



Compatible-Scale Infill Housing (R-2 Zones) Project

*An Update to Anchorage's Zoning Rules for Residential Development
in the R-2A, R-2D, and R-2M Zoning Districts*



PZC Case No. 2019-0009

Public Hearing Draft – Supporting Exhibits

Anchorage 2040 Land Use Plan
Implementation Action 4-4



EXHIBIT E:
**Public Comments
Received**

Updated March 4, 2019

Compatible-Scale Infill Housing (R-2 Zones) Project:

The Compatible-Scale Infill Housing (R-2 Zones) project is updating Anchorage's R-2A, R-2D, and R-2M zoning code rules for the height and bulk of residential development, in order to allow more housing opportunities while ensuring that the scale of new development complements existing neighborhoods.

This project helps carry out implementation Action 4-4 of the *Anchorage 2040 Land Use Plan's Goal 4: Housing and Neighborhoods*. It is related to other ongoing code amendment projects and actions that seek to achieve the goals of the *Anchorage 2040 Land Use Plan*.

For More Information:

Visit the project website: www.muni.org/Planning/2040actions.aspx

Contact the project team: Tom Davis, 343-7916, davistg@muni.org
Francis McLaughlin, 343-8003, mclaughlinfd@muni.org
Long-Range Planning Division, 343-7921, anchorage2040@muni.org

Public Hearing Draft Documents: (under separate covers)

Adopting Ordinance

Exhibit A: Staff Report

Exhibit B: Zoning Code Amendments

Exhibit C: Draft PZC Resolution

Exhibit D: Policy Guidance from the Comprehensive Plan

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Compatible-Scale Infill Housing (R-2 Zones) Project

Exhibit E: Public Comments Received

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Note: This document is updated to include all comments received through March 4, 2019.

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E-1. Written Comments Received for September 27, 2018 Community Discussion Draft Compatible-Scale Infill Housing (R-2 Zones) Project

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South Addition Community Council Neighborhood Plan Steering Committee

Cheryl Richardson, Kathie Veltre, John Thurber, Tamas Deak
C/O Cheryl Richardson, cheryl.d.richardson@gmail.com

October 31, 2018

Long Range Planning Division
Planning Department
Municipality of Anchorage
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Attn: Tom Davis (davistg@muni.org, (907) 343-7916

RE: Comparable-Scale Infill Housing (R-2 Zones) Project (CIHP) Community Discussion Draft

Tom,

Please find our comments to the September 27, 2018 draft included within this letter. Cheryl Richardson coordinates steering committee work, so you can reach us through her as a group or concerned individuals/neighbors from South Addition. Thank you for the opportunity to comment.

Foreword to Recommendations

The South Addition Community Council (SACC) has been pursuing a Neighborhood Plan (NP) as part of Anchorage 2040 process since the fall of 2016. Part of the NP work has been the gathering of insights from South Addition community members regarding neighborhood character. That insight is relevant to your current effort to amend R-2 zoning districts in the land use code and it is summarized below.

The overwhelming sentiment in South Addition is that the maintenance and enhancement of physical character as it currently exists in our well established and fully developed neighborhood is crucial for the social and emotional well-being of its current and future residents and is an essential guiding principal for any development that occurs within it.

People value the ability to walk or to commute by other means on well-developed and well-maintained sidewalks/roads among a variety of diverse, yet compatible residential or small-scale commercial buildings in terms of their height and bulk.

People value that there are mature trees in yards and streets, that there is a clear hierarchy and organization of street functions due to the blessing of alleys, the consistency of physical features that make a street appealing.

People value that there is an organic balance between the areas devoted to personal yards, green spaces, a variety of gardens and other hard-surfaced functional spaces while all of them are connected to the context of the generally low speed and low traffic volume streets, the exceptions being the large arterials with their own set of challenges.

People also value the economic benefits the neighborhood provides with its proximity to downtown and its smaller scale buildings that yield consistently favorable property values.

People value that individuals and families want to live in South Addition and they value that the neighborhood continues to attract new generations of caring people who purchase

South Addition Community Council Neighborhood Plan Steering Committee

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older houses and invest in them by incremental remodeling or by a single leap of a new addition. People value that still, somehow, they are being mindful that they want to fit in the context and enhance their own place as well as the commons. The rising tide lifting all boats concept.

Recommendations

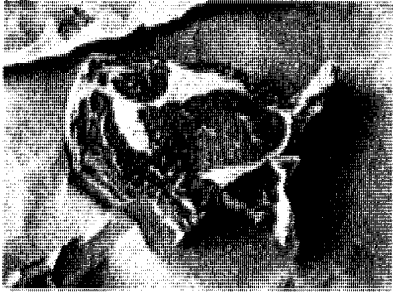
Because of the significant value the community places on neighborhood character and the identity it carries, the steering committee believes that there are a few major considerations still to be adequately addressed in the CIHP before it advances further in the process.

1. The CIHP - fairly or unfairly - may be viewed as a solution looking for a problem. The current land use regulations do not and had not stifled development in South Addition. Most lots have been developed with a two-story building pattern and the resulting neighborhood character is greatly valued. South Addition is a small lot patterned traditional neighborhood for the most part, where no single large tracts of R2 zoned land are being considered for redevelopment. The 2.5 story limitation is a potential shortcoming of the zoning code for larger lots where all structures on a lot would have to comply without the neighborhood compatibility context present. If the proposed zoning amendments were to be implemented in the future, the recommendation is that all areas shown as Traditional Neighborhood Design in the 2040 plan (on page iii in the draft) remain exempt. Another solution may be to apply the rules presented here only on larger lots, f.e. lots over 20,000sf in area.
2. The CIHP is too limited in scope to be successful in mitigating contextual issues that can and likely will severely impact neighborhood character. This fact is acknowledged in a somewhat cursory way on page iv of the CIHP draft under the fifth bullet. However, this does not make it acceptable. The recommendation is to extend the project to include changes to other parts of the code together with the proposed changes in the draft. This is crucial for the acceptance and the success of this process. Specific amendments regarding changes in the code affecting neighborhood character are included below. We have been calling them "neighborhood beef" because they cut to the bone of the greatest concerns from residents. They are noted with, well, a slice of beef. It is shaped like the lower 48 to emphasize the ubiquitous nature of these concerns around the country. Recent neighborhood polling reinforces these findings.
3. The CIHP proposes to use an excellent planning tool with the floor-area-ratio (FAR). The sophistication of the housing sector of our building industry will require that the municipality has the resources to provide expertise in place for its wide implementation at the Building Safety department. It would be a disservice to builders and to the entire community to have such a powerful development tool fail in Anchorage because the implementation was not in place for its success.

South Addition Community Council Neighborhood Plan Steering Committee

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Recommendations for code changes to be included in the CIHP. (The beef)



The primary concern of South Addition residents is preservation of its unique character. The steering committee recommends no changes to the land use code as proposed without additional and concurrent changes that protect neighborhood character as described in the following sections.

Section 21.07.090.H.e.iii

The steering committee recommends including new or modifying existing language to address protection of R-2 lots in the Traditional Neighborhood Design areas to protect their valued neighborhood character as follows:

Delete all sentences after the first sentence and replace with: Residential developments up to four units abutting an alley on R2-M, R3 and R4 zoned lots shall be exempted from this subsection if parking areas are proposed with the usable portion of the alley as circulation/parking isle space. The traffic engineer has the authority to exempt multifamily dwellings up to four units on lots not abutting an alley on low volume streets, dead-end streets and cul-de-sacs.

Add a sentence at the end of 21.07.090.H.8.d.i to read: The land use code governs over the municipal driveway standards for this subsection in case of a conflict of interpretation between governing documents.

Note: the current web-published version of the land use code references the driveway width section incorrectly (21.07.110.G..)It should read as 21.07.110.F.3.

Section 21.07.110.F

The steering committee recommends including new or modifying existing language to address protection of R-2 lots in the Traditional Neighborhood Design areas to protect their valued neighborhood character as follows:

Add the following section: 21.07.110.F.3.b.iv. This section also applies to residential driveways accessing a street from any R-2 lot abutting a platted alley.

Add the following section: 21.07.110.F.3.c.iv. Residential driveways referenced above under 21.07.110.F.b.iv of this section shall be 12' or less in width measured anywhere along their entire length.

Add sentence at the end of section 21.07.110.F.3.d. as follows: The traffic engineer shall not have the authority to change the standards above under 21.07.110.F.3.c.iv.

South Addition Community Council Neighborhood Plan Steering Committee

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Modify the section under 21.07.110.F.4.a to remove exemptions and simplify the section to read: Access to parking for residential uses on any residential lot abutting an alley shall be from the alley with the exception of a single driveway of 12' width or less along its entire length on one street frontage of the lot.

Section 21.07.110.C

The steering committee recommends including new or modifying existing language to address protection of R-2 lots in the Traditional Neighborhood Design areas to protect their valued neighborhood character as follows:

Add the following section: 21.07.090.C.2.e. The requirements of Section 21.07.090.C.8.f.,g and h shall apply to any residential development in all R-2 zoning districts in the Traditional Neighborhood Design areas.

Section 21.07.060.E

The steering committee recommends including new or modifying existing language to address protection of neighborhood character by maintaining existing street infrastructure in the Traditional Neighborhood Design areas.

Add the following section: 21.07.060.E.2.h Existing sidewalks on public streets in all R-2, R-3 and R-4 zoning districts shall be maintained with their original longitudinal grade and a maximum 2% cross-slope at all proposed driveways and curb cuts. Any conflicts with the standards of the DCM or MASS shall be resolved in favor of this section.

Detailed Comments for the Community Discussion Draft

Section 21.04.020.F.2.b

The position of the steering committee is that the elimination of the 2.5 story restriction should not apply in Traditional Neighborhoods. They should be exempt. See notes for 21.06.020 Table 21.06-1 on this later in this document. The language of this section is fine for Traditional Neighborhood Design areas and the steering committee does not support changing it without their exemption.

The reduction of the length of structures does not appear to solve any problems known by the steering committee. It, however, can have the effect of excluding a single 8-unit structure from development, which is inconsistent to allowing such structure under 21.04.020.F.2.a.

Section 21.06.020.A Table 21.06-1

The proposed changes affect the 2A, 2D, 2M districts mostly by introducing the elimination of the 2.5 story limitation. The steering committee recommends a modification that states:

Principal: 30', not to exceed two and a half stories in Traditional Neighborhood Design areas only.

Another option is to exempt lots of 20,000sf and greater from the 2.5 story limitation as simple district wide solution.

The Floor Area Ratio concept is a good planning tool to provide the design flexibility for different designs and the steering committee supports its introduction into the R-2 districts. The FAR numbers listed are generally reasonable, however, some developments notably, the

South Addition Community Council Neighborhood Plan Steering Committee

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multifamily townhouse style developments will result in completely pervious lots (buildings + access drives/garage access) that is not compatible with the already developed Traditional Neighborhood Design areas. This needs further work.

21.06.030.E.2 and 3

The changes regarding measurements for FAR seem reasonable and are supported by the steering committee.

The changes regarding maximum floor area ratios are housekeeping related and are supported by the steering committee.

21.12.040.C

This is a necessary housekeeping change regarding potential non-conformities and is supported by the steering committee. The existing section references setbacks and that may need to stay as well. The topic discussion referenced 21.10.040.C, but that appears to be a typo and not a reference to the Chugiak code.

21.14.040

The steering committee generally supports the proposed changes as they are code coordination changes with the exception of deleting the one-half story reference since the recommendation is to keep the two and a half story limitation in the table for the Traditional Neighborhood areas.

21.06.030.D.6.c

The proposed changes under this section seem reasonable for i, ii and iii.

There are serious concerns with allowed heights under section 21.06.030.D.6.c.iv.(D) There is no technical reason why an elevator tower needs to exceed 10' or even 15' beyond a top floor elevation. No-one should plan for 10' diameter flywheels operating an elevator in 2018 without a very specific reason. If such design becomes the desire of any builder in the future the variance process is available to accommodate it. An elevator tower height is reasonable to be capped at 5' over allowed building height.

21.06.030.D.6.c.iv.(F) should consider allowing 2' over allowed height for parapets in all R-2 districts, so a continuous wall surface is pursued by builders rather than a combination of potentially unsightly solutions that are sought for transparency. The extra foot allows roof assemblies that have higher insulation value without forcing the parapet into a variance.

21.06.030.D.6.e.

This is a new section that deals with dormers that have not yet been included in the land use code. The intent and technical details are reasonable to guide dormer design and this section is supported by the steering committee.

21.04.020.F.2.c

This is a new section that provides guidelines to promote compatibility of new, now three-story, development with an already existing context. In general, the aim and direction of this new section is supported by the steering committee, with the caveat that removal of 2.5 story requirement is not supported in the Traditional Neighborhood Design areas of Anchorage 2040. One shortcoming of this section may be a potential perception of undue complexity.

South Addition Community Council Neighborhood Plan Steering Committee

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21.10.040.C.6.

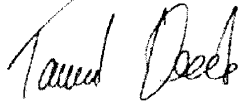
(Please, note: this reference appears to be misidentified in the handout as B.6)

This is a modification of the Chugiak land use code to remove a conflict that is created if the proposed changes are implemented. The steering committee acknowledges this change as necessary if the proposed changes are adopted.

End of detailed comments.

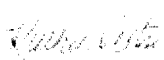
Please, contact the members of the steering committee if you have any questions.
Thank you.

Sincerely,



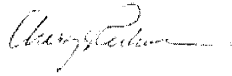
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October 24, 2018

Mr. Tom Davis
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RE: Compatible-Scale Infill Housing (R-2 Zones) Project Community Discussion Draft

I have reviewed the MOA's proposed changes to the R-2 zoning districts through the proposed ordinance at the following link:

<http://www.muni.org/Planning/2040actions.aspx>

I was initially expecting the MOA to simply remove the 2.5 story limitation that conflicted with the 30-foot maximum building height, and was creating design issues for developers and builders in the R-2M districts. The released ordinance is obviously far more comprehensive than that. Whether comprehensive is better, in this instance, remains to be seen.

My general concerns with the changes in the code language are somewhat philosophical, and appear below:

These new regulations are written to try and protect the nature of "existing neighborhoods" as infill and redevelopment projects move into those existing neighborhoods.

Where this gets problematic for me is in the terminology. When we get more and more infill and redevelopment, eventually those style buildings will outnumber the older existing homes, and then what are we protecting with this code language? The code would then be working against similar development for no public benefit.

The new "existing" will be the larger multi-family homes resulting from infill/redevelopment that occurs in the coming years.

My code specific concerns with the proposed code language, are detailed below:

21.04.020.F.2.b R-2M: Mixed Residential District

What was the reasoning behind reducing the maximum building length (actually building width in many cases) by 25 feet? It will be very difficult to fit 6 properly proportioned units into a 125 foot length. For higher price point (luxury townhome) projects, this will inadvertently cap us at 5 units per building. It appears like this code language was a cap on units without coming right out and saying it.

The ramifications of this are potentially quite large. Often times it is that 6th unit that will allow a potential development project to become profitable to build, and losing it can force a development site to be infeasible. When this happens, the pre-developed value of the land drops, impacting the value of the land for the

owner/seller. There are also property tax base impacts to reduced valuations of existing parcels and the lost increase in property taxable values that follow development of those same parcels.

21.06.020A: Table 21.06-1 Table of Dimensional Standards

The Floor Area Ratio (FAR) would have an immediate impact by reducing the size of the buildings we can build to meet the demand for adequate housing in the R-2 zoning districts.

One of our projects is actually shown on the bottom right hand side of page ii and again on Pages 2 and 16 of the previously referenced MOA planning document.

This is our Park Strip Lofts project, and it was well received when we walked representatives from the MOA through it as an example of the downtown redevelopment projects we were beginning to undertake. Additionally, and perhaps more importantly, this project was well received by the home buying public, and quickly attracted sales.

For the above reasons, it seems appropriate to use that project as an example, so here we go:

The lot size is 11,203 SF and with the proposed FAR of 0.7 we would be limited to 7,842 SF of floor area, not counting below grade living space, which this project had.

The finished living square footage of the Park Strip Lofts is 8,204 SF with an additional 2,448 SF of garage for a total of 10,652 SF. However, if we deduct the daylight basement living space below the grade plane, of approximately 1,300 SF, we are still at 9,352 SF, which is about 1,500 SF over what would be allowed under the new FAR regulations (7,842 SF).

This is pretty substantial standard shift and would have a tremendous impact on the design, livability and marketability of this project. I believe it is concerning and highly contradictory that the MOA would utilize multiple photographs of this project as an example of the type of development they are striving to encourage, when it is unable to be able to be constructed under the proposed code changes.

I know you have access to the information already, through the Building Safety department, but I have attached the site plan and some relevant building plans sheets for this project for ease of review and reference.

We have other projects in planning and design phases within these zoning areas that will exceed the proposed FAR, as currently planned. The impacts here with regards to the proposed FAR concept will be real and they will be costly.

At minimum, we would recommend attached garages be excluded from the FAR, but as currently written, we believe the current FAR ratios are too restrictive for the size and style of buildings that these areas need and can support.

21.06.03E.2.c. Areas Not Considered in Measuring Floor Area Ratio

Will this apply to floor areas in stories only partially below the grade plane, or will staff interpret this to mean the full story height must be below the grade plane to be discounted from the FAR?

Intent must be cleaned up on this prior to adoption, or staff will certainly misinterpret the regulations to the detriment of builders and developers.

21.06.03E.2.d. Areas Not Considered in Measuring Floor Area Ratio

Will the .1 FAR work for any potential outbuildings? On a 7,000 SF downtown lot, looking for a detached garage, the first 700 SF of the detached outbuilding would not be counted towards the FAR calculations for the primary structure project. This works out to roughly 26'x26'.

This seems like a pretty good credit at first, but the problem comes in when an owner or developer wishes to have an ADU or additional floor space over the garage portion of the outbuilding, since the majority of the cost of construction is in the foundation, slab and roof, adding a second story between those items is pretty cost effective/inexpensive floor space. “Tricks” can be done with regards to creating “attic” living space in lieu of standard living space for this second floor, but this involves some creative truss design and ends up creating an inferior space, and goes against the intent of the exemption language.

21.12.040.C.1 Buildings Exceeding Maximum FAR.

Will this apply to buildings that are designed and fully permitted, but are not started or completed (CO) by the effective date of the ordinance?

What about for builders that have properties purchased with the intent of infill or redevelopment, but have not yet submitted designs?

Is there perhaps an option to select “old code” or “new code” for a year or more, to transition to the new code, similar to what was done for Title 21 as a whole?

This may provide some relief to developers who have already purchased property and are in the planning/design process.

21.14.040 Definitions.

The MOA now only defines a half-story as the uppermost story of a building (attic type space). There doesn't appear to be a definition for a daylight basement as a half-story. Even though a story below the grade plane is exempt from FAR calculations, it should still probably be defined in code, or it will lead to interpretations by staff at some point, which has historically not been to the benefit of the developer/builder.

21.06.030D.6 Height Exceptions.

For flat roof style buildings, the reduced height stairwell entrances and elevator housings are probably workable for most situations, but keep in mind it would force more buildings to a fully flat roof system, and limit design options and therefore aesthetics/curb appeal.

Elevator enclosures might require additional height over what is proposed due to ever changing code and mechanical equipment required.

Regarding railings, it is unclear to me if the 5-foot is a max height of the railing, or if this includes the 1-foot max parapet wall. Is it 5-feet total, or 5-feet plus 1-foot parapet?

Defining what qualifies as “transparent” would be helpful, otherwise it may be a sticking point with staff's interpretation. I could make the argument that anything that passes any fraction of light whatsoever through the material would be considered transparent (i.e. heavily frosted or tinted glass/plastic panels).

If utilizing clear glass, as a railing or barrier panel, is a height limitation really necessary? Could that be an exempted material?

It would actually be preferable to have this language deleted in its entirety, as it may not serve the public well to have the MOA micromanaging railing material selections. I believe the intent of the language is to allow for more natural light to pass by the new structure, and filter down onto the neighboring properties. However, in some situations, a solid panel railing system would better serve the neighborhood from noise associated with rooftop living activities, and shield from view the hot tubs, flower boxes or other potentially unsightly appurtenances often associated with certain rooftop living activities. Another serious consideration would be market forces and buyer preferences on materials/styles. Clear or translucent railings are not attractive to all buyers, for privacy, and the other reasons stated above.

Dormers: Why the 3/12 pitch restriction? We can do 2/12 roofs and that would allow more design options.

I am happy to see the deletion of the earlier language that required the stairwell/elevator enclosures to be set back 3 feet from the exterior walls. This was a bad idea and drastically eliminated many common sense floor plan layouts and designs that included stairwells or elevator shafts along an exterior wall.

21.04.020.B.2.c District Specific Standards

This discussion on building elevations don't take into account whether a building is being constructed on a property that is adjacent to park/public, or other non-developable type of property. In these cases, building articulation is not necessary to protect aesthetics toward, or shading onto, neighboring properties. It would not be necessary either, if the subject lot was at the toe of a steep slope, with the ground rising up and away from the proposed building. In that instance, building articulation would be required, but provide zero benefit, as for all intents and purposes, the building would not be seen from the higher, neighboring property.

Exterior stairs are limited to a maximum height of 6 feet above the grade plane. That works for a project like our Park Strip Lofts (attached), where we had the first story partially below the grade plane, but would not work for a true three story building, where the entrance was desired to be on the second floor. This would just push building design to carry these stairs inside the structure, from a lower level entrance door. Not problematic per se, but harkens back to the 2.5 story limitation in certain cases.

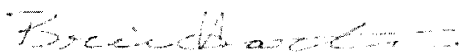
Bringing these stairs inside, will remove these concerns, but will also reduce available interior living space that we will be battling for with the FAR restrictions.

Perhaps an exception for up to 8 foot heights if certain conditions are met?

Thanks for allowing the opportunity to provide these review comments. I hope they are helpful in moving the process forward that benefits the MOA, the public and the home building industry.

Please feel free to contact me if you have any questions or require additional information on any of the above points.

Sincerely,



Brian T. Harten, P.E.,
Development Manager
Hultquist Homes, Inc.

Davis, Tom G.

From: Davis, Tom G.
Sent: Wednesday, October 31, 2018 4:38 PM
To: Anchorage2040
Subject: FW: Anchorage 2040 Land Use Plan Implementation Action 4-4 (R-2 Zones)

From: Allen Kemplen [mailto:nordicity@gmail.com]
Sent: Wednesday, October 31, 2018 4:29 PM
To: Davis, Tom G. <tom.davis@anchorageak.gov>
Cc: S J. Klein <sj@fairviewcommunity.org>; Allen Kemplen <allen_kemplen@dot.state.ak.us>; Wong, Carol C. <carol.wong@anchorageak.gov>; Bunnell Kristine <kristine.bunnell@anchorageak.gov>; Leslie Kleinfeld <leslie@fit4health.biz>; Fairview's Finest <eboard@fairviewcommunity.org>
Subject: Re: Anchorage 2040 Land Use Plan Implementation Action 4-4 (R-2 Zones)

Hello Tom,

Here are the comments from the Fairview Design Committee's review and discussion of the draft community proposal. We greatly appreciate the opportunity to comment on this important design issue. We hope our comments are constructive and help produce solutions that fully acknowledge the challenges and opportunities associated with developing higher residential densities in a Winter City context.

Respectfully yours,
Allen Kemplen
Chair, Fairview Design Committee

Fairview Community Council

Design Committee

Comments on Community Discussion Draft

Compatible-Scale Infill Housing (R-2 Zones) Project

Dated September 27, 2018

Attn: Tom Davis, Senior Planner

The Design Committee reviewed and discussed the draft proposal. Our collective comments are as follows:

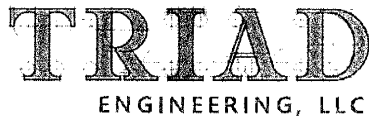
1. Are greenhouses allowed on top of structures and if so would they be exempt from height limits? It was not obvious in the draft proposal whether greenhouses were going to be explicitly addressed in this revision. A brief narrative about greenhouses would be helpful.
2. How does this proposal actually mitigate shadow effects of taller buildings? It is understood one of the intended purposes of the proposal is to minimize shadowing by allowing a developer to move the building footprint around on the site. However, the language in the code uses the permissive term “should” when discussing minimizing neighborhood impacts. The neighborhood and adjacent properties would be better protected if the word “should” was replaced with “shall” in the code. A developer then must explicitly document in their project development packet the depth of consideration they have given to minimizing shadow impacts and what techniques they have employed to mitigate them.
3. How does the proposal promote south facing exposure of active use spaces within the building envelope? It is recognized by many in the community that Anchorage is located at 61 degrees north latitude, in the sub-arctic and qualifies as a Winter City where the cold and dark prevail for approximately half of the year. Yet our Code does not produce the type of development where buildings embrace the sun in their design. While there are some measures in the Code that attempt to address solar access they do not appear robust enough to affect meaningful change in the built environment. We encourage the Planning Division to strongly consider moving toward a different type of regulatory regime more suitable for addressing light and shadow. It is suggested that a Form-Based Code approach allows for better design solutions to address solar access and mitigation of shadows in an increasingly dense urban sub-arctic environment.
4. We ask that the Planning Division consider insertion of language that encourages use of the vertical space above parking areas for communal decks, gardens and/or snow play area in winter. This also provides snow protection for the vehicles and reduces need /cost for snow removal.
5. The proposed shift to use of a Floor to Area Ratio is likely to have an unintended impact on the pedestrian experience along the street. This technique is likely to contribute to a mish-mash of frontages along a block. What is the goal for the public realm in areas zoned R2-M? If there is to be very little connection between a pedestrian walking on the sidewalk and the residential built environment then the proposed changes accomplishes this objective. However if the goal is to create a quality street experience with multiple opportunities to engage neighbors in chance conversations then this proposal severely limits such occurrences and works against building a stronger sense of community. The Planning Division may want to engage folks in a dialogue about more than just the bulk and massing of buildings but also about what type of street experience they want in their neighborhoods.

