

Planning and Zoning Commission

February 13, 2023

Case #: **2023-0011**

Case Title: **Title 21 Site Access Text Amendments**

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

Comments submitted after the packet was finalized

Additional information: Memo dated 02/10/2023

- Responses to commissioner questions from 02/06/2023
Work Session

Other:

Sent by email: **X** yes no



Municipality of Anchorage


Planning Department

Memorandum



Date: February 13, 2023

To: Planning and Zoning Commission

Thru:  Craig H. Lyon, Planning Director
Kristine Bunnell, Long-Range Planning Manager

From:  Tom Davis, AICP, Senior Planner, Long-Range Planning Division
Elizabeth Appleby, AICP, Senior Planner, Current Planning Division

Subject: Case No. 2023-0011, Title 21 Site Access Text Amendments – Responses to Questions from Commissioners from the February 6, 2023 Work Session

1. ADMINISTRATIVE VARIANCE FROM ALLEY ACCESS REQUIREMENTS

Commissioners asked a series of questions about administrative variances and the Title 21 alley access requirements during the work session on February 6, 2023.

Response: Subsection 21.07.090H.9.b., *Alley Access Requirement*, in the Public Hearing Draft for the Title 21 Site Access Text Amendments includes an administrative exception that the Planning Director and Traffic Engineer may approve for multifamily or townhouse developments from the front driveway limitations of the alley access requirements (*Attachment 1: Public Hearing Draft Ordinance, Subsection 21.07.090H.9.b.iii.; Page 23, Lines 17-30*). Amendments #1 and #8 on pages 10-12 in the Staff Report memorandum recommend changing this administrative exception into an *administrative variance*.

Anchorage Municipal Code (AMC) Title 21 section 21.03.240J. covers administrative variances. Administrative variances are currently allowed for signs, large domestic animal facilities, refuse receptacle location and screening, and height encroachments into step-backs and step-back planes. Amendment #1 would add a new type of administrative variance for front driveways on multifamily and townhouse lots with alleys. Amendment #8 replaces the public hearing draft exception in subsection 21.07.090H.9.b.iii. into a reference to the administrative variance. To obtain the administrative variance, a petitioner would have to meet conditions a. through d. showing there are physical circumstances of the property, strict application of the alley access regulation would create undue hardship that was not self-imposed by the property owner, and the administrative variance is the minimum necessary. These conditions are similar to the conditions in the public hearing draft administrative exception.

Administrative variances are noticed in accordance with AMC 21.03.020H., which requires written (mailed), published, posted, and community council notice. Mailed notice goes to properties within 500 feet of the subject site. There is an application form, staff report, and a link to submit public comments posted to the Municipality's CityView Portal

(muni.org/CityViewPortal/Planning/Locator). The administrative variance is a separate permit with its own case file in which all the information about the administrative variance is documented. The fee for an administrative variance is \$710, as provided in the Fee Schedule. Title 21 requires a determination by the Planning Director within 45 days of the submittal of a complete application. An administrative variance may be appealed by following the process in AMC 21.03.240J.1.d.

An administrative variance is less expensive with a quicker review time than a public hearing variance (design and dimensional variances). The public notice for a variance is the same as for an administrative variance, but the decision is made through a public hearing before the Zoning Board of Examiners and Appeals or the Urban Design Commission. The fee for a variance ranges from \$710 to \$3,965 depending on the property and type of variance. Cases are typically scheduled for a public hearing approximately 2 months out from the receipt of a complete application. AMC 21.03.240 describes the process for variances. A public hearing variance is still an available option if a property owner wants to deviate from requirements further than what is allowed by an administrative variance or minor modification for driveway width.

2. NON-MOTORIZED CONNECTING INFRASTRUCTURE BETWEEN THE PROPOSED URBAN NEIGHBORHOOD DEVELOPMENT CONTEXT AREAS

A Commissioner requested a map of Anchorage’s existing network of non-motorized facilities (sidewalks, pathways, etc.) in relation to the proposed Urban Neighborhood Development Context Areas, including pedestrian connections between the Urban Context Areas; and an evaluation of the condition and characteristics of this pedestrian infrastructure.

Response: The Municipality does not have updated GIS spatial data of non-motorized (pedestrian) infrastructure. The map currently available has inaccuracies and does not indicate the state of repair or functionality or type of facility. The *Anchorage 2040 Land Use Plan* (Action 5-3, page 87) and *AMATS Non-Motorized Plan* (page 135) call for improving the pedestrian facilities inventory. The AMATS Transportation Improvements Program (TIP) now includes such a project.

