

# **TITLE 21 REWRITE**

**Assembly Title 21 Committee  
September 27, 2012**

**Review of Planning and Zoning Commission Recommended  
Amendments to the Provisionally Adopted Title 21**

## **Chapter 7 - Part II**

**Landscaping and Building Design Standards**

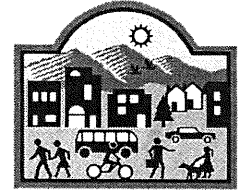
Title 21 Rewrite — Assembly Review



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**Municipality of Anchorage**  
Community Development Department  
Planning Division



**MEMORANDUM**

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**Date:** September 27, 2012  
**To:** Assembly Title 21 Committee  
**From:**  Jerry T. Weaver, Jr., Director  
**Subject:** Review of Proposed Amendments to Provisionally Adopted Chapter 7 – Part II

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This document provides the Department's review of recommended amendments from the Planning and Zoning Commission (PZC) to the provisionally adopted **Chapter 21.07** for the following Sections:

**21.07.080, Landscaping and Screening;**  
**21.07.110, Residential Design Standards;**  
**21.07.120, Public/Institutional and Commercial Design Standards; and**  
**21.07.130, Large Establishments**

This review is intended to assist the Assembly Title 21 Committee in its deliberations. As with previous installments, the issues of concern raised in Chapter 7 are limited to the following:

1. Changes that have potentially significant implications or outcomes, which either vary from the provisionally adopted Title 21 or downgrade current Title 21 standards.
2. Changes that conflict with the Comprehensive Plan or make its implementation more difficult.
3. Concerns raised by the public that the PZC did not address. In addition, issues brought to the Department's attention by the Assembly Title 21 Committee Chair are included.

For Issues 7.24 and 7.28, Exhibits A and L are included as appendices at the back of this document for your reference.

Title 21 Exhibits referred to in this document, including Exhibits B and N were provided to you digitally on CD in your three-ring binders at the first meeting. The exhibits are also available online at:

<http://www.muni.org/Departments/OCPD/Planning/Projects/t21/Pages/Title21Rewrite.aspx>.

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**7.22 Landscaping Section – 21.07.080.**

**ISSUE:**

PZC has deleted major portions of the landscaping section of the provisionally adopted draft and replaced those provisions with new standards which, in some regards, are similar to current Title 21 standards or enhance those standards. However, some of the new provisions serve to lower the standards of both the provisionally adopted code and the current code. In addition, there are gaps and inconsistencies to the standards which will need to be revised.

The Commission’s rationale for the revised version of the landscaping section is: landscape units are difficult to understand and are not user friendly, a landscape architect prepared workable and understandable criteria, references to trees and shrubs are easier to understand than landscape units, and the new section allows for alternative equivalent compliance with respect to landscaping.

**RESPONSE:**

- The provisionally adopted Title 21 landscaping section was developed through years of review, discussion, and public process. In the Administration’s amendments (See 1) to the provisionally adopted Title 21, the Planning Division was directed to conduct meetings with landscape architects to review and recommend possible revisions to the provisionally adopted landscaping section .
- In April of 2012, the Planning Division met with a committee of landscape architects from ASLA to discuss any concerns they had with the provisionally adopted draft. At that meeting, the landscape architects indicated that they didn’t favor the landscape units system as it was unnecessarily complex. The group, however, liked other aspects of the provisionally adopted draft and recommended that a new version of the landscaping section drawing from both the provisionally adopted Title 21 and the current 21 should be developed.

**REFERENCES:**

**PZC Revision of Title 21:  
Section 21.07.080, Page 52,  
Lines 1-41, through Page 72,  
Lines 1-3.**

*Provisionally Adopted Title 21:  
Section 21.07.080, Page 342,  
Lines 33-39 through Page 339,  
Lines 1-5.*

- (1) Exhibit B, Mayor’s Decision on the Consultant’s Report.
- (2) Consolidated Table of Amendments, Administration Amendments #65.1, #65.2, #65.3, #65.4, #65.5, and #66, pages 43 and 44.

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## 7.22 Landscaping Section – (Continued).

### **RESPONSE CONTINUED:**

- Although the committee of landscape architects held meetings to further discuss the Title 21 landscaping section, the group had not submitted a review draft to the Planning Division for consideration by the Planning and Zoning Commission. The Commission went forward with its own draft to the Assembly Title 21 Committee.
- The Planning and Zoning Commission version has deleted a significant amount of material from the provisionally adopted draft, which has raised issues identified in the following narratives **7-22A-G**.
- The extensive PZC revisions have also created some gaps in the standards and removed items such as purpose and applicability statements which serve to add clarity. An opportunity to go back through this document to revise these items would be helpful to the final version that gets adopted.

### **RECOMMENDATION:**

Allow the Planning Division the opportunity to go back through the PZC draft, the provisionally adopted Title 21 and the Consolidated Table of Amendments (See 2) for this section with the landscape committee of ASLA Alaska chapter to produce a new revised draft landscaping section for consideration by the Assembly Title 21 Committee.





## 7.22A Licensed Landscape Architects and Landscape Plan Requirements – 21.07.080C.

### **ISSUE:**

PZC has proposed that landscape plans be prepared by a licensed landscape architect for all development except for single-family, two-family, three-family, and four-family homes on individual lots. This provision is a vast improvement over the current Title 21 and is similar to the Administration’s amendment #65.1. See (1).

PZC has also deleted the reference to the Title 21 User’s Guide for listing landscape plan requirements. Instead, the landscape plan requirements are listed in 21.07.080C.

The PZC’s rationale for these amendments is to provide simplification. There are no specific rationale provided for changes to the landscape plan subsection.

