snow disposal sites.
10. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in

height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

11. Storage of equipment used to provide essential services to property within the Downtown Eagle River Overlay District, to include snow plowing, snow removal, parking lot clearing and property maintenance equipment is limited to four pieces. All equipment storage areas shall be screened in accordance with the design standards in AMC section XXX.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. Storage for use of mobile homes or Quonset-style huts.
2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.
3. Vehicle sales and rentals which include outdoor display of motor vehicles.
4. Self-storage facility which includes outdoor storage of fully operable vehicles.
5. Mobile home or manufactured house display lot.
6. Natural resource extraction.
7. Camper park.

F. *Minimum lot requirements.* Minimum lot requirements are as follows:  
TABLE INSET:

Use	Lot Area (square feet)	Lot Width (feet)
1. Single-family dwelling	6,000	50



2. Two-family dwelling 6,000 50

3. Three- through ten-family dwelling 6,000 50

4. Apartment buildings for 11 or more families may only be constructed on sites having a minimum area of 14,000 square feet and minimum frontage of 100 feet on a class I or greater street.

5. Lot requirements for all other permitted uses are as follows:

a. Lot area: 6,000 square feet.

b. Lot width: 50 feet.

G. Minimum yard requirements. Minimum yard requirements are as follows:

1. Front yard: Ten feet, except as provided in the supplementary district regulations.

2. Side yard:

a. Single-family, two-family and multiple-family dwellings: Five feet; provided that where buildings exceed 35 feet in height, minimum side yards shall be increased one foot for each five feet in height exceeding 35 feet.

b. All other permitted uses: None; provided that, if any side yard is provided, it shall not be less than five feet, the purpose being that adjoining buildings shall either directly abut or shall maintain a minimum of five feet between such buildings.

3. Rear yard: Ten feet.

4. Multiple-family dwellings shall provide a usable yard area of 100 square feet per dwelling unit.

H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is as follows:

1. Single-family, two-family and multiple-family dwellings: 50 percent.

2. All other permitted uses: Unrestricted.

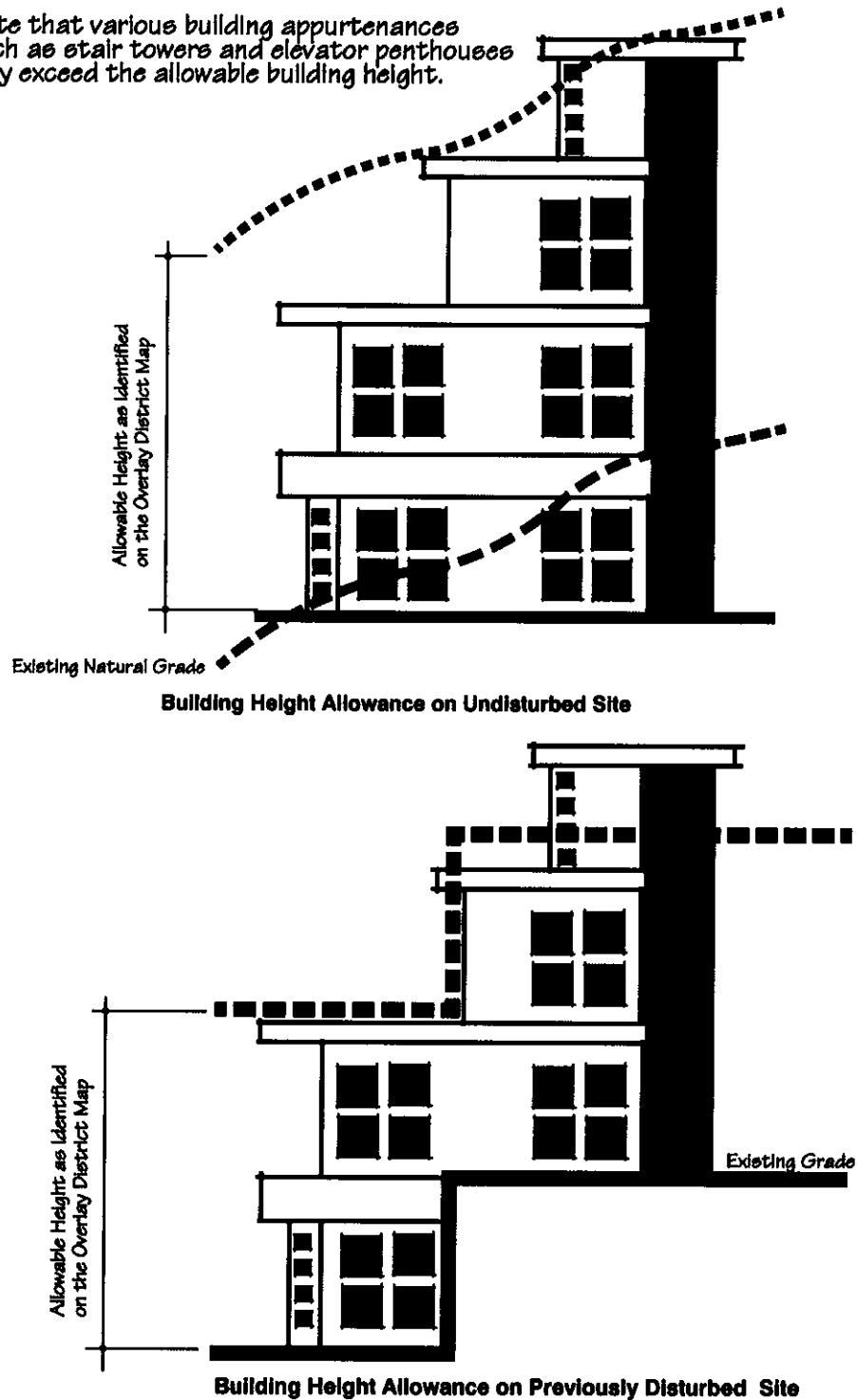
I. *Maximum height of structures.* Maximum height of structures is forty-five (45) feet as measured in accordance with Figures 1 and 2.

1. Existing Grade: The elevation of base points for determining the building elevation shall be based on existing grade, prior to construction for undisturbed sites. On previously disturbed sites, the base grades established by previous construction shall serve as the elevation basis for new construction.

2. Height Exceptions: The height limitations contained herein do not apply to spires and similar religious appurtenances, belfries, cupolas, flagpoles, chimneys, antennas, rooftop mechanical equipment, stairwell towers, elevator penthouses, parapets, firewalls, open or transparent railings, solar reflectors, photovoltaic panels, skylights, miscellaneous structures associated with rooftop gardens and other similar appurtenances; provided they meet the following criteria:

- a. No area or appurtenance exceeding the allowable height restriction may be used as occupied space or for storage.
- b. Appurtenances may not cover more than one-third the roof-top area.
- c. Chimneys and stairwells may exceed the height limitation by 15 feet.
- d. Elevator penthouses may exceed the height limitation by 20 feet.
- e. Parapets walls and skylights may exceed the height limitation by 4 feet.

Note that various building appurtenances such as stair towers and elevator penthouses may exceed the allowable building height.



