

Municipality of Anchorage
Community Development Department
Planning Division



MEMORANDUM

Date: October 18, 2012
To: Assembly Title 21 Committee
From: Planning Division staff
Subject: Record of Committee Decisions and Discussion, through **October 4**

Following is the staff record of Assembly Title 21 Committee decisions through **October 4, 2012**. It includes the following meetings:

| | | | | |
|---------|----------|-------------|--------------|--------------|
| July 19 | August 2 | August 30 | September 13 | September 27 |
| July 26 | August 9 | September 6 | September 20 | October 4 |

An updated version will be provided following subsequent Committee meetings.

The main function of this record is to document the Committee's decisions or the current status of its deliberations on an issue. A separate document will provide a full listing of specific code amendment language that is necessary to carry out the Committee's decisions.

Reading this record:

- The Chapters appear in chronological order of the Title 21 chapters. Only the chapters that have been discussed so far are listed.
- Except where otherwise specified, references to Title 21 sections, subsections, pages, and line numbers are to the PZC's blue-line amended version, available on the municipal website.
- References to issue numbers (e.g., 1.1, 1.2, etc.), refer to the issues identified in the department's series of issue-response review papers, prepared and submitted to the Committee by chapter, and available on the municipal website.

Chapter 1 Issues

1.1 Effective Date

Provide an effective date of December 2013 in Section 21.01.010., Line 5.

(July 19)

1.2 Purpose Statements

Use PZC's proposed amendments to Section 21.01.030, except to incorporate the following Planning Division amendments to provisionally adopted subsections G., L., and M. (note: subsection M. is lettered as subsection J. in PZC's version).

G. Protecting the [WIDE] diversity of fish and wildlife habitats by minimizing [THE] adverse impacts of land development on the natural environment.

L. Promoting development patterns and site designs that protect and enhance the surrounding community character and a variety of appealing and distinctive neighborhoods[PROTECTING AND ENCOURAGING LIVABLE AND DISTINCTIVE NEIGHBORHOODS];

M. Promoting a pattern of land use and development upon which to provide for adequate transportation, water supply, sewerage, and other public facilities[FACILITATING THE ADEQUATE AND SAFE PROVISION OF TRANSPORTATION, WATER, SEWAGE, DRAINAGE, SCHOOLS, PARKS, AND OTHER PUBLIC FACILITIES]; and

(July 19)

1.3 Conflicts with the Comprehensive Plan, and

1.5 Plan Implementation and Conformity to Plans

Language proposed in the July 19 Chapters 1 and 2 departmental issue response is tentatively accepted, awaiting confirmation from the Municipal Attorney.

(September 27)

1.4 Where Comprehensive Plan Elements Conflict

Do not accept the PZC's new language in 21.01.080B.

The Planning Division will provide specific language in Section 21.01.080D. which states that the Comprehensive Plan is amended by future plans.

(July 19)

1.5 Plan Implementation and Conformity to Plans

See issue 1.3 above.

1.6 Approved Multi-phase Projects

Accept Planning Division recommendations for Section 21.08.030B.:

1. For large parcels with an approved full layout plan, future phases should be reviewed for compliance with the full layout plan. Approvals may be extended twice, for a total potential approval time of 15 years, which is five years longer than the current Title 21.
2. If no full layout plan is submitted, each phase of the development shall be reviewed under the Title 21 in place at the time the application is submitted.

(August 30)

1.7 Vested Rights and an Elections Clause

The Assembly will later set a date certain for converting from the old and new Title 21 in Section 21.01.090.

(July 19)

Chapter 2 Issues

2.1 Power to Delegate Review and Approval Authority, and

2.2 Review Authorities of the Planning and Zoning Commission and Urban Design Commission Sections

Hold changes to the table proposed by PZC in Section 21.02.020., -030., and -040. until discussion of Chapter 7. The Planning Division will show which types of reviews in Table 21.02-1 it recommends should assigned to PZC and UDC.

The Assembly will return to discussion of delegation / referrals in sections 21.02.020D. and 21.02.030C.6. when it returns to the review authorities of PZC and UDC.

(July 19)

2.3 PZC as Platting Authority for Rezonings and Subdivision Variances

The Planning Division will provide amendments for Table 21.02-1 and Section 21.02.030B. which specifies that the Platting Authority is the Platting Board, but that the Planning and

Zoning Commission may act as the Platting Authority in the case of concurrent processing of reviews (e.g. rezones and conditional uses).

(July 19)

Chapter 3 Issues

3.1 Written Notice to Adjacent Property Owners

Amend Section 21.03.020H.3.b., so that written (mailed) notice to adjacent property owners shall in no case be required to be sent to owners of parcels located more than one mile away from the land subject to the application.

All persons listed on the records of the municipal assessor as owners of any land within 500 feet of the outer boundary of the land subject to the application, or owners of the 50 parcels nearest to the outer boundary of the land subject to the application, whichever is the greater number of parcels, at the mailing addresses of such persons in the records of the municipal assessor. Any mailing to the 50 nearest parcels shall not include parcels that are entirely located more than a mile from the land subject to the application, which may reduce the number of mailings.

(July 26)

3.2 Notice to Community Councils

Amend Section 21.03.020H.6.d. so that notification is required only to community councils within the “impact area” of the neighborhood or district plan. Furthermore, notice shall extend to all community councils within 1,000 feet of the plan area boundary.

Also clarify that the provisions of subsection 6.a., b., and c., which require wider notification in certain situations, also apply to community council notification of neighborhood and district plans which fall under those situations.

(July 26)

3.3 Publishing Department Reports

Add a provision to Section 21.03.020I. to establish that the departmental report shall be published on the municipal website.

For every decision that requires a public hearing or where otherwise required by this title, the department shall prepare a report to be given to the decision-making body approximately one week before the initial public hearing on the application. The report

shall include project background, public comments received, the summary of community meeting (if applicable), and the department's recommendation for action. The report shall be posted on the municipal website.

(July 26)

3.4 Administrative Permit Expiration

The Planning Division will return with amendment language for Section 21.03.030B. that modifies its recommendations from page 10 of the Departments Chapter 3 issue-response dated July 26, to further reflect the concerns raised at the Committee meeting, including consideration for providing business owners with a choice for a one year or two year renewal period, such as they have now with State business license renewals.

(July 26)

3.5 Cluster Housing Section Reintroduced with Changes

1. In addition to the provisionally adopted conservation subdivision provision, bring the current Title 21 cluster housing provisions (AMC 21.50.210) into the Title 21 Rewrite, cleaning up the cluster language and resolving potential conflicts with the provisionally adopted Title 21.
2. Retain the current standards for cluster housing, including the open space standards. Retain the minimum site area requirements as well, except to add new language allowing flexibility in site size to reduce the minimum required site size by up to five percent for irregular lots or difficult sites.
3. Locate the cluster provisions in a section of the rewrite such that the Platting Authority for cluster housing will continue to be the Platting Board.

(July 26)

3.6 A Rational Nexus for Required Off-Site Improvements

Rather than limit off-site improvements based on project value, approve the Administration's amendments to the provisionally adopted Section 21.03.100E., with additional clarifications and criteria for a rational nexus and rough proportionality, using the language recommended by the Department's Ch. 3 issue-response dated July 26.

In addition, provide new language that strengthens and further delineates a process for appeals, including allowing for appeals to the Municipal Manager.

(July 26)

3.7 Institutional Master Plan Requirements

Approve the provisionally adopted version of Section 21.03.110C. with specific clarification revisions, using the amendment language recommended by the Department on page 18 of its Chapter 3 issue-response, dated July 26, 2012.

In addition, add the word “approximate” to page 43, line 22, Section 21.03.110C.2.b., so that it reads “...the approximate number of people...”.

(July 26)

3.8 Rezoning Approvals with Limitations or Modifications

No change to the provisionally adopted sections 21.03.160D.7 and D.8.

