

Exhibit C

The following amendments to *Exhibit A: Assembly Committee Draft Title 21* are recommended by the Community Development Department. They are not from the Assembly Title 21 Committee.

Amendment 1. Table 21.03-1, *Summary of Notice Requirements*.

Add a row for “Site Plan Review, Administrative”, and place a check under the “Published” column.

This amendment is to require the Municipality to inform the public about administrative site plan review cases, by posting the case information on the municipal web site.

Amendment 2. 21.03.040C.1., *Submittal for Alcohol Special Use Permit*

Delete the words “within seven days” from the provision, as follows:

Applications for a special land use permit for alcohol shall be submitted to the director [WITHIN SEVEN DAYS] after application is made to the state ABC for issue or transfer of location of a liquor license.

This amendment deletes the requirement for applicants to submit alcohol permit applications to the MOA within a week of submittal to the state ABC. The seven-day rule is not currently enforced. It is not workable in the process because an applicant often only finds out about the requirement to also obtain a conditional use permit after they have submitted a license application to the ABC. Also, the seven-day time limit does not provide any additional benefit to the public, as a public hearing is required in front of the Assembly anyway.

Amendment 3. 21.03.060C.3 and C.4., *Certificate of Zoning Compliance*

Amend subsections C.3 and C.4 as follows:

3. Inside the Building Safety Service Area

Inside the building safety service area, the building official shall issue a certificate of zoning compliance in accordance with AMC 23.10.107.3, Certificate of Occupancy Issuance, when, after examination of the building, structure, landscaping, and/or other improvements or changes to the property, the municipality finds that the property complies with the applicable provisions of this title and other applicable ordinances and construction codes of the municipality. Where there is no construction or placement of a structure, or addition to an existing structure, no as-built survey is required. An as-built is not required for a fence.

4. Outside the Building Safety Service Area

Outside the building safety service area, the building official shall issue a certificate of zoning compliance when the municipality finds that the property complies with the applicable provisions of this title. An as-built survey certified by a surveyor registered with the state of Alaska is required for construction or placement of a structure, or addition to a structure. An as-built is not required for a fence.

- a. For single- and two-family development, site inspection is not required. However, provisions of this title that cannot be verified by an as-built may be subject to physical examination of the property through a final zoning inspection.
- b. For all other development [EXCEPT FOR SINGLE- AND TWO-FAMILY DEVELOPMENT], such finding shall follow an examination of the building/[.] structure exterior, landscaping, and/or other improvements or changes to the property through a final zoning inspection.

[SINGLE- AND TWO-FAMILY DEVELOPMENT SHALL PROVIDE A CERTIFIED AS-BUILT TO THE BUILDING OFFICIAL. PROVISIONS OF THIS TITLE THAT CANNOT BE VERIFIED BY A CERTIFIED AS-BUILT MAY BE SUBJECT TO A PHYSICAL EXAMINATION OF THE PROPERTY THROUGH A FINAL ZONING INSPECTION.]

This amendment clarifies that an as-built survey is required at the completion of all structures and additions to all structures, prior to the issuance of any certificate of zoning compliance. This is the section's intent, and it carries forward current requirements and practices. The provisionally adopted language was confusing because it called out the requirement for as-built surveys specifically for one- and two-family residences, without mentioning the requirement for other types of construction. The unintended and incorrect implication of the provisionally adopted text was that other types of construction might not be required to turn in an as-built survey at the completion of construction.

Amendment 4. 21.03.190B., *Street Review*

Add a new subsection B.6., to read as follows:

6. Conformance with Recommendations

No agency may proceed with a project that does not conform to the applicable commission's decisions under this section, unless the agency furnishes the commission and the assembly a written statement of the reasons for its decision to proceed, at least 30 days before implementing the decision.