### Measurement of Allowable Building Height

1 Figure 21.66-1. Building Height Allowance

1

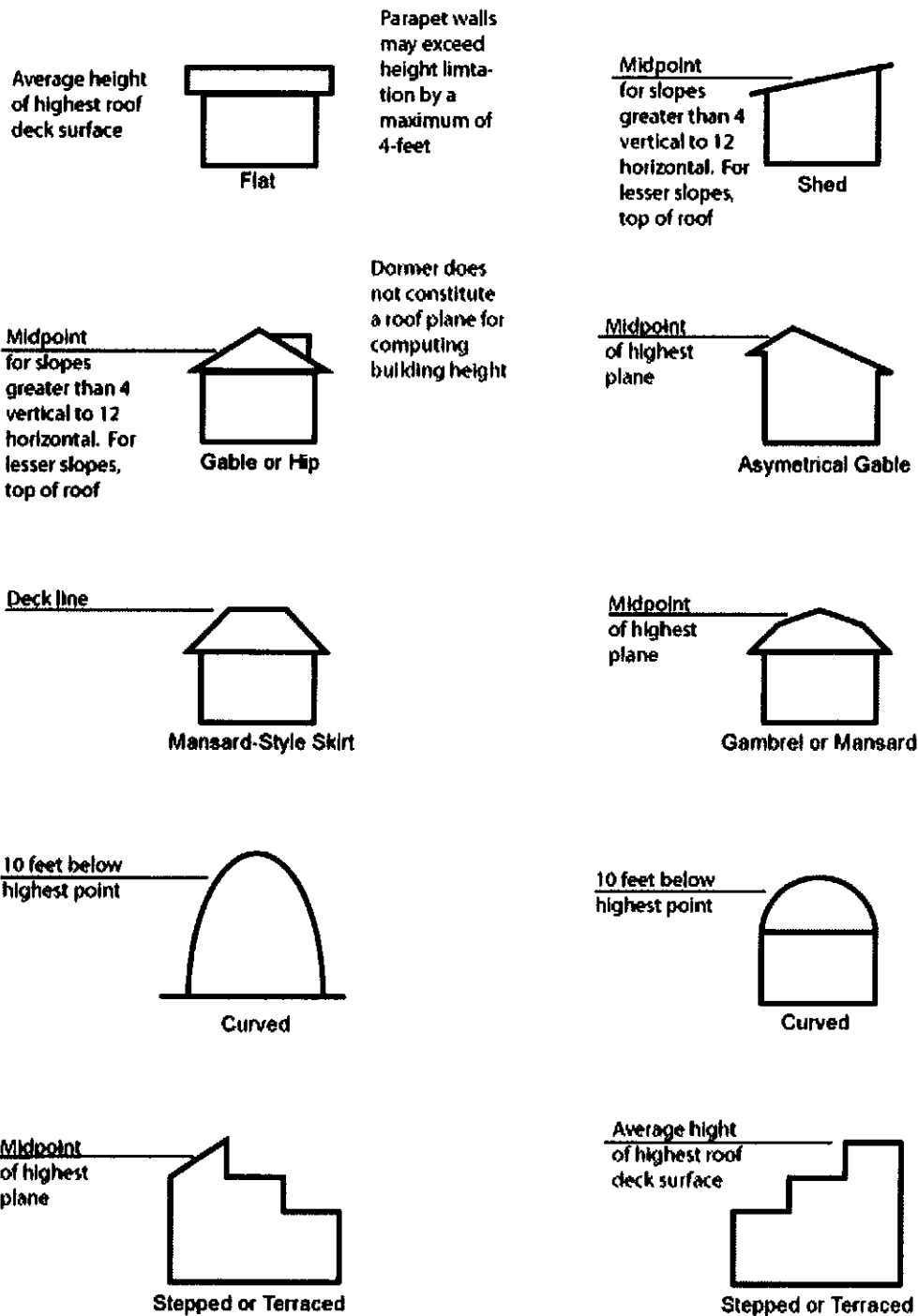


Figure 21.66-2. Building Height Measurement

2

J. *Signs.* Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. *Parking.* Adequate off-street parking shall be provided in connection with any permitted use as specified in Section 21.45.080.

L. *Loading facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

M. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.

**21.66.020 Overlay B-3 general business district.**

The following statement of intent and use regulations shall apply in the Downtown Eagle River Overlay B-3 district:

A. *Intent.* The Downtown Eagle River Overlay B-3 district is intended for general commercial uses in areas exposed to heavy automobile traffic. The district specifically is intended for areas at or surrounding major arterial intersections where personal and administrative services, convenience and shopping goods, and automobile-related services are desirable and appropriate land uses. The extension of the Downtown Eagle River Overlay B-3 district commercial uses along arterials, except as identified in the comprehensive development plan, is to be discouraged.

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Business, business services, professional services and personal services, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, except conditional uses under subsection D of this section and uses prohibited under subsection E of this section.

- a. Large retail establishment, subject to public hearing site plan review.

- b. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.

2. Offices.

3. Other uses:

- a. Multifamily residential uses, at a density of not less than 12 dwelling units per acre.
  - b. Dwellings in commercial structures with a gross floor area not less than 5,000 square feet.
  - c. Private clubs and lodges.
  - d. Parks, playgrounds and playfields, and government buildings and uses.
  - e. Vocational or trade schools.
  - f. Child care centers and child care homes.
  - g. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  - h. Roominghouses.
  - i. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
  - j. Public, private and parochial academic schools.
  - k. Business colleges and universities.
  - l. Adult care facilities.
  - m. Hospitals and nursing facilities.
  - n. Transitional living facilities.
  - o. Large residential care facilities.
4. Computer aided learning center.
  5. Offices and centers for family self sufficiency service.
  6. Unlicensed nightclub, provided such nightclub conforms to the requirements of Section 21.45.245.

7. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.

2. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of this title, the following uses may be permitted:

1. Utility substations.

2. Heliports.

3. Marquees, overpasses and similar substantial projections into public airspace, together with any signs to be mounted thereon.

4. Planned unit developments.

5. Drive-in theaters.

6. Habilitative care facilities.

7. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.

8. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.

9. Snow disposal sites.

10. Correctional community residential centers, not to exceed 30 residents.

11. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

12. Storage of equipment used to provide essential services to property within the Downtown Eagle River Overlay District, to include snow plowing, snow removal, parking lot clearing and property maintenance equipment, is limited to four pieces. All equipment storage areas shall be screened in accordance with the design standards in AMC section XXX.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. The outdoor storage or display of any scrap, junk, salvaged or secondhand materials, or any salvage yard or salvage operation.

2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

3. Storage or use of mobile homes.

4. Truck and heavy equipment repair, service and storage.

5. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil.

6. Vehicle sales and rentals which include outdoor display of motor vehicles.

7. Self-storage facility which includes outdoor storage of fully operable vehicles.

8. Mobile home or manufactured house display lot.

9. Natural resource extraction.



10. Camper park.

F. *Minimum lot requirements.* Minimum lot requirements are as follows:

1. Residential uses: As provided in Section 21.40.060.F.
2. All other uses, including residential uses associated with other uses:
  - a. Width: 50 feet.
  - b. Area: 6,000 square feet.