### **RESPONSE:**

- The provision to require landscape plans to be prepared by a licensed landscape architect for all development (except for single-family, two-family, three-family, and four-family homes on individual lots) is a significant improvement over the current Title 21 and is similar to language in the Administration’s amendment 65.1 to the provisionally adopted Title 21. Some minor wording revision is recommended to further tie this requirement to State of Alaska Statutes.
- The PZC version has deleted the Title 21 User’s Guide as the document where the information requirements for a landscape plan are listed. Instead, the information would remain listed in the Title 21 landscape section as it is in the current Title. Although other sections of the Title 21 rewrite reference submittal requirements to the Title 21 User’s Guide, a committee of landscape architects from the American Society of Landscape Architects (ASLA) Alaska Chapter, indicated during working meetings that it prefers the landscape plan submittal requirements listed alongside the other Title 21 landscaping requirements rather than in a separate document. Within the list itself, an additional item is recommended to the information submittal requirements.

### **REFERENCES:**

**PZC Revision of Title 21:**  
Section 21.07.080C, Page 52,  
Lines 32-41, and Page 53, Lines  
1-13.

**Provisionally Adopted Title 21:**  
Section 21.07.080C, 325, Lines  
17-26.

- (1) **Consolidated Table of Proposed Amendments, Amendment #65.1, Page 43.**

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**7.22A Licensed Landscape Architects and Landscape Plan Requirements – (Continued).**

**RECOMMENDATIONS:**

1. Amend the landscape plan provision in 21.07.080C in the PZC version as follows:

All landscaping and screening required under this section 21.07.080 shall be reflected on a landscape plan. All development, except for single-family, two-family, three-family or four-family homes on individual lots, shall require the preparation of landscape plans by a landscape architect registered by the State of Alaska consistent with AS 08.48 and 12 AAC 36.

2. Amend 21.07.080C regarding the listed informational requirements for a landscape plan:

Minimum requirements for the landscape plan are:

- a. Plan scale on a full size drawing shall not be less than 1 inch = 30 feet.
- b. The common and scientific name of each plant type or ground cover to be used.
- c. The plan shall identify plant locations and sizes in accordance with the sizing standards of the American Standard for Nursery Stock (ANSI Z60.1-2004) as published by the American Nursery and Landscape Association.
- d. The plan shall identify locations and areas where existing native vegetation is being used to fulfill the requirements of this section.
- e. Location of buildings, walkways, vehicular circulation (to include adjacent streets), retaining walls, fences, and other permanent structures.
- f. Topography, expressed in contours or spot elevations and location of utility easements, and existing and proposed utility elements (such as transformers, utility poles, street lights, storm water inlets and curb cuts) that affect the landscape design and planting plan.





**7.22B Screening Landscaping Eliminated – 21.07.080E.**

**ISSUE:**

PZC has proposed deleting the screening landscaping category from the provisionally adopted Title 21. The PZC version has also renamed highway screening to “freeway screening” and made it a subcategory of visual enhancement landscaping.

There is no specific PZC rationale for deleting the screening landscaping category or the renaming of highway screening.

**RESPONSE:**

- The screening landscaping category has been a standard in the Current Code for many years and was carried forward in the provisionally adopted Title 21 as category with more flexible standards (e.g., use of some deciduous trees in addition to evergreen trees).
- One primary use for screening landscaping is to separate and screen uses with a high level of incompatibility such as certain industrial uses abutting a residential district. These industrial uses include impound yards, junkyards, motor freight terminals, storage yards, landfills, and industrial manufacturing sites. Use-specific standards for these uses require screening landscaping, so a defined standard for this level of landscaping needs to be included in Title 21.
- The PZC version also has redefined “highway screening” to be “freeway landscaping” and has included it as a subcategory under visual enhancement landscaping.
- The PZC version has standards for freeway landscaping which are similar to certain aspects of the current and provisionally adopted Title 21 (30 foot bed width and applicable areas), yet has reduced the landscaping standard somewhat from the current code, has deleted its applicability north of the military reservation boundary, and has not included instances in which the standard can be exempted or reduced (e.g., lots with less than 100 feet in depth). In order to more closely be in line with the provisionally adopted Title 21 standard as well as the Current Code for screening landscaping, at least two of every three trees should be evergreen trees.

**REFERENCES:**

**PZC Revision of Title 21: Section 21.07.080E, Table 21.07-2 (Landscaping Requirements – “Freeway Landscape”), Pages 54-55.**

*Provisionally Adopted Title 21: Section 21.07.080E.5.a.iv, Page 328, Lines 34-39; Page 330, Lines 10-29 and Table 21.07-3 (Specifications for Site Perimeter Landscaping); and Page 332, Lines 4-8 and 15-20*

Continued...





**7.22B Screening Landscaping Eliminated – (Continued).**

**RECOMMENDATIONS:**

1. Recommend reinstating into the landscaping section a standard for screening landscaping. This standard will be used when use-specific requirements for certain industrial uses in chapter 21.05 are applied. Until such time as a revised screening standard can be developed, use the screening standards listed in the current Title 21 located in AMC 21.45.125C.3.
2. Recommend that for the freeway landscaping provided in the PZC draft, that the location for applying this standard along the Glenn Highway be expanded to the municipal boundary instead of to the military boundary as indicated in Table 21.07-2, page 54) of the PZC draft.
3. In Table 21.07-2 of the PZC version (page 54), recommend in the “Plant Materials Required” column for freeway landscape that the second sentence be revised to read:

At a minimum, two out of every three trees shall be coniferous.

4. Amend the freeway landscaping provisions in the PZC draft so that a reduced standard can be applied in certain situations where there are lot dimensional constraints, as was listed in the provisionally adopted draft. Table 21.07-2 of the PZC draft should be revised to include the following as a footnote to the freeway landscape section of the table:

The freeway landscaping requirements are replaced with the buffer landscaping requirements in the following situations:

- Any lot whose area, less the 30 foot setback area for the screening area, is less than the minimum lot are required in the zoning district; or
- Any lot whose depth, excluding all setbacks required by this Title, is less than 100 feet.





