

# Zoning for Homeless and Transient Shelters in B-3

AMENDING ANCHORAGE MUNICIPAL CODE TO ALLOW HOMELESS  
AND TRANSIENT SHELTERS AS A CONDITIONAL USE IN THE B-3  
ZONING DISTRICT AND ADD USE-SPECIFIC STANDARDS

# Definitions

---

**Zoning District:** A section of the city in which zoning regulations and standards are uniform. (APA)

**Permitted Use:** A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of the governing ordinance. (APA)

**Conditional Use:** A use that, because of special requirements or traits, may be allowed in a particular zoning district only after review by the Planning and Zoning Commission and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity. (APA)

**Assembly:** The legislative branch of the Municipality of Anchorage, charged with setting policy for the Municipality. (MOA website)

**Planning and Zoning Commission:** A group of people appointed by the Mayor that administers planning and land-use regulations on a wide array of land-use and land-use policy issues. (APA)

**Sources:** American Planning Association (APA): A Planners Dictionary and Municipality of Anchorage website.

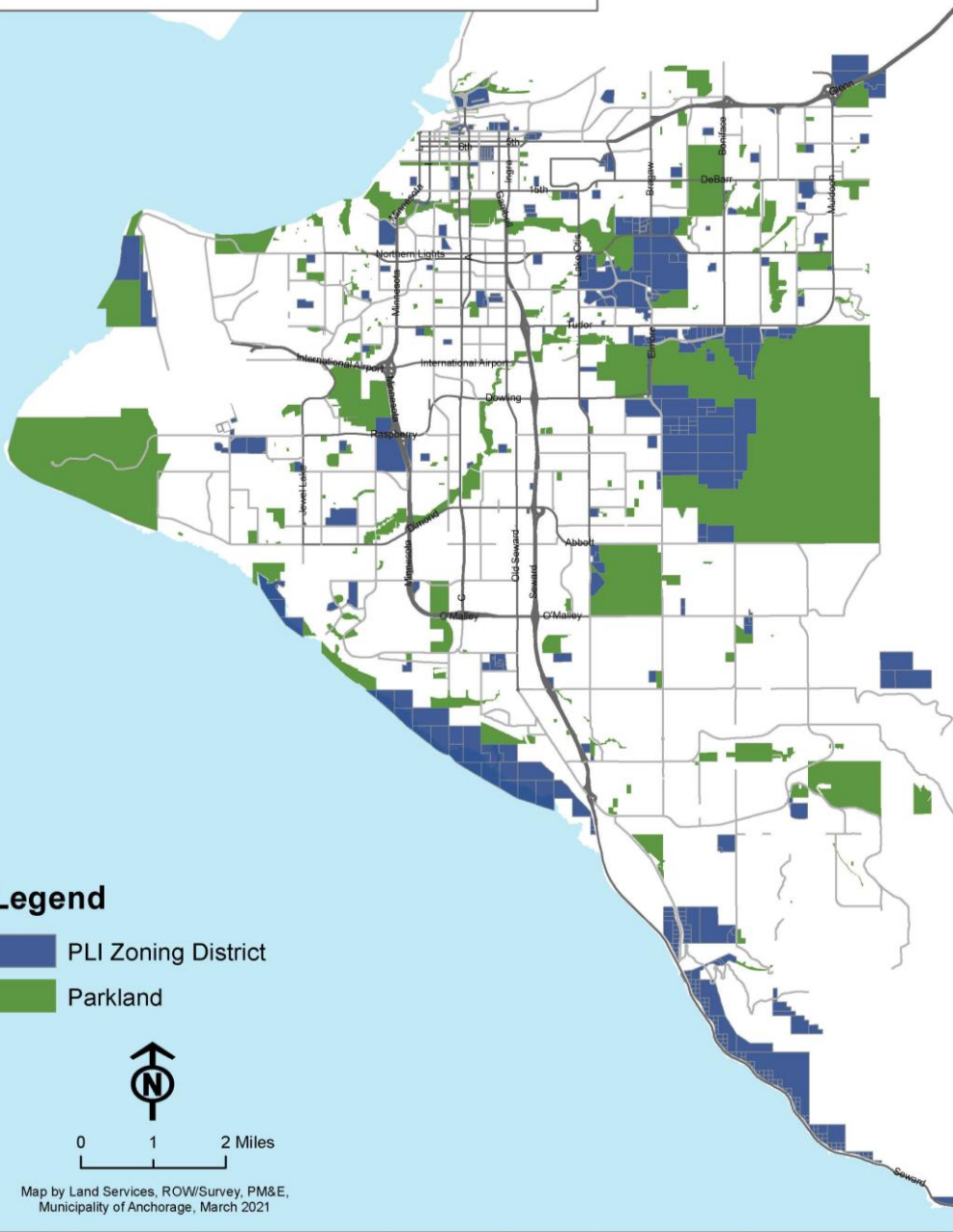
# AMC 21.05.040.C.5: Homeless and Transient Shelter