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. Residential uses: As provided in Section 21.40.060.G.
2. All other uses:
  - a. Front yard: Ten feet.
  - b. Side yard: Ten feet adjacent to a residential district; otherwise, none, provided that all buildings on the lot shall have a wall on the lot line or shall be set back from the lot line at least ten feet.
  - c. Rear yard: 15 feet adjacent to a residential district; otherwise, none.

H. *Maximum lot coverage.* Maximum lot coverage is as follows:

1. Residential: As provided in Section 21.40.060.H.
2. All other uses: Unrestricted.

I. *Maximum height of structures.* Maximum height of structures shall be as identified on the Downtown Eagle River Overlay District Height Restriction Map 21.66-B.

J. *Signs.* Signs shall be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. *Parking.* Adequate off-street parking shall be provided in connection with any permitted use, subject to the provisions of the supplementary district regulations.

L. *Loading facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

M. *Refuse collection.* Where applicable, refuse collection facilities shall be provided in accordance with the supplementary district regulations.

N. *Landscaping.*

1. Buffer landscaping. Buffer landscaping shall be planted along each lot line adjoining a residential district.
2. Perimeter landscaping. Except adjacent to collector or arterial streets, visual enhancement landscaping shall be planted along the perimeter of all outdoor areas used for vehicle circulation, parking, storage or display.
3. Arterial landscaping. Arterial landscaping shall be planted along all collector or arterial streets.
4. Visual enhancement landscaping. All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
5. Maintenance. All landscaping shall be maintained by the property owner or his designee.

**21.66.025 Repairs and maintenance.**

A. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done within any three year period that does not exceed fifty percent of the value of the existing structure, as determined by the Municipality of Anchorage. Improvements that include repositioning the building or reconfiguring the site are not allowed under this standard. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

B. The standards herein do not apply to remodels that do not change the exterior appearance of the building.

1. Improvements that include interior and exterior work shall be valued as the sum of all of the work.

C. Preexisting antennas and preexisting towers

1. Preexisting tower structures shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower structure of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower structure shall comply with the requirements of this ordinance.

2. Notwithstanding abandon community interest and local interest towers and/or antennas, bona fide nonconforming tower structures or antennas that

are damaged or destroyed may be rebuilt without having to meet the separation requirements. The type, height, and location of the tower structure on-site shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the community interest or local interest tower or antenna shall be deemed abandoned.

#### **21.66.030 Design Modifications**

- A. Design modifications shall not undermine the intent of the design standards and guidelines.
- B. The planning director shall have the authority to:
  - 1. Require changes in project design to meet these standards,
  - 2. Allow deviation from certain standards of this chapter, pursuant to "Alternative Equivalent Compliance" and if necessary to allow for the reasonable development of the site, and
  - 3. Modify the design standards and guidelines as they apply to individual properties, pursuant to "Alternative Equivalent Compliance" and if necessary to allow for the reasonable development of the site.

#### **21.66.035 Permitted Uses: Alternative Equivalent Compliance**

- A. This alternative process is to promote creative design approaches resulting in development equal or superior to development that fully meets all requirements.
- B. A proposal to modify development standards or requirements shall not undermine the intent of the core design standards.
- C. This alternative process differs from the variance procedure because approval is based upon meeting or exceeding the intent of the standard by an alternate method, instead of allowing non-compliance based on unusual circumstances.
- D. Pre-Application: An applicant proposing alternative equivalent compliance shall request and attend a pre-application conference before submitting the site plan for the development. Based on the director's preliminary response, an applicant shall include in the site plan application explanation and justification, written and graphic, sufficient to support the alternative equivalent compliance requested by the applicant.
- E. An applicant may propose to deviate from the design standards and guidelines if the proposal satisfies the evaluation criteria of this section.

1. Aspects of property development which can be modified including:
  - a. The core design standards,
  - b. Guidelines, and
  - c. Building set-backs.
2. No other standards can be modified including the following:
  - a. Building Height,
  - b. Uses permitted by the zone in which the property is located, and
  - c. Regulations for non-conforming uses,

F. The planning director shall have the authority to approve or disapprove designs that seek alternative compliance.

1. The planning director shall not approve a request for modification unless it provides architectural and urban design elements equivalent or superior to what would likely result from compliance with the core design standards and guidelines.
2. The planning director shall consider the following criteria in evaluating proposals:
  - a. The unique characteristics of the subject property, its surroundings and how they will be protected or enhanced by modifying the design standards.
  - b. The positive characteristics of the proposed development and whether such characteristics could be provided by compliance with the design standards proposed to be modified.
  - c. The arrangement of buildings and open spaces as they relate to other buildings and/or uses on the subject property and on surrounding properties.
  - d. Visual impact to surrounding properties caused by parking facilities in the proposed development and whether such impacts are less than would result from compliance with the design standards to be modified.
  - e. Whether the proposed design mitigates the impacts that could be caused by the proposed modification of the standards.

G. Formal Appeal of the Planning Director's Decision: An applicant may appeal

the planning director's decision to the planning and zoning commission. An applicant shall file an appeal within thirty days of the planning director's decision.

**21.66.040 Residential design standards.**

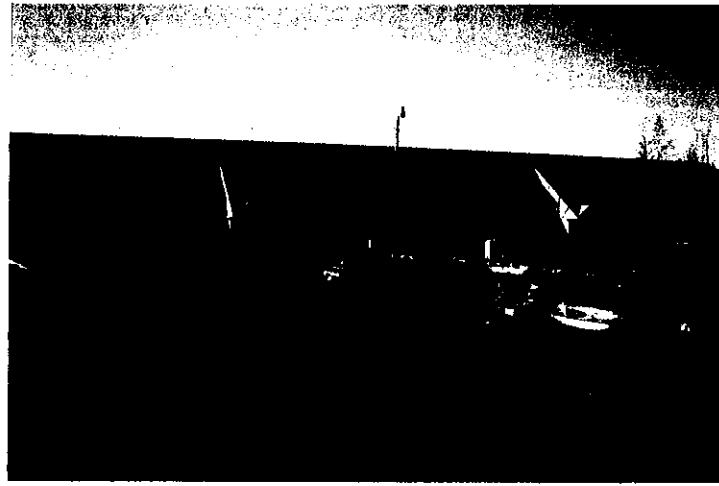
**A. Pedestrian Access.**

**1. Intent:**

- a. Orient development to the pedestrian by making pedestrian access convenient, safe, and inviting.
- b. Encourage walking within the core of Eagle River.
- c. Enhance the character of development within the Downtown Eagle River Overlay District.
- d. Minimize impact of development on residential privacy.

**2. Requirements: An on-site pedestrian circulation system meeting the following standards shall be provided for all multi-family developments:**

- a. Pathways between dwelling units and the street are required to meet the material standards in subsection XXX.4. Pathways between the street and dwelling units fronting on the street shall be a direct route. The planning director may allow exceptions where steep slopes prevent a direct connection, or where an indirect route would enhance the design or use of a common open space.
- b. The pedestrian circulation system shall connect all main entrances on the site. For townhouses or other residential units fronting on the street, the sidewalk may be used to meet this standard. For multiple-family developments, pedestrian connections to other areas of the site such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities are required.
- c. Elevated external walkways and external stairways which provide primary pedestrian access to dwelling units located above the ground floor are prohibited. *See Figure 21.66-3.* The planning director may allow external stairways and walkways located within or facing interior courtyard areas if they do not compromise visual access from the units into the courtyard.