**7.22C Parking Lot Buffer Landscaping Eliminated for Some Uses Abutting Residential Districts – 21.07.080E.6.**

**ISSUE:**

PZC has proposed deleting the parking lot perimeter landscaping table (Table 21.07-4) from the provisionally adopted Title 21 and replacing it with standards based on zoning districts. By using the latter method, however, certain uses (e.g., institutional) with parking lots abutting residential districts would be exempted from using a buffer landscaping standard.

The PZC rationale for a series of amendments to the landscaping section is to provide simplification. A specific reason wasn't provided for deleting the parking lot perimeter landscaping table.

**RESPONSE:**

- The parking lot perimeter landscaping table has been used in the current Title 21 for many years and was carried forward in the provisionally adopted Title 21. The table is based on land uses and what is adjacent to the proposed development. For example when non-residential uses abut a residential district, a buffer landscaping requirement applies to that side of the parking lot perimeter.
- The PZC version requires all parking lot perimeter landscaping to be visual enhancement landscaping unless there is a buffer landscaping requirement for the site which would override the parking lot standard. Unfortunately, the site perimeter buffer landscaping standard in the PZC version only applies when a commercial or industrial zoning district abuts a residential zoning district. This method would exempt, for example, a large institutional use which is permitted to locate in a residential zoning district and not have to provide buffer landscaping where their parking lot abuts residential uses.

**RECOMMENDATIONS:**

Recommend reinstating Table 21.07-4 (Parking Lot Perimeter Landscaping Requirements) from the provisionally adopted Title 21 back into the parking lot perimeter landscaping section (21.07.080E.6). This table follows:

**REFERENCES:**

**PZC Revision of Title 21:**  
**Section 21.07.080E.6, Page 67,**  
**Lines 21-38 .**

*Provisionally Adopted Title 21:*  
*Section 21.07.080E.6.a-c, Page*  
*332, Lines 21-44 and Page 333,*  
*Table 21.07-4 (Parking Lot*  
*Perimeter Landscaping*  
*Requirements) and Lines 1-22.*





**7.22D Arterial Landscaping – 21.07.080E.5.**

**ISSUE:**

PZC has proposed adding back the arterial landscaping category which was deleted in the provisionally adopted Title 21 and upgraded to the visual enhancement landscaping category.

The PZC rationale for a series of amendments to the landscaping section is to provide simplification. A specific reason wasn't provided for reintroducing the arterial landscaping category.

**RESPONSE:**

- The arterial landscaping category exists in the current Title 21 for use along collector or arterial streets in the commercial B-1A, B-1B, and B-3 zoning districts. Its intent was to provide visibility into commercial sites and it pre-empted any parking lot landscaping along collectors or arterials. The provisionally adopted Title 21 eliminated the arterial landscaping category since it was believed that the visual enhancement landscaping standard, with slightly wider landscape bed and tree requirements, was an improved landscaping edge along commercial corridors. The provisionally adopted Title 21, with its landscape units system, also allowed flexible design and fewer trees depending on the tree caliper that was used.
- By raising the landscaping standard to visual enhancement along commercial corridors, existing sites won't be required to provide wider planting beds and trees in conformance with visual enhancement landscaping standards until the site is redeveloped.

**RECOMMENDATION:**

Delete the arterial landscaping category in the PZC version in Table 21.07-2 (page 54) and page 59 (Lines 32-36) and page 60 (Lines 1-7).

**REFERENCES:**

*PZC Revision of Title 21: Page 54, Table 21.07-2; Page 59, Lines 32-36; and Page 60, Lines 1-7.*





**7.22E Diminished Parking Lot Interior Landscaping – 21.07.080E.6.d.**

**ISSUE:**

PZC proposes to reduce the standards for parking lot interior landscaping by:

- ⇒ Narrowing the required minimum average bed width from 8 feet (7 feet at any point) to 6 feet;
- ⇒ Eliminating the requirement for a landscaping break for every single line of parking spaces exceeding 25 spaces;
- ⇒ Eliminating the landscaping break for every three drive aisles in parking lots with over 200 spaces;
- ⇒ Eliminating the requirement for any trees or shrubs to be incorporated into bio-filtration swales within a parking lot; and
- ⇒ Eliminating the requirement for 10 percent parking lot interior landscaping for parking lots over 200 spaces.

PZC’s rationale for these amendments is to simplify the landscaping section. A specific reason wasn’t provided for reducing parking lot interior landscaping.

**RESPONSE:**

- The provisionally adopted draft required a minimum average landscape bed width for interior parking lot landscaping at 8 feet. This width was chosen as a minimum at which trees would have sufficient room for root growth.
- The provisionally adopted draft required a landscaping break for single lines of parking spaces exceeding 25 spaces to break up long sight lines of pavement with vegetation. Similarly, the provisionally adopted draft required a landscaping break for every three drive aisles which was oriented parallel to the drive aisles. This was seen as an effective way to visually break up large parking lots with significant areas of landscaping.
- The provisionally adopted draft didn’t alter tree or shrub requirements for parking lot interior areas also serving as bio-filtration areas since Planning was told by municipal landscape architects that certain trees and shrubs could thrive on the edges of those areas.

**REFERENCES:**

*PZC Revision of Title 21: Page 67, Lines 39-45; and Page 68, Lines 1-4.*

*Provisionally Adopted Title 21: Section 21.07.080E.6.d, Page 333, Lines 23-30, and Page 334, Lines 1-40.; and Consolidated Table of Proposed Amendments, Amendments # 65.4 and # 65.5, Page 44*

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**7.22E Diminished Parking Lot Interior Landscaping – (Continued).**

**RESPONSE CONTINUED:**

- The provisionally adopted draft required the most parking lot interior landscaping (10 percent) for the largest parking lots. It was assumed that much of this ten percent requirement could be met through drainage area design that would already be required for these parking lots.