6. There is merit in considering reduction of the 20-foot front yard setback to 10 feet and providing incentives for porches within the front yard setback. As one increases density on a typical 7,000 square foot lot, the required off-street parking minimums result in placement of paved parking stalls in that front yard setback. The pedestrian or bicyclist in the public realm now interacts not with people in a yard or on a porch but with asphalt and machines.

7. The proposed requirement for breaking up the large vertical faces of multi-level structures is supported. However, one could also reduce the visual impact of the building bulk by having a design that steps-back away from the property lines on the upper stories. This approach re-establishes a more human scale to the structure and adds variety on the horizontal plane.

Thank you for the opportunity to comment.

Design Committee members contributing to these comments: Allen Kemplen, Leslie Kleinfeld, Sharon Chamard

**PHYSICAL**

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October 30th, 2018

Long Range Planning
Municipality of Anchorage
4700 Elmore Road
Anchorage, Alaska 99507

Attention: Tom Davis
Subject: Compatible-Scale Infill Housing (R-2 Zones) Project Community Discussion Draft

Mr. Davis,

Please find the following general comments related to the proposed Title 21 modifications to the R-2 zoning district (R-2A, R-2D & R-2M Districts).

General Comments

1. Title 21, in general, self-limits lot development to reduce density below the maximum allowed within a given district. How does this re-write maintain, increase or promote higher density developments?
2. Most of the examples illustrate duplex style developments. These are certainly not high-density projects. How does this re-write impact 4-plex and larger projects? In particular, 3-plex or larger buildings require onsite turning movements and or access drives to garages.
3. How does parking, landscaping and private open space requirements fit in with the new FAR calculation? Will landscaping requirements remain the same? Additional calculations become very cumbersome to the designer and lead to an iterative process of design which increases development costs.
4. There seems to be a large focus on protecting existing neighborhoods. Many infill lots, in downtown Anchorage for instance, are adjacent to small 1,000 square foot single story homes built in the 50's and 60's. Eventually these old homes will be replaced with new construction housing (slowly but inevitably). The proposed re-write severely limits the density potential of current projects based on the assumption that the old buildings will stay in perpetuity. This is not prudent development practice in a Municipality that has a significant housing shortage. Additionally, there is already a dramatic difference between a 1,000 square foot home and a 3-story, 10,000 square foot, 4-plex adjacent to it. Introducing FAR calculations and building length limitations don't appear to provide any meaningful "protections" to the owner of the 1,000 square foot home.
5. Density reduction does not promote the construction of affordable housing.

21.04.020.F.2.b

6. Limiting the maximum length of a 3-story building to 125 feet seems completely arbitrary. What is the reasoning for this reduction? There seems to be no benefit to the developer whatsoever to build to 3 stories if the result means losing one (or more) unit(s).
7. A developer would be further penalized if they tried to develop an elongated shaped lot under this change. Again, this does not promote maximizing density.

21.06.020A.: Table 21.06-1

8. Introduction of the FAR calculation is overly complicated. There needs to be a better understanding of which will be the limiting factor, maximum lot coverage or FAR.

21.06.030D.6.C.iv

9. This section appears overly prescriptive and limiting to the builder. Proposed code appears to micromanage the building design beyond a reasonable level.

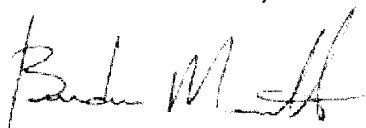
Suggestions

- Planning should take a handful of recent R-2M permitted projects and apply the proposed changes to them to see what the impacts would be.
- Test cases should be “permitted” through Building Safety to see how the review process is influenced.
 - Code should be revised/edited to alleviate interpretive discrepancies that are prevalent throughout the building permit review process.
- Any changes to the R-2 Zoning district within Title 21 should be made with density in mind. That is, does this code change maintain the maximum zoning potential of the district?
- The implementation of this code change should be delayed until test cases can be permitted through Building Safety as mentioned above. The ramifications of such changes need to be understood prior to utilizing private development/building safety as the litmus paper.

Thank you for your time and consideration in this matter. If you have any questions please call 561-6537 or email me at brandonmarcott@triadak.com.

Sincerely,

TRIAD ENGINEERING, LLC



Brandon Marcott, P.E.

Davis, Tom G.

From: Janie <akfiberfestival@alaska.net>
Sent: Friday, October 5, 2018 10:26 AM
To: Anchorage2040
Subject: RE: Infill Housing

It is almost at the end of East 79th Avenue on the North Side.
Thank you for replying, Janie Odgers

From: Anchorage2040 <Anchorage2040@muni.org>
Sent: Thursday, October 4, 2018 5:20 PM
To: 'Janie' <akfiberfestival@alaska.net>
Subject: RE: Infill Housing

Janie –

Thank you for your comments on this project, we have received those and they will be included in the feedback we get in preparing the next round draft.

Would you happen to have the street address of the multiplex you commented about? That would help staff in considering this comment and how that building's issues relate to this R-2 ordinance.

Thank you,

Tom Davis
Planning Department
343-7916

From: Janie [<mailto:akfiberfestival@alaska.net>]
Sent: Wednesday, October 3, 2018 11:36 PM
To: Anchorage2040 <Anchorage2040@muni.org>
Subject: Infill Housing

I live in one of those areas that will be affected by this new plan. When a multi-plex was built in our neighborhood recently it was placed within five feet of the neighbor's property line and the entire property was paved over, not a place for children to play but the street. I am against this, it destroys neighborhoods. Why don't you open up some of the lands that are available via other entities like the Mental Health Land Trust? Janie Odgers

Davis, Tom G.

From: claiborne porter <ncpalaska@yahoo.com>
Sent: Friday, October 26, 2018 9:05 AM
To: Davis, Tom G.
Cc: Clai Porter
Subject: Compatible - Scale Infield Housing (R-2 Zones)

Thank you very much for the presentation on Wednesday. Below are my comments concerning that presentation:

- 1) This proposed ordinance change seems far too complicated – it was my understanding that the only change being proposed was to change the height limitation from 2 ½ stories to 3 stories.
- 2) The code language is going to become ever so complicated especially with the inclusion of the FAR, or Floor Area Ratio.
- 3) These proposed changes have complicated rather than simplified the issue, and will cause further delay in the implementation of any changes.
- 4) I have read Mr. Brian Harten's letter and attached example. I find his letter quite elegant and extremely thorough.
- 5) Nowhere in the proposed ordinance do I find any consideration given to the economic factors that we as owners, developers, and builders have to live with.
- 6) Every time a change is made, there is an economic impact as well as a time delay factor.

Please consider dealing with the comments made during the meeting to simplify this change.

These proposed changes do not reflect the desires of the community for more housing downtown, which will be denser in nature. Nor do they take into account the recent published findings by AEDC state regarding the desire for downtown living.

I do hope you take into consideration these comments, Mr. Harten's comments, as well as the additional comments from the meeting.

Thank you.

Have you read the recent commentary by Connie Yoshumira regarding Live, Work, and Play in Downtown Anchorage that was published October 21st in the Anchorage Daily News?

If this proposed change goes forward both in the planning and zoning commission and the Assembly, I will find it very difficult to support in its present written form.

N Claiborne Porter, Jr., AIA
President

NCP Design/Build Ltd.
562-2283 727-8057

Davis, Tom G.

From: Andre Spinelli <andre@spinellhomes.com>
Sent: Wednesday, October 24, 2018 4:45 PM
To: Davis, Tom G.; 'ccole@61northarchitects.com'; 'dwlad@sparkak.com'; 'deaks@alaska.net'
Cc: Wong, Carol C.; Whitfield, David R.; McNulty, Michelle J.
Subject: RE: Title 21 R-2M height amendment is in progress

Tom,

Below are my comments on the proposed code change.

21.40.020.F.2.b

- Suggest deleting any maximum number of stories and relying on maximum building height to do this job.
- Suggest deleting maximum building length or keep existing 180 ft for all story buildings. The R-1, R-1A, R-2A & R-2D districts do not have this limitation and R-3 and R-4 are limited but much longer buildings are allowed. Several large R-2M zoned lots exist where longer buildings should be accommodated by code. Design standards should mitigate the aesthetic issues, right?

21.06.020.A Table

- Suggest deleting FAR and rely on building height and lot coverage only.
- I do not like the idea of reducing the FAR for duplexes and single family homes. If FAR stays I suggest raising the allowed FAR for single family homes and duplexes to match what is allowed for townhomes. I see these lower FAR's as problematic, particularly in South Addition and just create road blocks for redevelopment.

Thanks
Andre

Davis, Tom G.

From: John <jthurber1@msn.com>
Sent: Thursday, October 25, 2018 1:41 PM
To: Anchorage2040
Subject: Comments on Compatible-Scale Infill Housing R-2 Discussion Draft

October 25, 2018

Tom Davis
Long-Range Planning Division
Municipality of Anchorage
Anchorage2040@muni.org

Good Afternoon Tom,

My comments reflect my personal opinion as a resident of South Addition.

I support the proposed changes in the Community Discussion Draft of September 27, 2018 concerning the Compatible-Scale Infill Housing R-2 Project.

I support these efforts to put limits on the Height and Scale of new buildings in established neighborhoods including South Addition. New Development will be much easier to support if it is compatible in scale to the existing dwellings in the neighborhood.

The key critical components of the Floor Area Ratio methodology are the FAR Ratios as currently proposed in the Community Discussion Draft. If the FAR Ratios are subsequently increased, those increases will undermine the effort to guide new development that complements existing single-family neighbors.

Sincerely,

John Thurber
Resident of South Addition
746 West 16th Avenue

Davis, Tom G.

From: Davis, Tom G.
Sent: Friday, October 26, 2018 3:08 PM
To: Anchorage2040
Subject: FW: Anchorage 2040 Land Use Plan: residential infill and sun shading
Attachments: Appendix A_Solar Access and Solar Rights Policies.pdf; Fremont_CA-SolarAccess_SummaryDoc.pdf; Fremont_SolarAccess_SolSmart_Final.pdf

From: Erin Whitney [mailto:erin.whitney@alaska.edu]
Sent: Tuesday, October 23, 2018 10:23 PM
To: Davis, Tom G. <tom.davis@anchorageak.gov>
Cc: Christopher Pike <cpike6@alaska.edu>; Carolyn Ramsey <b747mx@gmail.com>; Kristen Collins <kristen@akcenter.org>; Kilcoyne, Shaina R. <shaina.kilcoyne@anchorageak.gov>; Erin Whitney <erin.whitney@alaska.edu>
Subject: Anchorage 2040 Land Use Plan: residential infill and sun shading

Dear Mr. Davis,

Hope this finds you well. I am following up on Carolyn Ramsey's correspondence with you and my colleague Chris Pike about residential infill and potential sun shading associated with the R2 zoning change in the Anchorage 2040 Land Use Plan.

Chris and I worked with Kristen Collins (cc'd here) at The Alaska Center to facilitate the recent Solarize Anchorage campaign in the Airport Heights neighborhood, and we are moving forward with plans for Solarize campaigns in additional neighborhoods next summer based on enthusiastic interest from Anchorage residents. Solar installations continue to gain popularity as the price of modules drops and residents look for alternative ways to meet their energy needs.

We're concerned that this zoning change may impact output from current and potential residential solar installations, which are sizable investments for homeowners. In addition, we have been working with Shaina Kilcoyne, the new Municipality sustainability manager (also cc'd here), on the Municipality's SolSmart campaign, which is all about streamlining and encouraging solar installations in cities.

The State of Alaska does have a solar easement option (<https://www.caionline.org/Advocacy/StateAdvocacy/PriorityIssues/SolarRestrictions/Pages/AK.aspx>). I've also attached some resources from the National Renewable Energy Laboratory (NREL) that detail actions taken by other states on this issue. A city may include a requirement or encourage that the installations, particularly those installed through a Solarize campaign, obtain an easement.

I am not sure what the right answer is for Anchorage and would encourage careful consideration of this issue as the process moves forward. I would be happy to talk more if that would be useful.

Thank you and take care.

Sincerely,
Erin Whitney, Ph.D.
email: erin.whitney@alaska.edu

Alaska Center for Energy and Power (Anchorage office)
University of Alaska Fairbanks
Phone: 907.799.6724
website: acep.uaf.edu

Appendix A. Solar Access and Solar Rights Policies in the United States

Policy (Includes Link)	State	Implementing Authority
<u>Solar Easements</u>	AK	State
<u>Solar Rights</u>	AZ	State
<u>Santa Clara County - Solar Access Easements</u>	CA	Local
<u>Santa Clara County - Solar Access for Subdivisions</u>	CA	Local
<u>Solar Rights Act</u>	CA	State
<u>Santa Cruz County - Solar Access Protection</u>	CA	Local
<u>Marin County - Solar Access Code</u>	CA	Local
<u>City of Los Angeles - Zoning Code</u>	CA	Local
<u>City of Santa Cruz - Solar Access Ordinance</u>	CA	Local
<u>Solar Easement and the Solar Shade Control Act</u>	CA	State
<u>City of Boulder - Solar Access Ordinance</u>	CO	Local
<u>Solar Easements and Rights Laws</u>	CO	State
<u>Solar Rights Law</u>	DE	State
<u>City of Jacksonville - Downtown Rooftop Regulations</u>	FL	Local
<u>Renewable Energy Easements & Rights Laws</u>	FL	State
<u>City of Gainesville - Public Facilities Siting</u>	FL	Local
<u>Solar Easements</u>	GA	State
<u>Solar Rights</u>	HI	State
<u>Solar Easements</u>	IA	State
<u>Solar Easements</u>	ID	State
<u>City of Chicago - Solar Zoning Policy</u>	IL	Local
<u>Solar and Wind Rights</u>	IL	State
<u>Solar Easements & Rights Laws</u>	IN	State
<u>Solar Easements</u>	KS	State
<u>Solar Easements</u>	KY	State
<u>Solar Rights</u>	LA	State
<u>Solar Easements & Rights Laws</u>	MA	State
<u>Solar Easements & Rights Laws</u>	MD	State
<u>Solar Easements</u>	ME	State
<u>Solar Rights</u>	ME	State
<u>City of Minneapolis - Solar Energy System</u>	MN	Local
<u>Solar and Wind Easements & Local Option Rights Laws</u>	MN	State
<u>City of Kansas City - Solar Easements</u>	MO	Local
<u>Solar Easements & Rights Laws</u>	MO	State
<u>Solar and Wind Easements</u>	MT	State
<u>Solar Rights</u>	NC	State
<u>Town of Chapel Hill - Land-Use Management Ordinance</u>	NC	Local
<u>Solar Easements</u>	ND	State

<u>Solar and Wind Easements</u>	NE	State
<u>Solar Easements</u>	NH	State
<u>Solar Easements</u>	NJ	State
<u>Residential Solar Rights</u>	NJ	State
<u>City of Albuquerque - Solar Easements and Rights Laws</u>	NM	Local
<u>Solar Easements & Rights Laws</u>	NM	State
<u>Solar and Wind Easements & Rights Laws</u>	NV	State
<u>Solar Easements & Local Option Solar Rights Laws</u>	NY	State
<u>Solar Easements</u>	OH	State
<u>Solar and Wind Access</u>	OK	State
<u>City of Eugene - Solar Standards</u>	OR	Local
<u>City of Ashland - Solar Rights Ordinance</u>	OR	Local
<u>Solar Easements & Rights Laws & Local Option Solar Rights</u>	OR	State
<u>Solar Easements</u>	RI	State
<u>Solar Easements</u>	TN	State
<u>Solar Rights</u>	TX	State
<u>City of Austin - Zoning Code</u>	TX	Local
<u>Solar Easements & Local Option Solar Rights Laws</u>	UT	State
<u>Solar Rights</u>	VA	State
<u>Solar Easements</u>	VA	State
<u>Renewable Energy Rights</u>	VT	State
<u>Solar Easements & Rights Laws</u>	WA	State
<u>Solar and Wind Rights</u>	WI	State
<u>City of Madison - Solar and Wind Access and Planning Laws</u>	WI	Local
<u>Solar Rights</u>	WV	State

Source: Database of State Incentives for Renewables & Efficiency (DSIRE)

<http://programs.dsireusa.org/system/program>

Solar Access & Solar Rights Overview

SolSmart Technical Assistance for Fremont, California

Prepared by the National Renewable Energy Laboratory (NREL), February 2017

SolSmart is a national recognition and technical assistance program for local governments. Through the SolSmart designation program, the city of Fremont, California requested policy technical assistance on solar rights and solar access issues. The accompanying PowerPoint document discusses these topics in more depth and offers examples of relevant state and local policies, court cases, and future considerations. The full document is summarized below.

Slides 8-23:
Background &
Avenues for
Granting Solar
Access

Solar Access & Solar Rights: Background and Approaches

Solar rights and solar access generally refer to property owners' ability to install solar energy systems and to secure and protect the amount of sunlight needed for the system to function at its planned capacity.

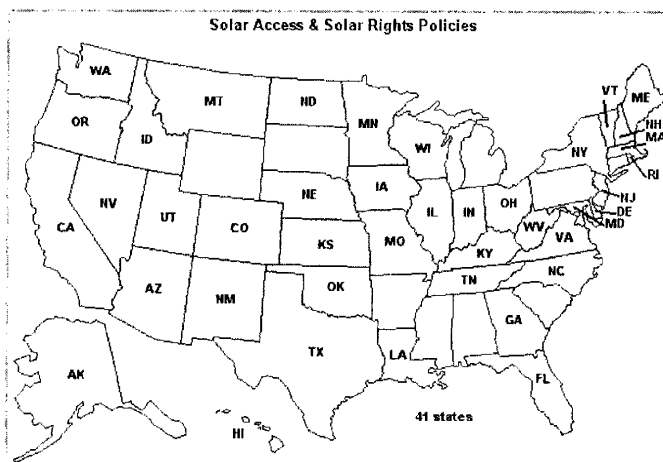
There are three primary avenues for granting solar access:

- **Express agreements**, in which property owners directly negotiate with each other to come to an agreement on how to allocate solar access. Express agreements encompass easements, covenants, and lessor-lessee arrangements.
- **Government allocation**, in which solar access and solar rights are allocated via administrative and legislative mechanisms, including permitting processes and zoning ordinances.
- **Court assigned rights**, in which courts decide whether individual parties have a right to solar access within the context of a specific case.

Slides 24-33:
State & Local Case
Studies

State & Local Case Studies

Based on information captured in the Database of State Incentives for Renewables & Efficiency (DSIRE), 41 states and at least 17 municipalities have enacted some form of solar rights or solar access policies as of February 2017 (see figure to the right). Several state and local examples are highlighted to provide a snapshot of various policy approaches.



Slides 34-40: Court Cases

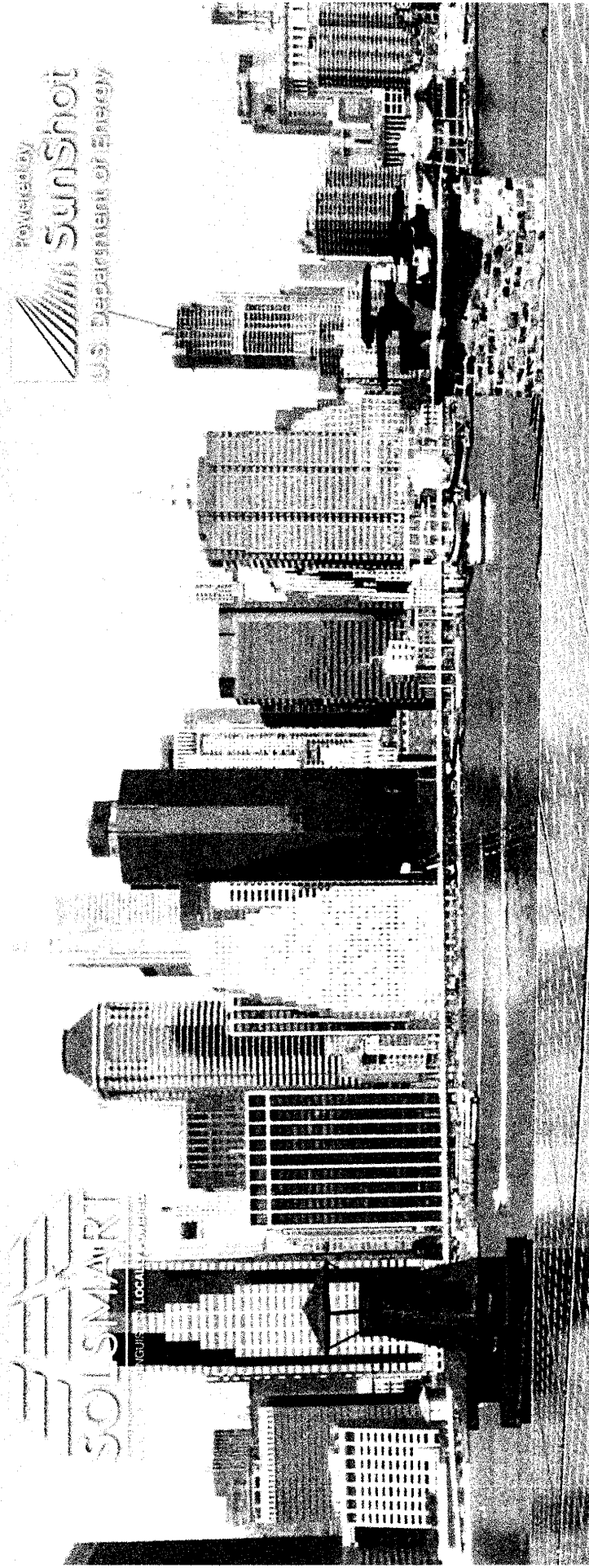
Count Cases

Courts have primarily evaluated solar access in the context of nuisance and easement case law, although there are very few cases to-date that deal explicitly with solar access. The PowerPoint document outlines applicable case law and discusses the various aspects of solar access that have been litigated.

Slides 41-47:
Discussion of Future
Considerations and
Additional Resources

Future Considerations

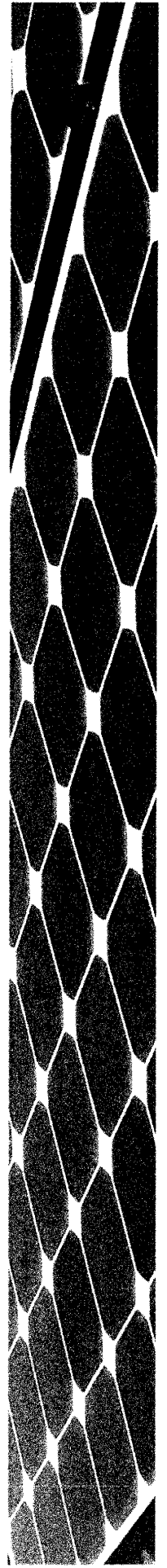
The PowerPoint document concludes with a discussion of future considerations and possible solutions for dealing with solar access conflicts, including community solar applications and potential insurance options. The document also includes a list of additional resources for further consideration.



Solar Access & Solar Rights Fremont, California

Prepared by the National Renewable Energy Laboratory (NREL)

February 2017



- SolSmart Designation
 - Cities and counties can apply for national recognition for their efforts to cut red tape and make it easier for residents and businesses to go solar in their communities.
 - The program is designed to give visibility to solar-friendly communities and encourage others to strive for SolSmart designation, helping to spur solar adoption across the country.
- Technical Assistance
 - All program participants are eligible for no-cost technical assistance to help achieve the SolSmart designation.
- SolSmart Advisors
 - SolSmart Advisors provide on-the-ground support for communities striving to become SolSmart.
 - Communities pursuing designation can apply to host a SolSmart Advisor, a fully-funded temporary staff member that is assigned to help a community for up to six months.
 - SolSmart advisors will help 30-40 communities over the course of two years.