*Figure 21.66-3. Elevated external walkways and external access stairways are prohibited.*

- d. Appropriate screening or buffering shall provide a physical separation between pedestrians, vehicle access areas, and the windows of residential units. Acceptable treatments include landscaped beds that separate the pathway from a building façade by a minimum distance of six feet where the façade has windows; placement of windows to maximize privacy without obstructing surveillance capability from within the dwelling unit; raising the ground floor units above the level of the walkway; and equivalent treatments which limit pedestrian view into dwelling unit windows.

3. Pedestrian circulation standards for multiple detached dwellings on one development site: Clear pedestrian access shall be provided between all dwelling units and the street to meet the material standards pathways included in this section.

4. Material Standards for Pathways:

- a. The pedestrian circulation system shall be hard-surfaced and at least five feet wide.
- b. The pedestrian circulation system shall be clearly defined and designed so as to be separated from driveways and parking or loading areas. At least two of the following design features shall be used to accomplish this:
  - i. Raised curbs,
  - ii. Elevation changes,
  - iii. Bollards,
  - iv. Landscaping,

- v. Decorative Fencing
  - vi. Use of paving material other than asphaltic concrete, and
  - vii. Other methods, as approved by the Planning Director.
- c. Striping does not meet the separation requirement for pedestrian circulation. If a raised path is used it shall be at least four inches higher than adjacent paving with a transition to the adjacent paving that will allow snow removal. Bollard spacing shall be no farther apart than 10 feet on center.
  - d. No portion of the building roof may shed snow or meltwater onto the pedestrian circulation system.

B. Open Space

1. Intent:

- a. Provide accessible, safe, convenient, and usable on-site open space for the enjoyment of residents of the development;
- b. Create open space that enhances the residential setting; and
- c. Maintain some (not unlimited) views for adjacent residential neighborhoods.

2. Open space requirements for detached single family uses: Detached single family uses shall provide at least three hundred square feet of private yard space adjacent to each unit. Areas less than 15 feet in width shall not be counted in this total.

3. Open space requirements for attached single family units (townhouses or site condominiums) and duplexes: Attached single family uses and duplexes shall meet the on-site open space requirements for multi-family buildings, except that private patios and private landscaped areas directly adjacent and accessible to the single family unit may be used to meet one hundred percent of the on-site open space requirements.

4. Open space required for multi-family buildings: Multifamily buildings shall provide one hundred square feet of on-site open space per dwelling unit. Acceptable types of open space include common open space, and private open space in combination with common open space as described in these standards. Except for spaces meeting the dimensional and design requirements of these standards, setbacks and parking areas shall not count towards meeting open space requirements.

5. Common open space: Where accessible to all residents, common open space may count for up to one hundred percent of the required open space. This includes landscaped courtyards or public decks, front porches, gardens with pathways, children's play areas, or other multi-purpose recreation and green spaces meeting these standards:

- a. Common open space shall be large enough to provide functional leisure or recreational activity. Except for porches and balconies, no dimension shall be less than fifteen feet in width. Alternative configurations may be considered by the planning director where the applicant can successfully demonstrate that the common open space meets the intent of these standards.
- b. Common open space shall include pedestrian amenities, with at least two of the following:
  - i. Paths,
  - ii. Lighting,
  - iii. Seating.
- c. The requirement for pedestrian amenities is fully met by the installation of play equipment in common open space, without installation of other amenities.
- d. Common open space shall be separated from ground floor windows, streets, service areas and parking lots with landscaping, low-level fencing, or other treatments to enhance safety and privacy as may be approved by the planning director.
- e. Front porches qualify as common open space provided the porch is at least 35 square feet in area and no dimension is less than 6 feet.
- f. Decks, patios, covered private balconies, and covered porches smaller in dimension than required for a qualifying front porch may be used to meet up to fifty percent of the open space requirement if such spaces shall have no dimension less than four feet.

C. Design Standards for Single and Two-Family Residential Structures

- 1. Intent:



- 1 a. Reduce the dominance of garages and blank facades in  
2 residential design on Eagle River streetscapes.



3 *Figure 21.66-4 Example of garage and blank facade design that should not*  
4 *dominate residential design on Eagle River streetscapes.*

- 5  
6 b. Encourage the incorporation of pedestrian scale design details  
7 into building facades.  
8  
9 c. Promote architectural variety that adds visual interest to Eagle  
10 River core neighborhoods.

11  
12 2. Requirements:

- 13  
14 a. Housing mix by model: Any development of five or more units  
15 shall have a mix of housing models.  
16  
17 i. 5-10 Units 2 Models  
18  
19 ii. 11-30 Units 3 Models  
20  
21 iii. More than 30 Units 4 Models  
22  
23 b. Variation for adjacent lots: The development shall be arranged  
24 to avoid placing identical housing types, including mirror-image  
25 floor plans, on adjacent lots. Each housing model shall have at  
26 least two of the following variations:  
27  
28 i. Noticeably different floor plans.  
29  
30 ii. Noticeably different placement of the building footprint  
31 on the lot.  
32  
33 iii. Noticeably different garage placement.  
34  
35 iv. Noticeably different rooflines.

- b. Garages: Garage doors facing the street shall comprise no more than 65% of the total length of the dwelling façade and, except for single story residences, garage doors shall not comprise more than 30% of the overall square footage of the dwelling façade facing the street. Garage doors that face the street and comprise more than 50% of the width of the dwelling façade shall be articulated forward or back from other portions of the front façade by at least 4 feet.
- c. Windows: Transparent windows or doors facing the street are required. Buildings shall have a minimum of 15% of the façade facing the street composed of transparent windows.
- d. Detail to enhance the primary façade: All residential buildings shall be enhanced with at least three of the following details on the primary façade:
  - i. For double garages, provide two individual garage doors rather than a single double-wide door.
  - ii. Prominent front entrance distinguished by a separate roof, double doors, focal stairs or deck, fenestration, decorative porch design, or other means as approved by the planning director.
  - iii. Decorative roof line to include multiple dormers, hip roofs, and multiple rooflets.
  - iv. Decorative use of building material, textural variation, and color to include shingles, tile, stone, wood siding, or other materials as approved by the planning director.
  - v. Decorative molding and framing details to include exposed decorative trusses, special moldings for attic and roof peak vents, balconies, and decorative or unique moldings for windows and doors.
  - vi. Use of trellises, decorative retaining walls, or other elements as approved by the planning director that help to integrate the building to the site.
  - vii. Other elements that meet the intent of the standards, as approved by the planning director.