**RECOMMENDATIONS:**

1. Retain the minimum average landscape bed width for interior parking lot landscaping at 8 feet (7 feet minimum at any point) as in the provisionally adopted code.
2. Retain the provisionally adopted standards for breaking up long lines of parking spaces and, for large lots, a landscaping break every three drive aisles. These provisions are located in the PZC version, page 66 (lines 15-26) and in the provisionally adopted draft, page 334, lines 15-27.

3. Delete the Alternate Compliance item listed in Table 21.07-2, Parking Lot Interior Landscaping, page 55 of the PZC draft which states:

[WHERE INTERIOR AREAS OF A PARKING LOT ARE USED FOR BIO-FILTRATION, THE AREA MAY BE USED TO MEET INTERIOR PARKING LOT LANDSCAPE REQUIREMENTS [WITHOUT THE TREE AND SHRUB PLANTING REQUIREMENTS.]

4. Retain the provisionally adopted standard of ten percent parking lot interior landscaping for parking lots over 200 spaces.
5. Revise the following from the PZC draft, page 68, lines1-4:

Parking lot interior landscaping requirements are as follows:

- i. \_\_\_\_\_ 20-100 parking spaces: \_\_\_\_\_ 5 percent
- ii. \_\_\_\_\_ 101-200 parking spaces: \_\_\_\_\_ 8 percent
- iii. \_\_\_\_\_ More than 200 spaces: \_\_\_\_\_ 10 percent





**7.22F Alternative Equivalent Design:  
Landscape Equivalency Table – 21.07.080E.4.**

**ISSUE:**

PZC has deleted the landscape units approach and associated table in the provisionally adopted Title 21 and replaced it with what is called Alternative Equivalent Design. Further, the PZC draft links the alternative equivalent design section and table to the Alternative Equivalent Compliance Section in 21.07.010D.

Table 21.07-1 (Alternate Equivalent Design Equivalency Table) in the PZC draft has used Table 21.07-1 (Landscape Units Awarded) as a base and has replaced its landscape units with quantities of landscape materials (e.g., number of tree equivalents).

The PZC rationale for these changes includes: Landscape units are difficult to understand and are not user friendly; a landscape architect prepared workable and easily understood criteria; references to trees and shrubs are easier to understand than landscape units; and allow for alternative compliance with respect to landscaping.

**RESPONSE:**

- The landscape units system in the provisionally adopted Title 21 was developed to provide design flexibility to the landscape architect while still requiring a minimum quantity of trees and shrubs. The units system was primarily based on installed value of the landscape materials and it established a minimum tree and shrub requirement slightly higher than the current Title 21. The landscape units system was also developed to incentivize retention of existing trees and shrubs on a site.
- The landscape design equivalencies in the PZC version appear to be similar to the landscape units system in some respects although it isn't clear if the replacement system has been tested and what types of outcomes may result in its use. The replacement system also seems fairly complicated for what is intended to be a simpler method.

**REFERENCES:**

*PZC Revision of Title 21:  
Section 21.07.080E.4, Page 56,  
Lines 29-41; and Page 57,  
Table 21.07-1, and Page 58,  
continuation of Table T1.07-1 .*

*Provisionally Adopted Title 21:  
Section 21.07.080E.4, Page  
326, Lines 30-35 and Table  
21.07-1; and Page 327,  
continuation of Table 21.07-1*

Continued...





**7.22F Alternative Equivalent Design: Landscape Equivalency Table – (Continued).**

**RESPONSE CONTINUED:**

- The PZC version’s proposed use of the landscape equivalency table as part of the Alternative Equivalent Compliance Section in 21.07.010D is unnecessary. If there are flexible design standards within the landscaping section there is no need for bringing in the Alternative Equivalent Compliance process.

**RECOMMENDATIONS:**

1. Delete the references to the Alternative Equivalent Compliance Section in 21.07.010D in the PZC draft (21.07.080E.4, page 56, Lines 29-41). The flexible standards in the landscaping section should be sufficient to handle site design issues .
2. Recommend the development of a simpler Table 21.07-1 (pages 56-57 of the PZC draft) which focuses on tree and shrub equivalencies and incentivizing the retention of existing trees and shrubs on a site. This table could be developed by the Planning Division working with the ASLA Alaska Chapter.





**7.22G Site Perimeter Landscaping Section and Table – 21.07.080E.5.**

**ISSUE:**

PZC has proposed to delete most of the site perimeter landscaping section of the provisionally adopted Title 21 and Table 21.07-2 (Applicability of Site Perimeter Landscaping). In its place, PZC recommends several pages of narrative (pages 59-60) and leaves out a purpose statement and some of the applicability provisions. Further, PZC recommends removal of Table 21.07-2 which results in some gaps where visual enhancement and buffer landscaping were proposed in the provisionally adopted draft.

The PZC rationale for these amendments to the landscaping section is to provide simplification. A specific reason wasn't provided for deleting the perimeter landscaping section and the site perimeter landscaping table as presented in the provisionally adopted draft.