SolSmart Program

TA Delivery

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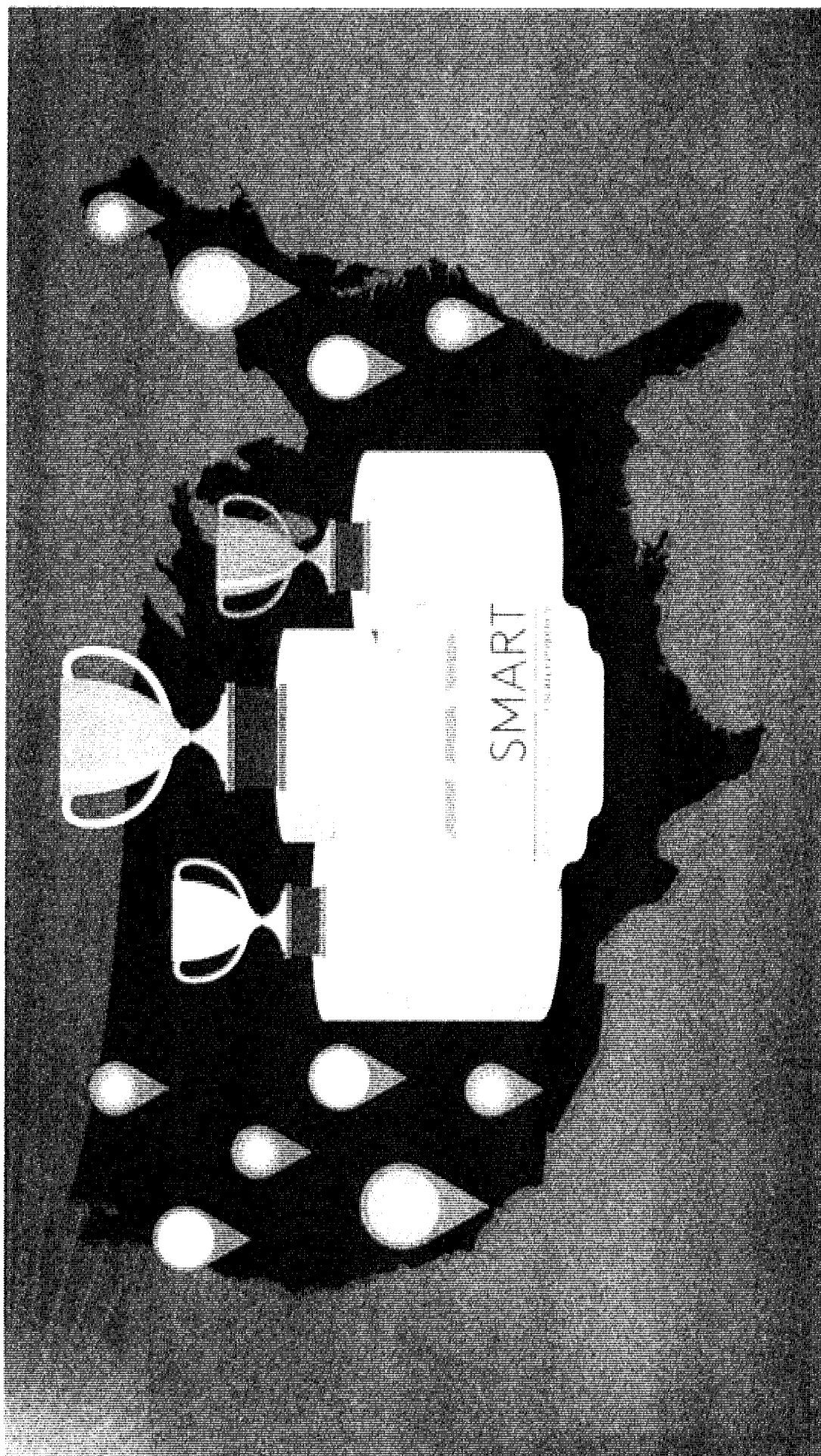


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1. Solar Access and Solar Rights: Background
2. Approaches to Granting Solar Access
 - a) Express Agreements
 - b) Governmental Allocation
 - c) Court Assigned Rights
3. State & Local Case Studies
 - a) California Context
 - b) State Examples: Iowa, Massachusetts, New Mexico
 - c) City Examples: Ashland (OR), Boulder (CO), Sunnyvale (CA)
4. Relevant Court Cases
5. Future Considerations and Additional Resources

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Solar Right (definition): “the ability of a property owner to enjoy or utilize a defined amount of sunlight on her parcel and to defend this right as against other property owners” (Bronin, 2009, p. 1222).

Note: The terms ‘solar access’ and ‘solar rights’ are sometimes used interchangeably. However, with respect to state and local policies, ‘solar rights’ typically refer to the right of a property owner to install a solar energy system (i.e. a prohibition against homeowners associations or government bodies restricting individuals’ ability to *install* a system). ‘Solar access’ policies, on the other hand, tend to deal more directly with guaranteeing access to the amount of sunlight needed to operate a solar energy system at its planned capacity. This analysis focuses primarily on solar access within this context, noting any overlaps in terminology.

Arguments Underlying the Push for Solar Access and Solar Rights

- The baseline premise underlying solar access policies is that solar has inherent value, not just in terms of solar collectors (e.g. rooftop solar photovoltaic (PV) installations), but also for things like (1) reducing energy costs through natural lighting and heating, and (2) increasing property values to the extent that natural lighting increases resale prices.
- Individual solar rights may have value on a wider scale by encouraging a transition away from fossil fuels; however, guarantee of solar access is needed to spur investment in individual rooftop solar PV installations.
- There is a need for smaller, individual solar installations (i.e. distributed, rooftop solar) because these systems offer (1) efficiency gains due to being sited in close proximity to end users, (2) a smaller environmental footprint, and (3) direct benefits to individuals who invest in them by reducing energy costs.
- All levels of government (federal, state, local) have begun providing incentives for solar development, thus increasing the importance of protecting that investment.

Sources: Alvarez (2008), Bronin (2009)

There are three primary avenues for granting solar access:

1. Express agreements, which include easements, covenants, and lessor-lessee arrangements;
2. Government allocation of solar access, i.e. through zoning and permitting or other legislative policies; and
3. Court assigned rights, in which courts decide whether individual parties have a right to solar access within the context of a specific case.

Express Agreements

- Property owners directly negotiate with each other to come to an agreement on how to allocate solar access, assuming the government authority having jurisdiction has not prohibited the allocation methods the property owners pursue.
 - In cases involving solar PV systems, the initial entitlement generally falls to the potential obstructer by default.
 - **Types:** There are three primary types of express agreements: (1) Express Easements, (2) Covenants; and (3) Lessor-Lessee Arrangements. These are discussed in more detail on subsequent slides.

Benefits: Express agreements can be effective, assuming that all parties involved have a firm understanding of what rights they have and are choosing to relinquish, and what they can or should pay to receive those rights. Because parties voluntarily enter into a mutually-beneficial agreement, and because the agreement is generally permanent, express agreements avoid government intervention, bureaucracy, and related expenses.

Drawbacks: While express agreements bypass costs associated with government regulation, they may still be subject to high transaction costs (such as attorney fees and time spent drafting agreements). There is the potential for parties to take a long time to reach an agreement, or to never come to an agreement. Time and uncertainty may increase the cost of solar PV systems to the point where they might be less attractive in the first place.

Sources: Alvarez (2008), Bronin (2009)

Express Easements

Definition: “Easements allow one landowner (the dominant owner) to have certain rights over the real property of another landowner (the servient owner)” (Bronin, 2009, p. 1226). Neighbors negotiate express easements individually and on a case-by-case basis.

- **Affirmative rights** grant the dominant owner physical access of a servient parcel
- **Negative rights** burden the servient owner’s use of her property, typically by prohibiting her from undertaking certain activities
- Solar easements are a form of *negative easement* that prevent the servient property owner from making property modifications that would impede the dominant property owner’s access to sunlight. This might include prohibitions on certain types of vegetation or construction that would result in shading the dominant owner’s property.
- States can allow the creation of express easements for solar access (which does not necessarily guarantee solar access, but does allow individual property owners to negotiate directly). Most existing statutes require such agreements to explicitly define the area of affected space, the conditions for terminating the agreement, and compensation levels.
- Although solar easement statutes are common (see section on State and Local Case Studies), express easement agreements themselves are probably rare. There are few documented cases.

Source: Bronin (2009)

Covenants

Definition: Covenants are a form of express easement that “include conditions that run with the land and endure indefinitely” (Bronin, 2009, p. 1231). The specific conditions vary significantly, but could include elements like how a property may be used; how buildings must be configured on the site; aesthetic requirements, including tree height; which technologies can be used on-site, etc.

- Covenants are incorporated into the purchase contract and price of a parcel.
- They bind current and subsequent owners to the conditions outlined.
- They typically apply to wider swaths of land (i.e. subdivisions) and are easier to execute in newly-developed residential areas. Unlike easements, which are generally negotiated between individual property owners, covenants can be attached to multiple properties in a geographic area (such as a through a homeowners association or new residential subdivision).
- Covenants can either work for or against solar. In some cases, covenants can prohibit solar installations, for example by prohibiting the placement of equipment on roofs in order to maintain aesthetic value. However, some states have passed legislation to void restrictive covenants that would unduly restrict solar PV installations or increase their cost. In many cases these regulations specifically address homeowner and condominium associations.

Source: Bronin (2009)

Lessor-Lessee Arrangements

Definition: A lessor-lessee arrangement is essentially a form of tenancy—similar to a landlord-tenant relationship in the housing sector—in which the owner of an airspace (the lessor) can lease the use of that space to a solar user (the lessee). A solar lease “allows a lessee the temporary right to occupy a parcel” (Bronin, 2009, p. 1236). In this sense, the lessee can exercise some degree of control over the use of that airspace to prevent obstruction that would inhibit a solar PV system.

- Solar lease agreements generally apply to airspace, also referred to as “solar skyspaces” (see Figures 1 and 2 on the next slides for a depiction of solar skyspaces). Airspace is considered real property that is separate from ground and mineral assets.
- Leases have low transaction costs because they typically do not require the same level of time and legal involvement that easements or covenants do. However, they offer little protection and, depending on the lease terms, may be too short in duration to be effective.
- Nebraska is the only state that explicitly recognizes solar skyspace leases.

Source: Bronin (2009)

Figure 12. Solar Skyspace (Plan View)

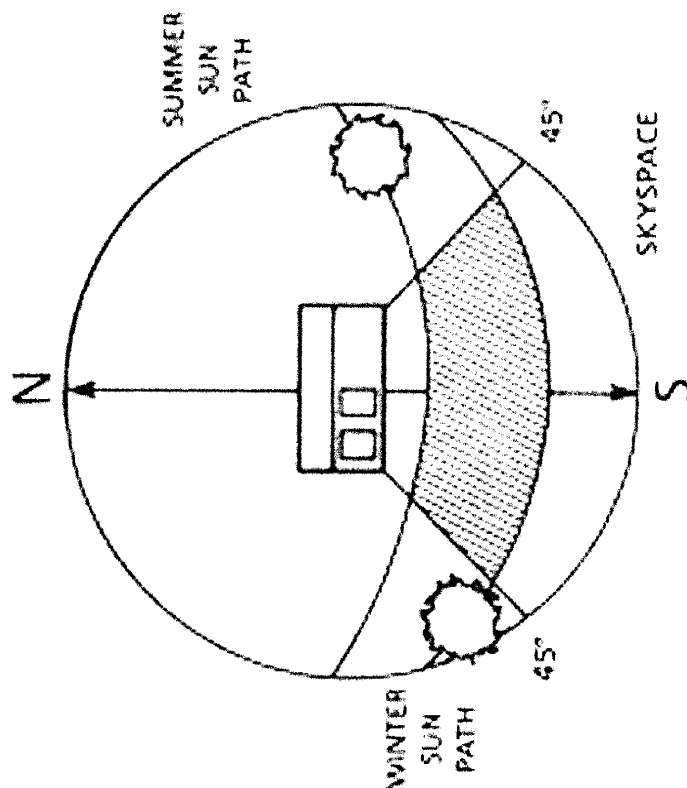
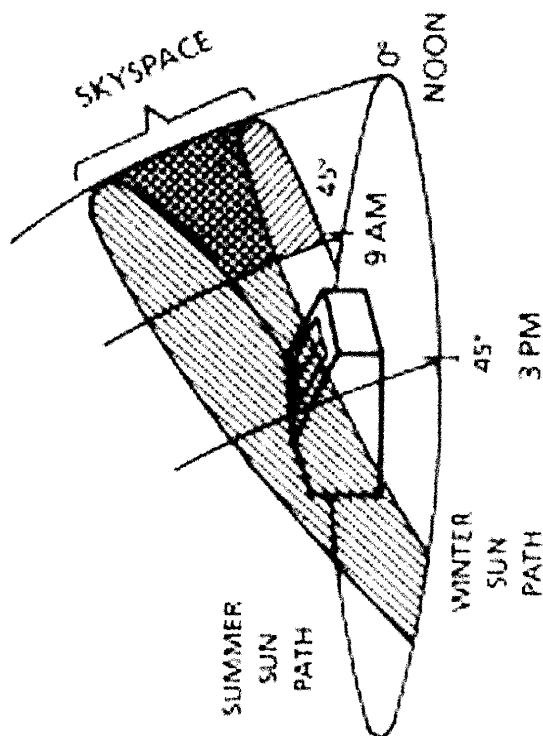
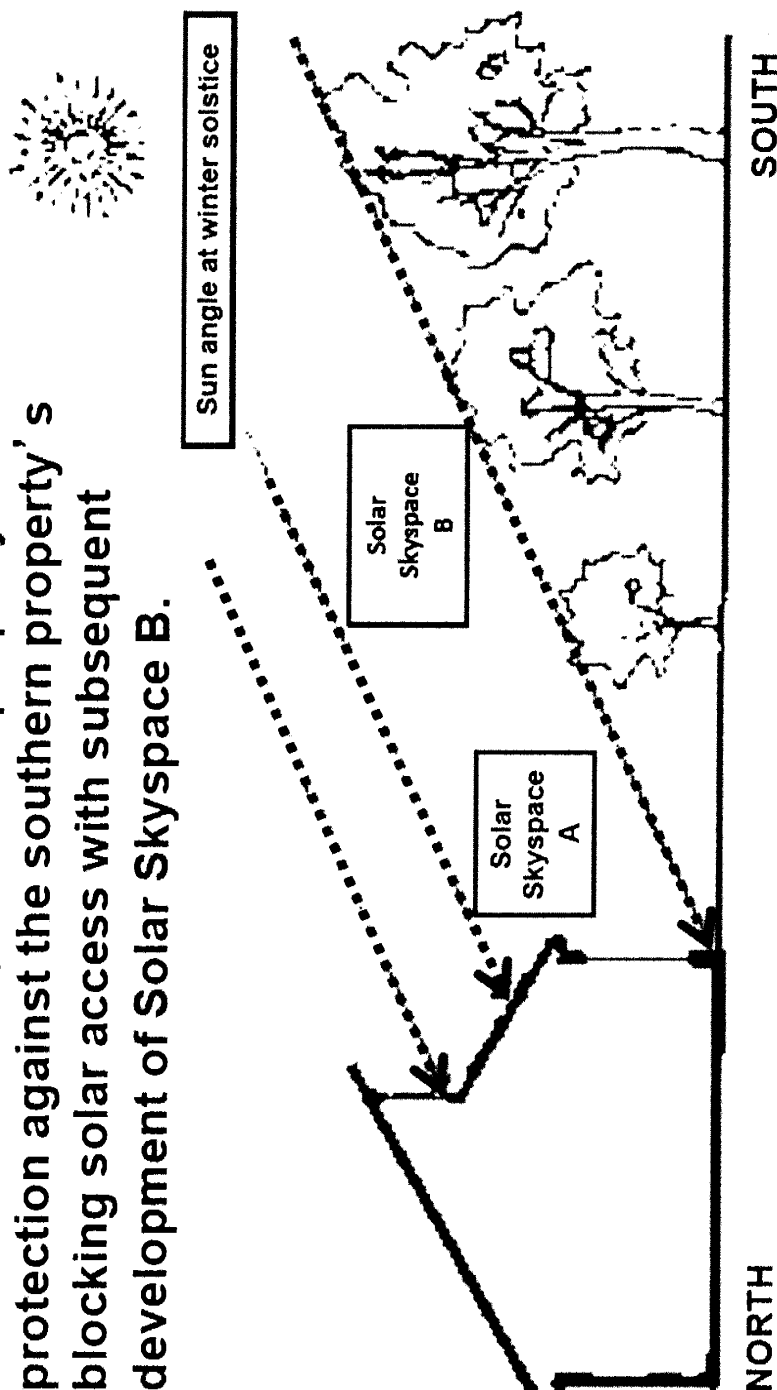


Figure 13. Solar Skyspace (Isometric View)



Source: The Renewable Energy Reader, K.K. DuVivier (2011)

Under “*ad coelum*,” the host property has no protection against the southern property’s blocking solar access with subsequent development of Solar Skyspace B.



Host Property Southern Property

Government Allocation of Solar Rights

Governments can allocate solar access and solar rights via administrative and legislative mechanisms, including permitting processes and zoning ordinances.

- Depending on the specific policy, initial entitlement may vary. Under zoning ordinances, solar rights may be established for all solar PV system owners within a certain jurisdiction, whereas under permit regimes, by default people do not have solar access rights—they must apply for them.

Benefits: If the policies and processes are well defined, transaction costs may be lower.

Drawbacks: Particularly with permit regimes, transaction costs may be higher because solar access is allocated on a case-by-case basis and may be less efficient.

Source: Bronin (2009)

Figure 3 on the next slide provides a general snapshot of the spectrum of options governments can take to protect solar rights, along with the associated levels of protection. Zoning and permitting systems are among the most comprehensive approaches for ensuring solar access.

Strongest Protections

- **Bulk plane** protections up to full solar skyspace.
- Restrictions on **vegetation**.
- Protection of solar skyspace through **(1) zoning or (2) permit systems that establish affirmative right** to access (burden on southern property to compensate if seeking change of status quo once panels are installed).

Middle Ground

- **Some rights, but burden on host property, i.e., Iowa** statute gives host right to force easement on southern neighbor, but host must initiate the action and compensate neighbor.

"Cheerleading"

- Grant the right to create **easements**.
- Grant **exceptions** to limiting provisions (e.g. accessory structure limits, historic district regulations).
- **Prohibit solar restrictions**.

Solar Access through Permitting Policies

- Baseline = individuals do not have solar access rights, they must apply for them.
- Permitting processes straddle the line between offering programmatic consistency within a geographic area, but also allowing for case-by-case review to accommodate variations in individual land contexts. Obtaining solar access permits generally involve several steps, including applying for a permit, notifying neighbors, issuing a response, and registering the permit.

Benefits: Permitting regimes create novel property rights and can help clarify and streamline solar access by taking the onus off of individual property owners to negotiate rights (such as exists under express agreements).

Drawbacks: Permit review procedures can result in high administrative costs and unpredictable outcomes. On a municipal scale, solar permits also introduce potential conflicts between solar access and development goals, which could present grounds for legal claims if a burdened property owner proves that a neighboring property owner's solar permit reduced her property value and she was not properly compensated.

Source: Bronin (2009)

Solar Access through Zoning Ordinances

- Zoning ordinances establish a baseline from which property owners may request to deviate. There are two primary options for integrating solar access into zoning:
 - (1) Local governments grant solar access through existing processes for obtaining variances, special exceptions, and other mechanisms for deviating from the zoned baseline.
 - *Benefits:* This builds off of zoning provisions that are already in place, reducing the need for drafting and approving new zoning language.
 - *Drawbacks:* Receiving approval to deviate from the zoning code does not equate to an enforceable right against others' behaviors. (For example: even if a property owner obtains a variance allowing her to install a solar PV system, that variance does not prohibit her neighbor from building a taller building that would shade her PV panels.)
 - (2) Local governments define "solar zones" (either as an overlay zone or specific blocks) which establish how property owners in these areas can be guaranteed solar access, either as of right or through individual petition.
 - *Benefits:* This approach establishes a new baseline, generally applied to a broad area, under which solar rights are (partly) enforceable against others.

Note: Specific solar ordinances are generally preferable in protecting solar access. While more general requirements applying to set-backs, building height, and lot size, for example, can be functionally equivalent mechanisms for preserving solar access, explicit language addressing solar access provides a stronger legal basis for enforcing it.

Source: Bronin (2009)

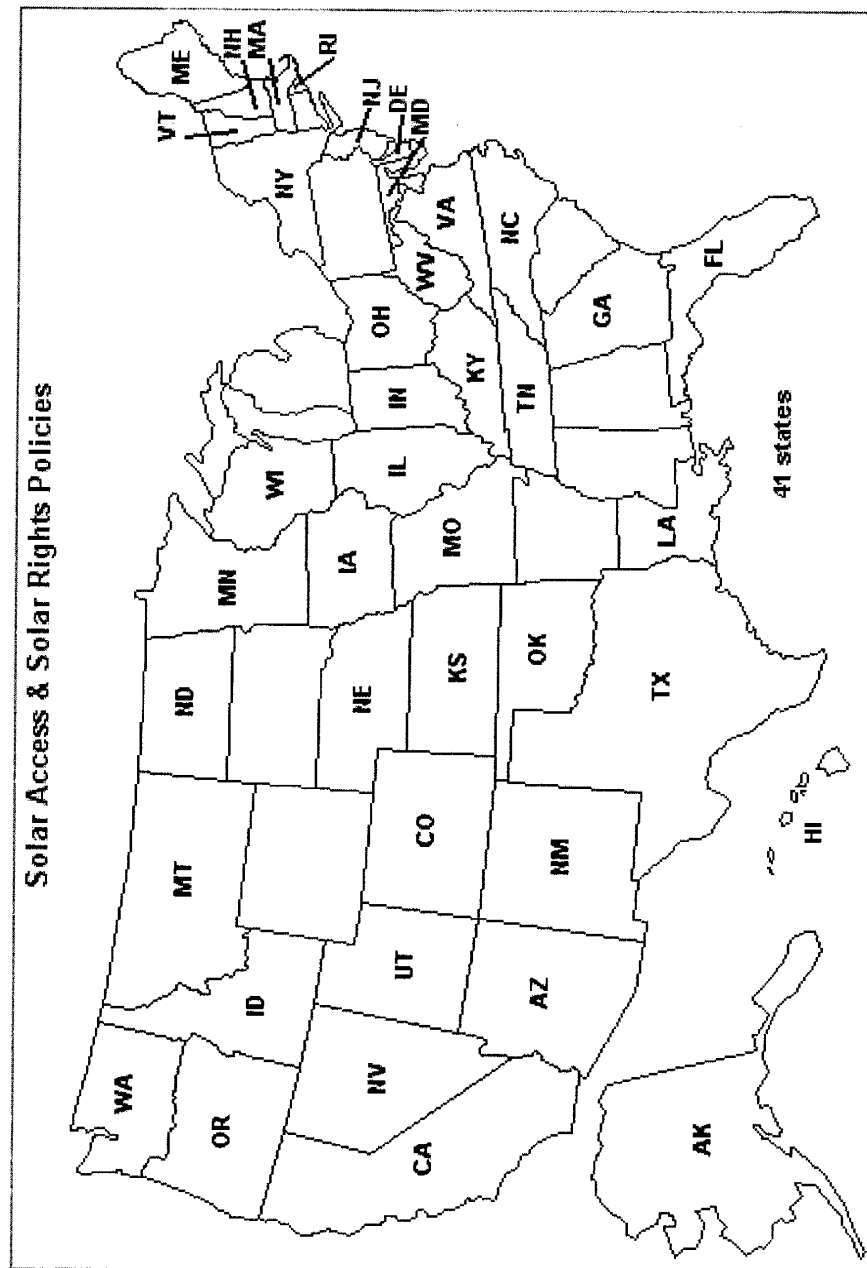
Court assigned rights emerge out of individual and context-specific cases. While there are very few court cases to-date dealing explicitly with solar access, courts have primarily evaluated solar access in the context of nuisance and easement case law. Relevant court cases are discussed in more detail in a subsequent section.

- *Nuisance* : private nuisance is defined as “nontrespassory invasion of another’s interest in the private use and enjoyment of land” (Bronin, 2009, p. 1252).
- *Prescriptive Easements*: refers to the “right of access ‘created from an open, adverse, and continuous use over a statutory period’” (Bronin, 2009, p. 1257). (This can be difficult to attain for solar PV systems because ‘statutory period’ can be long [20+ years], which could be greater than the lifetime of the installation.)

Drawbacks: Court assigned rights can involve high transaction costs as litigation is expensive.

Source: Bronin (2009)

- Based on information captured in the Database of State Incentives for Renewables & Efficiency (DSIRE), 41 states and at least 17 municipalities have enacted some form of solar rights or solar access policies as of February 2017 (see map below). A full list of the policies with links to additional information is included in Appendix A (attached).