(July 26)

3.9 Rezoning Approval Criteria

Adopt the PZC amendments to Section 21.03.160E., with the following exceptions:

1. Amend approval criteria #2 to read:

The rezoning complies with and conforms to the comprehensive plan, including the comprehensive plan map(s);

2. Separate out the latter part of PZC’s proposed criteria #2 into its own approval criteria to address consistency with the zoning district purpose, adding the word “generally”.
Based on this direction, staff suggests the following wording for the approval criteria:

The rezoning is generally consistent with the zoning district purpose in the requested zone, and the purpose of this title;

3. Modify approval criteria #3 to read as recommended by the Department on August 2:

The rezoning is compatible with surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities;

4. Retain approval criteria #9, as recommended by the Department on August 2:

The rezone does not extend[INITIATE, CONTINUE] or exacerbate a land use pattern that is inconsistent with the Comprehensive Plan

(August 2)

3.10 Minimum Area Requirements for Overlay Districts

Forward amendment #14 from the Consolidated Table of Proposed Amendments, as provided in PZC's revision of Title 21 in Section 21.03.160H.2.

(July 26)

3.11 Changing the Street and Trail Review Process

Accept PZC's proposed amendments to Section 21.03.190. for now, and revisit the issue at a future meeting. Clarify the review authority of Section 21.03.190C.2.a.iii. "Trails over one-half mile in length along streams, or connecting subdivisions or other developments."

(July 26)

3.12 Expedited Title 21 Amendments Process

Forward the PZC version of Section 21.03.210B.5.d. with revisions using the language recommended by the Department on page 26 of its Chapter 3 issue-response, dated July 26, 2012.

(July 26)

3.13 A Variance Approval Criterion for ADA Access

Amend the approval criteria for variances in Section 21.03.240G.1. and G.2., to include a criterion in each section that provides for consideration of ADA access and reasonable accommodation.

Add to G.1. and G.2.:

Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation;

(July 26)

Chapter 4 Issues

4.1 Purpose Statement 6

Accept PZC's changes to all purpose statements, Section 21.04.020A.

(August 30)

4.2 Deleting the R-2F Residential District and Altering R-2M to Compensate

Accept PZC's deletion of the R-2F district, Section 21.04.020F.

Change the word “eight” to “five” in the R-2M district on Page 4, Lines 40-41, Section 21.04.020F. Also, delete the sentences beginning on Page 4, Line 49 stating, “It is not intended to be used in areas either zoned for or designated in the comprehensive plan for multi-family housing near designated town centers, community activity centers, or major city centers with high densities of employment. The R-3 and R-4 districts are intended to provide residential units in these areas.”

(August 30)

4.3 Allowing Single-Family Houses Everywhere in the R-3 and R-4

Accept PZC’s proposed amendments to the provisionally adopted R-3 Multifamily district in Section 21.04.020G. on page 5, lines 15-32.

Accept PZC’s proposed amendments to the purpose of the R-4 district (section 21.04.020H.1.) deleting its intended density on page 5, lines 35-36, but amend the sentence beginning on line 38 as follows:

“It is intended primarily for [TO ALLOW SINGLE-FAMILY, DUPLEX, TOWNHOUSE AND] multifamily and multi-story residential buildings, but also allows single-family, duplex, and townhouse residential development.”

(August 30)

4.4 Commercializing the R-4 District

Do not support the PZC proposed changes to the R-4 district name, purpose statement, or district specific standards in section 21.04.020H.2. which relate to inserting R-4A mixed-uses and standards into the R-4 district.

(September 20)

4.5 Deleting the New R-4A Residential Mixed-Use District

Retain the provisionally-adopted R-4A district (with staff technical edits and administration amendments).

(September 20)

Accept the proposed amendment language clarifying the district locational criteria for the R-4A District, as provided by staff, based on comments by Tim Potter and committee discussion.

(September 27)

4.6 R-4 Building Bulk Increased Twofold

The Committee determined PZC's proposed increase is too much, and directed staff to return with recommendations regarding a potential increase in maximum R-4 district FAR after Issues 4.4 and 4.5 are determined.

(September 6)

4.7 Reclassifying Residential Office (RO) District as a Residential Zone

Since the RO cannot be classified as a mixed-use zoning district due to the elimination of the mixed-use districts, the RO is to be returned to being a commercial zoning district in table 21.04-1, section 21.04.030, and anywhere else applicable in code.

(September 6)

4.8 Allowing 60-Foot Tall Buildings in the B-1A

Staff is directed to discuss with Commissioner Bruce Phelps the genesis of the PZC's proposed language at 21.04.030E. The Committee will come back to this issue.

Allow a 30 foot by right height limit with the ability to get up to 35 feet through the exception in chapter 21.06.

See also Committee decision for issue 4.12 below.

(September 6)

4.9 Retention of the B-1B District and Allowing 70-Foot Tall Buildings

Retain the B-1B district; amend the building height limitation to 35 feet by right, with 45 feet through an administrative review. See subsequent Committee decision in issue 4.12.

(September 6)

4.10 Downtown (DT) District Clarification

Accepted Planning Division recommendations for Section 21.04.040., as provided in the on page 26 of the Departmental Issue-Response for Chapter 4, dated August 30, 2012; specifically:

1. Amend Page 20, Line 11, to state that new downtown districts will be proposed separately through the preparation of updated land use regulations for downtown, as indicated in the Anchorage Downtown Comprehensive Plan.
2. Temporarily exclude the area within the Downtown Districts Diagram as shown in Map 1 from the Anchorage Downtown Comprehensive Plan.

3. Until the new downtown districts are adopted, all areas located in the B-2A, B-2B, and B-2C districts shall remain subject to the current Title 21 land use regulations, for the areas depicted in Map 1.

(August 30)

4.11 Deletion of the Mixed-Use Zoning Districts

Delete Section 21.04.050. and the three mixed-use districts from Title 21 as proposed by PZC.

(September 6)

4.12 Adding Mixed-Use Standards in the B-1A, B-1B and B-3 Districts

Accept PZC's proposal to insert regulations for mixed-use projects into the B-1A, B-1B and B-3 in Section 21.04.030.

Accept the revised language for these sections as provided by staff on September 27, which was based on staff discussions with Commissioner Bruce Phelps held at the request of the Committee.

(September 27)

4.13 Eliminating the Ability for Enhanced Sidewalks in the Mixed-Use Districts

Accept the language proposed by staff on September 27, which makes the enhanced sidewalk option, 10% parking reduction, housing bonus, and other provisions from the deleted mixed-use districts available to more uses in the B-1A, B-1B, and B-3 districts.

(September 27)

4.14 Unlimited Commercial Use in the I-2 District

As an interim provision, exempt the C Street corridor south of 100th from the Title 21 Rewrite use table:

"I-2 zoned lands along the C Street corridor ROW south of 96th Avenue, which are located in the "interim existing allowed use area" depicted in [Figure X], shall remain under the current (pre-existing) Title 21 provisions for permitted uses, until the updated Anchorage Bowl Land Use Plan Map or an area-specific land use plan is adopted which reclassifies areas which are appropriate for rezoning to a commercial district."

(Figure X is Exhibit 3A provided by DOWL HKM.; to be reformatted by staff)

Add a second interim provision that mitigates the use limitations in the I-2 generally:

“Notwithstanding the limitations to allowed uses in the I-2 district in the table of allowed uses, all commercial and public/institutional uses that are permitted in the I-1 district in the table of allowed uses shall also be permitted in the I-2 district, until the updated Anchorage Bowl Land Use Plan Map or an area-specific land use plan is adopted which reclassifies areas which are appropriate for rezoning from I-2 to another district.”

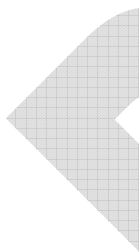
The following table shows the decisions agreed upon by the Assembly committee, with the exception of those rows highlighted in yellow, which are to be revisited at a later meeting.