This amendment applies only to street improvement projects, and carries forward a current code provision allowing governmental agencies to proceed with street projects that are not in conformance with the recommendation of the planning and zoning commission (PZC). This provision is important for potential budgetary and safety reasons. There may not be funding to conform to PZC recommendations, or the recommendations may be in conflict with known traffic safety standards.

Amendment 5. 21.04.020F.2.c., *R-2M District-Specific Standards*

Amend the proposed subsection 21.04.020F.2.c. (lines 12-14) as follows:

- c. Multifamily buildings with four or fewer units may comply with the single-family primary entrance requirements of 21.07.110E.3. in lieu of meeting the multifamily primary entrance treatment requirements of 21.07.110C.7. [BUILDINGS WITH THREE OR MORE DWELLING UNITS SHALL COMPLY WITH THE MULTIFAMILY STANDARDS IN

SUBSECTION 21.07.110C., EXCEPT THAT ANY PRIMARY ENTRANCE IS EXEMPT FROM SUBSECTION 21.07.110C.7.]

This amendment corrects a technical error in the proposed subsection by clarifying that relief from multifamily entryway standards applies only to multifamily buildings—not townhouses.

Secondly, it restores the intended scope of the language, as it was written and provisionally adopted. Its purpose was to allow small (three- and four-plex) multifamily buildings to fit in with surrounding single-family houses, with front entries that look more like single-family entries than apartment building entries. The three- or four-plex could appear as a “big house” that blends into its surroundings. The language applied only to three-plexes and four-plexes because those were all that were allowed in the R-2F district, where this language comes from. Now that the provision is inserted into the R-2M district, however, the Department’s proposed amendment prevents the change from exempting six- and eight-plexes too, since the R-2M District allows up to an eight-plex. The provision would otherwise no longer serve its function since an eight-plex is too big to look like a house.

Lastly, it heads off unfair treatment of single-family and townhouse projects relative to apartments. As understood by MOA Planning, the intent of PZC was to have minimum residential design standards for townhouses, single-family, and multifamily apartments. The correction above avoids apartment buildings being exempt from standards for primary entrance treatments while single-family and townhouse structures have to provide entrance treatments—which would create an unequal playing field between apartments over townhouses.

Amendment 6. 21.04.030D.1., *B-3 District Purpose*

Amend the purpose statement for the B-3 District, as follows:

1. Purpose

The B-3 district is intended primarily for general commercial uses in commercial centers and areas exposed to heavy traffic[USES THAT PROVIDE COMMERCIAL GOODS AND SERVICES TO RESIDENTS OF THE COMMUNITY IN AREAS THAT ARE DEPENDENT ON AUTOMOBILE ACCESS AND EXPOSED TO HEAVY AUTOMOBILE TRAFFIC]. These commercial uses are intended to be located on arterials, or within commercial centers of town, and to be provided with adequate public services and facilities. They are subject to the public view and should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. Environmental impacts should be minimized. Abutting residential areas should be protected from potentially negative impacts associated with commercial activity. While B-3 district areas shall continue to meet the need for auto-related and other auto-oriented uses, it is the municipality’s intent that the B-3 district also shall provide for safe and convenient personal mobility in other forms. Planning and design shall accommodate pedestrians and bicyclists. In addition to a wide range of commercial office, retail, and commercial services, other use categories such as residential and community uses, and mixed-use projects, are allowed.

The amendment above expands the district purpose statement to reflect the Assembly Title 21 Committee’s proposed changes to the role of the B-3 district in the Anchorage Bowl. The Assembly Title 21 Committee supports deleting the provisionally adopted mixed-use districts and restoring B-3 to its current role as the general commercial district that applies to a variety of commercial centers and corridors around the Anchorage Bowl.