- Most are voluntary solar easement policies, which expressly allow neighbors to negotiate solar easements, but do not make them mandatory.
- Common elements include: must be in writing, be recorded, define horizontal and vertical angles of easement, include provision relating to the grant or termination of easement, establish compensation arrangement.
- Enforcement is a key challenge.

California's **Solar Rights Act** limits the ability of local governments and homeowners associations to enact policies that would restrict the installation of solar energy systems. The Solar Rights Act also includes provisions allowing for solar easements and passive solar design (e.g. heating and cooling applications) in new building development, where feasible.

Under California's **Shade Control Act**, any tree or shrub that shades more than 10% of the area around a previously installed solar PV system is defined as a public nuisance.* This does not apply to vegetation that was planted before the solar energy system was installed. There are other limitations in place as well; property owners, for example, can only be fined up to \$1,000 per offense and the act does not apply to agricultural crops, timberland, or buildings.

- *A 2008 amendment to the Shade Control Act made shading a "private" instead of a "public" nuisance. This means that the PV system owner is now the plaintiff in the case and responsible for bearing the lawsuit costs—which can exceed the costs of the PV system in the first place. It also means that the plaintiff is responsible for proving nuisance, which is not a guarantee. It often becomes more cost-effective to avoid the lawsuit and suffer the lost production than to seek court-assigned rights.

- Iowa expressly allows voluntary solar easements and authorizes local legislative bodies to establish "solar access regulatory boards" to review applications for solar easements.
- Legislation enables these regulatory boards to grant easements without the burdened property owner's consent in cases where the landowner refuses to negotiate a voluntary easement. This is conditional on the burdened property owner receiving just compensation, among other factors.
- Compensation is determined "based on the difference between the fair market value of the property prior to and after granting the solar access easement." Additional language pertaining to regulatory boards' decision making processes is included below, with emphasis added.
- Chapter 564A: Access to Solar Energy, 564A.5: Decision

*"After the hearing on the application, the solar access regulatory board shall determine whether to issue an order granting a solar access easement. **The board shall grant a solar access easement if the board finds that there is a need for the solar collector, that the space burdened by the easement was not obstructed by anything except vegetation that would shade the solar collector at the time of filing of the application, that the proposed location of the collector minimizes the impact of the easement on the development of the servient estate and that the applicant tried and failed to negotiate a voluntary easement. However, the board may refuse to grant a solar access easement upon a finding that the easement would require the removal of trees that provide shade or a windbreak to a residence on the servient estate. The board shall not grant a solar access easement upon a servient estate if the board finds that the owner, at least six months prior to the filing of the application, has made a substantial financial commitment to build a structure that will shade the solar collector.**" (Emphasis added.)*

Source: <http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=iowaCode&input=564A>

Solar Access

- Solar access policy discusses both solar easements and permits, providing an enabling environment for local municipalities to incorporate solar access into zoning and permitting regimes. Language on solar access is included below, with emphasis added.
- General Law Part I, Title VII, Chapter 40A, Section 9B: Solar Access:

“Section 9B. Zoning ordinances or by-laws adopted or amended pursuant to section five of this chapter may encourage the use of solar energy systems and **protect solar access by regulation of the orientation of streets, lots and buildings, maximum building height limits, minimum building set back requirements, limitations on the type, height and placement of vegetation and other provisions.** Zoning ordinances or by-laws may also **establish buffer zones and additional districts that protect solar access** over existing zoning districts. Zoning ordinances or by-laws may further regulate the planting and trimming of vegetation on public property to protect the solar access of private and public solar energy systems and buildings. Solar energy systems may be exempted from set back, building height, and roof and lot coverage restrictions.

Zoning ordinances or by-laws may also provide for special permits to protect access to direct sunlight for solar energy systems. Such ordinances or by-laws may provide that such solar access permits would create an easement to sunlight over neighboring property. Such ordinances or by-laws may also specify what constitutes an impermissible interference with the right to direct sunlight granted by a solar access permit and how to regulate growing vegetation that may interfere with such right. Such ordinances or by-laws may **further provide standards for the issuance of solar access permits balancing the need of solar energy systems for direct sunlight with the right of neighboring property owners to the reasonable use of their property within other zoning restrictions.** Such ordinances or by-laws may also provide a process for issuance of solar access permits including, but not limited to, notification of affected neighboring property owners, opportunity for a hearing, appeal process and recordation of such permits on burdened and benefited property deeds. **Such ordinances or by-laws may further provide for establishment of a solar map identifying all local properties burdened or benefited by solar access permits. Such ordinances or by-laws may also require the examination of such solar maps by the appropriate official prior to the issuance of a building permit.**” (Emphasis added.)

Source: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A/Section9B>

- New Mexico has approached solar access as a property right through the lens of prior appropriations (with parallels to water law): first in time, first in right.
- New Mexico defines “solar right” as “a right to an unobstructed line-of-sight path from a solar collector to the sun, which permits radiation from the sun to impinge directly on the solar collector” and includes provisions for “beneficial use” and “transferability.”
- New Mexico Solar Rights Act [47-3-1 to 47-3-5 NMSA 1978]:

“Beneficial use shall be the basis, the measure and the limit of the solar right... If the amount of solar energy which a solar collector user can beneficially use varies with the season of the year, then the extent of the solar right shall vary likewise; ... Solar rights shall be freely transferable... shall be transferred with the reality and shall be enforceable by the vendee in the same manner and to the same extent to which it was enforceable by the vendor. A solar right is appurtenant to the real property upon which the solar collector is situated.” (Emphasis added.)

Source: <http://www.emnrd.state.nm.us/ECMD/RenewableEnergy/SolarRightsAct.html>

- Ashland, Oregon's solar access ordinance (Land Use Ordinance 18.4.8 – Solar Access) is designed to “provide protection of a reasonable amount of sunlight from shade from structures and vegetation whenever feasible to all parcels in the City to preserve the economic value of solar radiation falling on structures, investments in solar energy systems, and the options for future uses of solar energy.”
- Applies to both existing and future solar energy installations.
- Separate regulations for structures and vegetation:
 - **Solar Setbacks Requirements (structures):** Provides step-by-step outline for calculating necessary setbacks to ensure that “no structure casts a shadow across the northern property line greater than that, which would be cast by a 6 foot tall fence located at the northern property line” at 12:00 PM on December 21.
 - **Solar Access Permits (vegetation):** Property owners may apply for Solar Access Permits to protect solar energy installations from shading by neighboring vegetation.

Sources: http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf, http://www.ashland.or.us/Files/SolarBrochure_WebFormat.pdf

- Boulder, Colorado's Solar Access Ordinance establishes three unique "solar access area" zoning districts in which property owners' solar access is protected by theoretical 12- or 25-foot "solar fences" (see Figure 4 below for a depiction of a solar fence).
- The ordinance also establishes a permitting process for properties that require additional protection not granted through the zoning policy.

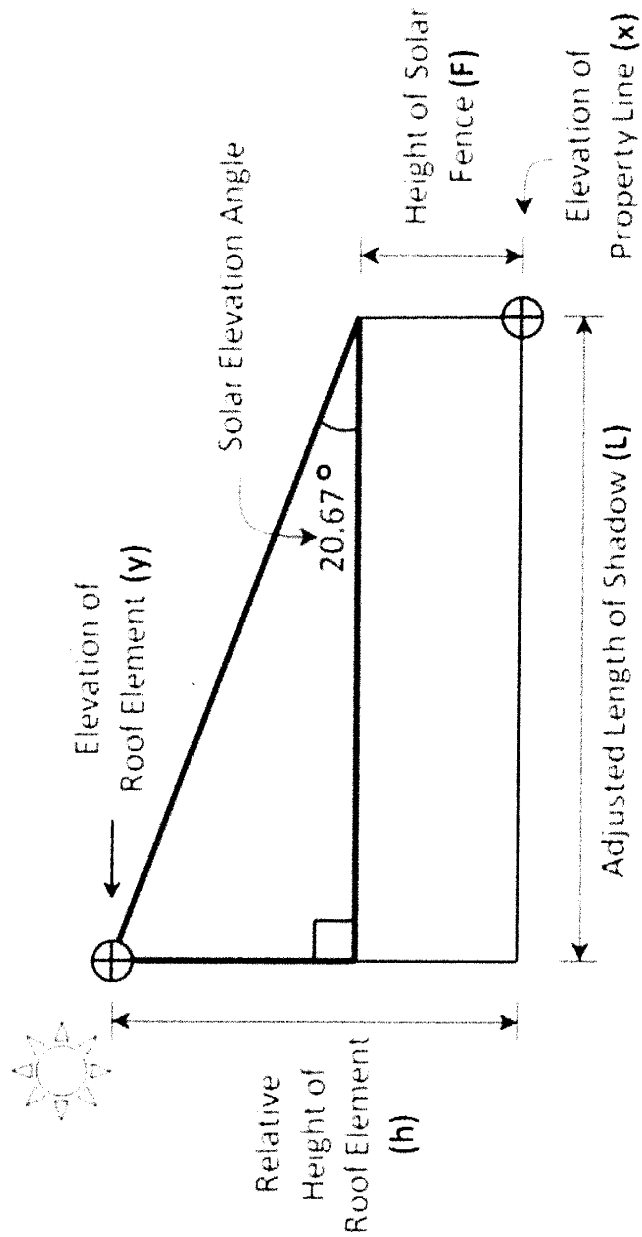


Figure 4. Section Along Shadow Length at 10 a.m. and 2 p.m.

- Sunnyvale, CA enacted a Solar Access and Shadow Analysis ordinance to preserve the functionality of rooftop solar installations by requiring every second-story addition to be evaluated for shadow impact on neighboring properties.
- Under the city's municipal code, "no new construction may shade more than 10% of the area of a neighboring roof on the shortest day of the year, December 21st, from 9 a.m. to 3 p.m." and that "no new construction may shade any part of an existing solar collector."

Source: <http://sunnyvale.ca.gov/Portals/0/Sunnyvale/CDD/Residential/Additions/Solar%20Access%20and%20Shadow%20Study%20-%20FINAL.pdf>

The following report includes an outline and sample language for a model statute/ordinance to encourage solar access, based on an analysis of existing statutes. See: McCann Kettles, Colleen. *A Comprehensive Review of Solar Access Laws in the United States: Suggested Standards for a Model Statute and Ordinance* (2008).

General Components of Solar Access Legislation

- Preamble (public purpose, policy statement, legislative intent)
- Definitions (solar collector, buildings included, etc.)
- Applications (contracts, declarations, ordinances, enforcement)
- Where the law will be codified (i.e. constitutions, municipal law, building code, etc.)

SMART

$$r_{\text{Bn}}(t) = \frac{1}{2} \left(\frac{1}{\sqrt{1 - \frac{1}{2} \frac{r_{\text{Bn}}^2(t)}{r_{\text{Bn}}^2(0)}}} - 1 \right) \frac{r_{\text{Bn}}^2(0)}{r_{\text{Bn}}^2(t)} \quad (1)$$

Of the relevant court cases dealing with some aspect of solar access, many are 10 or more years old and rely on previous case law. While the cases may appear somewhat outdated, the fact that they are still being cited in much of the solar access literature indicates that they represent the current legal precedent.

Note: The court cases discussed on the following slides are intended to provide a baseline introduction to the types of issues that courts have considered relating to solar access. **This list of court cases is not intended to be comprehensive and does not constitute legal advice.** Refer to the full text of the court cases for a more thorough discussion of the issues involved, the specific context, and precedent for the decision.

Fontainebleau Hotel Corporation v. Forty-Five Twenty-Five, Inc. (Florida, 1959)

- While the Fontainebleau case did not include solar energy system, it did set precedent around whether or not landowners have a right to unobstructed light and air, and if shading from a proposed building addition can constitute an actionable offence. The Florida District Court of Appeals found that property owners have no legal right to free-flowing air and light from adjoining land:
 - “Even at common law, the landowner had no legal right, in the absence of an easement or uninterrupted use and enjoyment for a period of 20 years, to unobstructed light and air from the adjoining land.”
 - “There being, then, no legal right to the free flow of light and air from the adjoining land, it is universally held that where a structure serves a useful and beneficial purpose, it does not give rise to a cause of action... even though it causes injury to another by cutting off the light and air and interfering with the view that would otherwise be available over adjoining land in its natural state.”

Source: *Fontainebleau Hotel Corp. v. Forty-Five Twenty-Five, Inc.*, 114 So. 2d 357, 181 Fla. 74 (Dist. Ct. App. 1959).
<https://h2o.law.harvard.edu/cases/10/export>

Prah v. Maretti (Wisconsin, 1982)

- The Wisconsin Supreme Court in *Prah v. Maretti* addressed whether the obstruction of sunlight to a property owner's solar-heater application constitutes a legal claim. The Court relied on private nuisance case law in finding that "obstruction of access to light might be found to constitute a nuisance in certain circumstances" but that "does not mean that it will be or must be found to constitute a nuisance under all circumstances. Under the particular set of circumstances present in *Prah v. Maretti*, the Court ruled that the solar collector owner did have a claim, but the court did not rule on whether the owner was entitled to relief. In its opinion, the Court also acknowledged the increasing importance of solar access in the context of solar collectors.

Source: *Prah v. Maretti*, 321 N.W.2d 182, 108 Wis. 2d 223, 108 Wis. 223 (1982). <http://law.justia.com/cases/wisconsin/supreme-court/1982/81-193-9.html>

Sher v. Leiderman (California, 1986)

- In *Sher v. Leiderman*, the California Court of Appeals found that “California nuisance law does **not** provide a remedy for blockage of sunlight” (emphasis added). The Court included a discussion of *Prah v. Maretti*, but concluded that, in the California context and because California had already established the Solar Shade Control Act, the Court was “unwilling to intrude into the precise area of the law where legislative action is being taken. If the Legislature intended to limit its protection of solar access to those situations circumscribed by the Solar Shade Control Act, our expansion of the nuisance law beyond those bounds would be unwarranted. On the other hand, the Solar Shade Control Act may well represent the initial phase of a more comprehensive legislative plan to guarantee solar access; in that case, judicial interference could undermine the orderly development of such a scheme.” The Court also determined that a passive solar home does not constitute a “solar collector” as defined under the Act.

Source: *Sher v. Leiderman*, 181 Cal. App. 3d 867, 226 Cal. Rptr. 698 (Ct. App. 1986). <http://law.justia.com/cases/california/court-of-appeal/3d/181/867.html>

Arndt v. City of Boulder (Colorado, 1994)

- The Court in Arndt v. City of Boulder concluded that, under Colorado's solar access statute, a solar access permit holder can enforce that permit against other property owners only if the permit has not expired (per the terms outlined in the Solar Access Ordinance), and has been recorded and can be found through a comprehensive title search.

Zipperer v. County of Santa Clara County (California, 2005)

- The California State Court of Appeals ruled that all solar easements must be written documents in order to be legally enforceable. The Court also found that, in applying for and receiving a permit from Santa Clara County to construct a solar home, John Zipperer did not have a statutory solar easement and had not entered into a contractual relationship with the County.

Sources: Arndt v. City of Boulder, 895 P.2d 1092 (Colo. App. 1994).
http://www.leagle.com/decision/19941987895P2d1092_11967/ARNDT%20v.%20CITY%20OF%20BOULDER.

Zipperer v. County of Santa Clara, 35 Cal. Rptr. 3d 487, 133 Cal. App. 4th 1013 (Ct. App. 2005). <http://law.justia.com/cases/california/court-of-appeal/2005/h028455.html>

10/15/2015
10/15/2015

- **Current vs. future solar access**
 - Depending on how they're structured, permits can apply to existing or future systems. New Mexico offers an example of the "first in time, first in right" approach, whereas solar access policies in Ashland (OR), Boulder (CO) and Sunnyvale (CA) highlight various approaches to addressing both existing and potential future solar access issues.
- **Solar access and urban density**
 - Particularly in growing urban environments, a potentially significant conflict emerges between solar access and urban density policy priorities. Densification—which can be associated with energy efficiency gains, improved pedestrian and multi-modal transit environments and associated environmental benefits—will almost certainly increase instances of shading, as well.
- **Community solar applications**
 - Community, or shared solar, facilities may represent an increasingly viable option for guaranteeing solar access—in some form—where potential shading conflicts arise. See the next slide for additional information on community solar.
- **Potential insurance options**
 - Public insurance programs that would compensate solar energy system owners if their solar access is diminished could represent an emerging approach to dealing with solar access issues. See subsequent slide for more details.

Community, or shared, solar facilities allow multiple solar customers to buy-in to a portion of a larger solar energy system. Because community solar facilities are generally not located directly on the subscriber's property, these applications could present an opportunity for individuals to enjoy the benefits of solar power production while avoiding potential shading conflicts among neighbors.

The availability of shared solar options within a community may also create an avenue for compensation. In other words, a developer or property owner who ends up shading a neighbor's solar PV system through new development or construction could compensate that neighbor with a share in a solar garden equivalent to the capacity that was shaded.

Community Solar Resources:

- Community Shared Solar: Policy and Regulatory Considerations.
<http://www.nrel.gov/docs/fy14osti/62367.pdf>
- A Guide to Community Solar: Utility, Private, and Non-profit Project Development.
<http://www.nrel.gov/docs/fy12osti/54570.pdf>

As solar access issues become more common, municipalities may explore innovative approaches to accommodate both urban development and renewable energy goals. The City of San Francisco, for example, is considering an insurance program to compensate solar energy system owners in the event that their systems become less effective due to shading.

The concept proposal for the San Francisco Solar Access Indemnity Fund idea discusses:

- How to define economic loss (i.e. whether to reimburse solar energy system owners for installed costs that have not yet been recovered, compensate owners for un-recovered energy bills, or some combination thereof)
- How “make the system owner ‘whole’” (i.e. pay to move the installed panels, compensate owners for economic loss (discussed above), or purchase the system outright and move it to a suitable location)
- Program configuration, including details about the timing of potential payments (i.e. lump sum or annually), how to fund an insurance program, and under what circumstances a solar energy system owner would be eligible to benefit under the program.

Source: SF Environment (2012)

General Background Resources on Solar Access and Solar Rights

- A Comprehensive Review of Solar Access Law in the United States. <http://solarabcs.org/about/publications/reports/solar-access/pdfs/Solaraccess-full.pdf>
- California's Solar Rights Act: A Review of the Statutes and Relevant Cases: <https://lib.sandiego.edu/law/documents/centers/epic/Solar%20Rights%20Act-A%20Review%20of%20Statutes%20and%20Relevant%20Cases.pdf>
- Protecting Solar Access. (San Francisco, CA) https://sfenvironment.org/sites/default/files/fliers/files/protecting_solar_access.pdf
- Solar Rights. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1479024
- A Beautiful Day in the Neighborhood: Encouraging Solar Development Through Community Association Policies and Processes. <http://www.thesolarfoundation.org/a-beautiful-day-in-the-neighborhood-encouraging-solar-development-through-community-association-policies-and-processes/>

Solar Access Ordinances

Database of State Incentives for Renewables & Efficiency (DSIRE)
<http://programs.dsireusa.org/system/program>

OpenEI. Solar/Wind Access Policy Incentives Database.
http://en.openei.org/wiki/Solar/Wind_Access_Policy

Solar Access Ordinances. https://planning-org-uploaded-media.s3.amazonaws.com/legacy_resources/pas/infopackets/open/bdf/30part3.pdf

Resources for Integrating Solar Access into Permitting and Zoning Practices

- American Planning Association. *SunShot Solar Outreach Partnership*. <https://www.planning.org/research/solar/>
- American Planning Association. *Planning and Zoning for Solar Energy Resource Collection*. <https://www.planning.org/knowledgebase/solar/>
- Solar Powering Your Community: A Guide for Local Governments <https://www1.eere.energy.gov/solar/pdfs/47692.pdf>
- Planning for Solar Energy: Promoting Solar Energy Use Through Local Policy and Action. http://www.growsolar.org/wp-content/uploads/2014/10/Planning-for-Solar-Energy-2014_PAS-575.pdf
- Local Solar: What do leading solar communities have in common? It may not be what you expect. <http://www.nrel.gov/docs/fy16osti/64883.pdf>
- Clean Energy in City Codes: A Baseline Analysis of Municipal Codification across the United States. <http://www.nrel.gov/docs/fy17osti/66120.pdf>

- Alvarez, Tawny L. "Don't Take My Sunshine Away: Right-to-Light and Solar Energy in the Twenty-First Century." *Pace L. Rev.* 28 (2008): 535. ([Link](#))
- Anders, S., et al. "California's Solar Rights Act: A Review of the Statutes and Relevant Cases." (Updated 2014). *Energy Policy Initiatives Center, University of San Diego School of Law.* ([Link](#))
- Bronin, Sara C. "Solar rights." *BUL Rev.* 8 9 (2009): 1217. ([Link](#))
- Duke, Joshua M., and Benjamin Attia. "Negotiated Solar Rights Conflict Resolution: A Comparative Institutional Analysis of Public and Private Processes." *J. Envtl. & Sustainability L.* 22 (2015): 1. ([Link](#))
- DuVivier, K.K. *The Renewable Energy Reader.* (2011). Carolina Academic Press: Durham, North Carolina. (Print)
- McCann Kettles, Colleen. *A Comprehensive Review of Solar Access Laws in the United States: Suggested Standards for a Model Statute and Ordinance* (2008). ([Link](#))
- SF Environment. *Protecting Solar Access.* (2012). ([Link](#))
- State of California, California Energy Commission & California Public Utilities Commission. *Solar Rights: Access to the Sun for Solar Systems*" (2017). ([Link](#))

Davis, Tom G.

From: Vicki Gerken <alaskavickig@gmail.com>
Sent: Thursday, November 29, 2018 9:01 PM
To: Davis, Tom G.
Cc: Bruce Roberts; Patti Higgins
Subject: Re: Abbott Loop Community Council Resolution from Oct. regarding R-2 Zones Amendment Response

Tom. Attached are the minutes for the October meeting where we approved the draft R-2 Zones Amendment. Sorry my scanner makes we do one page at a time, so two pages.

Also, the flyer you provided at the FCC meeting has...Dec 5, Evening Open House...there's no time noted. Do you have one?

Vicki Gerken, P&Z Committee

On Nov 28, 2018, at 8:55 AM, Davis, Tom G. <tom.davis@anchorageak.gov> wrote:

Vicki, Bruce, and Patti -

Thank you for the time that Abbott Loop Community Council and its members took to consider the draft R-2 Zones amendment to Title 21 code.

If possible, could someone from Abbott Loop send a copy of any written resolution (or perhaps the meeting minutes if no resolution) from its October meeting, regarding that draft amendment?

I'd really appreciate that as I want our team here to be aware of and document the public comments and any effort/time you spent considering the September 27, 2018 community discussion draft R-2 zones amendment.

We are documenting the other public comments, and considering those comments as we prepare a Public Hearing Draft. We are completing that draft this week and intend to release it to the public by next Monday, December 3.

Tom
Tom Davis
Senior Planner
Long-Range Planning Division
Municipality of Anchorage Planning Department

4700 Elmore Road
PO Box 196650 Anchorage, AK 99519-6650
(tel) [907-343-7916](tel:907-343-7916) (fax) [907-343-7927](tel:907-343-7927) E-mail davistg@muni.org

MINUTES:

ABBOTT LOOP COMMUNITY COUNCIL

October 25, 2018

11/29/18
approved

Meeting called to order by President Bruce Roberts at 6:30 pm at Abbott Loop Elementary. 21 people signed in.

Officers and Board members present: Bruce Roberts, Shiela Cernich, Patti Higgins, Calvin Schrage, Vicki Gerken, Kari Nore, Pat O'Hara, Jamie Donley.

Minutes were approved without changes.

Treasurer's Report: \$589.87 plus \$20 cash. Treasurer's Report approved without changes.

Assembly Member Felix Rivera: Public hearings 11/7 and 12/4 on MLP sale, homeless, budget. Solving the Homeless problem funding scenarios:

- Status quo \$725,000
- Bolster status quo \$1,225,000

Question is where to get revenue; could try a dedicated alcohol tax. The additional money would go to increasing the Intervention team, fund a six-day work week; increases to Beans Cafe & Brother Frances; longer cleaning time for camps from six months to nine months; increase the number of the cleanup crews. Marijuana is taxed at 5%. Maybe use Mental Health Trust funds. Right now money pays for Nancy Burke and the above services. Hearing the 4th Wednesday at the Mayor's Conference Room.

Assembly Member Dick Traini: Call the Mayor's office if you don't want the \$2.4 million cut to fire Station 12's ladder and pump truck. Those respond to calls from Tudor to Girdwood. Only one with a 13 story ladder. Has the jaws of life. Responds to 1,000 calls. The water truck is necessary in Stuckagoin Heights. ISO1 the ratings affect Business insurance rates. He voted to expand the transfer station. Walmart land used for increase. \$12 million for HQ for APD downtown in the old LIO. There is no increase in state revenue sharing – it used to be \$10 to \$15 million/year. Now the State is cutting some services and Anchorage must pick up the slack.