**Institutional, Commercial and Industrial Uses
 Permitted in the I-1 and I-2 Zoning Districts
 Provisionally-adopted Title 21 (with Administration's Amendments)**

P = Permitted Use **S** = Administrative Site Plan Review
C = Conditional Use **M** = Major Site Plan Review

| Public / Institutional Uses | I-1 District | I-2 District |
|---|--------------|--------------|
| Correctional community residential center | C | C |
| Adult care facility | | |
| Child care center; Child care home | | |
| Cemetery or mausoleum | | |
| Community center | | |
| Crematorium | P | P |
| Government administrative and civic buildings | | |
| Homeless and transient shelter | | |
| Neighborhood recreation center | | |
| Religious assembly | P | P |
| Aquarium | | |
| Botanical gardens | | |
| Library | | |
| Museum or cultural center | C | |
| Zoo | | |
| Boarding school | | |
| College or university | | |
| Elementary school; | | |
| High school or middle school | | |
| Instructional services | C | |
| Vocational or trade school | P | P |
| Health services | | |
| Hospital/health care facility | | |
| Nursing facility | | |
| Community garden | | |
| Park and open space, public or private | P | P |
| Community or police substation | P | P |
| Correctional institution | C | C |
| Fire station | M | M |
| Public safety facility | P | P |
| Airport | C | |
| Airstrip, private | C | |
| Heliport | C | C |
| Rail yard and Railroad freight terminal | P | P |
| Railroad passenger terminal | S | S |
| Transit center | | |
| Utility facility | C | P |
| Utility substation | P | P |
| Type 1, 2, 3, and 4 towers | P | P |

| Commercial Uses | I-1 District | I-2 District |
|--|--------------|--------------|
| Commercial horticulture | P | P |
| Animal shelter | P | P |
| Kennel, commercial | P | P |
| Large domestic animal facility, principal use | P | C |
| Retail and pet services | P | C |
| Veterinary clinic | P | C |
| Civic/convention center | | |
| Club/lodge/meeting hall | P | |
| Amusement establishment | C | |
| Entertainment facility, major | M | C |
| Fitness and recreational sports center | C | |
| General outdoor recreation, commercial | P | C |
| Golf course | | |
| Motorized sports facility | C | C |
| Movie theater | S | C |
| Nightclub | P | |
| Shooting range, outdoor | C | C |
| Skiing facility, alpine | | |
| Theater company or dinner theater | C | |
| Bar | P | C |
| Food and beverage kiosk | P | P |
| Restaurant | P | C |
| Broadcasting facility | P | C |
| Financial institution | P* | C* |
| Office, business or professional | P* | P |
| Business service establishment | P | C |
| Funeral services | P | |
| General personal services | P | |
| Small equipment rental | P | C |
| Auction house | P | P |
| Convenience store | P | |
| Farmers market | P | P |
| Fueling station | P | P |
| Furniture and home appliance store | P | |
| General retail | P* | C |
| Grocery or food store | P* | |
| Liquor store | P | C |
| Pawnshop | | |
| Aircraft and marine vessel sales | P | P |
| Parking lot or structure (50+ spaces) | P | P |
| Parking lot or structure (less than 50 spaces) | P | P |
| Vehicle parts and supplies | P | P |
| Vehicle-large, sales and rentals | P | P |
| Vehicle-small, sales and rentals | P | P |
| Vehicle service and repair, major | P | P |
| Vehicle service and repair, minor | P | P |
| Camper park | C | |
| Hostel; Hotel/Motel; Inn; Extended-stay lodgings | S | |
| Recreational and vacation camp | P | |



| Industrial Uses | I-1 District | I-2 District |
|--|---------------------|---------------------|
| Data processing facility | P | C |
| Dry cleaning establishment | P | P |
| General industrial service | P | P |
| Governmental service | P | P |
| Heavy equipment sales and rental | P | P |
| Research laboratory | P | P |
| Commercial food production | P | P |
| Cottage crafts | P | |
| Manufacturing, heavy | C | P |
| Manufacturing, light | P | P |
| Natural resource extraction, organic and inorganic | C | C |
| Natural resource extraction, placer mining | | C |
| Aquaculture | | C |
| Facility for combined marine and general constr. | P | P |
| Marine operations | P | P |
| Marine wholesaling | P | P |
| Bulk storage of hazardous materials | C | C |
| Impound yard | P | P |
| Motor freight terminal | P | P |
| Self-storage facility | P | P |
| Storage yard | P | P |
| Warehouse | P | P |
| Wholesale establishment | P | P |
| Composting facility | | P |
| Incinerator or thermal desorption unit | | C |
| Junkyard or salvage yard | | C |
| Land reclamation | S/C | S/C |
| Landfill | | C |
| Recycling drop-off | P | P |
| Snow disposal site | S | S |
| Solid waste transfer facility | C | S |

* Use is subject to restrictions, including size limits

(October 4)

4.15 Development Reserve (DR) District

Accept the language recommended by staff.

(September 20)

4.16 Interim Airport Zoning and the “T” District

Accepted Planning Division recommendations for Section 21.04.060., as provided in the on pages 45-46 of the Departmental Issue-Response for Chapter 4, dated August 30, 2012; and specifically:

- Do not forward Proposed Amendment #30 from the Consolidated Table of Proposed Amendments (in other words, delete the proposed section 21.04.060H. beginning on page 29 line 36.
- Amend 21.04.060A. on Page 27, to state that the airport district will be proposed

separately through the preparation of updated land use regulations as indicated in the West Anchorage District Plan.

- Temporarily exclude the area within the airport boundary from the Title 21 rewrite. The Title 21 rewrite adopting ordinance would state that International Airport lands remain under the pre-existing Title 21 until such time as a new airport district is incorporated into new Title 21 and the airport lands are rezoned.
- Prioritize the completion of an airport district, to be implemented in a separate ordinance and zoning map amendment for all International Airport land.

(August 30)

Chapter 5 Issues

5.1 Rearranging and Merging Use Types; Replacing the Use Tables [PLACEHOLDER]

Hold Tables of Allowed Uses (Section 21.05-1, -2, -3, and -4) for discussion at a future meeting.

(September 6)

Chair Ossiander Issue 1

Page 30, line 40, 21.05.040 Use-specific standards for adult care facilities with three [ONE] through eight persons

(September 6)

5.2 Child Care Center Standards for Vegetated Open Space and Snow Storage

- Amend the 15 percent vegetated open space requirement on Page 33, Lines 33-37, so that it does not apply in non-residential districts.
- Delete Section 21.05.040B.1.c. on Page 34, Lines 25-31, as it is redundant to the Section 21.05.040B.1.b.ii. on Page 33.

(September 6)

5.3 Elementary and Middle School Outdoor Play Space

Add language for a variance from the requirement to provide outdoor play area for middle/elementary schools.

Add 21.05.040E.3.b.iv.(D). as follows:

The decision-making authority may reduce or waive the outdoor play space requirement if the applicant provides sufficient rationale.

(September 6)

5.4 Pharmacies as a Health Service or General Retail Use

- Amend the definition of “Health services” in section 21.05.040F.1.a. by substituting the word “pharmacies” for “dispensaries”.
- Amend the definition for “General Retail” in Section 21.05.050F.7.a to delete “pharmacies” from the list of general retail examples.
- Amend the use-specific standards for “General Retail” in Section 21.05.050F.7.b.i. to delete the phrase “,such as a pharmacy,”.

(September 6)

5.5 Park, Public or Private Use

- Retain the “Parks, Public or Private” section proposed in amendment R12.
- Correct any instances of improper place-naming of Chugiak-Eagle River.

(September 6)

5.6 Heliport – Use-Specific Standards at Hospitals

Delete the words “or a hospital” from Line 26, Page 48 (Section 21.05.040I.3.) of the Heliport use-specific standards.

(September 6)

5.7 Retail Pet Store and Veterinary Clinic

- Retain the provisionally adopted use-specific standards for Retail and Pet Services and Veterinary Clinics.
- Change the name of the use “Kennel, Commercial” in Section 21.05.050B.4., so that it is not confused with the definition of commercial kennel in Title 17.

(September 6)

5.8 Office Use Limitations in the I-1 and I-2 Industrial Districts

Hold for discussion of Section 21.05.050. at a future meeting.

(September 6)

5.9 Government Administration and Civic Buildings

Amend 21.05.040C.4. as follows:

4. Governmental Administration and Civic Buildings

a. **Definition**

An office of a governmental agency or foreign government that provides administrative and/or direct services to the public, such as, but not limited to, employment office, public assistance offices, or motor vehicle licensing and registration services.

b. **Use-Specific Standards**

i. Unless otherwise indicated in table 21.05-2, g[G]overnment administration and civic buildings or additions to existing government administration and civic buildings shall have the following review process:

- (A) Construction of less than 7,000 square feet is permitted.
- (B) Construction of 7,000 to 25,000 square feet is subject to an administrative site plan review.
- (C) Construction over 25,000 square feet is subject to a major site plan review.
- (D) Lease of existing space is permitted.

ii. The priority location for major federal, state, and municipal administrative offices and civic buildings is in the central business district. Satellite government offices and civic functions are intended to be located in other regional centers, mixed-use centers, or town centers designated in the comprehensive plan. When a government administrative and civic building use is proposed at another location, approval is contingent on a finding by the planning and zoning commission, using the approval criteria of a public facility site selection process (21.03.140), that locating the major use in the central business district or a satellite use in a designated center would not be feasible, would not be compatible with the urban center, or would not serve the public interest.