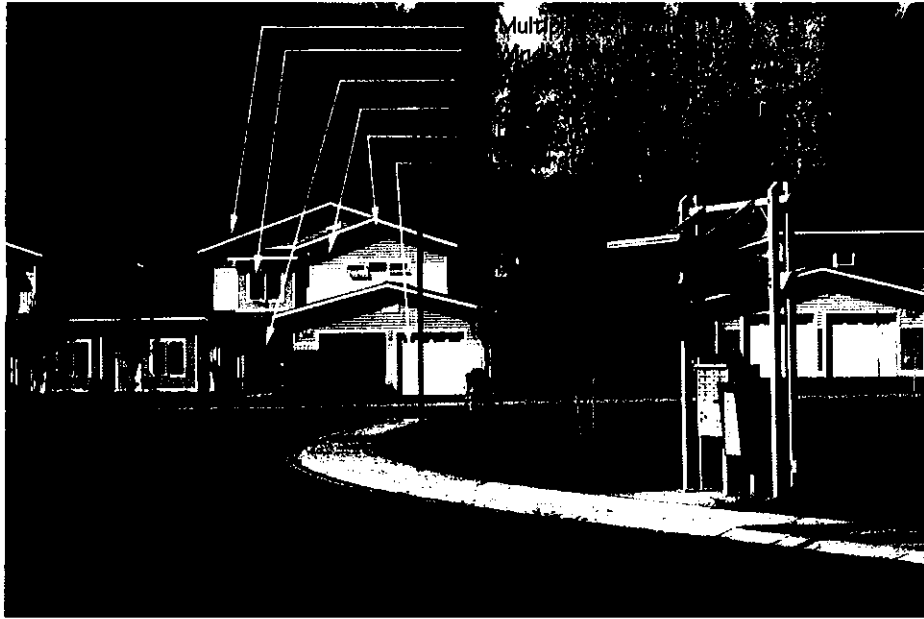


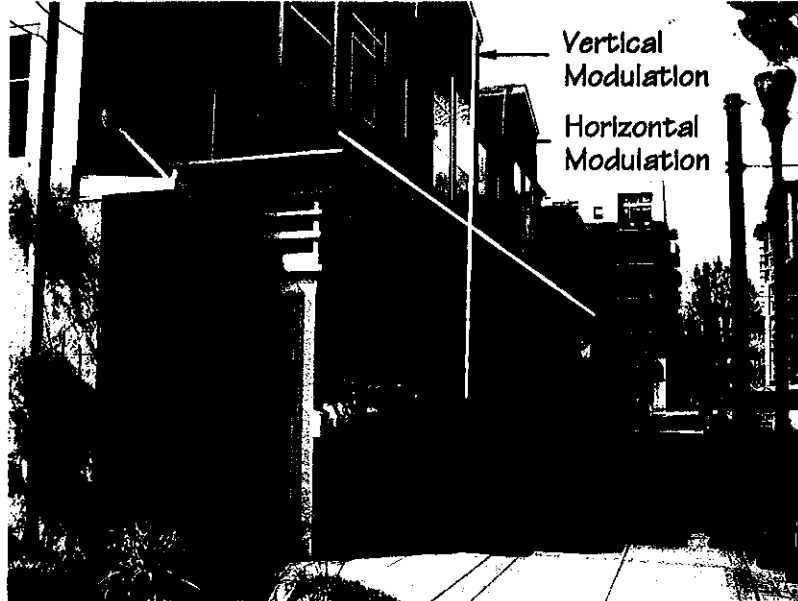
Figure 21.66-5. Details that enhance the primary facade

B. Design standards for zero-lot-line, townhouse residential development, and multi-family development

1. Building articulation and architectural variety:

- a. No more than six (6) townhouse units may be attached in a single row or cluster.
- b. The building, which is the aggregation of up to 6 townhouse units, shall be given architectural and visual interest through at least three of the following methods:
  - i. Repeating distinctive window patterns at intervals less than 25 feet on center.
  - ii. Vertical Building Modulation: Building modulation is a repeated pattern of changes in plane or articulation along the length of a building façade (See Figure 21.66-6). The minimum depth and width of modulation is 18 inches for depth and 4 feet for width if the vertical modulation is coordinated with a change in color, texture, or roofline (See Figure 21.66-7). If there is no change in color, texture, or roofline, the minimum depth is 4 feet and the minimum width is 10 feet (See Figure 21.66-8). The maximum distance between modulations is 30 feet. Balconies may be counted as modulation if they are either recessed or extended from the main

façade in accordance with the dimensions identified above.



*Figure 21.66-6. Horizontal and Vertical Modulation*

- iii. Articulation of the building's top, middle, and bottom: This calls for a ground floor that is distinctive from the middle floors of the building and a top floor that is distinguished by changes in roofline, materials, texture, or fenestration (window placement).
- iv. Horizontal Modulation: (either a step-back or extension of the building along a horizontal line), minimum horizontal modulation is 4 feet.
- v. Change in building material or siding style (may be coordinated with vertical or horizontal modulation). Use of different materials, such as wood siding, shingles, metal siding, Stucco or EFIS (Exterior Finish and Insulation System), stone, tile, or other materials or texture as approved by the planning director.
- vi. Use of sloped roofs or change in roofline. To qualify, sloped roofs shall have a minimum slope of 4:12 (vertical to horizontal). The use of gables, hips and other changes in the slope are encouraged. (See *Figure 21.66-9*). For buildings with flat roofs, or a combination of flat and sloped roofs, the roofline shall be modified by a minimum of 1/10<sup>th</sup> of the wall height. The change in roofline shall occur at a frequency of no greater than 30 feet as measured horizontally on the front façade. (See

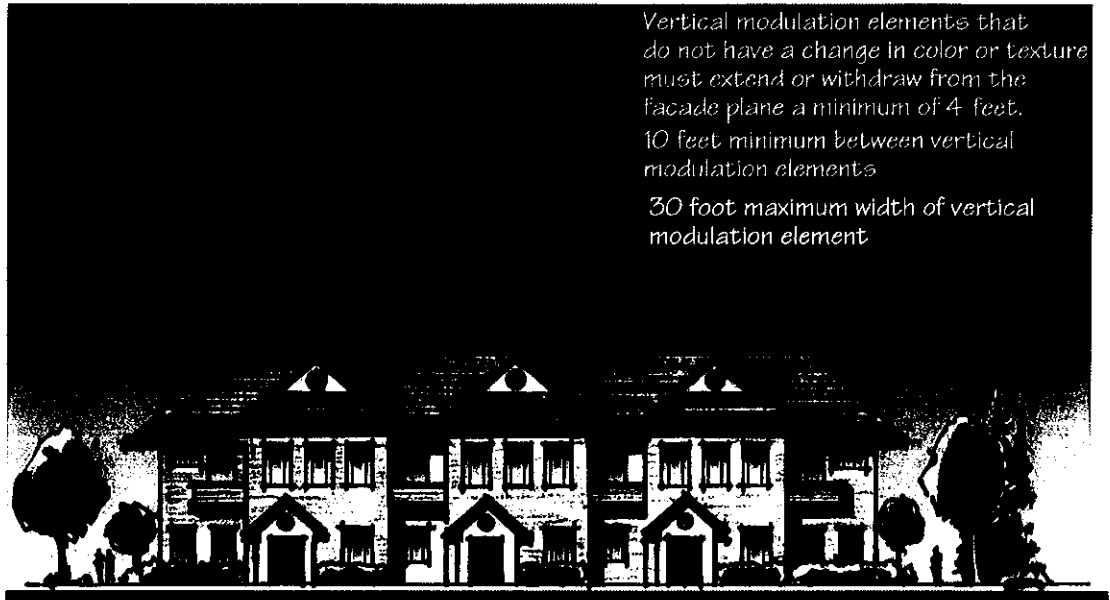
Figure 21.66-10).