**RESPONSE:**

- The site perimeter landscaping table was developed in the provisionally adopted draft to provide a clear standard for what minimum level of site perimeter landscaping is required for the perimeters of a given site. The level of required perimeter landscaping depends on if the site abuts a site in a different zoning district, and if the site abuts a public street of various OS&HP classification.
- The PZC version eliminates the perimeter table and attempts to cover applicability of site perimeter landscaping in the narrative of the section. However, the narrative approach leaves gaps in where buffer landscaping and visual enhancement landscaping were applied in the provisionally adopted Title 21. For example, the only time site perimeter visual enhancement landscaping is required in the PZC draft is along public rights-of-way. This would delete where visual enhancement is required in the provisionally adopted Title 21 for industrial sites abutting commercial sites, or PLI sites abutting commercial or industrial sites. Also, buffer landscaping for certain commercial and industrial zones (MC, MI) when abutting residential zones was not addressed in the PZC draft.

**REFERENCES:**

*PZC Revision of Title 21: Section 21.07.080E.5, Page 59, Lines 6-36; and Page 60, Lines 1-18.*

*Provisionally Adopted Title 21: Section 21.07.080E.5.a-d, Page 327, Lines 2-5; through Page 330, Lines 1-29.*



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**7.22G Site Perimeter Landscaping Section and Table – (Continued).**

**RESPONSE CONTINUED:**

- If the provisionally adopted Table 21.07-2 is retained, it will need to be revised in accordance with the number of zoning districts that are adopted. If the number of zoning districts have been reduced, then the table, in turn, will be reduced.

**RECOMMENDATIONS:**

1. Reinstate the purpose statement and Table 21.07-2 (Applicability of Site Perimeter Landscaping) from the provisionally adopted Title 21 back into the site perimeter landscaping section (21.07.080E.6).
2. Recommend that the Planning Division be provided an opportunity to work with the ASLA Alaska Chapter to update Table 21.07-2 to close the gaps found in the PZC draft.





**7.23 Dumpster Screening –21.07.080.G.**

**ISSUE:**

PZC has proposed revising dumpster screening requirements so that they apply only to new development sites and to delete the seven year amortization period for dumpster screening on existing developments. Its stated rationale for deleting the amortization provisions is that existing developments should not have to provide for screening of refuse collection receptacles as it may be very difficult or impossible.

PZC has retained an administrative variance process but has applied it to new development sites. The provisionally adopted draft included the administrative variance process to help existing sites with physical constraints to meet or move towards conformity with the dumpster screening requirements.

PZC has deleted the requirement for a sight-obscuring gate where the dumpster is visible through the open side of a screening structure.

PZC has also deleted a provision which permitted individual residential dwellings in Class B (rural, large lot) zoning districts to have dumpsters if they were screened. The PZC draft would only allow dumpsters in Class B areas if a group of three or more dwellings share a dumpster.

**RESPONSE:**

- The eight year public process for the Title 21 rewrite identified dumpster screening as an important issue early on and citizen testimony throughout that period has been supportive of more attractive streets and neighborhoods, including screening of dumpsters.
- Currently, many dumpsters are located within public street rights-of-way, or unscreened in full view on the edge of the site. The amortization provisions are intended to phase in standards which will move the dumpsters from view along these streets. See photos (1).

**REFERENCES:**

*PZC Revision of Title 21: Section 21.07.080G, Page 72, Lines 4-47 through Page 75, Lines 1-22.*

Provisionally Adopted Title 21: Section 21.07.080G, Page 339, Lines 6-43, through Page 341, Lines 1-27; and Consolidated Table of Proposed Amendments, #70, Page 45.



- (1) The images above and at the bottom of next page are of Anchorage streetscapes with dumpsters. If amortization provisions are deleted, dumpster-lined streets could remain for decades to come.

Continued...





### 7.23 Dumpster Screening –(Continued).

#### **RESPONSE CONTINUED:**

- The provisionally adopted administrative variance process allows owners of existing sites with dimensional constraints to apply for administrative relief from full compliance.
- If the decision is made to delete the amortization provisions, the administrative variance process won't be necessary. New development sites will need to meet all Title 21 requirements, including parking, landscaping, and dumpster screening. If there are site dimensional issues associated with the new design, a full variance process could be pursued by the applicant.

#### **RECOMMENDATIONS:**

1. Retain the seven-year amortization provisions as amended by the Administration.
2. Retain the provisionally adopted subsection allowing each dwelling in Class B areas to have a dumpster (page 73, lines 14-16 of the PZC version). Delete the language on page 72, lines 36-43 since it won't be necessary.
3. Retain the provisions for a sight-obscuring gate on page 74, lines 10-12, where a dumpster abuts and faces a street.
4. If a decision is made to delete the amortization provisions, delete the administrative variance procedures (page 74, lines #34-46 and page 75, lines#1-15). These procedures will not be necessary if the section applies only to new sites.



Above, sight obscuring gates are required for dumpsters in Minneapolis, MN.



Without a screening enclosure and gate, this street-facing dumpster is what greets residents as they pass by this infill project in their longstanding neighborhood on W. 82nd Avenue at Jewel Lake Road.





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

**ISSUE:**

Site testing of the provisionally adopted residential multifamily and townhouse design standards on example developments has identified several corrections and clarifications that could ease administrative reviews while retaining the sections’ substantive standards and integrity.

The testing has also identified specific opportunities to reconcile differences in wording where multifamily and townhouse standards are similar or nearly the same. Public comments by Cook Inlet Housing Authority (CIHA) in 2012 raised this issue—stating that it would be simpler if the language and design standards could be more consistent across these two building styles. CIHA pointed out that some development projects actually mix the two building styles, or produce buildings that are a cross between the two styles such that it is difficult visually or functionally to tell the two apart. CIHA requested broadening the Title 21 definition of “townhouse style structure” in chapter 14 to include townhouse units without rear doors. The PZC recommended discussion of this potential amendment. See (1)

**RESPONSE:**

- The multifamily and townhouse design standards are as specific, measurable, and as non-discretionary as possible, to facilitate efficient administrative reviews, one of the main community objectives for the Title 21 Rewrite.
- Land use review staff have studied the draft standards, participated in testing on a site example, and support its emphasis on specific and measurable standards and menu choices.
- During testing, land use review staff helped identify some cases of unclear language and other minor glitches to be corrected prior to implementation.