School Board Member Dave Donley: Mark Foster, ASD's former CFO, was appointed to the ASB to replace Bettye Davis.

Assembly Member John Weddleton: We need more mental health services. Cell Towers – they are now doing smaller cells and putting antennas on electrical poles. Water improvement project by Scooter: over a dozen homes were lost. It will cost \$37,000/per house to bring city water to the west side side

FCC Bruce Roberts: Assembly Member Dick Traini gave a report. Deena Bishop ASD Superintendent gave a report and noted the ASD website has a hot topics area. Mayor Berkowitz may increase the number of cops from 430 to 450. The city is considering creating a Storm Water Utility with a charge to make the water clean because right now we just dump the storm water runoff. Beth Nordlund spoke about the Parks and there was a 911 speaker.

Roads & Projects, Calvin Schrage: No new information.

Parks & Rec Committee: Whisper Faith Kovach Park is done and very popular.

Abbott Loop Community Patrol: Patti Higgins Always looking for new members. ALCP will help with the Mountain View Thanksgiving Blessing turkey dinner handouts doing traffic control.

P & Z: Vicki Gerken Title 2 is being changed. Infill housing up to 2 1/2 to 3 story houses; less than 30 feet. Requires a small footprint. It was moved and seconded by Calvin Schrage and Shiela Cernich to support R2 Compatible-Scale Infill Housing. Passed 5-0.

On Nov 28, 2018, at 8:55 AM, Davis, Tom G. <tom.davis@anchorageak.gov> wrote:

Vicki, Bruce, and Patti -

Thank you for the time that Abbott Loop Community Council and its members took to consider the draft R-2 Zones amendment to Title 21 code.

If possible, could someone from Abbott Loop send a copy of any written resolution (or perhaps the meeting minutes if no resolution) from its October meeting, regarding that draft amendment?

I'd really appreciate that as I want our team here to be aware of and document the public comments and any effort/time you spent considering the September 27, 2018 community discussion draft R-2 zones amendment.

We are documenting the other public comments, and considering those comments as we prepare a Public Hearing Draft. We are completing that draft this week and intend to release it to the public by next Monday, December 3.

Tom
Tom Davis
Senior Planner
Long-Range Planning Division
Municipality of Anchorage Planning Department

4700 Elmore Road
PO Box 196650 Anchorage, AK 99519-6650
(tel) [907-343-7916](tel:907-343-7916) (fax) [907-343-7927](tel:907-343-7927) E-mail davistg@muni.org

Davis, Tom G.

From: Carolyn Ramsey <b747mx@gmail.com>
Sent: Thursday, October 25, 2018 9:44 AM
To: Davis, Tom G.
Subject: Re:

Hello Tom,

I believe Kristen will be submitting a letter from the Alaska Center.

While this issue is central to Airport Heights I believe we are looking at this across Anchorage. ACEP is reaching out to their counterparts in other states to see how they approached things and is awaiting answers. I believe it will take them a week or so to collect the data. The idea is to not reinvent the wheel.

We are not interested in delaying this process for an extended period of time but would ask for a brief delay so that data can be collected and then discussed. Possibly a solar working group could be assembled to examine this and get everyone in the same room to move the process along even faster.

Yes, solar protections do need to be part of the draft. Let's look at how this has been done other places along with lessons learned then apply these ideas toward a final product. It will be much easier to do this now than to go back and try to fix it later.

Thank you,
Carolyn

On Thu, Oct 25, 2018 at 08:54 Davis, Tom G. <tom.davis@anchorageak.gov> wrote:

Carolyn –

I just wanted to make sure I'm assuming the right thing about these comments --- do these comprise the feedback from Airport Heights at this stage? Or do you all plan to provide comments regarding the features of the proposal. Taking in the full range of phone conversations, emails, and verbal discussion at the AHCC meeting, am I safe to infer that solar access impacts is a primary concern with the current and proposed height/bulk regulations, and your priority is to see solar access protections included in a future draft?

Thank you,

Tom

From: Carolyn Ramsey [mailto:b747mx@gmail.com]
Sent: Wednesday, October 24, 2018 6:15 PM
To: Davis, Tom G. <tom.davis@anchorageak.gov>; Kristen Collins <kristen@akcenter.org>; Erin Whitney <ewhitne1@alaska.edu>; Christopher Pike <cpike6@alaska.edu>; Kilcoyne, Shaina R. <shaina.kilcoyne@anchorageak.gov>
Cc: Mark Butler <info@communitycouncils.org>
Subject:

Tom Davis

Long-Range Planning Division
Planning Department
P.O. Box 196650
Anchorage, AK 99519-6650
(907) 343-7916

24 October 2018

Dear Mr. Davis,

Airport Heights Community Council is requesting a slow down on the Community Discussion Draft for the Compatible Infill Housing (R-2 Zones) Project.

Airport Heights was chosen for the pilot project for the Alaska Center's Solarize Anchorage project also working in conjunction with Launch Alaska and the Alaska Center for Energy and Power (ACEP). Individual homeowners within the Airport Heights neighborhood boundaries invested \$500,000 into rooftop solar spread over 33 homes. Phase II of Solarize Anchorage is gearing up to launch into at least two more neighborhoods next year.

As a community council, we do not have all of the answers, but we do know that there is an Alaska Statute for solar easements - AS 34.15.145. ACEP has been doing a lot of work on solar and solar calculations for Alaska, I believe they would have much to add to the conversation. Shaina Kilcoyne, the Municipality's new Sustainability Manager is working on SolSmart. And there is the Climate Action Plan (CAP) that will be rolling out in the next couple of months.

I believe a brief delay now will save everyone time, energy and produce a much better 2040 Land Use Plan. One that will work in conjunction with moving Anchorage toward becoming a leader in sustainable infrastructure.

Thank you for your time and consideration,

Carolyn Ramsey

President

Airport Heights Community Council

--

Great ambition and conquest

without contribution is without

significance - Unknown

--

Great ambition and conquest

without contribution is without

significance - Unknown

**SPENARD COMMUNITY COUNCIL
RESOLUTION NUMBER 2018-0002**

**A Resolution In Support of a Proposed Update to R-2 Zoning Districts:
Compatible-Scale Infill Housing Project**

WHEREAS, Spenard Community Council has within its boundaries some of the oldest neighborhoods and largest R2 districts in Anchorage, which makes it suitable and desirable for infill and redevelopment;

WHEREAS, The proposed project objectives are to allow more housing opportunities, a goal Spenard Community Council finds as a certainty to happen within its council boundaries;

WHEREAS, Spenard Community Council desires that infill and redevelopment preserve the character of the existing neighborhood and protects residents from structures that are not compatible and out of context with nearby homes and other residential structures;

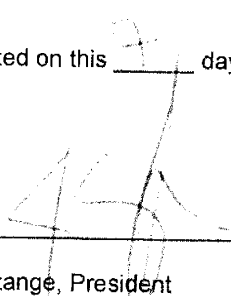
WHEREAS, One of the provisions of the proposed revision to the code is greater protection to homeowners for sunlight and daylighting;

WHEREAS, A committee of the Spenard Community Council was formed and has met and discussed the project proposal with a Municipal Planning employee who was able to satisfy the questions and concerns the committee had regarding the need of a new ordinance;

WHEREAS, The committee requests the ordinance include language that would provide developers and/or builders the option to apply the old code or the new code for the period of one year;

THEREFORE BE IT RESOLVED, The Spenard Community Council approves of the concept and general language of the revised ordinance and supports the proposed update to R2 Zoning Districts with the proviso of including in the language a one year period for developers to choose to work within the new or old code.

Adopted on this 9 day of November, 2018



Jay Stange, President

TURNAGAIN COMMUNITY COUNCIL

c/o Federation of Community Councils
1057 West Fireweed Lane, Suite 100
Anchorage, Alaska 99503

TO: Mr. Tom Davis, Senior Planner, Municipality of Anchorage Planning Department
FROM: Turnagain Community Council
DATE: Friday, October 26, 2018
RE: Comments on Proposed Changes to R-2 Zoning and Related Development Standards

NOTE: This letter was ratified by Turnagain Community Council on November 1, 2018 with the following vote: 12 Yes, 0 No, 1 Abstain.

Dear Mr. Davis (Tom),

First of all, thank you for reaching out to Turnagain Community Council (TCC) during the Municipality of Anchorage Planning Department's Community Discussion Draft process, and specifically for meeting with the TCC Land Use Committee earlier this month to provide information on proposed municipal Code changes to R-2 Zoning Districts.

TCC appreciates the opportunity to provide written comments on these proposed Code amendments that would affect height specifications and other regulations for housing in the R-2 Zoning Districts. The Planning Department has stated the purpose of the proposed changes is to address some challenges developers have had with the existing requirements, encourage building to the density / number of units allowed in the Code, and require additional aesthetic features to address visual impacts of infill development in existing neighborhoods.

TCC understands the need for more housing opportunities in Anchorage, and recognizes the Municipality's effort to propose a variety of ways to change local policies to meet those needs. Because the Turnagain neighborhood contains a fair amount of R-2-zoned land, the proposed actions could potentially, over time, have a significant impact to the area. The intent of this letter is to share some of our comments and concerns as well as pose some questions to help us better understand the changes and the impacts they would have in Turnagain neighborhoods. Please note that TCC expressed some of these same concerns when commenting on the Accessory Dwelling Unit Code amendment proposals.

Our comments are generally organized around the three proposals described on page ii of the discussion draft dated September 27, 2018, with some references to the ordinance language and other sections.

Overall Comments

TCC understands this is one of several proposals to implement the Action Plans outlined in the 2040 Land Use Plan to increase housing opportunities and incentivize building more housing throughout the Municipality, particularly in areas that are close to transit, shopping, employment and other services. Turnagain is a candidate for this type of infill development, and has already seen some new redeveloped housing over recent years. TCC supports the overall goal of improving affordability and availability of housing in the city. However, as an established neighborhood, we are also concerned about the potential

negative impacts of increased density and potential unintended consequences of changing Anchorage's zoning regulations without careful consideration of what this means when these new policies are implemented over time. We are expressing general concerns about the cumulative impact of these changes, and would like these concerns factored into each proposal as it is brought forward. For example, our concerns about increased demand for parking should be considered broadly as it relates to increasing the number of people living on a street or in a neighborhood.

Neighborhoods in the Turnagain area tend to be relatively older and built on narrower roads, or with narrow lots with few on-street parking spaces available to those without driveways or alleys. Many of our roads also do not have sidewalks, shoulders or curbs, and several roads have required significant upgrades to the drainage system (such as Turnagain Blvd. and McRae Rd. projects). Many Turnagain streets still need improvements for pedestrian and bike safety as well as drainage and flooding, and very little space in the right of way to do so. We are concerned about the potential increase in traffic and demand for parking in these neighborhoods, with a greater number of units per acre or property than exist now. We understand that changing the height limit and design standards for buildings in R-2 zones does not change parking requirements, but as its intended effect is to allow more units per acre, parking and traffic demand are likely to increase and exacerbate the existing problems outlined above. We will be anticipating and closely reviewing Implementation Project 1 on the list on page iv (Action 4-3) regarding reduced parking requirements, as we see reducing parking requirements contributing to additional issues for some R-2-zoned neighborhoods in Turnagain.

Section 1. Height and Scale of Houses

1. TCC has no objection to the change removing the 2.5 story requirement, provided that the 30-foot height requirement and existing setback requirements remain in place, as stated in this version of the ordinance (also applies to Section 3).
2. TCC has no objection to including floor area ratio (FAR) as one of the dimensional requirements in R-2 districts, in place of the language limiting to 2.5 stories.
3. TCC has concerns about the implications of excluding some living spaces in calculation of FAR. We understand that the intent is to address visible, aboveground square footage of a building as it relates to how large and bulky it looks. We also understand that current Code is written to exclude these spaces. However, as it relates to concerns described above, basements and attics that are considered rental space would still contribute to higher density per lot.

Question: If basements and attics were not exempt, what impacts would this have? Is that a feasible alternative?

Question: In item "c," the text refers to "allowing extra square footage for detached accessory structures," but in reviewing the Code language provided, we did not understand how this is actually the case. Is it an additional allowance of square footage, or part of the new FAR formula? Please clarify what this sentence is referring to.

Section 2. Height of Rooftop Appurtenances on 3-Story Buildings

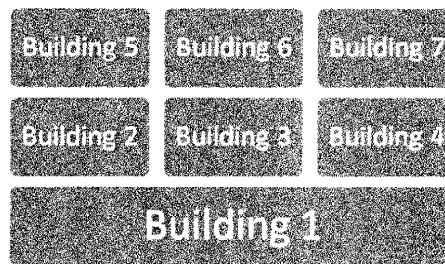
1. TCC has no objection to the proposed changes regarding height of smaller building features that exceed the 30-foot height limit. We generally support rules that protect neighborhood character by establishing minimum aesthetic standards or incentivize builders to make choices for attractive, high-quality developments (also applies to Section 3).

Section 3. Design of 3-story Buildings on Smaller Lots

1. As noted above, TCC has no objection to removing the 2.5 story language provided that other dimensional standards remain in place.
2. TCC has no objection to the proposed limit regarding stair entrances to buildings.
3. As noted above, TCC generally supports rules that encourage attractive, high quality developments, including the proposed requirements that building facades be more interesting than simply blank walls.

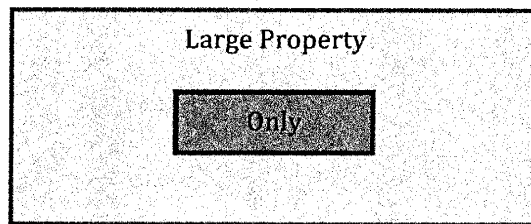
Question: In reviewing this portion of the draft, we saw on page 16 references to “Section F (2)(c)” in Code, but the information on page 17 is Section B (2)(c). Is this a typo, and the two pages are intended to refer to each other? This seemed like the case, but we wanted to verify.

4. The current language indicates that the design standard applies to external-facing facades, i.e. those facing the street and/or adjacent properties. We are concerned about two aspects of this proposal as written in code:
 - a. The design standards for building exteriors should not be exempt simply because the building is far from the property line, or if it is a building surrounded by other similar buildings in a multi-unit development. For example: this hypothetical development has 7 buildings, with Building 3 surrounded by the others in the development.



The language appears to say that while all the other buildings would be required to have an interesting façade, Building 3 in the middle would not. We believe that the development would be more attractive if all buildings are held to the same standards, regardless of location on the property or placement relative to other buildings, so that — regardless of which unit you live in — your view of the other building exteriors has some architectural features.

- b. Even if the intent of this section remains the same, we are concerned that the actual proposed language in the draft is not sufficiently narrow in describing that situation, and instead only refers to buildings located 50 feet or more from the property line:
Exemptions from this subsection c.: Single-family detached homes are exempt. Building elevations located 50 feet or more from the property line are also exempt.



This would appear to allow any building, regardless of which direction it faces or whether it is part of a multi-unit development that is far enough away from the property line to be exempt from the requirements. If the intent is to only exempt “interior” buildings in a single development, this should be stated more explicitly. For example: if the setbacks in the illustration are 60 feet and 120 feet, respectively, this property would be exempt although it is still the closest/only building to the street.

Recommendation: Apply the façade standards for all buildings, and at least three walls, in a multi-unit development, not just those facing the street or other properties. This would ensure that there is more visual interest and better standards than with many current developments.

Again, thank you for the opportunity to provide input to the Community Discussion Draft for your consideration. Please don’t hesitate to contact me, or Turnagain Community Council Land Use Committee Co-chair Anna Brawley, if you have any questions or would like to discuss our comments.

Sincerely,

Cathy L. Gleason
Turnagain Community Council President
TCC Land Use Co-chair



E-2. Written Comments Received for March 4, 2019 Public Hearing Draft

Compatible-Scale Infill Housing (R-2 Zones) Project

Note: This update to E-2 includes written comments that the Planning Department has received as of February 21, 2019. Comments received after February 21 will be provided to the Planning and Zoning Commission in a supplementary packet by March 4, and Exhibit E will be updated to include such comments.

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Compatible-Scale Infill Housing (R-2 Zones) Project

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Michelle McNulty
Planning Director
Municipality of Anchorage
4700 Elmore Road
Anchorage, AK 99507

RE: Draft Compatible-Scale Infill Housing (R-2 Zones) Project

This project came about at the request of builders and developers to remove the 2.5 story limitation on structures in R-2 zones as currently defined in Title 21, and to allow for the 30-foot building height limitation and lot coverage requirements to govern maximum allowable building sizes in R-2 zones.

The proposed rewrite introduces many new aspects to R-2 zones that are overly complicated, unproven and will greatly impede development of infill and redevelopment properties in these zoning areas.

In the proposed language is a large emphasis to protect “existing neighborhoods”, but often many of these existing homes are quite small that did little to utilize the size and features that their lots provided. Additionally, there are already many redevelopment/infill projects that have been completed that replaced these older single-family homes with larger, often multi-family structures, that blend well, enhance the neighborhood positively and provide increased housing density to maximize the available building land. These developments were performed under existing R-2 zoning requirements, and prove that a wholesale rewrite is not required at this time.

Our areas of concern with the draft zoning code language are primarily, but not limited to:

- Floor Area Ratios (FAR) that treat different style buildings differently with respect to maximum allowable lot coverage. While it is clear that this is intended to limit the size of structures in proportion to the size of the lot, it will impact the allowable size of single-family homes and duplexes disproportionately, and will impact those property owners or home buyers who want to build a large custom home in one of these zoned areas.
- Reduction of maximum building length. This arbitrary standard limits development potential for multi-family housing, and the intent of the length reduction can be better met with aesthetic architectural design features, while still preserving the value and development potential of the property.

ANCHORAGE HOME BUILDERS ASSOCIATION, INC.

8301 Schoon Street, Suite 200 • Anchorage, AK 99518 • (907) 522-3605


- Solar Access Protections. This is a relatively new concept and it is not appropriate to introduce into a specific zoning code amendment. The standards introduced will be so severely limiting to development, that it is unworkable. Additionally, the major MOA planning documents (Anchorage 2040 Land Use, East Anchorage District Plan, Anchorage Downtown Comprehensive Plan, et al), and Title 21, are largely silent on solar access protections/solar rights, and the introduction of these standards will run counter to the goals of maximizing density and providing affordable housing options to meet the demand anticipated in the Anchorage 2040 Land Use Plan.

The potential for unintended consequences of this code is alarming.

The Anchorage Home Builders Association cannot support this proposed zoning code amendment as currently written. This language is overly restrictive, excessively complicated and will negatively impact development tremendously and do a great disservice to the public by decreasing land values, limiting housing density, and reducing affordable housing options.

We strongly suggest that the MOA abandon this project in favor of some simple but specific modifications to the language in current code. We feel this is best done through a proposed ordinance that removes the 2.5 story limitation and relies on Title 21 design standards to handle the rest.

Respectfully,



Kyle Mirka
President
Anchorage Home Builders Association
907.522.3605 Office



ANCHORAGE HOME BUILDERS ASSOCIATION, INC.

8301 Schoon Street, Suite 200 • Anchorage, AK 99518 • (907) 522-3605

Affiliated With



Davis, Tom G.

From: Brian Corcoran <bdcxcng@alaska.net>
Sent: Monday, February 11, 2019 1:02 PM
To: Davis, Tom G.
Subject: RE: zoning change Comment

Hello Tom Davis and Planning and Zoning Commission,

This email is to submit a comment about the proposed zoning change(s) permitting increased density.

Lot sizes in the area with R2M zoning that I am a homeowner in are 50 feet x 144 feet.

When a building of 1000 square feet is built on these lots it permits occupants to have space for snow removal in winter and a garden and lawn for summer.

That is a relatively small house. To put more square feet of building and more people living on that same small lot takes away quality of life.

When the density is increased where will snow be put in winter? The small lot will no longer have space to keep items needed to keep house in good condition. Space to enjoy will be limited.

I support more development of land for housing in rural areas rather than crowding in these smaller lots.

The future probably would be less like homeowners and more like renters. Neighborhoods like mine are far better with home ownership than with renters.

Although technically, increased density can still have homeowners, the result of smaller open lot space occurring from increased building density lowers quality of life.

Thank you for the opportunity to comment.

Brian Corcoran

Brian -

You may email your written comment to me at this email or to anchorage2040@muni.org, or you can bring your written comment and hand that to the Planning and Zoning Commission and also give verbal testimony (3 minutes per individual) to them at their meeting on March 4.

Davis, Tom G.

From: Dael Devenport <dael.devenport@gmail.com>
Sent: Thursday, January 24, 2019 12:18 PM
To: Anchorage2040
Subject: R-2 zoning

Muni of Anchorage:

New construction should make the city a better place to live, and the zoning laws in Anchorage's Title 21 exist to help us get:

- livable neighborhoods
- growth that reflects our unique northern setting and majestic surroundings
- development that protects and enhances the surrounding community character, creating a variety of appealing and distinctive neighborhoods
- growth in city centers and infill areas so as to create efficient travel patterns

Please keep the original 2.5 story limit in R-2 neighborhoods that are in traditional neighborhoods and on smaller lots and do not allow new homes to:

- 'turn their backs' to the street and neighbors
- pave front yards
- cut unsafe walking slopes across sidewalks for driveways
- unnecessarily shadow neighboring homes
- install bare minimum landscaping
- expose exterior entry stairs to snow and ice
- broadcast excessive light pollution

This will help ensure Anchorage becomes a livable and attractive city.

Thank you,
Dael Devenport

With compassion for all beings

My name is Stephen Haycox; I have been a resident of Anchorage since 1970, and have lived in South Addition at 1130 S Street since April 1993. I support the building code recommendations of the South Addition Community Council Neighborhood Plan Steering Committee, and I oppose the modifications proposed by municipal planners.

I believe there are two principal issues involved. First is preservation of the traditional character of South Addition. The height limitations on buildings, the retention of small houses on small lots, the alleys, the modest aprons on driveway openings to the street, the relatively small number of condominium buildings for the general area, all of these give the neighborhood a character immediately recognizable and generally admired, I believe, throughout the city. It's a matter of preserving something special for the whole community, something that suggests an alternative way of living, of planning public and private space, and not incidentally, recalling the city's origins and development (often as a positive comparison with the design and lack thereof in the other residential areas of the city). The area is special, and can only be kept special if values other than the economic bottom line are considered seriously, seriously enough to impede what I believe is the erosion represented by municipal planners' modifications to the Steering Committee recommendations. And the area can only be kept special if the neighborhood view and wishes regarding preservation of the character of the neighborhood are acknowledged and honored by city planners.

The second issue is the future. The decisions we make now rebound through the years and decades into the future, as those of the past determine the landscape and environment we live in now. We have the power now to maintain something that is unique and special in our town for future generations, and future planners. Most of us have seen neighborhoods in other cities that have a special character: the north end of Capitol Hill in Seattle where homes built in the 1890s have been preserved and give a special character to the area; the bluff area of Everett, Washington, where Senator Henry M. "Scoop" Jackson grew up, which is designated a historic district, where small homes overlooking Puget Sound abound, and there are no commercial establishments (a preservation aided substantially by Senator Jackson's efforts). There are many others. These unique and people-friendly neighborhoods do not survive by accident; they survive because residents of the neighborhoods and the cities articulated their commitment to quality of life and quality of neighborhood values, and acted politically in defense and preservation of those values. We have an opportunity here to do the same. In my view, we owe it to the city and to its future to do so.

I am sensitive to the financial challenges of purchasing real estate in most of South Addition, and to the need for affordable housing for the city, and particularly for younger people. I was not able to afford to purchase in South Addition when I initially wanted to, and had to wait until later in my career when I could afford it. It was a goal I adopted, and I believe a worthwhile one. I believe this is not an unreasonable challenge for Anchorage residents. Goals worthwhile are goals worth working toward and waiting to achieve.

Thank you



12570 Old Seward Highway, Suite 204, Anchorage, Alaska 99515
Phone: (907) 522-3204 Fax: (907) 522-3211

January 24, 2019

Michelle McNulty
Planning Director
Municipality of Anchorage
4700 Elmore Road
Anchorage, AK 99507

RE: Draft Compatible-Scale Infill Housing (R-2 Zones) Project

Dear Michelle,

I just received the EXHIBIT F: Comment-Issue Response document that was just released for this project. While I haven't had time to properly analyze this document, my initial scan revealed that many of my concerns with the proposed R-2 rewrite are still valid.

As I understand it, this project came about at the request of builders and developers to remove the 2.5 story limitation on structures in R-2 zones as currently defined in Title 21, and to allow for the 30-foot building height limitation and lot coverage requirements to govern maximum allowable building sizes in R-2 zones.