The *Anchorage 2040 Land Use Plan’s Planning Atlas* shows the existing pedestrian facility map: https://www.muni.org/Departments/OCPD/Planning/Publications/SiteAssets/Pages/Anchorage2040LandUsePlan/2040_LUP_Appendix_A_Planning_Atlas-FINAL.pdf. The pedestrian facilities map and other relevant research maps in the Planning Atlas that helped inform the 2040 Land Use Plan Map’s “traditional neighborhood design” feature and the draft Title 21 amendments include:

- CI-2. Public Transit Routes (pages 46-47)
- CI-3. Pedestrian Facilities (pages 48-49)
- CC-1. Neighborhood Contexts (pages 84-85)
- CC-3 and CC-4. Transit Ridership Potential Maps (pages 88-91)

Most of the proposed Urban Neighborhood Development Context Areas are essentially contiguous development areas separated from one another only by Chester Creek Greenbelt, Russian Jack Park, or Merrill Field Airport. Paved trails, sidewalks, and public transit corridors (Map CI-2) connect these neighborhoods. The most isolated urban neighborhood context area is Anchorage’s oldest urban neighborhood: Government Hill, located north of the Ship Creek industrial area.

3. NON-MOTORIZED TRAFFIC IMPACT ANALYSIS (TIA) REQUIREMENTS

A Commissioner asked if the Title 21 Traffic Impact Analysis (TIA) requirements for large developments include a corollary requirement for a non-motorized traffic impact analysis, to address non-motorized traffic impacts and infrastructure needs? If not, could it be added?

Response: The requirement to conduct a TIA and mitigate inadequacies in off-site transportation infrastructure applies to developments that attract a certain number of motor vehicle trips or meet related thresholds in Title 21 section 21.07.060C., *Traffic Impact Mitigation*. Title 21 references a separate document, the Traffic Engineering Department’s *Policy on Traffic Impact Analyses*, which sets the specific threshold number of motor vehicle trips and the TIA evaluation criteria. Neither document has a threshold of non-motorized trips. In practice, however, the TIA review and approval process incorporates an assessment of pedestrian connections and may require off-site pedestrian infrastructure improvements.

Some cities have a more holistic (i.e., multi-modal) approach to TIAs and require a Travel Demand Management (TDM) Plan. For example, when the City of St. Paul, MN, eliminated its off-street parking minimums in 2021, it updated its TIAs as a more holistic “Transportation Study” and reformed its requirements for large developments to provide a TDM Plan. St. Paul’s Transportation Study is triggered partly by the size and intensity of the development, not just motor vehicle trips. Its evaluation guidelines address pedestrian, bicycle, transit, and freight as separate travel modes.

St. Paul also requires large developments to create and implement a TDM Plan which sets a target mode share of trips to the site and identifies strategies for how the development will incentivize people to drive less, to reach its TDM mode-share targets and minimize spillover parking and traffic impacts. Anchorage’s A.O. 2022-80(S) avoided creating a TDM Plan requirement when it eliminated off-street minimums. It instead introduced a short menu of “alternative transportation amenities and incentives” for large developments.

Adjusting the TIA provisions, in Title 21 and the Traffic Engineer’s Policy, to be more inclusive of other modes seems closer within reach than creating a TDM requirement. Such an adjustment to the TIA would also relate to the Site Access Amendments. The Planning Department is currently gathering a list of clean-up amendments to Title 21 to propose in the aftermath of A.O. 2022-80(S), for example repairing sections of Title 21 that referenced the old parking requirements. Staff could add an evaluation of the current TIA regulations to that list of proposals to bring forward.

4. INCREMENTAL VERSUS COMPREHENSIVE, GROUND-UP APPROACH TO AMENDING TITLE 21 – RATIONALE AND OUTCOMES

A commissioner asked if there is an option for a more comprehensive, from-the-ground-up approach to reforming Title 21, and for staff to evaluate if the incremental approach of the Title Site Access Amendments is coming at the cost of more comprehensive, transit-focused reforms.