Continued...

**REFERENCES:**

*PZC Revision of Title 21: Sections 21.07.110C. and D., Page 116, Line 22, through Page 128, Line 10.*

- (1) Developments such as Loussac Manor (top photo) and 32nd and Spenard (bottom photo) include a mix of buildings, and townhouse-like units without rear entries, that instead back up to a common wall.





## 7.24 Technical Adjustments to Multifamily and Townhouse Standards – (Continued)

### RESPONSE CONTINUED:

- A remaining concern by land use permit reviewers is where there is partial redundancy with inconsistencies between certain provisions of the multifamily and townhouse sections. Several provisions are similar or nearly identical between the two building types, with minor differences in wording that seem unnecessary and could complicate reviews. These test findings corroborate with the public comments raised by CIHA. They have asked if unnecessary differences in wording or standards could be reconciled, where appropriate.
- MOA Planning reviewed these comments and has identified a list of specific technical adjustments which can make the two sections shorter, simpler, and more consistent—while retaining the substance of the section and standards.
- However, there are some provisions that are appropriately unique only to multifamily apartments, or to townhouses.
- An idea discussed by PZC, to broaden the definition of “townhouse-style structure” in Chapter 14, has been reviewed by staff and a version of it could help address developments such as Loussac Manor.
- The “parking courtyard” alternative to separated walkways, which is proposed by a staff/Administration/PZC amendment for townhouses on page 125, line 21, could be further clarified in intent and applicability, so that local developers can make use of it, and plan reviewers can administer it, in an appropriate manner. This concept, while not new to other places, is not familiar yet in Anchorage and should be more clearly presented. **See photos, right.**

Continued...

### Clarifying “Parking Courtyards”



A Dutch “woonerf”, or “play street” consists of shared space between pedestrians and vehicles in a residential development, with priority given to people use and low vehicle speeds.



Above: A townhouse “parking courtyard” in LA, combining residential entry walkways and vehicle access.  
Below: Special pavers in a kind of parking courtyard, 32nd and Spenard.





**7.24 Technical Adjustments to Multifamily and Townhouse Standards**  
 – (Continued)

**RECOMMENDATIONS:**

Provide the following technical clarifications and corrections:

1. 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.
2. 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.
3. Illustrate “wall modulation” on page 119, lines 18-28, and the “overall building massing” item on page 119, lines 30-33.
4. Amend page 120, line 3, to read, “trim three and one-half inches or more wide”. Do likewise on page 126, line 33.
5. 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.
6. Correct section references: on p. 122, line 34, to 21.07.080G; and on page 126, lines 32 and 33, to read “7.a.”
7. 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:

1. 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.
2. 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.
3. Keep other multifamily and townhouse standards separate.



Testing of the Title 21 Rewrite on several sites, such as Chugach Meadows III, an entry level condominium townhouse development, identified ways to clarify the draft language.

A sample of summary test results from other local testing sites appears in an excerpt from **Exhibit A**, provided at the very end of this document as an appendix.

- (2) Draft revised definition for “townhouse style structure”:

“A residential building with two or more dwelling units in a row attached primarily at the sidewall, in which each dwelling unit has its own primary entrance to the outside, its own ground-floor and roof, and is separated from the other units by common fire-resistant walls.”





**7.25 Single-family Design Standards – 21.07.110E and F.**

**ISSUE:**

The PZC recommends retaining, with some revisions, the provisionally adopted residential design standards for single-family houses, including sections 21.07.110E and F, which the Administration / Department proposed deleting.

The rationale provided by PZC is that some design standards are needed for single-family.

The Assembly Committee Chair asked the Department for comments regarding if Section E. were deleted and F. retained, and to identify any needed corrections or clarifications to PZC’s proposed changes in F., such as on page 129 lines 18-21.

**RESPONSE:**

- Section E. on page 128 lines 11-24 was intended to address the potential impacts of moving pre-1977 style mobile homes or structures of similar dimensions into an existing neighborhood.
- A review by the MOA Legal Dept. of Section E. in relation to fair housing laws could be useful.
- If the Assembly retained section E., the UDC is the appropriate body to hear appeals on line 27, as this is architecture design.
- Section F. as provisionally adopted was already lenient and flexible, most of its length comprised of menus of choices, after years of negotiation and compromise.
- The changes to Section F. proposed by PZC seem to add little value, because these changes would reduce already lenient standards, to the point where the section may not accomplish very much in return for the time and effort that would be invested to comply with it by applicants and for staff to administer the reviews.

Continued...

**REFERENCES:**

**PZC Revision of Title 21:  
Sections 21.07.110E. and F.,  
from Page 128, Line 11, to  
Page 131, Line 6.**

*Consolidated Table of  
Proposed Amendments:  
Amendment #86, page 56.*

*Provisionally Adopted Title 21:  
Sections 21.07.110E. and F.,  
from Page 392, Line 6, to Page  
394, Line 44.*





## 7.25 Single-family Design Standards – (Continued)

### **RESPONSE CONTINUED:**

- Specifically, the following proposed changes would reduce the requirements:
  - ⇒ Page 128, Line 35, the Table 21.07-2 Mix of Housing Models, is made more lenient than the provisionally adopted table, which was itself a compromise, to the point it may have little visual effect given its menu choices on p. 129.
  - ⇒ Page 129, Lines 34-38, allowing the garage door to extend up to 67 percent of the front façade would be so lenient it accomplishes no real objective. See photos, right.
  - ⇒ Page 130, Line 9, allowing a structure to encroach five feet into the front setback, impacting neighborhood character, in return for setting the garage only eight feet back.
  - ⇒ Page 130, Line 42, reducing the window requirement to where it is hard not to comply, and a useless exercise.