A facility designed to provide minimum necessities of life, including overnight accommodation, on a limited, short-term basis for individuals and families during periods of dislocation or emergency pending formulation of longer-term planning.

Facility elements may include providing the physical care required, including shelter, food, and necessary medical and clothing needs, directly or by referral to appropriate agency; and planning for more permanent housing and employment, including contact with community resources.

# Parkland and Areas Zoned PLI

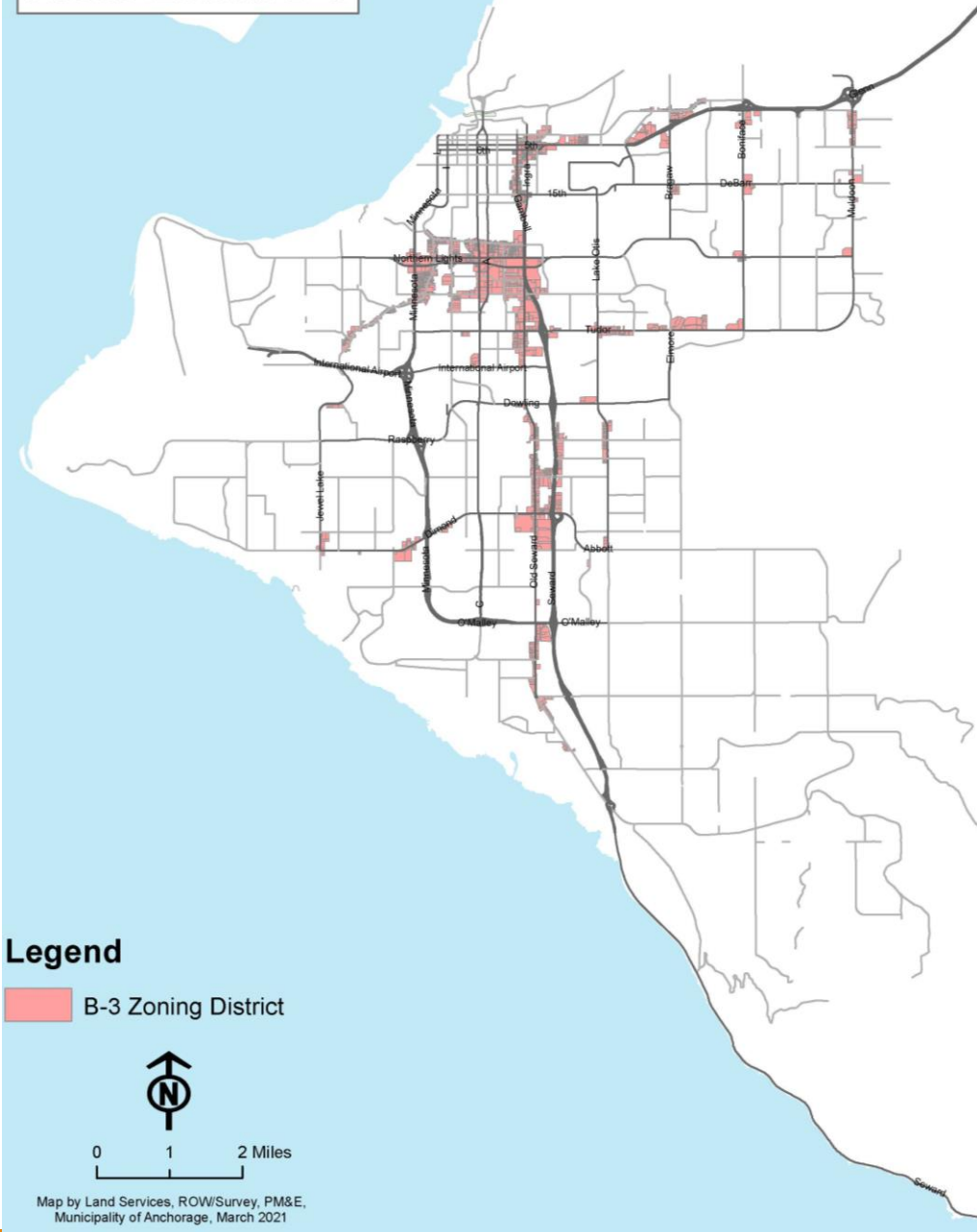


# Why are we here?

- Homeless shelters currently are limited to one single zoning district (Public Lands and Institutions (PLI) District), which makes it hard to provide additional beds.
- Most PLI zoned land is dedicated or designated parkland or is developed with large institutions.



# Areas Zoned B-3



## B-3 (General Business) District

- Allowing shelters in some business zoning districts is more compatible than residential or industrial zoning districts.
- Other communities across the country already allow or have expanded homeless shelters in business districts.
- B-3 lands are more available and located throughout the Anchorage Bowl.
- Most B-3 land is located near transit and other support services.
- Generally, B-3 land is not located within residential neighborhoods.

# Proposed Title 21 Amendment

A BREAKDOWN OF THE PROPOSED AMENDMENT TO MODIFY  
HOMELESS AND TRANSIENT SHELTERS USE TABLE AND STANDARDS

# Table of Allowed Uses

The table of allowed uses indicates what uses are allowed within a zoning district and the abbreviations in the table indicate the type of review process required for a use within a zoning district.

Any use is subject to all applicable regulations of this title, including the use specific standards set forth in 21.05 and the development and design standards set forth in chapter 21.07.

“**P**” in a cell indicates that the use is **Permitted** (allowed by right) in the respective zoning district.

“**S**” in a cell indicates that the use requires **Administrative Site Plan Review**.

“**M**” in a cell indicates that the use requires **Major Site Plan Review**.

- The administrative and major site plan review process is intended to determine compliance with the development standards of this title, not to review the appropriateness of the use itself.

“**C**” in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use.

- This review is intended to determine compliance with development standards and the appropriateness of the use itself.

“**P/M**” or “**S/M**”, then the applicable review procedure is determined by size, geographic location, or other characteristic of the use as specified in this code.