Response: The Title 21 Site Access Amendments fit into a sequence of dozens of actions called for in the *Comprehensive Plan*. The Site Access Amendments carries out specific actions in the

Anchorage 2040 Land Use Plan and other plans (pages 8 and 9 of the Staff Report), including 2040 Action 4-6 to reform driveway requirements. There are 75 other near-term Actions in the *Anchorage 2040 Land Use Plan*, approximately 25 of which are completed or in progress. Within Title 21, the Site Access Amendments represent one incremental step within a sequence of steps to improve the organization and clarity of the zoning regulations, and change its substantive requirements to yield contextual, pedestrian-friendly neighborhoods and streets. Beyond Title 21, they complement planned changes to municipal street design policies, ROW management and winter maintenance operations, and new public investments.

Experience suggests that a series of smaller, incremental code changes is more manageable for the public to digest than big, comprehensive code amendments—especially reforms to area-wide regulations. They are adopted more quickly and yield immediate benefits while the community works on the subsequent action. For example, last fall the Assembly separated out the Title 21 Site Access Amendments out from the rest of the Parking ordinance. More comprehensive, ground-up reform seems to work better in steps, even if it applies to only a specific area. For example, the recent overhaul of the Downtown Anchorage zoning regulations took a sequence of three projects involving many staff and community members from 2019 through 2022. Ground-up reform to zoning districts, such as creating form-based codes or overlay zones, requires an area-wide rezoning involving thousands of property owners.

The Municipality does anticipate more reforms to zoning districts, especially for the urban neighborhoods adopted in *Anchorage 2040* (e.g., Action 7-4 to create form-based traditional neighborhood zones) and area-specific plans such as the *Fairview Neighborhood Plan* and *Spenard Corridor Plan*. Most of these reforms will take special funding, additional resources, and more time. But even such new and reformed zoning districts will still depend at least in part on the generally applicable supplementary development site standards in Title 21, such the regulations for pedestrian facilities and driveways. That the Site Access Amendments improve the organization, clarity, brevity, and content of the generally applicable site design standards in Title 21 and allow it to respond to urban environments at least generally, still leaves the opportunity and desire to continue to improve Title 21 and make the zoning reforms envisioned by the community.

To fully realize the Complete Streets environments envisioned in the *Comprehensive Plan*, other changes besides code amendments must occur. For example, the AMATS TIP includes a project to designate certain street segments as Main Streets, Mixed-use Streets, and other pedestrian-oriented “Street Typologies.” These should lead to changes in street design manuals and enable future zoning code reforms that respond to the street context.

5. EFFECTS ON STREET RIGHT-OF-WAY MANAGEMENT, INCLUDING ON-STREET PARKING, SNOW CLEARANCE, AND PEDESTRIAN FACILITIES

A Commissioner requested an analysis of the potential effects of the code amendments on snow management and non-vehicular mobility that addresses how more cars parked in the ROW will exacerbate street snow management problems and block pedestrian facilities.

Response: When it removed off-street parking requirements, the Assembly funded a right-of-way (ROW) management study focusing on on-street parking, snow clearance, and pedestrian access, as part of a proposed new municipal Long-Range Transportation Plan (LRTP). The Planning and Public Works Departments are currently working with the Administration and members of the Assembly to prepare a scope and finalize the budget of the ROW management study. The project would begin this year. The study should include a forecast of on-street parking demand and recommendations for improving the management of on-street parking and snow.

While helping prepare a draft scope for the study, Planning staff developed a preliminary guesstimate of how many more cars might be parked on the street citywide because of the elimination of off-street parking requirements. Based on assumptions regarding future economic growth rate, development trends, percentage of developers who might choose to provide less off-street parking, and household vehicle ownership rates, the preliminary guesstimate was:

- Little to no impact through 2024, and
- An additional 200 cars each year from 2025 to 2030 would be parked on-street during daytime and evening peak parking demand hours, throughout the Municipality (but primarily in the Anchorage Bowl), for a cumulative increase of around 1,000 parked cars by 2030.

The ROW management study should provide a better forecast and determine a strategy for responding to wherever in town on-street parking behavior increases and needs management. The municipal Street Maintenance Department reports that the number of parked cars in the street interfering with snow clearing operations is greatest in multifamily zoned neighborhoods with the most dwelling units per acre and older buildings constructed before off-street parking requirements were increased in 1978. Planning staff also anticipates that areas where small commercial properties redevelop adjoining local street networks of residential neighborhoods may also see an increase. These factors seem to coincide with some of the urban neighborhood context areas.