Amend 21.03.140H. as follows:

H. Approval Criteria

The commission shall review the proposed site for consistency with the goals, policies, and land use designations of the comprehensive plan and other municipal plans adopted by the assembly, conformity to the requirements of this title, and the effects of the proposal on the area surrounding the site. The following specific criteria shall be considered:

1. Whether the site will allow development that is compatible with current and projected land uses;
2. Whether the site is large enough to accommodate the proposed use and future additions or another planned public facility;
3. Whether the proposed government use and its intensity is compatible with the surrounding district and adopted policies for future development in the district;
4. Whether adequate utility and transportation infrastructure is available to the site;
5. Whether the site is located near a transit route, if applicable;
6. Whether there are existing or planned walkways connecting the site to transit stops and surrounding residential areas, where applicable;
7. The environmental suitability of the site;
8. The financial feasibility of the site, including maintenance and operations; and
9. Whether the proposed site for m[M]ajor municipal, state, and federal administrative offices conforms with the adopted policy priority for locating [SHALL LOCATE] in the Central Business District. Satellite government offices and other civic functions are encourage to locate in regional or town centers if practicable.

(September 13)

5.10 Building Materials, Furniture, and General Retail Stores Overlap

- Amend the definition of “Building Materials Store” in section 21.05.050F.2.a. by deleting the word “floor covering”.
- Accept the proposed definition of “Furniture and Home Appliance Store” in section 21.05.050F.6.a., as approved by PZC.
- Amend the provisionally adopted definition of “General Retail” in section 21.05.050F.7.a., by adding the word “paint” to the list of goods on lines 45-46, placing it after “home furnishings”.

(September 6)

5.11 Government Service Definition

Amend the provisionally adopted definition of “Governmental Services” in Section 21.05.060.A.2. (Page 81, Lines 20-21) to read as follows:

“A facility housing government shops, maintenance[,] and repair centers, and/or equipment storage [YARDS]. Accessory activities may include supporting administrative offices.”

(September 6)

5.12 Snow Disposal Site – Height Limit for Snow Piles

Amend the provisionally adopted height limit in Section 21.05.060E.8. as follows:

1. Apply a 35-foot height limit only where the snow storage pile operations area is within 500 feet of a residential district.
2. In all other areas, apply the height limits of the zoning district in which the snow disposal site is located.

Add language that makes an exception for the height limitation for parcels abutting residential zoning, but separated by a highway or a railroad corridor (find similar language used elsewhere in code).

(September 6)

Amend 21.05.060B.8.b.ii.(A). as follows:

- (A). *Minimum Lot Size*
The minimum lot size shall be 36,000 square feet, unless otherwise established by the planning and zoning commission. Abutting smaller lots in common ownership may be considered in aggregate to achieve the minimum lot size. With a recorded joint use agreement, abutting smaller lots with multiple owners may be considered in aggregate to achieve the minimum lot size.

(September 13)

5.13 Accessory Dwelling Units (ADUs)

- Delete the limitation on number of people who can reside in an ADU.
- In section 21.05.070D.1.b.iii.(B).(2)., amend as follows:
 - (a) The lot, tract, or parcel is 10,000 [20,000] square feet or greater and the ADU is attached to or above a garage and the detached single-family dwelling is the only principal structure; or
 - (b) The lot, tract, or parcel abuts an alley; the ADU is above a detached garage, the ADU/garage abuts the alley, and the detached single-family dwelling is the only principal structure; or .]
 - (c) The lot, tract, or parcel is greater than 40,000 square feet.
- Amend to allow ADUs in R-1 and R-1A districts between 9th Avenue and Fireweed between the Downtown and Midtown major employment centers.

(September 13)

5.14 Addition or Removal of a Drive-Through as a Change of Use

Add Section 21.05.070D.6.b.iii. on Page 116, with a clarification, to add the word “physical” in front of “addition”.

(September 6)

5.15 Outdoor Keeping of Animals

Amend as follows: (this language is from AO 2011-50(S) rather than the provisionally adopted Title 21)

“Animals under this section[, OTHER THAN DOGS,] shall not be kept outdoors in manufactured home communities [MOBILE HOME PARKS], except for when the following standards are met: [MOBILE HOME PARKS ARE EXCLUDED FROM THE SUPPLEMENTARY DISTRICT REGULATIONS IN THIS SECTION.]

a. Any structure, fenced enclosure, or pen for the outdoor keeping of animals shall be at least 20 feet from any manufactured home, not including the manufactured home of the owner of the animal(s).

b. No nonconforming rights for the outdoor keeping of animals in a manufactured home community shall be established. If at any time the separation distance of C.2.a. above is no longer achieved, the animal(s) shall no longer be kept outside.”

...

On lots smaller than 40,000 square feet, the following shall apply:

...

c. All animals kept outdoors in accordance with this section shall be contained by a structure, fenced enclosure, or pen at all times. Structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district and shall be at least 10 feet from any lot line.

(September 13)

5.16 Screening of Intermodal Shipping Containers (Connex Units)

Make the following amendments to Section 21.05.070D.12.b.i:

Except in the industrial, commercial, and airport districts, connex units shall be screened on sides facing abutting public streets and residential properties [ON ALL SIDES] by structures, landscaping, and/or fences at least as high as the unit, or alternatively, shall be sided and roofed using [WITH] materials and colors which are similar to materials and/or colors [SUBSTANTIALLY SIMILAR TO THE SIDING] of the primary structure. If the connex unit is placed and used for

seasonal purposes subject to the provisions of section 21.05.080, temporary uses and structures, it may instead be painted with recessive paint or paint that matches the color scheme of the principal building.

(September 6)

Chapter 6 Issues

6.1 Minimum Lot Size for Multifamily in R-3 District –Table 21.06-1

The Department will evaluate if an amendment to allow more units on R-3 lots in the 10,000-20,000 SF approximate size range, subject to guaranteed public benefit features, underground parking, and neighborhood compatibility standards has merit, and will provide a response and recommendations at a future meeting.

(September 13)

6.2 Unlimited Building Height in the R-4 District – Table 21.06-1.

Retain the provisionally adopted R-4A District, which provides opportunities for taller buildings than the R-4. Accept the Department's recommendation to adjust the 60-foot maximum height limit upward slightly to accommodate pitched roof forms and dormer features (exemplified by buildings like Park Plaza II) that may otherwise take the building over the height limit.

(September 20)

6.3 Dimensional Standards in the Residential Office (RO) District - 21.06.020.

- Retain the RO district classification as a commercial district in section 21.04.030 (see Issue 4.7).
- Limit the height in the RO district for all use types to 45 feet (with height adjustment allowing up to 50 ft), as provisionally adopted.
- Separate “Residential household living uses” from “All other uses” and restore the current Title 21 dimensional standards for “Residential household living uses” in the RO district in accordance with amendment #R19.
- Staff recommendation 4 (page 9 from Chapters 6 and 9 issue-response document) was generally accepted, although still being considered, pending resolution of the R-4 and R-4A issue.]
- Provide a process to approve an increase in building height for existing RO zoned properties located in designated employment centers and surrounded by properties with a

zoning district that allows for greater building height, per the Assembly Committee discussion,

(September 13)

6.4 Increasing Allowed Lot Coverage to 40% in Residential Districts – 21.06.030B

- Delete the PZC amendment on page 266, lines 23-25.
- Amend Table 21.06-1 in three locations:
 - a. Place a Note 1 symbol after the “30%” in the “Max lot coverage” column on the “Residential uses” row, under the R-1 district.
 - b. Place a Note 1 symbol after the “30%” in the “Max lot coverage” column on the “Residential uses” row, under the the R-1A district.
 - c. At the end of the table, add a new Note 1 that says, “On lots less than 10,000 square feet, lot coverage may be increased to 40% when the entire principal structure is less than 16 feet, measured in accordance with subsection 21.06.030D.3.”

(September 13)

6.5 Maximum Front Setbacks for Mixed-Use – 21.06.030C.5.

Retain the provisionally adopted maximum setbacks section 21.06.030C.5., except for the following amendment:

- Amend to allow mid-to-high-rise buildings in Midtown to have up to one bay of parking and vehicle circulation within the required maximum setback area, subject to site plan review and provision of enhanced pedestrian connections meeting the enhanced walkway standards of the “Primary Pedestrian Walkway” in 21.07.060F.4.