- vii. Other methods, as approved by the planning director that reduce the scale of multi-family buildings or add visual interest.



**Modulation with Change of Color or Texture**

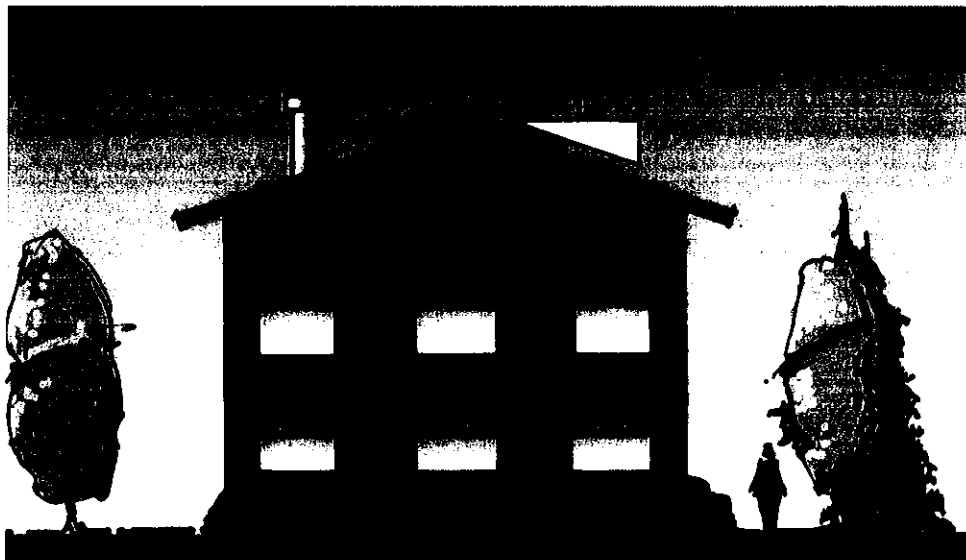
Figure 21.66-7. Modulation Requirements for Residences with Changes in Color and Texture.



Vertical modulation elements that do not have a change in color or texture must extend or withdraw from the facade plane a minimum of 4 feet.  
10 feet minimum between vertical modulation elements  
30 foot maximum width of vertical modulation element

### **Building Modulation for Buildings Without Changes in Color or Texture**

*Figure 21.66-8. Modulation Requirements for Residences without Changes in Color and Texture.*



### **USE OF SLOPED ROOFS**

To Qualify, use of sloped roofs must have a minimum slope of 4:12 (vertical to Horizontal). the use of gables, hips and other changes in the slope are encouraged.

*Figure 21.66-9. Use of Sloped Roofs*



### **FLAT ROOFS OR COMBINATION OF FLAT & SLOPED ROOFS**

For buildings with flat roofs or a combination of flat and sloped roofs, the roofline shall be modified by a minimum of 1/10th of the wall height. This change in roofline shall occur at a frequency of no greater than 30 feet, as measured horizontally on the front facade.

*Figure 21.66-10. Changes in Roofline for Flat Roofs*

## **21.66.045 COMMERCIAL DESIGN STANDARDS**

The following commercial design standards implement recommendations of the Eagle River Central Business District Revitalization Plan, approved in 2003.

### **A. Intent:**

1. Ensure that commercial buildings add to the liveliness of streets and the overall community character by making buildings, pedestrian spaces and landscaping more prominent than parking lots and free-standing signs.
2. Encourage walking within the core of Eagle River.

### **B. Building orientation, pedestrian, and open space requirements:**

1. **Distance from the Street:** All new commercial buildings within the Eagle River Overlay District that front on the Old Glenn Highway, Business Boulevard, or Eagle River Loop Road shall be set back not more than 20 feet from the street right-of-way.

2. An on-site pedestrian circulation system meeting the following standards shall be provided for all new commercial development:

- a. Pathways between individual commercial developments and the street shall meet the material standards for pathways in this section where buildings are not directly adjacent to the public sidewalk. Such pathways shall form a direct connection between the street and buildings fronting on the street. Exceptions may be allowed by the planning director where conditions merit other consideration.
- b. The pedestrian circulation system shall connect all main building entrances on the site. For commercial buildings with multiple entrances to individual retail stores, the community sidewalk may be used to meet this standard.
- c. Elevated external walkways and external stairways which provide pedestrian access to commercial units located above the ground floor are prohibited. The planning director may allow exceptions for external stairways or walkways located in or facing interior courtyard areas.

3. Material standards for pathways:

- a. The pedestrian circulation system shall be hard-surfaced and at least six feet wide.
- b. The pedestrian circulation system shall be clearly defined and designed so as to be separated from driveways and parking or loading areas through the use of at least two of the following design features:
  - i. Raised Curbs;
  - ii. Elevation Changes;
  - iii. Bollards;
  - iv. Landscaping;
  - v. Paving materials other than asphaltic concrete.
- c. If a raised path is used it shall be at least four inches higher than adjacent paving with a transition to the adjacent paving that allows snow removal.



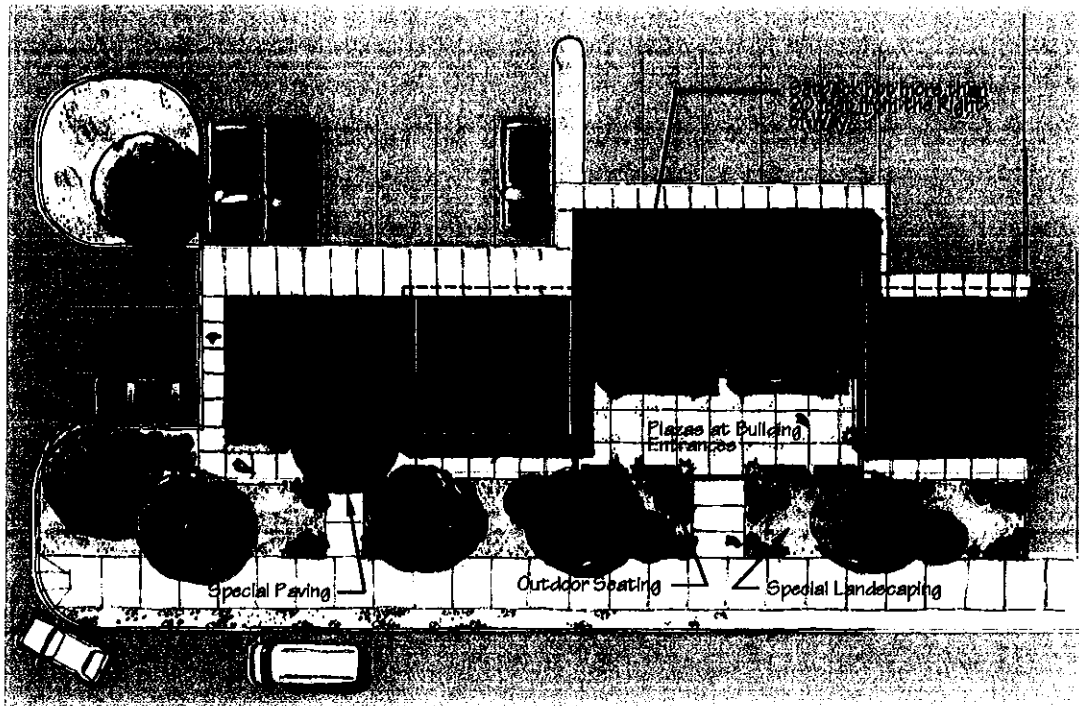


*Figure 21.66-11. Design Features To Clearly Delineate Pedestrian Walks From Adjacent Parking Areas*