**Prohibited Uses:** A blank cell indicates that the use is prohibited in the respective zoning district.



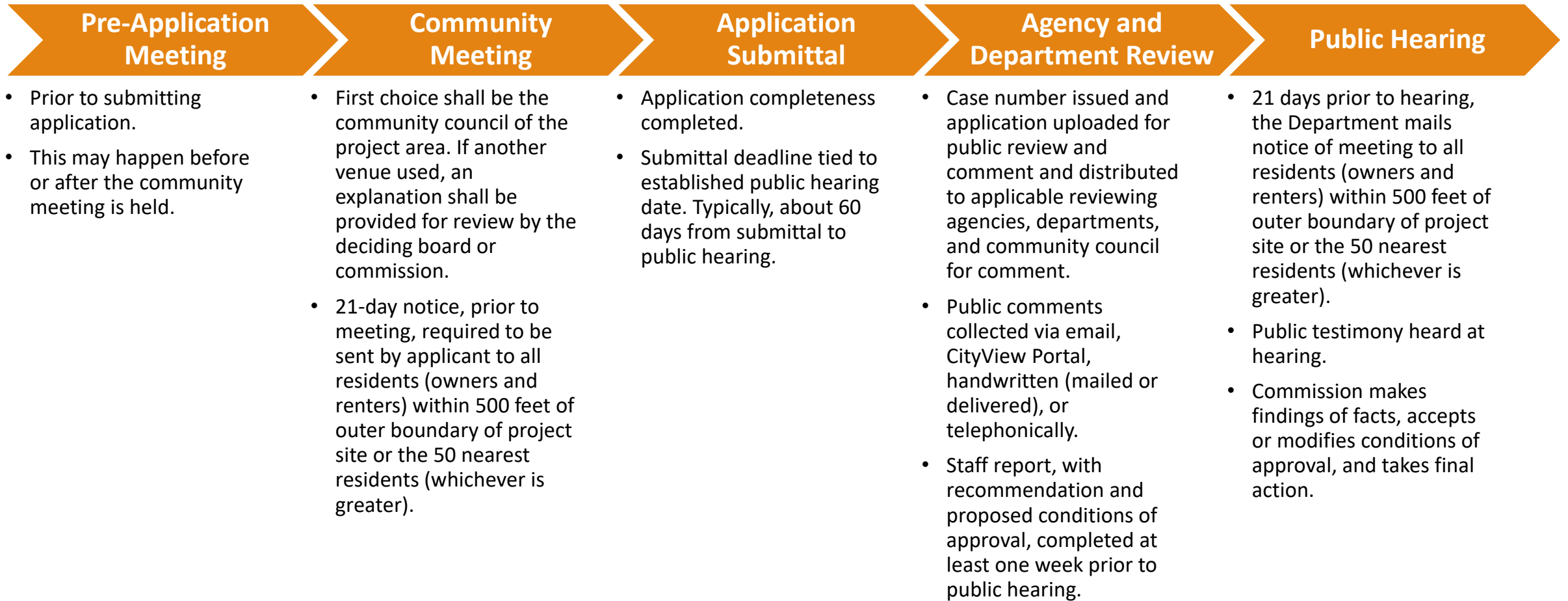


# Conditional Use Permit Approval Criteria

*AMC 21.03.080D*

“The planning and zoning commission may approve a conditional use application if, in the judgment of the commission, **ALL** of the following criteria have been met in all material matters:”

1. The proposed use is consistent with the comprehensive plan and all applicable provisions of this title and applicable state and federal regulations;
2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located, including any district-specific standards set forth in Chapter 21.04;
3. The proposed use is consistent with any applicable use-specific standards set forth in Chapter 21.05;
4. The site size, dimensions, shape, location, and topography are adequate for the needs of the proposed use and any mitigation needed to address potential impacts;
5. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
6. The proposed use is compatible with uses allowed on adjacent properties, in terms of its scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
7. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent feasible;
8. The proposed use is appropriately located with respect to the transportation system, including but not limited to existing and/or planned street designations and improvements, street capacity, access to collectors or arterials, connectivity, off-site parking impacts, transit availability, impacts on pedestrian, bicycle, and transit circulation, and safety for all modes; and
9. The proposed use is appropriately located with respect to existing and/or planned water supply, fire and police protection, wastewater disposal, storm water disposal, and similar facilities and services.