(September 13)

6.6 Deletion of Height Transitions for Neighborhood Compatibility – 21.06.030D.8.

Forward this section with the Administration’s amendments.

(September 13)

Chapter 7 Issues

7.1 Deletion of Purpose Statements – 21.07.010A.

Retain the provisionally adopted purpose statements 1, 2, 6, 7, 9 and 10 and delete 3, 4, 5, 8, and 11.

(October 4)

7.2 Alternative Equivalent Compliance (AEC) Too Widely Applied – 21.07.010D.

Forward the provisionally adopted Title 21 to retain the focus of the Alternative Equivalent Compliance on the new building design standards, except for the following PZC recommended changes:

- Amendment #3, amending 21.07.010D.1. to delete “the design related provisions” and “It is not a general waiver or weakening of regulations. Rather” in lines 17-18, on page 2 , to shorten and simplify the Purpose section;
- Amendment #5, amending 21.07.010D.4. to delete the example on lines 4 and 5, on page 3, to simplify the “Decision-Making Responsibility” description; and
- Amendment #6, as further amended by the Department, amending 21.07.010D.5, to amend line 17, page 3, from forty (40) days, to fourteen (14) days.

(September 20)

7.3 Wetlands Permitting Sequence – 21.07.020B.

- Accept PZC changes to this Section.
- Technical edit: In Section 21.07.020.B.5.a.ii., remove “the department and/or...” from this section.

(September 20)

7.4 Reducing Stream Protection Setbacks – 21.07.020B.

- Forward the Mayor’s recommended amendments along with the Current Code’s standards for what is allowed and prohibited within the setback area.
- After Title 21 is adopted, conduct a collaborative public process to develop a wider stream protection setback ordinance which includes appropriate relief for individual urban lots to minimize the creation of nonconformities and other impacts on existing property.

(September 20)

Based on further information provided by public comments about the Hillside District Plan stream setback policies, retain the provisionally adopted 50-foot stream setback in the Hillside District Plan area.

(September 27)

7.5 Alternate Setback Option for Stream Corridor Width – 21.07.020B.

Do not support PZC's recommended changes. Forward Amendment #58 by the Administration for adoption.

(September 20)

7.6 Weakening of Steep Slope Development Standards – 21.07.020C.

- Do not accept the PZC's amendments to section 21.07.020C., except PZC change to Section 21.07.020C.3.e., Raising or Lowering of Natural Grade.
- Determine the Assembly Committee's position on retaining wall height and amend 21.07.020C.3.f. accordingly.
- Ensure that the 25 foot height limit does not preclude a two-story home.
- Change "temporary fencing" (or redefine) to allow less expensive methods such as flagging with tape.

(September 20)

7.7 Wildlife Management Corridors – 21.07.020D.

- Retain the provisionally adopted Wildlife Corridor width of 200-ft.
- Retain the provisionally adopted subsection 21.07.020D.3.c., on page 18 lines 1-3, except to reduce it as follows:

"Roads, driveways, or trails, including bridges, [SHALL BE SUBJECT TO THE SETBACK REQUIREMENTS OF THIS TITLE AND] shall be designed to facilitate wildlife passage along streams and to minimize wildlife human conflicts."

- Section 21.07.020.D.4 and 5 references Discretionary Approvals. To avoid confusion, revise PZC's edited section 21.07.020.D.4.a.ii., to read as follows:

"Long-term retention of natural vegetation and terrain in a landscape pattern that provides cover for wildlife movement and directs wildlife away from residential structures or other structures occupied on a frequent basis."

(September 20)

7.8 Waiving the Residential Open Space Requirement – 21.07.030B.

Do not accept PZC's proposed waiver for developments next to schools and parks, on page 18, lines 41-43.

(September 20)

7.9 Private Opening Space Reduced in R-2M and R-3 – 21.07.030B.

- Retain the provisionally adopted open space area requirement per dwelling unit in the R-2M and R-3 districts.
- Retain the provisionally adopted open space requirement for group living and non-residential uses in the R-2M District.

(September 20)

7.10 Two-Fold Increase in Private Open Space for R-4 District – 21.070.030B.

- Do not accept the proposed PZC amendments to the R-4 District private open space requirements on page 19, lines 20-29.
- Forward the provisionally adopted open space area requirement in the R-4 district, section 21.07.030B.3., with proposed amendment #61 from the Administration to adjust the amount from 125 to 120 square feet, except to make the following additional change to make the private open space area requirement for townhouse-style multifamily structures consistent with those of multifamily apartment structures, as follows:

R-4 and R-4A districts: [FOR A MULTIFAMILY USE WITH TOWNHOUSE-STYLE CONSTRUCTION, 225 SQUARE FEET OF PRIVATE OPEN SPACE PER DWELLING UNIT, TO BE PROVIDED FOR THE EXCLUSIVE USE OF EACH DWELLING UNIT PER C.2. BELOW; FOR NON-TOWNHOUSE-STYLE MULTIFAMILY USES,] 120 [125] square feet of private open space per dwelling unit, and at least half of the private open space shall be shared in common among the units. Group living uses and nonresidential development shall provide an area equal to five percent of the gross floor area for open space.

(September 20)

7.11 Standards for Usable Outdoor Private Open Space – 21.07.030B.

- Staff to discuss clarifying the measurement of “average slope” with Jim Fergusson and bring back language to the committee.
- Do not accept the proposed amendment allowing required private open space in required perimeter landscaping on line 18 of page 20.

(September 20)

7.12 Increasing the Site Disturbance Footprint – 21.07.040.

- Retain the provisionally adopted language on page 25, line 9.
- Replace the proposed language “in excess of one acre” in sections 21.07.040.E.6 and 21.07.040.E.9.a. with the phrase “one acre or greater.”
- Add the language “or as otherwise required by the current MS4 permit” in the appropriate locations.

(September 20)

7.13 Snow Storage Areas on New Development Sites – 21.07.040F.

- Amend the minimum area for multifamily to 10 percent and for commercial to 5 percent.
- Amend to clarify that the MOA prohibits required parking spaces to be used for the designated snow storage area, and to inform applicants that the MOA decision making body may limit the hours of temporary snow storage allowed on required parking, except where impractical after large snow events.
- Staff and Jim Ferguson to review the language regarding how “redevelopment” is defined on page 29 and report back to the committee.

(September 20)

7.14 Reducing Connectivity among Neighborhoods – 21.07.060D.

Staff to bring revised language back to the committee.

(September 20)

7.15 Reducing Sidewalk Requirements – 21.07.060E.

- Do not accept the PZC amendments in section 21.07.060E.2.
- Amend the section to require sidewalks on only one side of local streets in industrial districts.
- Tie the requirement for sidewalks in cul-de-sacs to the number of trips generated by residential development, and require them if a public facility such as a school or park is accessed by the cul-de-sac.
- Give the decision-making authority the ability to waive the requirement to have sidewalks on both sides of a street if
 - Site conditions warrant;

- There is extensive public testimony against sidewalks;
- An alternate trail system is provided.
- Vehicular speed on the street should be taken into account.

(September 20)

7.16 Deleting the Requirement for On-Site Pedestrian Walkways – 21.07.060E.

Retain the walkway requirement in subsection b. through line 29 on page 42. Staff to bring revised language back to the committee to resolve concerns regarding the remainder of the on-site walkways section.

(September 20)

7.17 Neighborhood Protection – Applying Only to Abutting Lots – 21.07.070C.

On page 51, line 15, replace “abutting any residential district” with “located within 200 feet of a residentially zoned lot.”

(September 20)

7.18 Off-Street Parking and Shared Parking Across a Street – 21.07.090F.

- Replace the PZC’s amendment on page 95 lines 4 to 6 with the friendly set of amendments below.
- Amend the shared parking and off-site parking facility provisions for separation by streets, to improve consistency, flexibility, and clarity, as well as include guidance. See specific suggested language below.
- Amend the dimensions for parking spaces and aisles to clarify applicability to on-street parking and back-in diagonal parking situations. See specific language below.
- Staff to review how skywalks are dealt with.