**These changes weaken the section to where it achieves little in return for the time invested to comply and review.**

### **RECOMMENDATIONS:**

The Administration recommends deleting Sections E. and F. However, if the Assembly decides to retain Section F., then:

1. Do not accept the PZC’s proposed changes as discussed above that would render the section an exercise in futility.
2. Accept PZC’s changes not covered above, its clarification on page 130 line 37, and line 43 adding the word “required”.
3. 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.
  - ⇒ “Primary entrance” does not apply to back doors or ADUs.
  - ⇒ Clarify page 130 line 37 applies to only **primary** front setback.



Estimated width of houses above: 24-feet.  
Garage door: 16-feet, or 67% of the façade.  
Provisionally adopted Title 21 allows 60%.





**7.26 Driveway Access to Lots with Alleys –21.07.110H.4.a.**

**ISSUE:**

The PZC recommended prohibiting driveways on lot frontages where there are alleys, in the subdivisions in Chapter 8. Section 21.08.030F.7., page 3, lines 46-47, of PZC Revision of Title 21.

No rationale or explanation of the language was provided.

The Departmental review in issue-response #8.5 pointed out that, among other concerns, the chapter 8 section is about the platting of alley rights-of-way. It is an inappropriate section to set driveway access standards. Development design standards for driveway access are established in Chapter 7. See (1).

The Assembly Committee deferred discussion until Chapter 7.

**RESPONSE:**

The proposed change should not be accepted for these reasons:

- The proposed amendment contradicts the standards in 21.07.110H.4.a. for driveway access for lots with alleys.
- The standards in section 21.07.110H.4.a. are more flexible and were developed through analysis, field study, the assistance of the municipal Traffic Engineer, and the public review process.
- The language of PZC’s proposed Ch. 8 amendment is unclear. Is it prohibiting driveways on the alley side, or is it prohibiting driveways on the street frontage of a lot that has an alley?
- It is appropriate that the driveway standards allow exceptions for driveway access to a street instead of the alley in the cases specified on page 135, lines 1—15 of PZC’s blue-lined Chapter 7.

⇒ For example, exception v. on line 12 reflects a field survey of South Addition, Spenard, and Tudor neighborhoods (See 2).

**RECOMMENDATION:**

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

**REFERENCES:**

*PZC Revision of Title 21: Section 21.07.110H.4.a., from Page 134, Line 44 to Page 135, Line 15.*

- (1) Departmental Review of PZC Recommended Amendments to Chapter 21.08, dated 8-9-2012; Issue #8.5; page 13.



- (2) Single-wide driveways are common and functional in South Addition, Spenard, and older neighborhoods elsewhere in Anchorage.





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

### ISSUE:

The PZC has recommended replacing the provisionally adopted commercial building design standards, which consist of menu choices for building orientation to the street and weather protection, with the large retail (“big box”) store architectural design requirements for building façade massing, articulation, and materials, from section 21.07.130A.

The rationale provided is that the design criteria for all buildings should be the same requirements that apply to large commercial establishments, because those are familiar and workable standards which create architectural and aesthetic compatibility, according to PZC’s statement.

### RESPONSE:

The proposed changes counter the decision of the Assembly to avoid mandating architectural design criteria for commercial buildings. The provisionally adopted section focuses instead on building orientation and responsiveness to the northern climate , for the following reasons:

- Assembly Title 21 Committee negotiated the provisionally adopted commercial building orientation and northern climate menus of design choices through several years of testing, discussion, and a brokered compromise involving architects.
- During the compromise, efforts of representatives from the architectural community, including **Daphne Brown**, helped the MOA to move this section away from regulating the aesthetics of architectural massing, façade design and materials.
- Instead, the purpose of the section is to design buildings that address the street with windows and entrances, ease of access, and respond to our northern city climate with weather protection features. See (1).

Continued...

### REFERENCES:

*PZC Revision of Title 21:  
Section 21.07.120E., Page 137,  
Line 26, to Page 143, Line 5.*

*Provisionally Adopted Title 21:  
Section 21.07.120E., Page 398,  
Line 20.*

- (1) Building orientation to the street improves the quality of the commercial streetscape by lining the street edge with buildings, entrances, windows, and walkway landscaping, and by reducing the visual presence of blank walls, service elements and parking.

Active uses with windows and entries can increase activity, interest, security and economic vitality on commercial streets.

Buildings can be approachable with entries that are visible / accessible from the street.





**7.27 Deleting Commercial Building Standards and Instead Applying Big Box Retail Design Standards to All Commercial Buildings – (Continued)**

**RESPONSE CONTINUED:**

- PZC’s proposal is **more restrictive**. It regulates the façade’s architectural massing and design. It furthermore imposes these as one-size-fits-all requirements rather than menu choices and design innovation credits.
- By contrast, the provisionally adopted menu system, devised by a member of the design community, provides choices and further allows for additional creative alternatives.
- The large commercial establishment design standards do not fit for other commercial buildings. We do not want modernist office buildings or small retail stores to have to meet ‘big box’ store façade articulation standards. See (2) and photos, right.
- The large commercial establishment standards are tailored to visually break up the long, horizontal mass of ‘big box’ stores:



- The ‘big box’ standards also include discretionary criteria (“colors which are aesthetically pleasing”), because they are used in a public hearing review process before a commission.
- Despite PZC’s assertion, the provisionally adopted menu system is actually the one more tested.

**RECOMMENDATIONS:**

1. Retain the provisionally adopted section 21.07.120E., except for the following amendment:
2. Amend line 7 of page 139 to allow up to three design innovation credits.
3. Delete the proposed line 27 on page 136, as it is redundant. All industrial uses are already exempted, per lines 14-15.