The proposed rewrite introduces many new aspects to R-2 zones that are overly complicated, unproven and will greatly impede development of infill and redevelopment properties in these zoning areas. Many of these provisions were intended to offset the allowance of 3 story structures, but in fact reach far beyond that, and are actually more restrictive than current code, which I don't believe was the goal of this project.

There are many facets to this rewrite that are untested and have the very likely probability of inhibiting development, reducing density, increasing home prices and reducing affordable housing options for buyers in these neighborhoods.

Of most concern to me is the Floor Area Ratio concept, Solar Access Protections and focus on preserving the nature of existing neighborhoods, to the detriment of new and flexible housing options.

The Solar Access Protections are a relatively new concept and I don't believe it to be wise to introduce the concept of the enforcement of them into a specific zoning code amendment. The standards introduced will be so severely limiting to development, that it appears unworkable. Additionally, the major MOA planning

documents (Anchorage 2040 Land Use, East Anchorage District Plan, Anchorage Downtown Comprehensive Plan, et al), and Title 21, are largely silent on solar access protections/solar rights, and the introduction of these standards will run counter to the goals of maximizing density and providing affordable housing options to meet the demand anticipated in the Anchorage 2040 Land Use Plan.

The potential for unintended consequences of this code for builders and developers, and the housing products they provide for the Anchorage public, is alarming.

I simply cannot support this proposed zoning code amendment as currently written. This language is overly restrictive, excessively complicated and will negatively impact development tremendously and do a great disservice to the public by decreasing land values, limiting housing density, and reducing affordable housing options.

I strongly suggest that the MOA abandon this project in favor of some simple but specific modifications to the language in current code. We feel this is best done through a proposed ordinance that removes the 2.5 story limitation and relies on Title 21 design standards to handle the rest.

Respectfully,

A handwritten signature in dark ink, appearing to read "Brian Harten", with a stylized, flowing script.

Brian T. Harten, P.E.
Development Manager
Hultquist Homes, Inc.

Public Comments: 2019-0009

Commenter	Email	Phone Number	Submitted
Wendy Isbell 1319 H street Anchorage, AK 99501	farbell@ak.net	9072233365	2/7/2019 4:00:00 PM
I have a comment about this rezoning. Before any rezoning for larger buildings that will bring more people to the area/neighborhood, there needs to be infrastructure put in first. More or larger schools. More shopping, grocery, liquor stores, convenience store, all the things a neighborhood that utilizes walking needs within walking distance. More police presence, one more assembly seat for equal representation, enforcement of snow removal from all residential/business sidewalks with fines. The current large multifamily dwelling on 10th and H st, does not shovel their sidewalks around the entire property as an example.			

Davis, Tom G.

From: Sarah Kleedehn <kleedehn@alaskan.com>
Sent: Wednesday, January 16, 2019 4:59 AM
To: Anchorage2040
Subject: South Addition Planning and Zoning Recommendations

To Whom It May Concern:

Please adopt the recommendations by the South Addition Planning and Zoning Steering Committee. My husband and I live in the South Addition and would NOT like it to be filled with high rise condos. We prefer low rise two and a half story dwellings that enjoy access to natural light, well-maintained sidewalks, alleys for carports and garages, and street front entry doors and windows that ensure neighborliness and safety. South Addition's diverse but compatible homes and small-scale businesses make for a walkable, attractive and vibrant neighborhood. Please maintain that vibrancy.

Thank you,
Sarah and Rodney Kleedehn
(907) 244-6934
1334 G Street
Anchorage, AK 99501

Davis, Tom G.

From: mmktc@acsalaska.net
Sent: Wednesday, January 23, 2019 9:57 AM
To: Anchorage2040
Subject: Proposed increase in building height for South Addition

Planning Personnel at MOA,

I am strongly opposed to any increase above 2 1/2 stories for buildings (new and/or re-models) in my South Addition neighborhood. I have lived here since 1994.

The very reason I live here is that it is quiet, full of small, dead-end streets and alleys. There are tons of mature trees and tons of sunlight.

Have you thought about where additional people / cars / visitors to those people are going to fit in this small neighborhood if you allow taller, high-density housing?

I do not wish to see dense housing in South Addition like it currently is north of us in the downtown "Bootleggers Cove" area. That area is a mess! Period. Please take a walk down there to see for yourself because I walk it almost every day. It is a nightmare. Too many people crowded into tiny, little condos with no room and no sunlight, not to mention no view. And no way to get a firetruck through many, many streets with parked cars on the streets (there is no room to park elsewhere) and especially now with snow piles from plowing narrowing the streets. Please go take a walk to see what I am writing about. Furthermore, my street, West 12th Ave, is a substandard street - basically a paved alleyway. We have had life safety issues whereby a firetruck could not get down the street because a car was parked on the side of the road (please feel free to verify: I think 5 years ago a young woman was deceased at the end of W 12th Ave and firemen had to wake residents at 2 am to get access down the street because someone's car was blocking the road). We constantly have people currently park in our roadway who actually live across the street on Bootlegger Cove Dr. It makes us crazy because some days we cannot even get down the street in the wintertime due to snow banks that already encroach on the roadway. And the MOA Planning Group is envisioning increasing the population with modern, dense housing for some special developers? No, No, No. I live exactly where you folks are contemplating dense housing, my lot is close to 20,000 sq ft and is surrounded by lots greater than 20,000 sq feet. The beauty of that is most of those lots are owned by long time Anchorage families. They are not Cuddy's, they have been handing the lots down for generations.

In addition, the homes around us are a mix- mostly 1950's homes that have been added onto and some 1980's and newer homes. Very, very few are modern, flat roofed with roof top decks and every neighbor complains about them. Why? Because they don't fit in. They look terribly in this neighborhood. And, most homes still are single family, even though we are zoned D2. A modern, multi-family dwelling will not 'fit' with the current housing. New families have moved in but they are inheriting the homes from family members, in fact, 4 of the 5 homes near me that have switched hands fit that description. These folks are not building new homes or modern homes. They are keeping a gem in a great neighborhood because of the intrinsic value of South Addition. And if a person were to build at 3 stories plus 2 feet allowance for a solid rooftop deck barrier for a total of 32 feet, the sun would NEVER shine on my 2 story house from October to March. This is not acceptable by any rational standard for quality living space. You will ruin the character of South Addition by allowing 3-story, multi-family structures. I urge you to drop this plan.

If you think Anchorage needs dense housing let's see how quickly the Cuddy development at 9th Avenue fills up. I watched it take a very long time for Hultquist Homes to fill their, average quality, 4-plexes on 15th Ave and 10th Ave along the Park Strip.

Doesn't that imply to you that we do not need more dense housing? It sure raises flags in my head. Especially seeing the population has dropped two years in a row now. As a retired petroleum geologist I can almost guarantee you there is no big oil find on the way that may spur another renaissance in production and cause people to move here. The Nanushak

trend is new to the news folks but we have known about it for decades. And as the ADN stated today, being on Federal lands means the state doesn't get the big dollars from oil revenue. Even the gas line is flailing , yet again. So expecting a huge surge of incoming workers?????

Fill up the empty lots downtown with tall dense housing if you really think that is needed but do not ruin a fantastic neighborhood that has old Anchorage charm that people pay a premium to live in. That will dissappear and that would truly be a negative for Anchorage as a whole.

Sincerely,

M.C. Kremer

South Addition resident and property tax payer

Davis, Tom G.

From: lavonne <lavonne@chugach.net>
Sent: Friday, January 25, 2019 2:35 AM
To: Anchorage2040
Subject: taller sunlight blocking buildings

I am strongly opposed to the height changes in R-2 zoning.

I live in a nice duplex in midtown, but on the north facing side. It was (against covenants for removing as few trees as possible) developed by removing trees and excavating into a steep slope on the east so there is no sun in winter from that direction until after 11 am and that is brief as it travels low and around to the south facing side. On the west side are the garages so no sun from the west in summer unless you want to sit on the driveway or open the garage. I use a lot of electricity in winter for lighting and have SAD lights and take antidepressants. To be healthy people need sun every day. And a safe place to walk.

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone

Davis, Tom G.

From: Ashley List <ashleyreedlist@gmail.com>
Sent: Wednesday, January 23, 2019 9:16 PM
To: Anchorage2040
Cc: Todd Running
Subject: Adopt South Addition Neighborhood Plan Steering Committee's proposed standards

Hello,

Please adopt the South Addition Neighborhood Plan Steering Committee proposed standards and reject the proposals which would increase height and bulk limits. The reason people live in South Addition isn't simply proximity to downtown--it is the trees and yards, the sidewalks that make the neighborhood walkable, the lot orientation that allows for friendly front yards, and the unique houses that are a welcome contrast to the cookie cutter houses and bulky condos in other parts of town. Ironically, many cities are trying to recreate the very aspects that make South Addition a great place to live through their own urban planning code revisions--Anchorage should be retaining and encouraging the existing character of the neighborhood, not eviscerating it through new standards that encourage supersized development. There are many more young families in the neighborhood now than when I first lived here fifteen years ago, and the availability of yards and safe streets is vital to keeping the neighborhood a welcome place for families. Already the recently constructed condos which push the limits of the existing standards have changed the neighborhood in a negative way by blocking sunlight, creating snow removal problems because there is no spare space on the lots, and by leaving neighbors to look up at looming walls. The value of sunlight at our latitude cannot be overstated.

The affordable housing arguments I've heard for the proposed increases in height and bulk limits in South Addition don't pass the red face test. I purchased my home ten years ago and my husband and I now have three young children. We can afford our house, or could afford to move to a similar older home in the neighborhood. But the new construction condos are priced above \$500,000--well out of our price range. From what I have seen, knocking down old homes to build the tallest, bulkiest condos mainly benefits developers. It certainly does not add housing for families like mine. If the goal is affordable housing, then following the existing model and the standards endorsed by the South Addition Steering Committee is much more equitable. Many existing South Addition houses that appear to be single family houses have basement or over-the-garage apartments available at reasonable rents while retaining the character of the neighborhood as well as yard space for residents. This is what most of us picture when we think of R-2 in South Addition.

I have also heard the argument that allowing larger and taller condos would increase the value of the neighborhood, but the condo construction that I've witnessed so far in the neighborhood is low quality, some with basic roof design flaws that caused major interior water damage from ice dams within a couple years of construction. In terms of value, it would be better to encourage more of the new high quality custom single family homes going up within the neighborhood under the existing standards. Developers profit from knocking down one house to put up multiple condos, but everyone else's property value decreases because no one wants to buy a house dwarfed by their shadow. Instead of increasing heights and bulk, I would like to see a stricter 30-foot limit. As it is, the 30-foot limit is exceeded to allow higher roofs depending on pitch, and elevator shafts with no elevators and rooftop stairwells for roofs that never seem to be used are proliferating above the 30-foot limit. While that may be technically legal currently, the effect is that existing homes are losing crucial sunlight for unused space that is of little overall benefit to anyone.

There are many opportunities for redevelopment in commercial and higher density residential areas on the east side of downtown as well as midtown where larger, bulkier housing would fit with the existing scale of

development and would revitalize the area while meeting the stated goals of Anchorage 2040 to provide more housing. That land is also less expensive, which would better meet the goal of affordable housing while still being close to downtown.

There is no compelling reason to sacrifice one of Anchorage's healthiest and most desirable neighborhoods. Please help retain the existing character of South Addition and Anchorage's other traditional neighborhoods. I urge you to adopt the South Addition Steering Committee's proposed standards, including:

- Retain the 2.5 story limit on homes in Traditional Neighborhoods on typical lots. (The newly proposed 3 story limit favored by developers could be considered on lots of 20,000 sq ft and greater).
- Keep garages and carports in platted alleys, when alleys are available.
- Limit driveways built from the street front, to one max.12 feet wide driveway where an alley exists along the entire length of the driveway.
- Cap elevator height at 5 feet over allowed building heights for a total height of 35 feet.
- Limiting solid parapets to two feet over allowed building height to a total height of 32 feet.
- Maintain existing sidewalks on public streets in all R-2, R-3 and R-4 zoning districts and keep their original grade and cross-slope at all proposed driveways and curb cuts.

Sincerely,
Ashley List

Davis, Tom G.

From: Katie Mangelsdorf <katiemangelsdorf@gmail.com>
Sent: Thursday, January 24, 2019 3:43 PM
To: Anchorage2040
Subject: South Anchorage Proposed R-2 Zoning Comment

To the Planning and Zoning Commission,

We support **no** height increase for the homes in our neighborhood. Lovely, modern new homes to address the housing shortage can still be built within those current restrictions. When the buildings get larger, there is also the issue with parking all those cars. Preserving our family oriented neighborhood with sunshine filling our yards is important to the atmosphere we love in our neighborhood and don't want that changed. Sunshine is important!

We support the South Addition Community Council's and the Neighborhood Planning Steering Committee's plan. Their extensive work is to be praised and seen for the value it brings to this community.

Will the results of a recent survey be out soon? I would like to see what the consensus was.

Thank you for the opportunity to comment.

Sincerely,
Ron and Katie Mangelsdorf

Davis, Tom G.

From: Marty Margeson <asweethome@gci.net>
Sent: Tuesday, January 29, 2019 2:59 PM
To: Anchorage2040
Subject: how to get on testimony list

Proposed Planning and Zoning Changes South Addition Public Comment 1/28/19

My name is Marty Margeson, an Anchorage resident since 1975. I first purchased a home in South Addition in 1982, a 1917 cottage so tiny that in the master bedroom my feet were in the closet and the dresser drawers opened onto the bed. As a single woman, a part-time college teacher and business woman learning the practice of real estate, this was all I could afford. The mother-in-law apartment helped pay the mortgage. During the war, to accommodate increased housing needs, downtowners created mother-in-law apartments which became legal when the city changed our residential zoning to R2. From my home, I enjoyed watching attorneys walk past on their way to work. I used my home's Southern exposure to build my first solar heater.

Basically, I support our Council's recommendations with the exception of increasing heights which diminish solar access, increase safety risk in our class 5 earthquake zone, and diminish quality of life. I oppose the municipal planner recommendations.

I purchased my current home located at 1401 West 13th in 1986. I chose South Addition because of large treed lots, historical interesting homes, and a large professional citizenry concerned with providing high quality safe family lifestyle in downtown. With strong CCRs and good planning our neighborhood has been Anchorage's oldest most successful well-established family neighborhood: we have historic architecturally varied homes, a market with deli hosting Senior and neighbors discussion groups, a fish market, a fine neighborhood elementary school, parks, Coastal trails and a lagoon for birdwatching. If we are to maintain our successful neighborhood we need to promote quality new construction homes, not willy-nilly inexpensive boxy multi-units which limit quality family life with dangerous exterior staircases, lack of mature trees and yards for toddlers and tiny bedrooms not usable for teenagers. We do not need more futuristic elevator shafts jutting skyward destroying residential charm, blocking neighbors' views, and impeding use of solar energy.

For 30+ years I specialized in marketing downtown properties. We are a rare city with a healthy downtown residential neighborhood. Why risk changes which could plummet our property values and cause us to move to the suburbs – the case in most cities. Yes we have property rights, but we also need to be considerate with neighbors and not to encourage tall multiplex development which diminished a longtime neighbor's property: at 13th & L you can view the "mad wolf" they painted on their home's exterior- a protest to the multiplex large condo next door which totally blocked view, sunlight and Southern exposure. South Addition has successfully absorbed many multi-plexes, but there is a point where residential buyers will not want to buy in a neighborhood where homes are dwarfed by multi-unit construction.

Currently with challenged economy and earthquake fears, our population may decline. We have time to plan for future growth. There is land available north of the Parkstrip and in Ship Creek which should delight developers with the opportunity to create profitable high density San Francisco style townhouses – this is where tax incentive monies should go – not to existing highly marketable Bootlegger Cove properties.

.Our neighborhood has vitality, charm, and a natural setting to provide a high quality of life. To maintain this we must encourage upscale residential development which encourages long-term residency. For our quality of life we need to maintain our trees, our people friendly yards, and. protect the quality of life we enjoy and provide for our children' and their future.

Marty Margeson, B.A., M.A.T., M.Ed. 727-1168
Commissioner Emerita

Davis, Tom G.

From: Julie <aqualudis18@gmail.com>
Sent: Saturday, January 26, 2019 3:50 PM
To: Anchorage2040
Subject: Compatible-Scale Infill Housing (R-2 Zones)

Regarding public comments about downtown area zoning:

As the 3rd owner of a house built in 1948, I am strongly in favor of encouraging reasonable development of the South Addition (and similar) areas regarding remodeling and replacing homes.

I live, thankfully, on a corner lot. I have wonderful neighbors all around, with mostly 1-2 story houses. We live in a state where sunlight into our living space is of utmost importance for much of the year. My neighbors on the lot north of mine (who are very nice people) replaced their house with a large, "2 1/2" story house which towers over my raised ranch, as well as the ranch to the north of it. It's a beautiful house that does not fit into the historic neighborhood, and, I'm sure, has negatively affected the property value of the lot to their north.

I strongly support zoning laws that preserve the spirit of this older neighborhood. Large, tall, multi-unit housing structures have their place, but not where there is a long, established history of smaller, quaint homes.

Please take time to drive down S Street from 11th to 13th. See for yourself, up close and in person.

Thank you,

Julie Merrill
1243 S Street

MICHELSON & DAUGHTER

Construction, Inc.

January 24, 2019

Michelle McNulty
Planning Director
Municipality of Anchorage
4700 Elmore Road
Anchorage, AK 99507


RE: R2 Zoning rewrite

The proposed rewrite introduces many new aspects to R-2 zones that are overly complicated, unproven and will greatly impede development of infill and redevelopment properties in these zoning areas.

I, as immediate past President of the Anchorage Home Builders Association cannot support this proposed zoning code amendment as currently written. This language is overly restrictive, excessively complicated and will negatively impact development tremendously and do a great disservice to the public by decreasing land values, limiting housing density, and reducing affordable housing options.

We strongly suggest that the MOA abandon this project in favor of some simple but specific modifications to the language in current code. We feel this is best done through a proposed ordinance that removes the 2.5 story limitation and relies on Title 21 design standards to handle the rest.

Respectfully,



Karen Kassik-Michelson, CPBD, FAIBD

Design-Build Residential and Commercial Construction
Serving Alaska since 1978
3410 Balchen Dr., Unit A, Anchorage, AK 99517
Phone: 907-522-3375, Facsimile: 907-522-3376

Davis, Tom G.

From: Anchorage2040
Sent: Wednesday, January 30, 2019 2:04 PM
To: Anchorage2040
Subject: FW: PZC Comments for Feb 4 meeting packet

-----Original Message-----

From: Patrice Parker [mailto:patrice.parker@gmail.com]
Sent: Tuesday, January 29, 2019 5:53 PM
To: Anchorage2040 <Anchorage2040@muni.org>
Subject: Re: PZC Comments for Feb 4 meeting packet

TO: Anchorage Planning and Zoning Committee

FROM: Patrice Parker

DATE: January 29, 2019

RE: PZC Case No. 2019-0009

I've been an Anchorage resident since 1973 and first lived in Fairview and Downtown. In 1987, my husband and I and our four children moved to South Addition. We rented at first, but in 1991 were able to buy the house. It was old and in need of a lot of work, but we gave up the idea of new construction and a garage for this wonderful neighborhood. We loved the history of South Addition, the traditional small homes on small lots, and the very smart design of the neighborhood. There are sidewalks on both sides of the street, a series of alleys for garages and carports, and a mix of traditional and newer one and two story homes.

When we first moved in, Family Market, a video store and liquor store were the small businesses within easy walking distance. Since then, Family Market became City Market with its coffee shop. There's a wonderful bakery and a couple of small businesses where the liquor and video stores used to be. People walk winter and summer, and it contributes to a feeling of neighborliness and safety.

The proposed changes to zoning codes in the Compatible-Scale Infill Housing (R-2 Zones) Project would change the character of our traditional neighborhood. Under the guise of a need for affordable housing, the changes would encourage taller, more dense buildings, with no restrictions on design, and would not protect elements of our neighborhood that give it character and identity.

Some of my particular objections to the plan as it is proposed are as follows:

The new rules would seriously impact existing homes' access to sunlight, so important to any winter city.

Without restrictions on building design, such as front-facing entries and limiting parking to alleys or limiting driveway width when alley access isn't available, our neighborhood would be less safe and welcoming. Homes with garages fronting the home don't allow for views of the street and make for anonymous, unwelcoming structures.

Each neighborhood has an identity. South Addition, Government Hill, Airport Heights, Fairview, Mountain View and Rogers Park are traditional neighborhoods with amenities that include in most cases sidewalks, alleys for parking and small lots and homes.. All are close to some businesses and encourage walkability.

Unfortunately, Fairview and Mountain View used to be safe entry-level neighborhoods, and crime didn't drive people away until a building boom of dense multiplexes commenced, with no thought to surrounding homes. If zoning regulations had limited the size and number of multiplexes per block and been thoughtful to building design in relation to the traditional neighborhood, property values wouldn't have dropped and caused the middle-class to flee and crime to skyrocket. It's only been through hard work, neighborhood activism and investment by both the City and Cook Inlet Housing that these neighborhoods are recovering some of what they lost through the failure of sensible planning and zoning.

The new condos already built are high-priced, poorly designed with low-end materials. Some have outside stairs to 2nd floor entrances that are clearly unfit for winter conditions. They are built to maximize developers' profits, not to provide affordable housing that contributes to neighborhood character. These townhomes are springing up all over South Addition and selling for for \$500,000 to over \$800,000. The land itself is too expensive to build entry-level homes.

I wish I could include a photo of the condos at 16th and G, just one of five four-unit condo developments (new or planned) within a five-block radius of our home. The home to the north of "G Street Flats" has lost all its southern light, blocked by tall blank walls. In addition to the 30-foot height, there are 10' shafts to roof decks. The homes across the street lost their views of the Chugach Mountains. Garages take up most of the front of the units and the rest is pavement.

Much of the discussion about enhancing downtown has involved proposed changes for South Addition, when the City should be talking about Downtown itself. Right now, Downtown Anchorage is stagnating. East Downtown is a neglected amalgam of abandoned businesses, soup kitchens, bars and little-trafficked shops. Social service establishments are vital and shouldn't be shunted elsewhere, but affordable housing, office buildings, mixed use buildings with restaurants and retail establishments should be encouraged north of the Park Strip.

It's been clear for years that Alaska, including Anchorage, needs to attract new businesses. Right now, tech industries are booming and looking to build additional campuses in new cities. They look for wonderful places to live with outdoor opportunities, a lot of parks, attractive neighborhoods and a vibrant downtown. Thoughtless development with free-for-all building codes will work against us in the long run. If we want to be competitive and attract new economic development, Anchorage needs more than a competitive tax structure.

The South Addition Community Council, through their steering committee and with involvement from the neighborhood's residents, has thoroughly reviewed the code changes proposed by municipal planners and submitted modifications. I strongly support those modifications and ask that you listen to those who should count the most – those who will live with the zoning modifications you make.

Thank you.

Patrice Parker
1550 H Street

Davis, Tom G.

From: Anchorage2040
Sent: Wednesday, January 30, 2019 1:53 PM
To: Anchorage2040
Subject: RE: R2 zoning re-write

From: N Claiborne Porter, Jr [<mailto:ncp@gci.net>]
Sent: Thursday, January 24, 2019 4:47 PM
To: McNulty, Michelle J.
Subject: Fwd: R2 zoning re-write

Just a short note to say I am in concurrence with both AHBAs, Brian Hartens and Brandon Marcotts position concerning the MOA s proposed position.
Claiborne Porter, A.I.A.

Sent from my iPad

Begin forwarded message:

From: Ashley Ebnet <Ashley@ahba.net>
Date: January 24, 2019 at 3:02:28 PM AKST
To: "anchorage2040@muni.org" <anchorage2040@muni.org>
Subject: R2 zoning re-write

Good Afternoon,

On behalf of Anchorage Home Builders Association we submit our comments and concerns regarding case number 2019-0009: R2 zoning re-write.

Please see the attached document and feel free to reach out with any additional questions or clarification needed, Thank you!

Best Wishes,

Ashley Ebnet

Executive Officer
Anchorage Home Builders Association
ashley@ahba.net
907.522.3605 Office

Davis, Tom G.

From: Stephanie Rhoades <rhodo58@yahoo.com>
Sent: Tuesday, February 5, 2019 1:38 PM
To: Anchorage2040
Subject: Written Comment - PZC Public Hearing on Compatible-Scale Infill Housing (R-2 Zones) Project

I am submitting the below as public comment on the above project recommendations.

I have been a resident of Anchorage since 1986. I have lived in South Addition at 1338 F Street since April 1993. I am writing in support of the building code recommendations of the South Addition Community Council Neighborhood Plan Steering Committee. I oppose the modifications proposed by municipal planners.