Recommended amended language:

21.07.090F.16. Shared Parking

f. Separation by Streets

Separation of a use and its shared parking facility by a local street is allowed. Shared parking spaces shall not be separated from the use served by a collector or greater class right-of-way, unless approved by the traffic engineer in consideration of the ease and safety of pedestrian access, and/or a municipally approved specific plan for the area.[SEPARATION BY A COLLECTOR STREET SHALL BE SUBJECT TO APPROVAL BY THE TRAFFIC ENGINEER. SEPARATION BY A

STREET DESIGNATED IN THE *OFFICIAL STREETS AND HIGHWAYS PLAN* AS A HIGHER CLASSIFICATION STREET THAN A COLLECTOR IS PROHIBITED.]

21.07.090F.17. Off-Site Parking

...

b. Location

The maximum distance between off-site parking spaces and the use(s) served shall be the same as provided in subsection 21.07.090F.16.d. for sharing parking spaces (measured along the shortest legal pedestrian route). Separation of a use and its off-site parking spaces by a street shall be subject to subsection 21.07.090F.16.f.[OFF-SITE PARKING SPACES SHALL NOT BE SEPARATED FROM THE USE SERVED BY A COLLECTOR OR GREATER CLASS RIGHT-OF-WAY, UNLESS APPROVED BY THE TRAFFIC ENGINEER.]

21.07.090H.10. Dimensions of Parking Spaces and Aisles

...

c. Parking Angle

Parking angles between zero and 45 degrees and between 75 and 90 degrees are not permitted, except as approved by the traffic engineer. Angles between 45 and 75 degrees are permitted. The dimensions for such angles shall be calculated by the applicant using a method prescribed by the traffic engineer. The angle parking spaces diagram above, including the elements of a parking space that it depicts relative to the required parking space dimensions in Table 21.07-9, are equally applicable to either front-in or back-in angle parking spaces.

d. Parking Aisle Width

Where the parking angle differs across a one-way parking aisle, the greater required parking aisle width shall be provided. In the case of on-street parking, the parking aisle width is replaced by the street's travel lane and municipal street standards for street lane widths apply.

(September 20)

7.19 Parking Facility Maintenance – 21.07.090H.

- Retain the provisionally adopted Parking Facility Maintenance section on page 107, lines 26-33.
- Add the language “or as otherwise required by the current MS4 permit” in the appropriate locations.

(September 20)

7.20 Reducing the Bicycle Parking Requirement – 21.07.090K.

Retain the provisionally adopted bicycle parking requirement.

(September 20)

7.21 Exterior Lighting Section - 21.07.100

Once a revised draft of the Title 21 exterior lighting ordinance has been prepared by the Planning Division, based on input from the IES Northern Lights Chapter, begin the process of public review through a Planning and Zoning Commission public hearing, followed by the Assembly public hearing process, through a separate ordinance from the Title 21 Rewrite.

(September 20)

7.22 Landscaping Section Rewritten – 21.07.080.

Hold for discussion at a future meeting.

(September 27)

7.23 Dumpster Screening – 21.07.080G.

- Retain the provisionally-adopted section, with amendments recommended by the Administration, and the following:
 - Clarify the words “abuts and faces.”
 - Potentially provide an allowance for shared dumpsters, after clarifying if there a restriction by the utilities on shared dumpsters?
 - Amend so that gates on screening can be left open the entire day of the trash pickup.
 - Explore amendments to improve flexibility and practicality in the administrative variance process, for existing developments with no space to relocate or screen an existing dumpster without impacting other requirements for parking and snow storage, per the Committee discussion.

(September 27)

7.24 Technical Adjustments to Multifamily and Townhouse Standards – 21.07.110C. and D.

Provide the following technical clarifications and corrections:

- Retain the words “at least four features” on page 119 line 9, so it is clear how many features from the menu are expected to be provided—same as provided for the equivalent menu for townhouses on page 126, line 5.

- Change line 27 on page 119 and line 18 on page 126 to both read “The standard applies to a minimum of 60 percent of the height of the building wall”. This achieves the intent of the 2/3 and 66 percent language while being more flexible in tests.
- Illustrate “wall modulation” on page 119, lines 18-28, and the “overall building massing” item on page 119, lines 30-33.
- Amend page 120, line 3, to read, “trim three and one-half inches or more wide”. Do likewise on page 126, line 33.
- Clarify that it is the main roof form being measured in the “roofline variation” menu choice on page 120, line 22; illustrate this menu item.
- Correct section references: on p. 122, line 34, to 21.07.080G; and on page 126, lines 32 and 33, to read “7.a.”
- Make minor clarifications to the intent, applicability, and standards of the “parking courtyard” provision on page 125.

In addition, consider simplifying Sections C and D as follows:

- Broaden the definition of “townhouse style structure” in Chapter 14 to include units without their own rear exits, and allow for minor vertical overlapping of units. See (2), right.
- Make subsections 3, 4, and/or 6 of the multifamily standards consistent in language with the equivalent subsections 3, 5, and/or 7 of the townhouse standards. Consider consolidating these subsections in section C. instead of repeating them in D.
- Keep other multifamily and townhouse standards separate.

(September 27)

7.25 Single Family Design Standards – 21.07.110E. and F.

- Delete Section E., on page 128 lines 11 – 27.
- In Section F.
 - Accept PZC’s 67 percent for garage doors on page 129, line 34.
 - Do not accept PZC’s amendments to the mix of housing models on pages 128 and 129
 - Do not accept PZC’s amendments to the 15 percent window requirement on page 130 lines 42 and 44.
 - Accept PZC’s changes not covered above, its clarification on page 130, line 37, and on page 37, line 43 adding the word “required”.

- Clarify the following provisions for users and plan reviewers:
 - Applicability to two-family uses on page 128 line 31.
 - Meaning of “noticeably different” on page 129 lines 4-14.
 - Delete the words “four feet by” on page 129, line 20.
 - Clarify that “Primary entrance” does not apply to back doors or ADUs.
 - Clarify page 130 line 37 applies to only **primary** front setback.

(September 27)

7.26 Driveway Access to Residential Lots with Alleys – 21.07.110H.

Retain section 21.07.110H.4.a. with exceptions i. through v.

(September 27)

7.27 Deleting Commercial Building Standards and Instead Applying Big Box Retail Design Standards to All Commercial Buildings – 21.07.120E.

Retain the provisionally adopted section 21.07.120E., except to amend line 7 of page 139 to allow up to three design innovation credits.

Delete the proposed line 27 on page 136, as it is redundant. All industrial uses are already exempted, per lines 14-15.

Gordon Thompson may have further input on this section.

(September 27)

7.28 Midtown High Rises Shadowing Neighborhood Sunlight Access – 21.07.130C.

- Include draft Section 21.07.130C.1., *Wind* (created by tall buildings), with the suggested amendment language specified in the Chapter 7, Part II issue response.
- Reserve draft Section 21.07.130C.2, and bring forward provisions to address shadowing from tall buildings as a separate ordinance at a later time.

(September 27)

Chapter 8 Issues

8.1 Chapter 8 Conflicts with Comprehensive Plan

HOLD discussion of PZC's amendments to Sections 21.08.010 and 21.08.050A. until the Municipal Attorney and Planning Division bring forward draft revisions to PZC amendments to related provisions in Chapter 1 Sections 21.01.060B and 21.01.080D. (Refer also to issues 1.3 and 1.5 from Chapter 1).

(August 9)

The Committee Chair passed out proposed language for the chapter 21.01 sections. There was no discussion of the language at this meeting.

(August 30)

8.2 Approved Multi-phase Projects

The Committee accepted Planning Division recommendations for Section 21.08.030B., as provided on page 7 of the Departmental issue-response documented dated August 9, 2012.:

- For large parcels with an approved full layout plan, future phases should be reviewed for compliance with the full layout plan. Provide an amendment for a second five-year extension of the approval, so that the approval may be extended twice, for a total potential approval time of 15 years, which is five years longer than the current Title 21.
- If no full layout plan is submitted, each phase of the development shall be reviewed under the Title 21 in place at the time the application is submitted.

(August 30)

8.3 Private Streets in Subdivisions

Retain provisionally adopted Section 21.08.030F. without subsection F.2. proposed by PZC, and amend section 21.08.040A., which addresses dedication of streets, to allow private streets in subdivisions as an exception through a variance before the Platting Board. Define "private street" as follows:

A street located on privately owned real property, whether owned by an individual or subject to Horizontal Property Regimes and Common Ownership Acts, and absent dedication of an overlapping public use easement. A private street is often memorialized by plat note.