- d. Pedestrian connections shall be illuminated with pedestrian scale lighting, no higher than, 14 feet, meeting the requirements of the Municipality of Anchorage Design Criteria Manual; and
  - e. No portion of the building roof may shed snow or meltwater onto the pedestrian circulation system.
4. Plazas and other open space improvements (*See Figure 21.66-12*):
- a. New or renovated buildings shall have plazas, courtyards, or other pedestrian spaces at or near the building main entrance. At a minimum, these spaces shall be sized at a ratio of 1 square foot of plaza or other open space per 100 square feet of interior building area.
  - b. Plazas or other open spaces shall include at least three of the following:
    - i. Permanent special interest landscape that exceeds the requirements of AMC 21.45.125 by at least 10%;
    - ii. Special paving, to include colored/stamped concrete, brick, stone, or other unit pavers;
    - iii. Public art with a valuation of at least one-half of 1% of the total construction cost;
    - iv. A coordinated set of site furnishings used throughout the site to include benches, trash receptacles, bike racks and may include tables. Site furnishings shall be

commercial grade and fabricated of durable and weather resistant materials;

- v. Other elements that meet the intent of the standards, as approved by the planning director.



**Commercial Development, Plan View**

*Figure 21.66-12. Plaza Improvements*

**C. Building design standards.**

**1. Intent:**

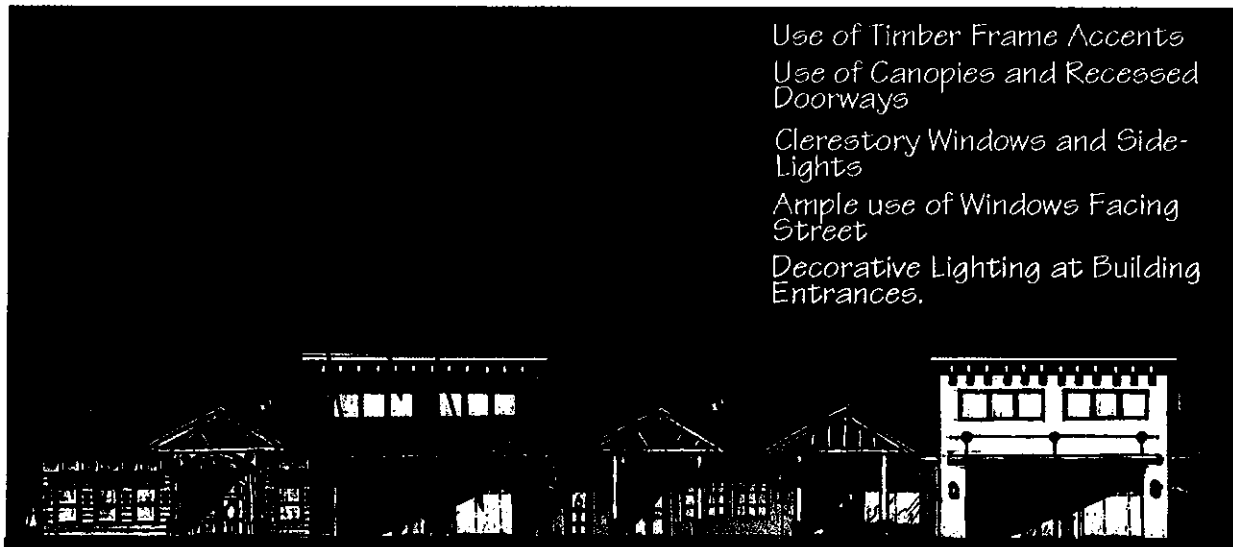
- a. Ensure that commercial buildings add to the liveliness of streets and the overall community character.
- b. Create a design vocabulary that helps to establish continuity within the Eagle River core area.

**2. Building Entrances:** The principal building entry shall be prominently visible from the street and marked by at least one element from each of the following groups:

**a. Group A, Articulation:**

- i. Recess of at least three feet;
- ii. Overhang extending at least 5 feet;

- iii. Canopy extending at least 5 feet;
- iv. Portico extending at least 5 feet;
- v. Porch protruding at least 3 feet;
- vi. Other elements that meet the intent of the standards, as approved by the planning director



### Commercial Development, Front Elevation

Figure 21.66-13. Commercial Building Articulation, Entrance and Material Treatments.

- b. Group B, Fenestration & Lighting:
  - i. Clerestory Window;
  - ii. Sidelights (clear glass windows flanking the entry);
  - iii. Ornamental light fixtures flanking the entry that are unique to the entry;
  - iv. Double entry doors;
  - v. Other elements that meet the intent of the standards, as approved by the planning director.
- c. Group C, Materials:
  - i. Exposed timber or log columns and trusses for overhangs, canopies, and porticos with stained wooden soffits

- ii. Special paving at entry (see 21.66.065A. *Plazas and Other Open Spaces*)
- iii. Other elements that meet the intent of the standards, as approved by the planning director