The South Addition is a close to an historic part of Anchorage as you get in a state that is less than one hundred years old. Preservation of the old FAA duplexes and their character, the traditional small houses on small lots, alleys, a small mix of multiple dwelling buildings in the area, height limitations, greenbelts and eschewing modern eyesores (like cell phone towers) are all required to maintain the South Addition's tradition.

This neighborhood remains a small enclave where neighbors know their neighbors. Its lower crime rates are in part because it is small enough for people to know who lives here and who does not. We are able to watch out for their neighbors and our properties.

For the remainder of the town, South Addition shines at times like the 4th of July parade, or Iditarod, of the Governor's picnic, or Juneteenth - when it is parked up and full of families walking to the park strip and downtown for a citywide event. The small town character of Anchorage is felt when residents from other parts of town can park and walk into the neighborhood and stop for coffee at a fine community bakery or shop at a specialty grocery, go to the downtown stores and walk back. The South Addition is quaint and special for the whole community. The area can only remain special if the Community Council's view and plan are not undercut by city planners.

The community of Anchorage wants to maintain beautiful and unique areas with special character and history in our town for the future. Neighborhoods with character in other states have been overtaken by development that has removed views, packed more people in a small area through vertical building and wider footprints on a parcel, reducing green space, created enormous parking challenges and has placed overpopulation above a people-friendly space.

Planning and zoning is the mechanism by which we look to our past and carry important aesthetic and community values related to special areas forward and maintain them for the next generation.

There is tremendous demand for homes for same in the South Addition. One reason for this and why it retains its value is unfortunately demonstrated by the lack of character in other neighborhoods in the city. People value and have pride in older and smaller homes they can personalize. Well-kept yards and gardens show the importance of yards and greenbelts. Rather than undercut the character of this neighborhood by encouraging higher, denser buildings, loss of garden and yard space, Planning and Zoning should take the lesson from the South Addition and instill building codes and regulations that influence the development of other parts of our city to reflect these same aesthetics.

Sincerely, Stephanie Rhoades

Davis, Tom G.

From: Rosemarie Rotunno <audioro22@aol.com>
Sent: Thursday, January 24, 2019 1:33 PM
To: Anchorage2040
Subject: R-2 zones

The proposed changes are non compatible with the south addition neighborhood. Adding "affordable" housing, increasing density and height of buildings, paving front lawns for driveways will have a negative impact. It will lower home value, decrease light (for gardens), views, etc. We don't need more housing (Anchorage is losing people who flee to other states due to crime, etc.). Ruining the neighborhood quality will cause an increase in crime as more people renting will cause crime and property neglect. I live off of west 15th and the traffic on that street is already problematic during the summer. No need to add to the problem. There are other areas on town where construction would not affect existing homes and neighborhoods. Midtown, downtown by ship creek , etc.

Rosemarie Rotunno

Sent from my iPhone

Dave Syren
1004 Beech Lane
Anch, AK 99501

(907) 274-9046

440-2982 cell/text 274-9045 fax

January 22, 2019

MOA – Planning Dept / Long Range Planning Division.
P.O. Box 196650
Anch, AK 99519-6650 343-7927 fax

RECEIVED

JAN 22 2019

PLANNING DEPARTMENT

Re: South Addition Long Range Plans affecting set backs, building heights and density.

Dear Planning and Zoning Commission,

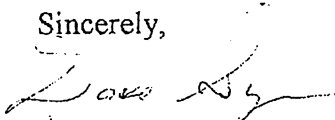
As a life long Alaskan I grew up in East Anchorage but I always dreamed of living in South Addition because of its inlet views, closeness to downtown, many pocket parks, and quiet neighborhood setting. Over twenty years ago I was blessed with an opportunity to move to South Addition and after doing so I have grown to cherish and value this unique neighborhood. *Now the wonderful character of our existing neighborhood needs to be protected if any building code or zoning changes are contemplated.*

The South Addition Community Council through its Neighborhood Plan Steering Committee has been working for the last two years on a South Addition Neighborhood Plan. I, and many others, first attended these meetings and gave valuable input into the character of a neighborhood that is much cherished. Since that time I have seen higher density and higher rise buildings slowly encroach upon our South Addition boundaries which compromise the existing character of our beloved neighborhood and which also threaten to overrun our neighborhood.

Specifically, our neighborhood is a quiet, attractive, walkable and vibrant space with many low rise 2 ½ story dwellings that allow for natural light infiltration, especially in winter. Many sidewalks are set back from the street with green space between and our streets are wide enough to accommodate bikes, skate boards, scooters and even horse drawn carriages. Home dwelling entries and windows typically face the street which promotes friendliness and safety. Many alleys accommodate garages, carports and driveways which then allows for flowers and green space in front of many homes. This makes for an attractive, colorful, and welcoming walkable space and a neighborhood with great curb appeal and a feel of openness and friendliness.

I want to suggest that setbacks not be compromised, that height restrictions be carefully evaluated and future construction density be limited, to protect this great neighborhood.

Sincerely,


DAVE SYREN

Davis, Tom G.

From: Michael Teo <mt01mt01@yahoo.com>
Sent: Thursday, January 24, 2019 12:30 PM
To: Anchorage2040
Subject: R2 comments

I am writing to oppose parts of the R2 zoning changes that will negatively impact the neighborhood I live in and other affected neighborhoods too.

I am opposed to the proposed height increase of buildings and the ability of those taller buildings to also have tall stairwells or elevator shafts. It is take away the natural light that is so valuable and block views of the mountains. If a building with the proposed changes were built next to my property, my quality of life would decline due to the loss of these items.

I want to maintain pedestrian friendly sidewalks. So I want driveways to be narrow and any curb cuts to not affect the levelness of the sidewalk. When I am walking with a baby stroller, uneven sidewalks and sidewalks without an easement between the walk and the roadway are unsafe.

I also want any building with maximum usage of the lots to be required to have snow storage or snow removal. The new units build by a developer in my alley push their driveway snow out into the alley because they have no where to store it and it limits alley access.

Sincerely,
Michael Teo
1541 I St Unit A

TURNAGAIN COMMUNITY COUNCIL

c/o Federation of Community Councils
1057 West Fireweed Lane, Suite 100
Anchorage, Alaska 99503

TO: Municipality of Anchorage Planning Department and the
Planning and Zoning Commission
FROM: Turnagain Community Council
DATE: Monday, February 11, 2019
RE: **PZC Case # 2019-0009** — Public Hearing Draft Proposed Municipal Code Changes to
R-2 Zones and Related Development Standards

Please note: TCC approved the following comment, Yes-13, No-0, at our February 7, 2019, meeting.

Planning Department Staff & Members of the Planning and Zoning Commission,

Thank you for the opportunity to provide written comments on the proposed ordinance with some changes to height specifications and other regulations in R-2 zoning districts, which would address some challenges developers have had with the existing requirements, encourage building to the allowed density / number of units allowed in Code, and require additional aesthetic features to address visual impacts of infill development in existing neighborhoods.

Some of our concerns expressed to the Planning Department have already been addressed in the new review draft, and we appreciate staff's responsiveness to our concerns as well as availability to attend meetings. Following are comments on the new Public Hearing Draft, as well as reiterated concerns about how the 2040 Land Use Plan implementation projects, as a whole, will impact our neighborhood.

Overall Comments

TCC understands that this is one of several proposals to implement the policies outlined in the 2040 Land Use Plan, and to increase housing opportunities and incentivize building more housing throughout the Municipality, particularly in areas that are close to transit, shopping, employment and other services. Turnagain is a candidate for this type of infill development, and has already seen some new redeveloped housing in recent years. TCC supports the overall goal of improving affordability and availability of housing in the city.

However, as an established neighborhood, we are also concerned about the potential negative impacts of increased density and potential unintended consequences of changing regulations for Anchorage's zoning districts (including R-2) without careful consideration of what this means when these new policies are implemented over time. We express general concerns about the cumulative impact of these changes, and would like these concerns factored into each proposal as it is brought forward. For example, our concerns about increased demand for parking should be considered broadly as it relates to increasing the number of people living on a street or in a neighborhood, although this particular proposal does not change parking requirements.

On-Street Neighborhood Parking & Street Traffic Increases

Neighborhoods in the Turnagain area tend to be relatively older and built on narrower roads, and with narrow lots that create few on-street parking spaces for those without driveways or alleys. Many of our roads also do not have sidewalks, shoulders or curbs, and several roads have required significant upgrades to improve drainage (i.e., Turnagain Blvd. and 35th Ave. & McRae Rd. projects). Many Turnagain streets still need improvements for pedestrian and bike safety as well as drainage and flooding, and very little space in the right of way to do so. We are concerned about the potential increase in traffic and demand for parking in these neighborhoods, with a greater number of units per acre on existing properties. We understand that changing the height limit and design standards for buildings in R-2 zones does not change parking requirements, but as its intended effect is to allow more units per acre, parking and traffic demand are likely to increase and exacerbate the existing problems outlined above. We will be anticipating and closely reviewing Implementation Project 1 on the list on page iv (Action 4-3) regarding reduced parking requirements.

Process Recommendation: Include Public Review of Proposed Developments

TCC recommends that an additional step of public review be implemented for infill developments that may significantly impact neighboring properties, to ensure that there is adequate consideration of the context of the lot and how the new building or addition would impact neighbors. This could be limited to developments that approach the upper limit of the FAR and/or that are on a lot smaller than a certain size, or with setbacks below a certain threshold, as it would be most relevant for smaller lots or properties that are built to or closely approach the setbacks. We understand that this review would not include any decision-making authority, but like many other processes outlined in Title 21, having the opportunity to provide input on a proposed development is valuable and ideally results in a better outcome for all.

Comments on Height and Scale of Houses

1. TCC has no objection to the change removing the 2.5 story requirement, provided that the 30-foot height requirement and existing setback requirements remain in place, as stated in this version of the ordinance (also applies to Section 3). However, a more judicious approach may be to allow the 3-story limit only on lots of 20,000 sf or greater. This is a recommendation proposed by the South Addition Community Council as well.
2. TCC has no objection to using floor area ratio (FAR) as one of the dimensional requirements in R-2 districts, in place of the language limiting to 2.5 stories.
3. TCC has concerns about the implications of excluding some living spaces in calculation of FAR. We understand that the intent is to address visible, above-ground square footage of a building as it relates to how large and bulky it looks. We also understand that current Code is written to exclude these spaces. However, as it relates to increased density and the general concerns described above, basements and attics that are considered living space or are a separate unit rented out would still contribute to density.
4. We are also concerned about the exemption of additions to houses from calculation of FAR. Many of our older homes, like other Anchorage neighborhoods, are very small and additions are built to significantly increase the size of the home. We do not object to people increasing the size of their homes, but exempting additions from the FAR calculation may potentially exclude a significant

portion of the house. We understand the proposed exemption is limited to 400 square feet for adding a one-time addition—this is preferable to having no limits, but may still have a significant impact on the lot.

Comments on Height of Rooftop Appurtenances on 3-Story Buildings

TCC has no objection to the proposed changes regarding height of smaller building features that exceed the 30-foot height limit. We generally support rules that protect neighborhood character by establishing minimum aesthetic standards or incentivize builders to make choices for attractive, high-quality developments (also applies to Section 3).

Comments on Design of 3-story Buildings on Smaller Lots

1. TCC would like to thank Planning staff for clarifying that there are several existing development standards in Code related to building façades in a multi-unit development. The previous draft was written in a way to imply that only some building sides would be subject to the requirements to improve the façade for greater aesthetic appeal. We support requiring building façades on all sides — regardless of the building’s location on the lot of a multi-unit housing development.
2. We support the general concept of encouraging screening of buildings through natural vegetation, as trees and other landscaping have a variety of ecological, aesthetic and health benefits. However, we have two concerns regarding the use of trees and landscaping as a strategy to screen blank building façades:
 - a. If a development uses existing vegetation as its screening strategy, such as a stand of mature trees or thick underbrush, either on its own property or a neighboring property, how could future removal of this vegetation be prevented? What requirements, if any, would be on the developer to retain this screening in the future, or replace the screening vegetation if the original trees are removed? We understand it is not feasible to hold a property owner responsible for screening his or her neighbor’s buildings—but if vegetation that is not located on the property is intended as screening, there is significant risk of this strategy failing if that vegetation is removed.
 - b. If a development is built, including installation of new vegetation with the goal of providing screening to meet the code requirements, what standard or threshold of vegetation will be required upfront, to ensure the screening is sufficient in the first few years of the development’s life? It is often not feasible to plant mature trees due to their cost, so small, immature trees that are intended to grow over a long period of time are used instead. If these small trees or other small foliage are used to screen buildings, they will not be effective until they reach maturity years later. Will the Municipality require a minimum age, size, species (TCC recommends evergreens for year-round screening) or other threshold of vegetation—to effectively screen the new development when it is built, not just at a future date?
3. TCC has no objection to the proposed limit regarding stair entrances to buildings.
4. As noted above, TCC has no objection to removing the 2.5 story language provided that other existing dimensional standards remain in place; but please see our above comments on the idea of perhaps limiting this to 20,000 sf or larger lots.

5. As noted above, TCC generally supports regulations that require attractive, high quality developments, including the proposed requirements that building facades be more dimensional and aesthetically pleasing than simply blank walls.

Comments on Proposed Rules Protecting Solar Access

1. TCC supports the concept of protecting solar access in Anchorage neighborhoods, and appreciates this concept being included in these changes. This is beneficial to maximize neighbors' enjoyment of their property in a place that gets little sunlight in the winter and where many people garden in the summer. It is also beneficial for energy and economic reasons: in 2019, Turnagain will be a neighborhood participant in the Solarize Anchorage project. As residential rooftop solar is more common, solar access impacts residents' ability to generate their own electricity and offset their use of power on the grid. Residents will be making a significant investment upfront, with the idea it will pay off over time, so they will be relying on the assumption that the degree of solar access they have now will be reliably available into the future.
2. That said, we have concerns about whether this concept, as drafted in the ordinance, will be sufficient protection or achieve the stated goal. Planning staff stated in a recent presentation that the policy was an initial attempt using a narrow standard based on compass orientation. The sun's position changes considerably throughout the year, particularly at Anchorage's latitude, so this may only address solar access during one small portion of the year. While we do not have a specific recommendation to improve this portion of the draft, we encourage additional research and consideration of options to develop a reasonable policy that protects neighbors from significant loss of solar access to do an adjacent development.

Again, thank you for the opportunity to provide input on the Public Hearing Draft of Compatible-Scale Infill Housing in R-2 Zoning Districts — and thank you for your consideration of our comments.

Sincerely,



Cathy L. Gleason

Turnagain Community Council President



THE STATE
of **ALASKA**

GOVERNOR MICHAEL J. DUNLEAVY

Department of Transportation and
Public Facilities

Program Development and Statewide Planning
Anchorage Field Office

4111 Aviation Avenue
P.O. Box 196900
Anchorage, AK 99519-6900
Main number: 907-269-0520
Fax number: 907-269-0521
Website: dot.state.ak.us

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JAN 07 2019

January 7, 2019

PLANNING DEPARTMENT

David Whitfield, Senior Planner
MOA, Community Development Department
Planning Division
P.O. Box 196650
Anchorage, Alaska 99519-6650

RE: MOA Zoning Review

Dear Mr. Whitfield:

The Alaska Department of Transportation and Public Facilities (DOT&PF), Central Region Planning Field Office has no comments on the following zoning case:

- 2019-0009: Zoning Code Amendments for R-2A, R-2D and R-2M Zoning Districts

Sincerely,

A handwritten signature in black ink, appearing to read "JS", written over a horizontal line.

James Starzec
Anchorage Area Planner

Cc: Tucker Hurn, Right of Way Agent, Right of Way, DOT&PF
Scott Thomas, P.E., Regional Traffic Engineer, Traffic Safety and Utilities, DOT&PF
Jim Amundsen, P.E., Highway Design Group Chief, DOT&PF
Paul Janke, P.E., Regional Hydrologist, Hydrology DOT&PF

"Keep Alaska Moving through service and infrastructure."



Alaska International Airport System
Ted Stevens Anchorage International Airport
Fairbanks International Airport

P.O. Box 196960
Anchorage, AK 99519-6960
Main: 907.266.2526
Fax: 907.243.0663
Website: anchorageairport.com

January 4, 2019
Re: Case 2019-0009

Municipality of Anchorage Planning Department
Current Planning Division
PO Box 196650
Anchorage, AK 99519-6650

To Whom It May Concern:

Thank you for the opportunity to comment on the Municipality of Anchorage (MOA) Planning Case 2019-0009. Several neighborhoods located near the Ted Stevens Anchorage International Airport (Airport) are zoned R-2A, R-2D, or R-2M, and the neighborhoods lie within the 60 and 65 Day-Night Average Sound Level (DNL) noise contour, which can be subject to high levels of aircraft noise (See enclosed Noise Exposure Maps 2009 and 2020).

Allowing building heights to exceed 2.5 stories may result in higher noise levels on the upper building areas, particularly if a part of the building exceeds the height of sound-reducing features such as hills, vegetation, or other buildings.

Though unlikely, a zoning change allowing taller buildings could obstruct the flight paths of aircraft, particularly at the south end of Runway 15/33 (the north/south runway) and the east end of the east-west waterway on Lake Hood.

Finally, this zoning amendment appears out of alignment with the intent of the West Anchorage District Plan, Appendix A-8, MOA 1998 Airport Overlay Zone AO 98-10 which states:

"Notwithstanding any other provision of this section to the contrary, a zoning map amendment for land within the adopted 60 Day Night Level (DNL) noise contour of the Anchorage International Airport, shall not permit

- 1. An increase in the existing residential density,*
- 2. Or a zoning change permitting new/additional residential land uses;..."*

A MOA Memorandum from the Mayor to the Assembly regarding the above referenced ordinance further clarifies the intent of the ordinance and states:

"The proposed ordinance, if approved, would prevent the Assembly from approving a zoning map amendment that has the potential of exacerbating the noise impact problem. A zoning map amendment if located in the 60 DNL noise contour of Anchorage International Airport could not allow for: an increase in residential density;..."

Although the amendment ordinance and memo specifically reference the zoning map, the Airport believes the intent of the amendment ordinance was to prevent any modifications to Title 21 that could create future residential noise conflicts within the 60 DNL noise contour of the Airport.

"To Keep Alaska Flying and Thriving."

In the event the amendment to the building bulk regulations is passed, the Airport recommends:

- Ensuring Plat Note: *"Lots may be subject to air traffic noise."* is included on all property maps within the 60 DNL.
- A disclosure on all properties' and proposed building sites located near the Airport and aircraft flight paths which states: *"Building permits are subject to Federal Aviation Administration Part 77 Surface Obstruction requirements."* The FAA can require buildings and other structures including trees be removed if deemed an obstruction.
- A disclosure on all properties' and proposed building sites located near the Airport noise contours. One of the most frequent complaints that the Airport hears from new residents in the Airport vicinity is that they did not know aircraft noise would be so noticeable. Sale or lease of properties within the affected subdivisions should include full disclosure of the site's location within the Airport's 60 DNL. Suggested language is as follows:
 - *This property is located within the Anchorage International Airport's 60 DNL noise contour as shown in the 2020 Future Noise Exposure Map, which is included in the Airport's most recent Noise Compatibility Program. The property is subject to present and future airport noise which may be bothersome to users of the property. The noise contours are based on average annual aircraft noise levels; during times when aircraft are overflying this area, the actual noise exposure may exceed these levels. These noise impacts may change over time by virtue of the number of aircraft operations, seasonal and time-of-day operational variations; changes in airport, aircraft and air traffic control operating procedures; airport layout changes; and changes in the property owner's personal perceptions of the noise exposure, and his/her sensitivity to aircraft noise.*
- Residences built on noise sensitive properties should mitigate for airport noise incorporating design and noise attenuation techniques to reduce interior noise levels.
- In the current 2015 FAR Part 150 Noise Compatibility Study Update, one of the Land Use Management Recommendations is the establishment of a Noise Overlay Zone. The final study can be found at www.anc150study.com. Noise complaints and concerns are common in those areas outside the 65 DNL, and the Airport supports and encourages the MOA to take into consideration a noise overlay.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



John Johansen, P.E., AAE
ANC Engineering, Environmental and Planning Manager

Enclosures

CC: Teri Lindseth, Planning Manager
Jodi Gould, Planner

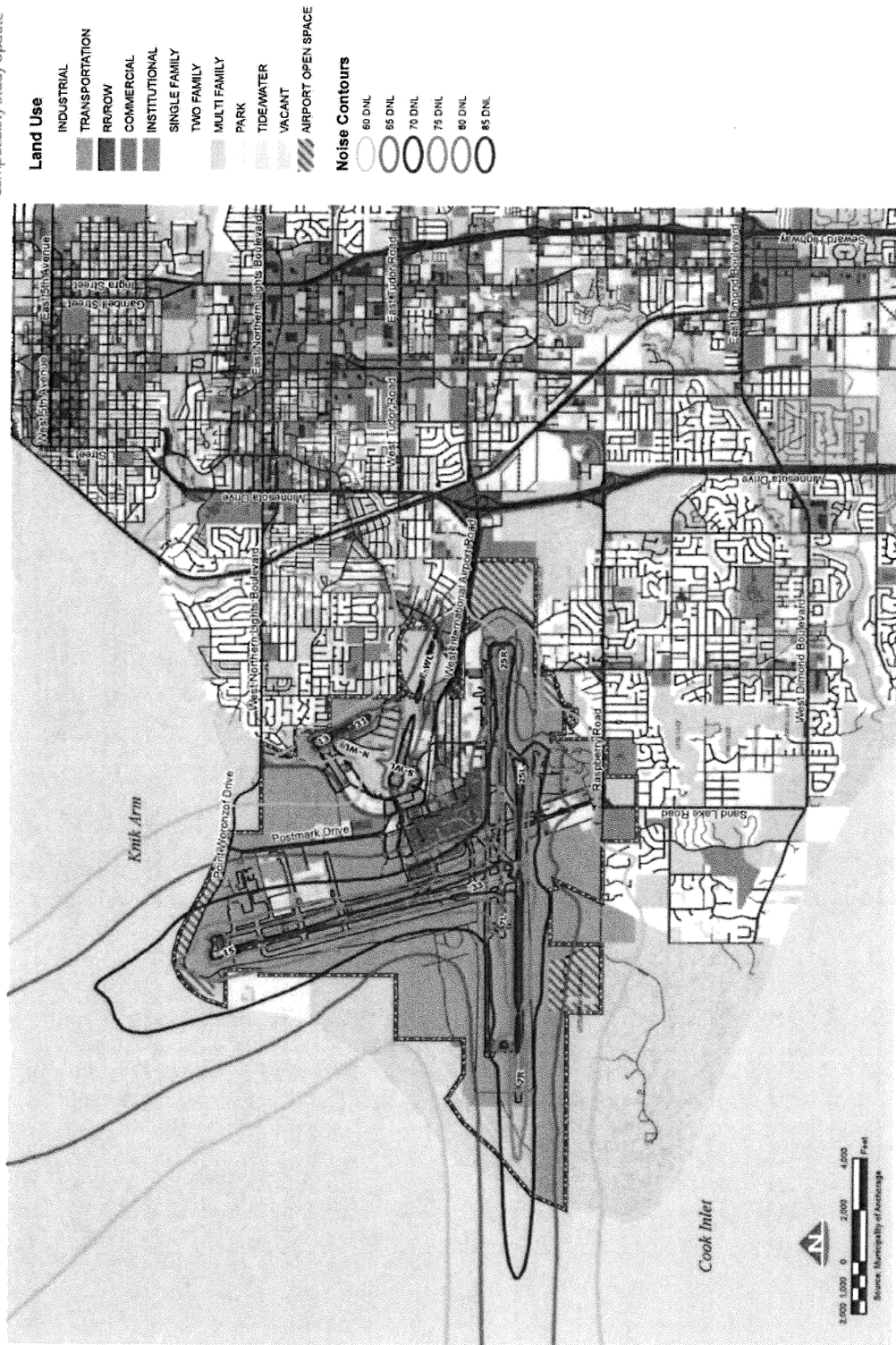


Figure D32 Future (2020) Noise Contours

3-25-98 Notice of REconsideration given
by Ms. Von Gemmingen, seconded by Mr. Begich

West Anchorage District Plan - Appendix A-8
MOA 1998 Airport Overlay Zone AO 98-10

Submitted by: Chairman of the Assembly at
the Request of the Mayor
Prepared by: Community Planning and
Development
For Reading: January 27, 1998

CLERK'S OFFICE

AMENDED AND APPROVED

Date: 3-24-98

ANCHORAGE, ALASKA

AO 98-10

*Reconsidered & Postponed
Indefinitely 3-31-98*

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.20.090
TO PROHIBIT ANY INCREASE IN EXISTING RESIDENTIAL DENSITY, A ZONING
CHANGE TO PERMIT RESIDENTIAL LAND USES; MOBILE HOME PARKS; OR
CAMPER PARKS IN THE 60 DAY NIGHT LEVEL (DNL) CONTOUR OF ANCHORAGE
INTERNATIONAL AIRPORT

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. That section 21.20.090 of the Anchorage Municipal Code is hereby
amended to read as follows:

21.20.090 Standards for zoning map amendments.

A. Conformity to Comprehensive Plan. The Comprehensive Plan establishes goals
and policies for the development of the community. The land use and residential
intensity classifications of the land use element of the Comprehensive Plan
correspond generally to one or more of the use districts established in Chapter
21.40. When adopted, the Comprehensive Plan took into account development
patterns established by existing zoning, but departed from existing zoning where
appropriate to implement its goals and policies. In accordance with these
functions of the Comprehensive Plan, a zoning map amendment may be
approved only if it furthers the goals and policies of the Comprehensive Plan and
conforms to the Comprehensive Plan in the manner required by Chapter 21.05.