(August 30)

8.4 Sidewalks in Cul-de-sacs

In section 21.08.030F., Page 3, Line 44, delete the proposed amendment which would exempt cul-de-sacs from sidewalk requirements in the subdivision design standards. The Committee will discuss sidewalk requirements for cul-de-sacs in its review of Chapter 7.

(August 9)

8.5 Subdivision Standards for Alleys

In section 21.08.030F.7, Page 3, Lines 46-47, delete the proposed amendment to the subdivision design standards which would prohibit driveways on lot frontages where there are alleys.

The Committee will address PZC's proposed driveway requirements for lots with alleys in its review of Chapter 7 where driveway standards are established for lots with alleys.

(August 9)

8.6 Applicability of Subdivision Slope Standards to Individual Lots

Delete the PZC proposed addition of subsection 1.c.

In Section 21.08.030H.1.b., replace the word "area" with the words "entire property."

(August 9)

8.7 Deleting Minimum Standards for Sidewalk/Pathway on Slopes

Revise PZC's amendment to 21.08.030H.6. to add a criteria to address the need for the pedestrian facility, and in the last phrase change "possibility" to "identify".

Based on the Committee's direction, Section 21.08.030H.6. would read as follows (with specific suggested changes from PZC version shown in tracked-changes):

Requirements for sidewalks or pathways along local streets may be reduced or eliminated[,] by the platting authority. In deciding the extent of pedestrian facilities to be required, the platting authority shall consider negative impacts to the terrain, the cost of improvements in relation to the anticipated use, the needs of pedestrians, and the identification[POSSIBILITY] of alternate locations for pedestrian facilities.

(August 9)

8.8 Exempting Subdivisions on Slopes from Grading Standards

Do not accept the language proposed by PZC for section 21.08.030H.7. which would allow the Platting Board to waive the requirement prohibit mass grading of entire subdivisions of five acres or more on slopes.

(August 9)

8.9 Vehicle Routes for Subdivisions on Slopes

Amend section 21.08.030H.8. as follows:

8. Vehicular Routes

The intent of this subsection is to minimize disturbance to the natural landscape in the alpine areas of the municipality to the maximum extent possible. This can be accomplished by a number of design techniques such as following the natural contour lines both horizontally and vertically, attaching required pedestrian paths to the edge of pavement, adjusting cut and fill slopes, or use of retaining structures. [BY LIMITING DISTURBED AREA(S) FOR ROADWAY CONSTRUCTION TO THE DEDICATED RIGHT-OF-WAY, AND THAT WHERE THE FINAL CONSTRUCTED ROAD EMBANKMENT CANNOT BE CONSTRUCTED WITHIN THE RIGHT-OF-WAY, THAT STRUCTURAL SOLUTIONS, BUT NOT EMBANKMENT CUT AND FILL LIMITS, MAY EXTEND NOT MORE THAN 15 FEET BEYOND THE RIGHT-OF-WAY IN DEDICATED SLOPE EASEMENT(S).]

- a. Streets, roads, private access roads, and other vehicular routes shall [GENERALLY FOLLOW NATURAL CONTOUR LINES, AND SHALL] be designed in accordance with the Design Criteria Manual and this subsection.
- b. Land disturbance, including vegetation clearing and grubbing, grading, etc., shall be curtailed to the smallest area/extent possible.
 - i. Initial land disturbance shall be limited to the proposed travel-way (lanes and shoulders) to accommodate land survey, geotechnical investigation of the in situ materials, and “rough” construction.
 - ii. The ultimate extent of land disturbance is [SHALL BE] dependent upon the nature of the subsurface materials. The extent of disturbance shall be the minimum necessary and is [SHALL BE] limited to within 25 feet of the right-of-way, including utility easements. Disturbance outside of the right-of-way and utility easements shall be re-vegetated using similar native trees and shrubs that were removed for the purpose of constructing the road improvements. [THE RIGHT-OF-WAY, EXCEPT THAT THE MUNICIPAL ENGINEER MAY ALLOW DISTURBANCE TO EXTEND 15 FEET BEYOND THE RIGHT-OF-WAY ON EACH SIDE WITH DEMONSTRATED JUSTIFICATION, EASEMENT PERMISSIONS, AND NOTIFICATIONS. CONSTRUCTION OF IMPROVEMENTS UP TO 15 FEET OUTSIDE THE RIGHT-OF-WAY IS FOR THE PURPOSE OF CONSTRUCTING STRUCTURAL SOLUTIONS AND NOT TO WIDEN THE ROADWAY EMBANKMENT’S FOOTPRINT.]

- iii. The subdivision agreement shall be used to implement this subsection H.8.
- d. Disturbed area [WITHIN THE 15 FEET] abutting the right-of-way on both sides shall be contained within a slope reservation easement, for the purpose of providing and maintaining the lateral support of the constructed street. The slope reservation easement shall be in the form of a general dedication note on the plat.
- e. Cut and fill slopes and all disturbed areas shall be stabilized and reinforced using [THE MOST] appropriate engineering means. Vertical or near vertical constructed slopes [RETAINING WALLS] shall be no taller than 15 feet without an eight foot horizontal or near horizontal terrace. Vertical or near vertical surfaces that are formed from underlying rock need not be terraced. [ANY V]Vegetation employed as a means of stabilization outside of the right-of-way and utility easements shall replicate original native landscape conditions.
- f. The platting authority may require common driveways to be shared by two or more lots, with the concurrence of the traffic engineer and the fire department, to avoid excessive and unnecessary disturbance to slopes by multiple and individual lot driveway cuts, and/or to avoid and/or reduce impacts to other natural features, such as wetlands, creeks, etc.

(September 20)

8.10 Geotechnical Investigations

Do not accept the language proposed by PZC for Section 21.08.030L., paragraph 1. Retain the provisionally adopted language with the revisions below, as recommended on page 20 of the Departmental issue-review document dated August 9, 2012.

In addition to the language below, the Department will draft an exception for small subdivisions or for projects on narrow lots such that if there is information available from a geotechnical investigation from an abutting lot, such information may be used to meet the requirement for a geotechnical investigation.

I. Seismic-Induced Ground Failure Hazard

- 1. A geotechnical investigation shall be performed to evaluate the potential for seismic-induced ground failures across that portion of the subdivision within seismic zones 4 and 5 of the municipality's *Seismically-Induced Ground Failure Maps*[MAPPING]. The requirement for a geotechnical investigation shall apply to all zoning districts, unless otherwise waived by the platting authority based on a recommendation from the Geotechnical Advisory Commission.
- 2. A report of the findings and recommendations of the geotechnical investigation shall be prepared by a civil engineer licensed in the state

of Alaska and submitted to the platting authority[, PREPARED BY A CIVIL ENGINEER LICENSED IN THE STATE OF ALASKA]. The report shall include a discussion of the suitability of the proposed development and recommendations for any needed mitigation.

3. The scope of the geotechnical investigation shall include subsurface explorations (test borings [OR EXCAVATIONS]), laboratory testing, and engineering analysis to evaluate the potential for, and potential magnitude of liquefaction, settlement, and lateral [HORIZONTAL] spreading[, AND FAULTING], following methods conforming with the state-of-practice; and stability of existing slopes, natural or man-made, following methods defined in AMC chapter 23.15, section 1802.2.6, paragraph D. These evaluations shall be based on probabilistic ground motion parameters corresponding to 475-year or greater return period.
4. The platting authority may reject a proposed subdivision in its entirety if the geotechnical investigation does not demonstrate that the area can be developed in accordance with this title and AMC title 23.
5. The geotechnical investigation submitted with the plat application may supplement the requirements for geotechnical investigations included in AMC title 23.
6. *[Placeholder for an exception to be added per Assembly Committee decision discussed above]*

(August 9)

8.11 Exempting Small Lots from Minimum Width-to-Depth Ratio

- Accept PZC's proposed amendments to Section 21.08.030K.2.
- Write the proposed Small Lot Subdivision Development concepts, worked out by Tim Potter and Connie Yoshimura, into code language to be inserted in either chapter 21.03 or 21.05, with the addition that the provisions should also address usable open space, and bring back to committee for review.

(September 20)

8.12 Reducing the Minimum Lot Frontage Width on Cul-de-sacs

Accept the amendment proposed by PZC to keep the current standard of 30 feet in Section 21.08.030L.