# Conditional Use Permit approval process

*AMC 21.03.080*

Amend  
21.050.040,  
Community  
Uses:  
Definitions and  
Standards

This text amendment adds use-specific standards requirement for homeless and transient shelters located in both the B-3 *and* PLI Districts.

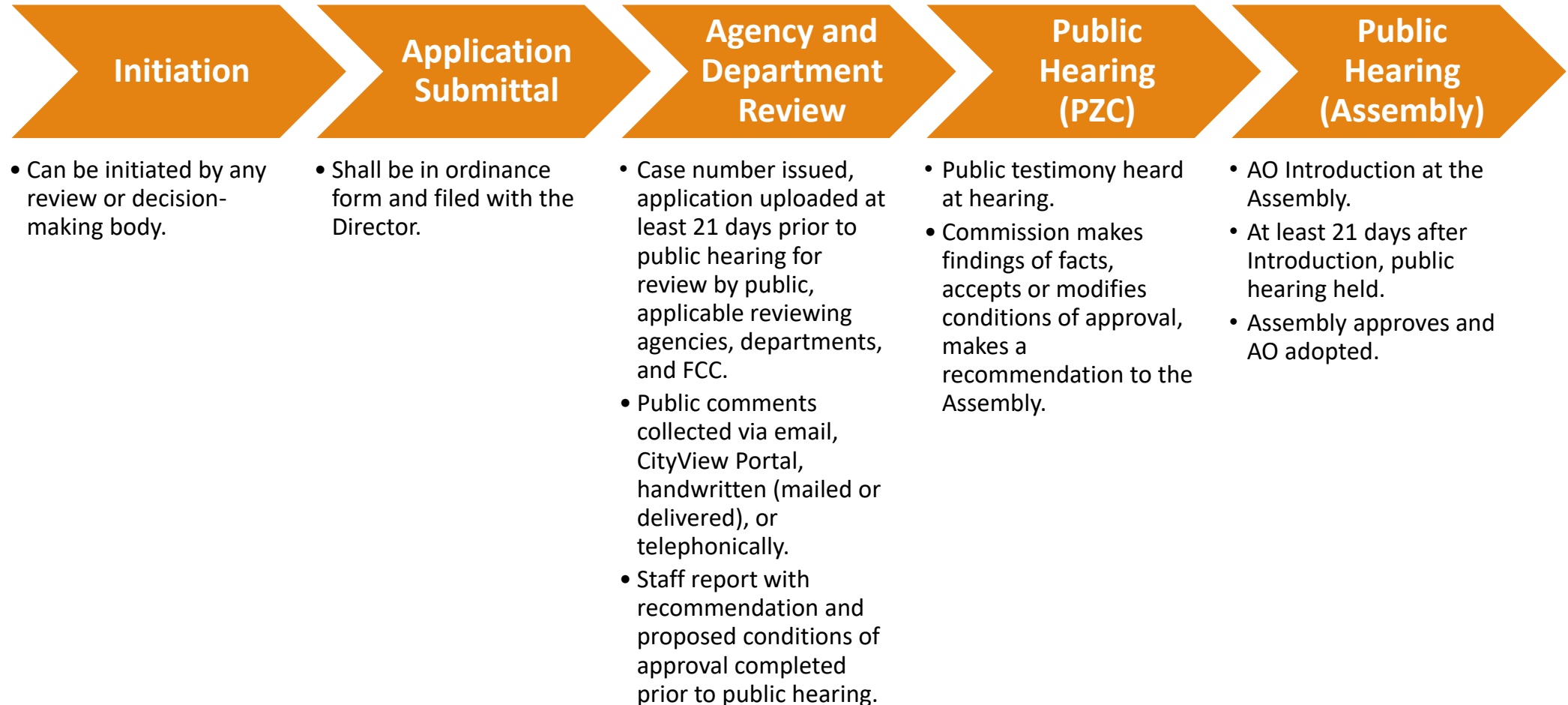
Proposed Use-Specific Standards:

- Shall be located more than 500 feet from other homeless and transient shelters;
- Shall be located within 1/4 mile of a transit route unless an alternative mode of transportation for clients is provided. Commuter routes shall not be counted as public transit routes for this standard; and
- Secure storage for both personal belongings and bicycles shall be provided on-site for guests;

# The Title 21 Amendment Process

FOR HOMELESS AND TRANSIENT SHELTERS IN THE B-3 DISTRICT  
AND AMENDING USE SPECIFIC STANDARDS

# Title 21 – Text Amendments process



# Where We Are In Title 21 Text Amendment Process

## ✓ Public Outreach – November 2020 through January 2021

- Kick-Off Meetings:
  - Downtown Community Council – November 4, 2020
  - Federation of Community Councils (FCC) – FCC presentation November 18, 2020
  - Housing, Homelessness, and Neighborhood Development (HHAND) Commission – November 4, 2020
  - Housing Leadership Council (HLC) – November 12, 2020
- Attended any community council and business/community group who accepted our request for a presentation
- Community Discussion Draft AO – Posted November 19, 2020
- Public Hearing Draft AO – Posted January 2021 – public hearing notice sent to FCC and all Community Councils

## Community Councils Attended

Airport Heights  
Bayshore/Klatt  
Campbell Park  
Downtown (Executive Board and Regular Meeting)  
Fairview  
Mountain View  
Northeast  
Russian Jack  
Sand Lake  
Spenard  
Taku Campbell  
Tudor Area  
University Area

\* Attending Midtown and Roger's Park in April

# Where We Are In Title 21 Text Amendment Process

---

## **Planning and Zoning Commission (PZC) recommended (5 to 3) for approval on March 1, 2021 (Case No. 2020-0025) –**

### **Summary of Draft Findings of Fact for Approval:**

- There was a high level of public participation involved in both this amendment effort, and additional will be required through CUP approval process, which requires a public hearing.
- There is a lack of available areas for these types of facilities. Proposed AO provides an adequate solution to allow shelters to exist in a broader part of our community, while still placing safeguards in the conditional use process.
- Promotes public health and general welfare and is consistent with the Comprehensive Plan particularly, Housing Policy 62 to distribute residential facilities throughout the Municipality that are operated for health, social services, and for persons with special needs.
- This ordinance is consistent with the purpose statement of the B-3 district and its reference to community uses.
- The B-3 district is appropriate because of its location along major streets and public transit routes. The B-3 district is more likely than the PLI district to be located near employment centers and to services for the homeless.
- Proposed AO is significantly different from AO 2020-58 presented last year in that the current process includes the PZC's review allowing for a robust public process in evaluating the proposal.
- This action directly addresses barriers to fair housing by broadening the location for homeless shelters allowed by the zoning code to a second zoning district.
- Homeless and transient shelters are one of the most restricted (limited in where allowed) use types in Title 21 but are something that our community needs.
- By allowing use in B-3 district, the public is provided certainty for the future, and that is what zoning is supposed to do. By spot-zoning areas (to PLI), the public is not provided with certainty.
- Planning staff did meet the public notification requirements.
- A dissenting commissioner found that the ordinance encourages the decentralization of homeless services, which is not an efficient way to spend taxpayer money. A conditional use permit in a B-3 district is a less robust process than a rezone to PLI and a conditional use permit. Business owners are drastically affected and the Commission should not allow homeless shelters in the B-3 district.





Next Steps

# Project Schedule

## Planning and Zoning Commission (PZC) – April 5, 2021

- PZC signs resolution
  - Consent Agenda Item – **Not a Public Hearing**
- **Public Hearing: Assembly – Date TBD**
- Assembly is final approving body
  - Item will be introduced and then public hearing no less than 14 days later
  - There will be presentations and discussions prior to public hearing at the Assembly's CEDC and Committee of Housing and Homelessness as well as a work session with the entire Assembly