Amendment 7. 21.04.030D.2., *B-3 District-Specific Standards*

Add a subsection title “Residential in B-3” to the district-specific standard proposed on page 129, lines 41-44, and letter it as subsection “a.”. Then add two new subsections:

- b.** **Height Increase Permitted**
Buildings in the B-3 district may exceed the maximum height established for areas outside of Midtown in table 21.06-2., up to a maximum height of 60 feet, subject to the following:

 - i. The development shall be within an area designated by the comprehensive plan as a commercial center or other type of urban center above the neighborhood scale.
 - ii. The development shall be subject to administrative site plan review and section 21.07.070, *Neighborhood Protection*.

- c.** **Conditional Height Increase**
Buildings in the B-3 district may exceed the height increase permitted in subsection 2.b. above, up to a maximum height of 75 feet, subject to a conditional use review and the following additional approval criteria:

 - i. The development is within an area designated by the comprehensive plan as a commercial center, town center, or other type of urban center above the neighborhood scale.
 - ii. The building height, massing, and intensity of use is consistent with any applicable area-specific element of the comprehensive plan.
 - iii. The building complies with subsections 21.04.030G.2. and 3., and any additional placement and orientation conditions determined by the conditional use review.

This amendment adjusts the B-3 district to take on an aspect of the deleted mixed-use districts, to allow for mid-rise buildings in commercial centers outside of Midtown. (Midtown is exempted from B-3 height limits and will allow high rises.)

First, the amendment permits 60-foot buildings, which is the height that the mixed-use districts would have allowed in commercial centers. Second, it also makes 75-foot buildings possible, through a conditional use review to address potential neighborhood impacts and encourage appropriate location (i.e., in larger scale commercial centers rather than in smaller scale neighborhood areas). As established in Chapter 6, buildings taller than 75-feet (high rises) are allowed in Midtown.

Without this proposed adjustment to B-3, the deletion of the mixed-use districts would leave all commercial properties outside of Midtown subject to a height limit of 45-feet (three stories). Although 45-feet is adequate for the majority of new building construction projected to occur outside of Downtown and Midtown for next 20 years, and is more appropriate to the scale of most outlying areas, some demand for mid-rise buildings with four or more stories is anticipated

in the commercial centers outside of Midtown, based on the *Anchorage Commercial Land Assessment (2012)*.

This proposed amendment is similar to the Assembly Committee’s proposed language in the RO district, which will allow RO properties that are located in the major employment centers to have taller buildings.

Amendment 8. Table 21.05-1, *Table of Allowed Uses*.

Under the “Transportation Facility” use category (page 162), make “Heliport” a conditional use, marked “C”, in the R-1, R-2A, R-2D, R-2M, R-5, R-6, and R-7 residential districts.

This amendment comes at the request of Assemblymembers Ossiander (Assembly Title 21 Committee Chair) and Starr, to allow heliports accessory to residences as a conditional use in the same residential districts in which they are conditionally allowed today.

Amendment 9. 21.07.040F.3., *Snow Storage and Disposal*

Insert the following as a new subsection d., and re-letter the subsequent subsection.

- d. Snow piles stored longer than on a 72 hour temporary basis shall not result in direct offsite drainage such as onto neighboring properties or public rights-of-way, except for snow melt drainage directed into an approved drainage facility.

This amendment comes at the request of MOA street right-of-way enforcement and street maintenance, to reduce safety hazards and impacts to street maintenance operations and street repair costs that are affecting the public. It also protects property owners who are being impacted by their neighbors piling snow at or near the property line, creating drainage and icing issues. The language reflects existing neighborhood protections in the DCM and AMCR 23 that prohibit off-site drainage, and gives the property owner discretion for how to comply in a way that works best for the property.

Temporary snow storage piles after a snowfall are unaffected by this provision. The provision only applies to longer term snow piles, where the snow melt from the pile is draining onto the neighbors’ properties and causing problems. When a property owner stores snow on-site, there are a variety of things the owner can do to direct the snowmelt away from the street right-of-way or neighboring properties.