(August 9)

8.13 Overlap between Landscaping and Utility Easements

Accept Proposed Amendment #95 for adoption, to delete subsection 2 from Section 21.08.030M.

(August 9)

8.14 ROW Dedications for Trails and Parkland Access

Amend Section 21.08.040D. as follows:

D. Trails

The platting authority shall require the dedication of access [AN EASEMENT] for [A] trails designated on adopted municipal plans, unless an alternative access point is clearly agreed to be preferable. For pedestrian access, a right-of-way dedication is the preferred method of providing access, but the platting authority may instead approve a public use easement dedication or an access tract where appropriate. If the platting authority approves an alternate location for [A] trail access [EASEMENT] as a substitute for an existing easement or right-of-way, the existing unused easement or right-of-way shall be vacated, unless the property owner agrees otherwise. The platting authority may modify the alignment, width, and scope of trail access routes [EASEMENTS] as necessary to integrate trail and subdivision design.

1. Access to Chugach State Park, Community Use Areas, and Natural Resource Use Areas

- a. The platting authority shall require the dedication of [A] public pedestrian access [EASEMENT] for a trail designated on adopted municipal plans, for connectivity with a trail or access point to a large Community Use Area or Natural Resource Use Area (as defined in the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* or the *Chugiak-Eagle River Comprehensive Plan*), and for connectivity with a trail or access point identified in the most current *Chugach [STATE PARK] Access Plan [INVENTORY]*. [IF THE PLATTING AUTHORITY APPROVES AN ALTERNATE LOCATION FOR A TRAIL EASEMENT AS A SUBSTITUTE FOR AN EXISTING EASEMENT, THE EXISTING UNUSED EASEMENT SHALL BE VACATED, UNLESS THE PROPERTY OWNER AGREES OTHERWISE.] The platting authority may modify the alignment, width, and scope of trail access routes [EASEMENTS] as necessary to integrate trail and subdivision designs, so long as the resulting trails are of comparable gradient, directness, and utility, and reflect the general locations and patterns of existing or planned public access routes. [AN A]Acceptable pedestrian access [EASEMENT] shall be platted in accordance with relevant provisions of this code and be [AT LEAST 20 FEET WIDE,] centered on an existing, recognized, new, or relocated trail.
- b. The platting authority shall require the dedication of a vehicular right-of-way for public access to trails, [AND] parks, and other public lands as defined in subsection D.1. above that are identified [ACCESS POINTS AS DEFINED] in

an adopted municipal plan or the *Chugach Access Plan*. [AN A]Acceptable vehicular right-of-way shall be a public street that is platted and dedicated in accordance with relevant provisions of this code.

(September 6)

8.15 Deleting Standards for Sidewalks and Walkways

In section 21.08.030H.5., Page 18, Lines 20-23, delete the proposed amendment to add subsection 5 to the subdivision design standards that would state that sidewalks or walkways shall not be required on both sides of the street.

The Committee will address this proposed amendment and resolve the issue of sidewalk requirements its review of Chapter 7 where sidewalk and walkway standards are established for streets.

In addition, the Department will further research an amendment to address urban versus rural standards related to the definition of Class A and Class B Districts, where one or a few urban lots is in a predominantly rural area.

(August 9)

8.16 Warranties for Subdivision Agreements

Do not include PZC's additional language on page 28 lines 23 and 36 which would add "for no more than 7 days"; or on lines 28-29 which would add "Failure to complete the inspection....constitutes acceptance of the improvements for warranty"; or its additional subsection proposed on page 29 lines 29-33. Forward the remaining amendments approved by PZC to Section H.

Amend 21.08.060J. as follows:

J. Correction of Deficiencies Under Warranty

1. Within 30 days, or a reasonable extension at the sole discretion of the municipal engineer, of notification by the municipality of the need for repair or reconstruction, the subdivider shall correct the deficiencies, satisfactory to the municipality. Such notification shall be made by certified mail. If the subdivider fails to repair or reconstruct the deficiency within the time specified in this section, the municipality will make the repair at the subdivider's sole expense. The municipality may then bill the subdivider for the cost of the repair and associated administrative costs, or declare the bond or deposit forfeited.
2. Notwithstanding J.1 above, if the subdivider or the subdivider's engineer retained through the warranty period first identifies need for repair or reconstruction, the subdivider shall notify the municipality by certified

mail, and the subdivider shall make the repair or reconstruction with authorization (in lieu of the above notification) from the municipality.

(August 9 & 30)

Chapter 9 Issues

9.1 Number of Principal Structures Allowed in Residential Districts – 21.09.040B.

- Change Amendment #101 regarding the gR-4 District to read:

iii. District Specific Standard

More than one principal structure may be allowed on any lot or tract by administrative site plan review.

- Change Amendments #97 and #102 by deleting their proposed 10-foot spacing requirement between principal structures.

(September 13)

9.2 Clarifying Design Requirements for Industrial Type Uses –21.09.080F

- Forward Amendment #103 for approval.
- The Department will work further with the GBOS on developing the industrial design standards in the future. (See issue 9.3).

(September 13)

9.3 Future Additional Amendments to Chapter 21.09, *Girdwood*

Address any additional Girdwood Chapter 21.09 issues (beyond issues 9.1 and 9.2 above) in a separate amendment process from the Title 21 rewrite, specific to Girdwood.

(September 13)

Chapter 11 Issues

Approve Amendment #104 from the Consolidated Table of Proposed Amendments to Chapter 11 Section 21.11.040C.

(August 9)

Chapter 12 Issues

12.1 Waiver of Fees for Determination of Nonconformity Status

Go ahead with PZC's recommended amendment to section 21.12.010C., to waive fees for obtaining a verification of nonconforming status, for a period of two years. However, the Committee will continue to discuss this as the Title 21 Rewrite goes forward.

(August 2)

12.2 Ordinary Maintenance and Repair

Adopt the PZC amendments to Section 21.12.010F.

Add a cross reference in 21.12.010F. to sections 21.12.030C. and 21.12.040D., which govern the replacement of damaged or destroyed nonconforming uses and structures.

(August 2)

12.3 Presumption of Abandonment of a Nonconforming Use

Adopt the PZC amendments to Section 21.12.030D., except to modify the last part of the amendment to read, "unless the owner can demonstrate that the owner has been making substantial efforts to continue the use." (Page 5, lines 29-30 in PZC Revision of Title 21)

(August 2)

12.4 Replicating a Nonconforming Structure after its Damage or Destruction

Adopt PZC's proposed amendment on Page 6, line 35 in PZC Revision of Title 21, and replace the word "shall" with "may" in the first sentence of section 21.12.040D.

(August 2)

12.5 Exceptions for Overheight Buildings

Adopt section 21.12.040B. with amendments to clarify its intent and to apply it only to buildings affected as a result of the Title 21 Rewrite project or subsequent Title 21 amendments, using the language recommended by the Department on page 12 of its Chapter 12 issue-response, dated August 2, 2012.

(August 2)

12.6 Stream Setbacks as a Nonconformity

Retain and adopt the provisionally adopted Section 21.12.060 provisions for stream setbacks as a nonconformity, IF the Committee decides to support a 25' stream setback in Chapter 7.

Alternatively, if the Committee decides to support a 50' stream setback in Chapter 7, then the Committee will return to consider PZC's proposed amendments to Section 21.12.060.

(August 2)

12.7 Characteristics of Use (Potential Issue)

MOA Planning Division has identified a potential issue of concern in the provisionally adopted Characteristics of Use section (21.12.060), and may bring forward a diagnosis and potential amendment for consideration by the Assembly Title 21 Committee.

(August 2)

12.8 Project Threshold for Bringing Characteristics of Use into Compliance

Adopt section 21.12.060C.1.b., page 568, line 19, except to amend the project threshold so that the requirement to bring non-compliant characteristics of a development site toward compliance with current development standards is applicable only to projects costing more than 10 percent of the assessed value of the structure or land.

(August 2)

12.9 Existing Buildings Constructed over a Lot Line

In response to concerns regarding a recommended new subsection 21.12.060C.7., the Committee requested that the Department work out a solution to this issue in consultation with a representative of PZC and the property owner who raised this issue, and bring a draft amendment back to the Committee for consideration.

(August 2)

Chapter 13 Issues

Approve Amendment #105 from the Consolidated Table of Proposed Amendments to Chapter 13, Section 21.13.060D.2.a.

(August 9)