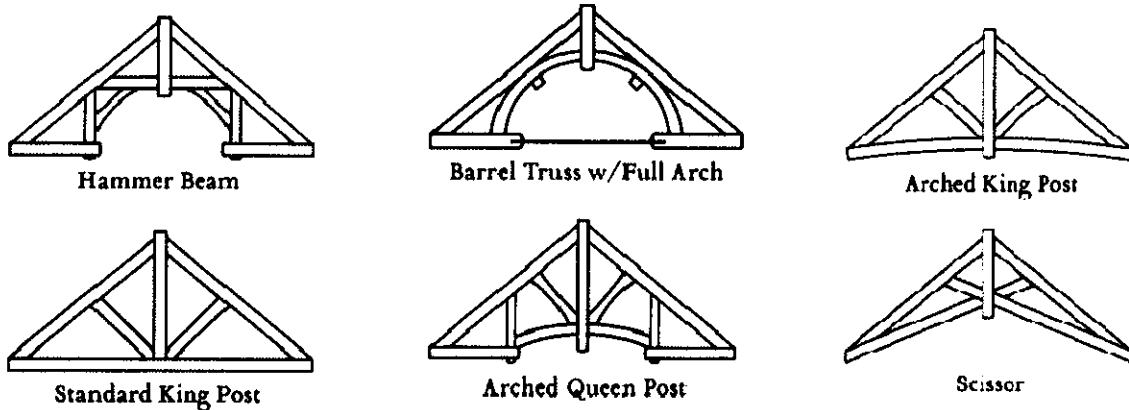


Figure 21.66-14. *Examples of Exposed Timber Trusses*



Figure 21.66-15. *Wood Porticos and Canopies are Desired Features*

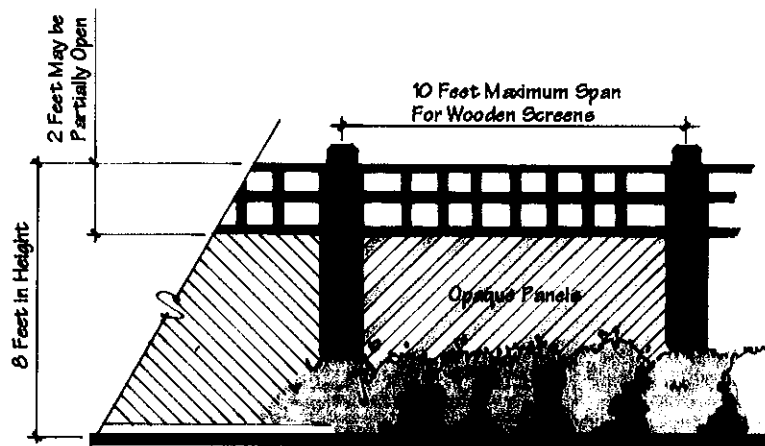
3. Ground floor transparency requirements:
  - a. A minimum of 60% of any ground floor façade (the portion of the façade between 2 and 12 feet above grade) facing the Old Glenn Highway, Business Boulevard, or Eagle River Loop Road shall be comprised of windows with clear glass allowing views into the interior of the building. Display windows may be used to meet half of this requirement.
  - b. A minimum of 15% of any ground floor façade parallel to any street other than those named in paragraph a, above, shall be clear glass allowing views into the interior of the building.
4. Building massing and articulation requirements:

- a. Buildings shall include horizontal and vertical articulation along the facades parallel to public streets.
- b. Horizontal facades higher than a single story and longer than 100 feet shall be modulated above the ground floor into smaller units at intervals of no more than 30 feet. Modulation shall be accomplished through at least two of the following methods:
  - i. Changes in roof form;
  - ii. Changes in depth of at least two feet for a width of at least 8 feet;
  - iii. Changes in materials or texture.

D. Screening standards.

1. Intent: To screen utilitarian elements, such as mechanical equipment, refuse collection receptacles (dumpsters), and service areas from public view
2. Items that require screening:
  - a. Roof top mechanical equipment;
  - b. Outdoor storage areas used in connection with trade, service or manufacturing activities that do not constitute retail display;
  - c. Snow removal and maintenance equipment storage;
  - d. Storage of recreational vehicles for longer than 48 hours;
  - e. Refuse collection receptacles (dumpsters).
3. Screening requirements:
  - a. Roof-top mechanical equipment: Roof top mechanical equipment shall be placed in such a way that it is not visible from public streets. It may be screened by parapet walls for flat roofed buildings, or it may be enclosed in an attic for buildings constructed with sloped roofs. The placement of chillers or other mechanical equipment on grade shall have sight-obscuring screening, 6 feet in height.
  - b. Storage items requiring screening under subsections 21.66.045 D.2.b – d above require screens that are 8 feet in height and shall be opaque for 6 of the 8 feet (*See figure 21.66-16*).

- i. Screens may be constructed of masonry, wood, metal, or may use the same building material used for the exterior of an adjoining building.
  - ii. Screens that are more than 25 feet in length shall be articulated. Articulation may be accomplished by clearly delineating between posts and panels with a change in depth of 1 inch or greater or a change in materials.
  - iii. The use of chain-link fencing and unfinished plain concrete masonry units is prohibited.
- IV. Where space allows, use of landscaping is encouraged.



**Screening Requirements for Outdoor Storage Areas**

*Figure 22.66-16. Example of Acceptable Required Screening for Storage Areas.*

- c. Refuse Collection Receptacles (Dumpsters): Each refuse collection receptacle shall be screened from view on three sides by a durable sight-obscuring enclosure consisting of a solid fence or masonry wall six feet in height. Coordinating the materials used in the screen with the materials and colors of the associated building is encouraged. The use of Chain-link fencing and unfinished plain concrete masonry units is prohibited.

**Section 2:** The Director of the Department of Community Planning and Development shall change the zoning map when this ordinance becomes effective.

**Section 3:** This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_ day of  
\_\_\_\_\_, 2008.

\_\_\_\_\_  
Chair

ATTEST:

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



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 95-2009

Meeting Date: February 24, 2009

1 **From:** ASSEMBLY MEMBER Ossiander

2 **Subject:** AO 2009-26 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL  
3 **ASSEMBLY TO AMEND ANCHORAGE MUNICIPAL CODE AND THE ZONING MAP OF**  
4 **THE MUNICIPALITY OF ANCHORAGE BY ENACTING A NEW CHAPTER 21.66,**  
5 **ESTABLISHING THE DOWNTOWN EAGLE RIVER OVERLAY DISTRICT.**  
6

7 Current B-3 general business district and R-O residential-office district zoning standards in the  
8 downtown core of Eagle River fail to take into account the community's desire for a cohesive  
9 town center as described in the Eagle River Central Business District Revitalization Plan  
10 (October 2003). After months of public discussion and consideration initiated by the Chugiak-  
11 Eagle River Chamber of Commerce's Board of Directors, a Dittman Poll (November 2006)  
12 found that Eagle River and Chugiak area residents support zoning changes in the old  
13 downtown core of Eagle River, if existing uses are grandfathered. The poll results include the  
14 following:  
15

- 16 - 70% of local residents support "restricting or prohibiting certain types of  
17 businesses".
- 18 - 80% of residents support the "limiting of commercial building heights to four  
19 stories".
- 20 - 83% of residents support "more landscaping and pedestrian improvements".
- 21 - 86% of residents support "defining areas with timber features, planters and  
22 decorative paving".  
23

24 In order to augment existing Title 21 standards and to implement the Chugiak-Eagle River  
25 Comprehensive Plan Update 2006 and the Eagle River Central Business District Revitalization  
26 Plan 2003, the Downtown Overlay District will protect property values, encourage visual variety  
27 and architectural compatibility, and promote an integrated character for the Eagle River  
28 Community. The Downtown Eagle River Overlay District is presented as a stand-alone  
29 chapter, retaining essential elements of existing zoning standards and adding the overlay  
30 provisions, as needed, to reflect the community's input.  
31

32 The Chugiak-Eagle River Chamber of Commerce Board approved a resolution requesting the  
33 Anchorage Assembly to approve and adopt a Downtown Overlay District (April 2007). The  
34 attached ordinance has been prepared with the assistance of the consultant retained to assist  
35 the community in presenting the overlay provisions. The ordinance will go to the Planning and  
36 Zoning Commission for public hearing and action, prior to public hearing before the Assembly.  
37

38 Respectfully submitted:

39  
40 Debbie Ossiander, Assembly Member, Section 2