The proposed amendment was developed with the assistance of land use enforcement staff. Enforcement of this provision would occur where a problem across property lines created by a melting snow pile is evident, such as water and icing impacting city street maintenance, or flooding onto a neighbor’s property. Such conflicts are occurring, and at cost to the public. Without this amendment there is not a provision in title 21 to protect the public and neighbors from these operational impacts from existing properties.

Amendment 10. 21.08.030F., *Subdivision Design Criteria – Streets*

Add a new subsection F.3., to read as follows:

3. All street rights-of-way shall include an open area, which may contain sidewalks, for temporary snow storage. The open area shall extend seven feet outward from the back of curb.

This proposed amendment carries forward current title 21 (ref. 21.80.330F), an existing provision that was missing from the draft title 21 rewrite. The provision is used in the design and maintenance of subdivisions, and its continuation is important for adequate and efficient street maintenance operations. The word “temporary” has been added to the current code language as a clarification.

Amendment 11. 21.08.060., *Subdivision Agreements*

Add several amendments to the section, as follows. The amendments proposed here have no color. Color shaded text reflects other amendments proposed in the Assembly Title 21 Committee draft (Exhibit A). The amendments proposed here come at the request of the Building Official.

21.08.060A.2.

Application for a subdivision agreement shall be made to the department of **community development** [PROJECT MANAGEMENT AND ENGINEERING]. The application shall include a copy of the platting summary of action, a copy of the preliminary plat, a tentative schedule of all proposed construction of public improvements and utilities, and an engineer's estimate of the cost of each required public improvement. The engineer's estimate shall be based on the most current average of unit bid prices for capital improvement projects, as tabulated annually and published by the municipal engineer. [SCHEDULE OF PRICES FOR STANDARD ITEMS FOR PRIVATE DEVELOPMENT PROJECTS, PUBLISHED BY THE **BUILDING OFFICIAL** [MUNICIPAL ENGINEER]]. The municipality may require a showing of the subdivider's financial responsibility.

21.08.060A.3.d.

The performance guarantee required by subsection 21.08.060E.

21.08.060C.1.

The **building official** [MUNICIPAL ENGINEER] shall determine the time duration of the subdivision agreement, which shall not be less than two years nor more than three, based on the size, complexity, and possible phasing of the subdivision. The improvements required under the terms of the subdivision agreement shall be fully completed and accepted for warranty within that time period. However, before the expiration of the time allowed for completion [SUBDIVISION AGREEMENT], the subdivider may request a time extension from the **building official** [MUNICIPAL ENGINEER]. The **building official** [MUNICIPAL ENGINEER] may grant one [SUBDIVISION AGREEMENT] time extension, up to two years in length, upon a showing of good cause by the developer and provided such extension does not unreasonably impact adjacent properties or the general public. The **building official** [MUNICIPAL ENGINEER] does not have the authority to modify conditions placed by the platting board. The **building official** [MUNICIPAL

ENGINEER may refer any extension application to the platting board if the project is in default or he or she deems further or more extensive analysis and public comment concerning the continuation [OF THE SUBDIVISION AGREEMENT] may be needed. In considering whether an extension should be granted, the following shall be considered: the manner in which safety hazards, drainage problems, sanding, snow removal, grading, and other matters will be handled during the extension period. Performance conditions may be imposed on the extension to ensure that such matters are adequately handled.

21.08.060H.2.

After the initial municipal inspection provided for in subsection H.1. has been completed and all listed deficiencies noted in the initial municipal inspection and provided in writing to the subdivider have been corrected. **[WHEN ALL LISTED DEFICIENCIES HAVE BEEN CORRECTED,]** the subdivider shall notify the municipality in writing and the municipality shall perform a final inspection of the listed deficiencies within 7 days of receiving the notification, except that the building official **[MUNICIPAL ENGINEER]** may extend [EXTENT] the 7 day period for unusual circumstances such as extreme weather. **[IF THE FINAL INSPECTION REVEALS UNCORRECTED LISTED DEFICIENCIES, THIS PROCEDURE SHALL BE REPEATED.]**