B. A zoning map amendment may be approved only if it is in the best interest
of the public, considering the following factors:

1 The effect of development under the amendment, and the cumulative
effect of similar development, on the surrounding neighborhood, the
general area and the community, including but not limited to the
environment, transportation, public services and facilities, and land use
patterns, and the degree to which special limitations will mitigate any
adverse effects;

2. The supply of land in the economically relevant area that is in the use
district to be applied by the amendment or in similar use districts, in
relation to the demand for that land:

AM 60-98

3 The time when development probably would occur under the amendment
given the availability of public services and facilities, and the relationship
of supply to demand found under subsection 2 of this subsection; and

4 4. The effect of the amendment on the distribution of land uses and
5 residential densities specified in the comprehensive plan, and whether the
6 proposed amendment furthers the allocation of uses and residential
7 densities in accordance with the goals and policies of the plan.

8 C Notwithstanding any other provision of this section to the contrary, a zoning map
9 amendment for land within the adopted ^{*1997} 60 Day Night Level (DNL) noise contour
10 of the Anchorage International Airport, shall not permit

11 1. an increase in the existing residential density,

12 2. a zoning change permitting new, ^{or} additional ~~or modified~~ residential land
13 uses;

14 3. mobile home parks; or

15 4. camper parks.

16 **Section 2.** This ordinance shall become effective immediately upon passage and
17 approval by the Anchorage Municipal Assembly.

18 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
19 _____, 1998

20
21
22
23 _____
Chairman

24 ATTEST:

25
26
27 _____
Municipal Clerk

(97-060)

MUNICIPALITY OF ANCHORAGE
MEMORANDUM

DATE: April 7, 1997

TO: Planning and Zoning Commission

THRU: Sheila Ann Selkregg, Ph.D., Director Community Planning and Development *JS*

FROM: Donald S. Alspach, Deputy Director Community Planning and Development *JS*

SUBJECT: 97-060 Standards For Rezoning Within L_{DN} 60 Noise Contour

The Municipality of Anchorage has agreed to aid Anchorage International Airport in dealing with airport noise impacts. Aircraft operations are high noise generators that impact property outside the airport boundaries. Airport noise most severely impacts residential land uses. A method to avoid conflicts between aircraft operations and residential development is to not place them in close proximity. Although we can do little for the areas where conflict now exists, it is possible to prevent the conflicts from occurring with future land use decisions.

The proposed ordinance, if approved, would prevent the Assembly from approving a zoning map amendment that has the potential of exacerbating the noise impact problem. A zoning map amendment if located in the L_{DN} 60 noise contour of Anchorage International Airport could not allow for:

- an increase in residential density;
- mobile home parks;
- camper parks; or
- a rezone to a residential district.

The reasons in support of these restrictions is clearly evident. In the case of campers and mobile homes, the construction standards do not provide adequate noise attenuation. Increasing residential density is undesirable and would add more residents to a noise impacted area. Finally, rezoning from a zoning district that does not allow residential uses to one that does in a noise impacted area would be compounding the conflicts.

Since this ordinance would not take anything away from property owners lying within the noise contour staff finds there would be no impact if approved and we support the proposed change.



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No.

Meeting Date:

From: Mayor

Subject: AO 98-

Planning and Zoning Commission Recommendation
on Amendment to Standards for a Rezoning within
60 DNL of Anchorage International Airport

1 Aircraft operations are high noise generators that impact property outside the
2 boundaries of an airport. Airport noise most severely impacts residential land uses. A
3 method to avoid conflicts between aircraft operations and residential development is to
4 separate them. Although we can do little for the areas where conflict now exists, it is
5 possible to prevent the conflicts from occurring with some future land use decisions.

6 The proposed ordinance, if approved, would prevent the Assembly from approving a
7 zoning map amendment that has the potential of exacerbating the noise impact
8 problem. A zoning map amendment if located in the 60 DNL noise contour of
9 Anchorage International Airport could not allow for:

- 10 • an increase in residential density;
- 11 • mobile home parks;
- 12 • camper parks; or
- 13 • a rezone from a non-residential district to a residential district.

14 The Planning and Zoning Commission recommended approval of the ordinance
15 amendment on a vote of seven in favor and two opposed. The Commission's reasons
16 in support these restrictions are reflected in its resolution. In summary, the
17 Commission's findings are:

- 18 • It is important for the community to minimize the number of noise complaints as
19 a result of airport growth.
- 20 • There is a cost to locating residential development near airports that affects
21 enjoyment of the home and its economic value.
- 22 • The proposed ordinance would only impact property owners seeking a rezoning
23 within the 60 DNL noise contour to a residential zone of higher density or to a
24 zoning district that allows mobile home parks or camper parks.

- 1 • The proposed ordinance allows for Anchorage International Airport growth and
2 provides for the health and safety of the community with the least amount of
3 regulation.
4

5 Reviewed by:

6
7
8 Larry D. Crawford
9 Municipal Manager
10

Prepared by:

Sheila A. Selkregg
11 Sheila Ann Selkregg, Ph.D.
12 Director, Community Planning and
13 Development
14

15 Respectfully submitted,
16

17 Rick Mystrom
18 Mayor

MUNICIPALITY OF ANCHORAGE



Development Services Department

Private Development Section

Mayor Ethan Berkowitz

RECEIVED

JAN 07 2019

MEMORANDUM

Comments to Planning and Zoning Commission Applications/Petitions

PLANNING DEPARTMENT

DATE: January 7, 2019
TO: Dave Whitfield, Planning Section Supervisor
FROM: Brandon Telford, Plan Review Engineer
SUBJECT: Comments for Planning and Zoning Commission
Public Hearing date: February 04, 2019

Case 2019-0009 – Amendment to the building bulk regulations in the R-2A, R-2D, and R-2M zoning districts, in order to replace the 2.5-story structure height limit in the R-2 Zoning Districts with more flexible standards for promoting compatible-scale infill housing.

Department Recommendations:

The Private Development Section has no objection to amendment.



MUNICIPALITY OF ANCHORAGE

Development Services Department

Right of Way Section

Phone: (907) 343-8240

DATE: January 4, 2019

TO: Planning Division, Current Planning Section

THRU: Jack L. Frost, Jr., Right of Way Supervisor

FROM: Lynn McGee, Senior Plan Reviewer

SUBJ: Comments on Planning and Zoning Commission case(s) for February 4, 2019.

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JAN 04 2019

PLANNING DEPARTMENT

Right of Way Section has reviewed the following case(s) due January 7, 2019.

2019-0009 Ordinance Amendment
(Title 21 for Bulk Building Height Limits in R-2 Zoning Districts)
Right of Way Section has no comments at this time.
Review time 15 minutes.



MUNICIPALITY OF ANCHORAGE

Department of Health and Human Services



RECEIVED

Date: December 28, 2018

DEC 28 2018

To: Planning Department, Current Planning Division

PLANNING DEPARTMENT

Thru: *[Signature]* DeeAnn Fetko, Deputy Director

From: *[Signature]* Janine Nesheim, Environmental Sanitarian III

Subject: Comments Regarding CUP 2019-0009, Planning Department, Amendment to the building bulk regulations in the R-2A, R-2D, and R-2M zoning districts, in order to replace the 2.5-story structure height limit in the compatible-scale infill housing.

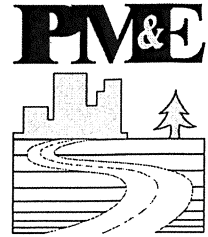
Comments re Food Safety/Air Quality/Noise

No comment.

Cc Jeff Hickman, Environmental Health Services Program Manager (Acting)



Municipality of Anchorage
Project Management and Engineering
MEMORANDUM



DATE: January 7, 2018

RECEIVED

To: Dave Whitfield

JAN 09 2019

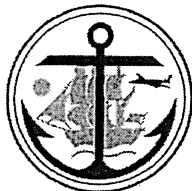
FROM: Kyle Cunningham

PLANNING DEPARTMENT

SUBJECT: Case 2019-0009: Comments from Watershed Management Services.

Watershed Management Services (WMS) has the following comments for the February 4, 2019 Planning and Zoning Commission hearing:

- 2019-0009 – Amendment to the building bulk regulations in the R-2A, R-2D, and R-2M zoning districts, in order to replace the 2.5-story structure height limit in the R-2 Zoning Districts with more flexible standards for promoting compatible-scale infill housing.;
 - WMS has no comments regarding this case.



MUNICIPALITY OF ANCHORAGE

Traffic Department



MEMORANDUM

DATE: January 4, 2019

TO: Current Planning Division Supervisor.
Planning Department

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

FROM: Randy Ribble, Assistant Traffic Engineer

SUBJECT: **2019-0009 Amendments to the building bulk regulations in R-2A, R-2d and R-2M zoning Districts**

Traffic Department has no comments on the proposed changes to AMC Title 21 chapters with regards to building bulk regulations.



E-3. Written Comments Received for
March 4, 2019 Public Hearing Draft

Compatible-Scale Infill Housing (R-2 Zones) Project

Note: This update includes written comments that the Planning Department received after February 21, 2019.

Individuals and Representatives of Non-municipal Organizations

Neil Fried and Mary Hilcoske	136
Bill Fuld	137
Sarah Kleedeahn	138
Randy Smith	139

Community Councils

Airport Heights Community Council	140
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Comments received after 3:00 p.m. on March 4, 2019

David Jadhon	142
Melissa Janigo	143
Brian Harten, Hultquist Homes	144

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Davis, Tom G.

From: Fried, Neal D
Sent: Monday, March 4, 2019 1:11 PM
To: Anchorage2040
Subject: Compatible-Scale Infill Housing (R-2 Zones) Project, Written Comments

I have many concerns regarding the new height regulations that the City would like to adopt in South Addition and elsewhere. Here is one: I live in the South Addition on a street dominated by smaller homes that have a relatively small footprint, with larger yards. This means that we enjoy good access to sunlight, which is such an important commodity to many of us. In fact I spend many hours each day during the late spring months, all summer and the early fall on my deck and garden. During the winter we also get the maximum amount of light possible, for that time of year. I am concerned, because even without liberalizing the height restrictions, if any of the recent townhouse developments built during the past 2-3 years on my street (G Street) were built on either side of my existing home, I would both lose all of my direct sunlight and/or in either case be staring at a set out-of-scale walls. Simply said, if you let the height limits go even higher than the existing ones, this would just exacerbate this nightmarish possibility. For this reason, and many others that have been articulated by many other individuals and organizations, I encourage you to adopt the recommendations of the South Addition Planning and Zoning Steering Committee.

Sincerely,

Neal Fried and Mary Hilcoske

1327 G Street

Davis, Tom G.

From: Bill Fuld
Sent: Sunday, March 3, 2019 9:47 PM
To: Anchorage2040
Cc: Bill Fuld
Subject: South Addition Proposed Changes to the R2 Zoning Districts

To the Municipal Planning and Zoning Commission:

My husband and I have lived happily in lovely South Addition since 1977 and Bill lived here with his first wife in the 60's. What an outrage and huge concern and sadness it is to see these recent very high and ugly duplex units being constructed that block my East view of the beautiful Chugach mountains. How dare this happen to all of us! You are causing us to think of moving away to a quiet residential area where we won't have to look out our windows at these gigantic buildings that block our views that we have enjoyed for over 50 years. Darn it, we should have grandfather rights! You should be stopped.

We do not want any of the proposals to go through. Please consider the owners of these homes and know you are destroying OUR lovely, quiet and charming neighborhood. We want our smaller homes and desire to look at our majestic mountains and not high, gigantic buildings.

We ask that you consider us and not do this destructive building that will destroy our neighborhood and take away most of the lovely homes and owners that have enjoyed South Addition for many years.

Hear our voices and please pay attention to us and do not take away our vistas and quiet, charming and special neighborhood. We have to be considered and it is a travesty to do this to us and our homes.

Go to another place in Anchorage that is more suited for this type of proposal. Stop before you totally cause disaster to come upon us and our neighborhood by building or remodeling homes according to these atrocious proposals.

Davis, Tom G.

From: Sarah Kleedehn
Sent: Thursday, February 28, 2019 6:56 PM
To: Anchorage2040
Subject: South Addition Case Number 2019-0009

I am Sarah Kleedehn. I live in the South Addition at 1334 G Street. I am concerned about the proposed changes Planning and Zoning is hoping to adopt. I am not opposed to development in our neighborhood. However, I am opposed to development that is not done well. I believe the proposed changes are not doing justice to our neighborhood. The South Addition has been identified as a historic neighborhood. If the changes are adopted, the character of the neighborhood will be compromised, and the neighborhood will no longer feel historic. Taller homes such as condos or apartments will be built and dwarf single family homes. Homes that have sunny yards will now be shaded most of the day. Furthermore, we need sidewalks that are level, homes without tall "elevator" shafts that exceed 30 feet, and front yards that have curb appeal. Builders are constructing homes in our neighborhood that have extensions taller than 30 feet. They are doing it legally but pushing the limits of "legal" as the regulation is written. The regulation needs to be rewritten and tightened up. Builders are constructing homes that cover the maximum space allowed and putting driveways in front of homes and completely paving yards. Driveways on the alleys are helpful and add to the character of the neighborhood. Would you want to live in a single-family home with a 30- foot building next to you that takes up the maximum space allowed, has parts that extend over the 30-foot allowance, blocks your sun, and has a front yard with no curb appeal? Please consider carefully these changes and leave the South Addition with its charm, curb appeal and historic feel. Thank you.

Davis, Tom G.

From: Randy Smith
Sent: Sunday, March 3, 2019 12:20 PM
To: Anchorage2040
Subject: Proposals R-2 Zones

I am not in favor of these proposals. People living here have a unique subdivision experience that is cherished by those that live here. I have lived in my house since 1959, and over the years it seems Realtors also become representative and tailor to their own desires for investment lot properties against the wishes of those that live here. Like the condos on H street one block from my home. No body here wanted that zone change but you ignored that and build a tall complex in a subdivision of 1 to 2 story homes. This kind of representation is criminal, just like Trump.

The Yards are disappearing, the building height keeps going up, and people that have homes here no longer have a views, while people that propose to build their buildings higher so they can see over the top of everyone else home. leaving the original home in a darker hole with less daylight and nothing but a neighbors stupid wall or fence outside the window.

We use to have grand view of the mountains, but the Presbyterian Church took that away, with some parts of that structure reaching over 50'. You also allow them to have a bell clock that goes off everyday on the hour and 1/4 hour. Nobody that wanted that, live here with it. Forth of July is worse with 243 Bongs, and nobody from the church community seems to be around to enjoy that experience. I don't mind at church, I am in favor of it, I just don't want it reduce my quality of living.

People walk down G and H street for the neighborhood experience, its unique in Anchorage. No one enjoys looking at apartment complexes, the lack of yards, trees, and flowers and cluster of cars camped everywhere.

While your at it, I would like you drop my taxes. You charge me more to live in this neighborhood then you do to other people anywhere in Anchorage. I said I have been here since 1959, that means I have been paying taxes every year since that time, helping Anchorage grow with business, and education, and paying taxes. People who have been here that whole time building this City should maybe get a bit of a break because we have low fixed incomes now compared to everyone else. I now have to keep my heat in the house at 60* because life is too expensive. A person can't just sell and move out of the area, because they still have to buy/Build some place else, which means even less money live on.

Absolutely not, I do not want you make my living experience here, darker, noisier, more crowded, and slum like. What are you even thinking of.

Randy Smith
1020 G st.

Davis, Tom G.

From: Carolyn Ramsey
Sent: Friday, March 1, 2019 10:17 AM
To: Davis, Tom G.
Subject: Solar Part 1 PZC Case 2019-0009
Attachments: R2Dworstcase_1_31.mp4; R2Dworstcase_5_31.mp4; R2Dworstcase_2_28.mp4; R2Dworstcase_4_30.mp4; R2Dworstcase_6_30.mp4; R2Dworstcase_3_31.mp4; R2Dworstcase_7_31.mp4; R2Dworstcase_8_31.mp4; R2Dworstcase_10_31.mp4; R2Dworstcase_11_30.mp4; R2Dworstcase_9_30.mp4; R2Dworstcase_12_31.mp4

Hello Tom,

I am sending two emails, this one is the worst case or the scenario of the PZC Case 2019-0009 if the solar provisions are not accepted. These videos were created by the Alaska Center for Energy and Power (ACEP) at our request. The videos can be slowed down via the windows media player. The main thing to look at is the sun across the roof of the single story house to the north of the 30' structure. These videos show the sun pattern for the entire day.

For those of us in older established neighborhoods this is a big deal and major concern. For those of us in Airport Heights who have invested thousands of dollars in solar on our roof tops this also equates to a lot of money out of our pockets. Just this last week in February the panels on our house have produced 175kWh.

The solarize Anchorage project will be involving 4 more well established neighborhoods this summer, South Addition, Turnagain, Rogers Park and Spenard.

Solar access must be considered and respected for all Anchorage residents moving forward. It is real money out of our pockets if it is not.

Thank you,

Carolyn Ramsey
President
Airport Heights Community Council

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Great ambition and conquest
without contribution is without
significance - Unknown

NOTE: Forwarded to the Planning and Zoning Commissioners by e-mail in order to view the video clips.

Davis, Tom G.

From: Carolyn Ramsey
Sent: Friday, March 1, 2019 10:20 AM
To: Davis, Tom G.
Subject: Solar Part 2 PZC Case 2019-0009
Attachments: R2Dsolarprovision_3_31.mp4; R2Dsolarprovision_1_31.mp4; R2Dsolarprovision_4_30.mp4; R2Dsolarprovision_5_31.mp4; R2Dsolarprovision_2_28.mp4; R2Dsolarprovision_6_30.mp4; R2Dsolarprovision_7_31.mp4; R2Dsolarprovision_8_31.mp4; R2Dsolarprovision_10_31.mp4; R2Dsolarprovision_9_30.mp4; R2Dsolarprovision_11_30.mp4; R2Dsolarprovision_12_31.mp4

Hello Tom,

Here are the videos with the solar provision in place. The month is listed as the number in each file. Thank you for including these in the packet to Planning and Zoning.

Best Regards,

Carolyn Ramsey
President
Airport Heights Community Council

--

Great ambition and conquest
without contribution is without
significance - Unknown

NOTE: Forwarded to the Planning and Zoning Commissioners by e-mail in order to view the video clips.

Davis, Tom G.

From: David Jadhon
Sent: Monday, March 4, 2019 4:01 PM
To: Davis, Tom G.
Subject: Case 2019-0009

Thanks for taking a minute to read this.

David Jadhon

I've lived at my current address since 1997.

1329 S St.

We are currently maxed out with on street parking.

W14 ave and W15 ave (at Minnesota turn) are single lane in winter.

Landlords advertise rooms in what was/is R2D.

This results in two bedrooms per unit occupied by 4 adults per side and a whopping 8 vehicles with no place but the street to park.

Adding another 5 feet of height is a means of increasing population in an already overcrowded neighborhood.

A number of years ago at community council, one of Anchorage well known developers was asking to vacate a right of way to allow for additional condo units.

No one at our community council supported it, but it got approved. This type of thing gives the planning department a black eye.

We don't yet have a means to offer better transportation options so why increase the population if they can't safely get to work?

No buses run in the neighborhood.

On a side note: if engineers need a PE, why don't developers need advanced or even basic education like Land Use and Planning.

Drive around town and look at what's

March 4, 2019

To: Municipal Planning and Zoning Commission

Re: Compatible-Scale Infill Housing (R-2 Zones)

From: Melissa Janigo majanigo@gmail.com

I have lived in South Addition since 1991. I was born in Spenard and grew up in South Anchorage. I have always loved downtown Anchorage. It is the only part of Anchorage that has character and history. The houses and neighborhoods were planned and designed for walkability and connectedness. The houses have character, alley access for parking, windows that face the street, yards, gardens and sidewalks. It feels good! I knew when I returned from college that South Addition is where I wanted to live. I purchased my first house on F street and later moved to G street.

I have read through the Compatible-Scale Infill Housing proposal and have attended the South Addition neighborhood meeting to find out more about it.

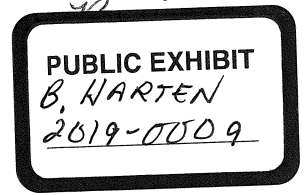
I am opposed to increasing height limitations. Tearing down existing homes and filling them with large boxes that maximize lot coverage and replace walkable sidewalks with parking lots diminishes neighborhood values and does not decrease costs. It changes the historic architectural values of the neighborhood. The best vehicle for increasing density and controlling housing costs is accessory dwelling units.

Placing large duplexes on city lots creates parking lots in the front yards and replaces traditional architecture with large street side garage doors. This increases the number of cars of neighborhood. Sidewalks are removed and are replaced by a curb cuts that run from property line property line.

Changing the R-2 zone for the sake of density is absolutely a misplaced objective of affordability. You essentially will sacrifice our historic neighborhood of houses with front porches and sidewalks to large boxes with roof top decks and parking lots at grade. This jeopardizes the investments of downtown homeowners for the benefit of the developers. It turns the character and neighborliness of South Addition upside down. It may be popular in gentrified cities. This sort of urban blight can be found in major American cities that are losing their soul. Anchorage is not Seattle.

If your objective is high density, then accessory dwelling units are the means, as they provide increased housing opportunities at lower costs and do not alter the character of neighborhood. It allows long term property tax paying citizens of Anchorage to age on their property.

Sincerely,
Melissa Janigo
majanigo@gmail.com



12570 Old Seward Highway, Suite 204, Anchorage, Alaska 99515
Phone: (907) 522-3204 Fax: (907) 522-3211

March 4, 2019

Municipality of Anchorage Planning Department
Michelle McNulty, Director
4700 Elmore Road, Anchorage, AK 99507

RE: PZC Case No. 2019-0009 - Compatible-scale Infill Housing (R-2 Zones) Project

Dear Michelle-

I was able to review the case study findings presented in the latest spreadsheet detailing whether or not the various building configurations would be affected by the proposed zoning changes, as given to me by Tom Davis from the Planning Department.

It appears that the general conclusion from Planning is that the majority of building sizes/styles constructed to date in the MOA would be allowed other the new regulations, which begs the question as to why are they bothering to rewrite the regulations in their entirety?!?

In my assessment, I am still against the proposed language for the following reasons:

- The stated goal of this rewrite was to remove the 2.5 story limitation. Under the MOA's own words, they simply substituted other controls, mainly Solar Access Step-back, to "retain a similar building entitlement for the builder along the shared lot line as it existed under the 2.5 story limit." Had this been presented initially, instead of after the first round of public review comments, I would have been better able to craft my position and public comments to attempt to refute the insertion of that type of language.
- It is overly complex. This will very likely lead to multiple code conflicts during the plan review process as a result of Zoning's review/interpretation, thereby leading to costly delays and frustration.
- It adds additional design hurdles and related design expense to each project.
- It introduces solar access protection language, which has been largely absent in all other land use and planning regulations. This is not the appropriate place or time to introduce that concept.
- It will require specialized design professionals for the FAR and solar access calculations and graphical presentations.
- The goal of the rewrite is to offer protection to existing homes/underutilized properties, but does so at the expense of higher density from attractive/affordable multi-family units.

Because of the above reasons, this plan runs **COUNTER** to the 2040 Land Use Plan, as it will not promote infill development, thereby reducing the amount of available/affordable housing units necessary to meet the goals

of the 2040 LUP. When Planning states that the proposed language will promote infill development and meet the goals of the 2040 Land Use Plan, I feel they are being overly optimistic of the real world application of this proposed code language.

I recommend abandoning the current re-write project and asking Planning to prepare an ordinance for the Assembly to simply strike the 2.5 story limitation from current R-2 Zoning regulations, and allow Title 21 to regulate the remaining provisions.

I feel I must reiterate my belief that these proposed R-2 regulations run counter to the intent and goals of the Anchorage 2040 Land Use Plan in providing additional affordable housing options for our community.

Thank you for considering my input on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Harten". The signature is fluid and cursive, with the first name "Brian" and last name "Harten" clearly distinguishable.

Brian T. Harten, P.E.
Development Manager
Hultquist Homes, Inc.