- (2) Modernist buildings with clean, horizontal lines, such as the ones below, could have difficulty complying with ‘big box’ store design criteria such as roofline modulation, varied building massing at the entrance, or traditional detail features such as windows with kickplates or columns with plinths.





## 7.28 Protection of Sunlight Access from Midtown High Rise Shadows –21.07.130C.

### ISSUE:

The issue which received possibly the most extensive public comments was protecting neighborhood sunlight access against shadowing and climate effects of Midtown high rise buildings. Multiple public comments came in response to the Administration’s amendment to allow unlimited building heights in Midtown.

The public comments expressed that unlimited building heights in Midtown are inappropriate without sunlight access protections for adjacent neighborhoods. The comments stated that, while the height transitions (21.06.030D.8) provide some protection to neighborhoods from abutting low-medium rise development, it will not protect homes from shadowing by the taller towers of Midtown.

To be responsive to the concerns raised by the public, and to address the effects of high rise buildings in Alaska’s climate, the Department advised the PZC that draft Section 21.07.130C., Tall Buildings, was available to be re-prioritized for completion, with refinements in consideration of specific suggestions raised by the public, and the concerns from 2010 by the Assembly Title 21 Committee. The Section has existed in the same draft form as where the Committee review left off two years ago. See (1)

### RESPONSE:

- To deal with the relatively severe wind and shadowing effects of high rises experienced at Anchorage’s latitude, each public review draft to the Title 21 Rewrite through the Public Hearing Draft, addressed shadowing and wind effects of tall buildings.
- During the provisional adoption process in 2007-2010, the Department, PZC, Assembly Title 21 Committee, and public participants discussed and revised the tall buildings section. PZC approved a version, and the Assembly Title 21 Committee reviewed several more iterations before it adjourned in 2010, the last draft being on September 9, 2010. See (1).

Continued...

### REFERENCES:

**PZC Revision of Title 21:  
Section 21.07.130C., Page 149,  
Line 36.**

- (1) Assembly Title 21  
Committee Document 7.7,  
dated 9-9-2010, Proposed  
Section 21.07.130C., Tall  
Buildings, with staff notes.  
  
- Provided as **Exhibit L** of  
PZC Case 2011-104 Issue  
Response, and reprinted  
after this issue-response as  
an appendix.



High rise designs do not respond to Anchorage’s local climate conditions can have severe wind and shadowing effects on the neighboring properties and public streets.



**7.28 Protection of Sunlight Access from Midtown High Rise Shadows –(cont'd)**

**RESPONSE CONTINUED:**

- Before adjourning in 2010, the Assembly Committee raised no further specific concerns regarding the wind study section. This was prepared with assistance by one of the world’s foremost industry experts on wind studies, RWDI.
- The Assembly Committee had greater concerns about the draft sunlight access criteria, and requested the Department return with a revised draft. See (1).
- An emerging approach to tall building development is to encourage appropriate design and placement relative to adjacent neighborhoods. The potential climatic impacts of a proposed tower can be predicted and mitigated in advance by a wind study (next page) and a shadow impact study (below).
- The Department has revised the draft shadow impact study provisions to be simpler and more flexible. The sunlight access criteria have been revised such that a tall building can be constructed if it minimizes or mitigates its shadowing impacts through its placement on the site, orientation, and/or building massing techniques such as step-backs or slender floor plates.

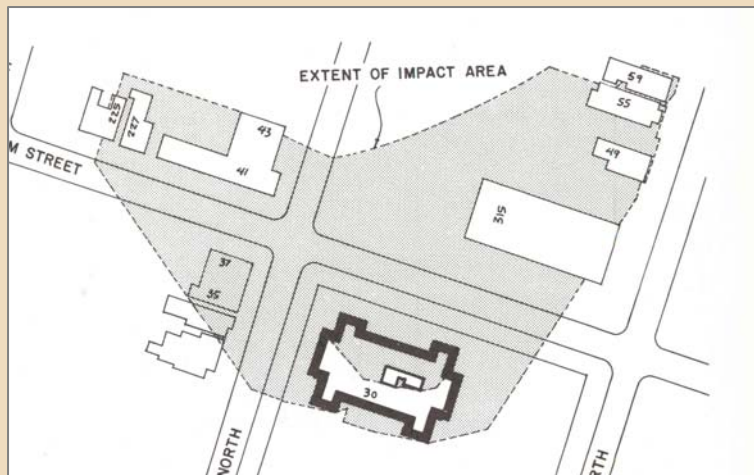


**Building Placement or Step-backs in Form**



**Sloping Roofs**

**Shadow Impact Study Example: Hamilton, Ontario**



A shadow impact study determined that this proposed building would shadow residential buildings and a greenhouse to the north. Through its site plan review process, the city’s planning commission negotiated adjustments to the shape of the building and its placement on the lot to reduce these impacts.



**Slender Towers**

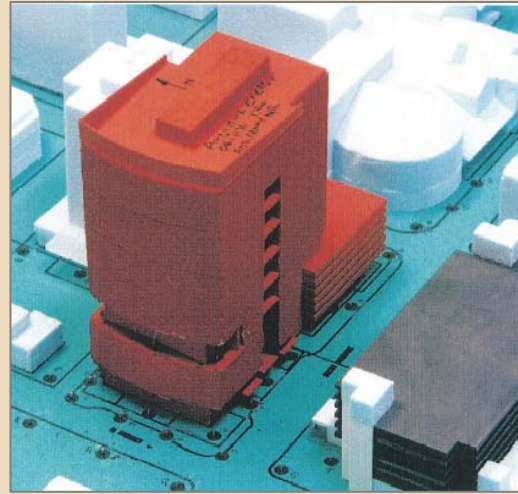
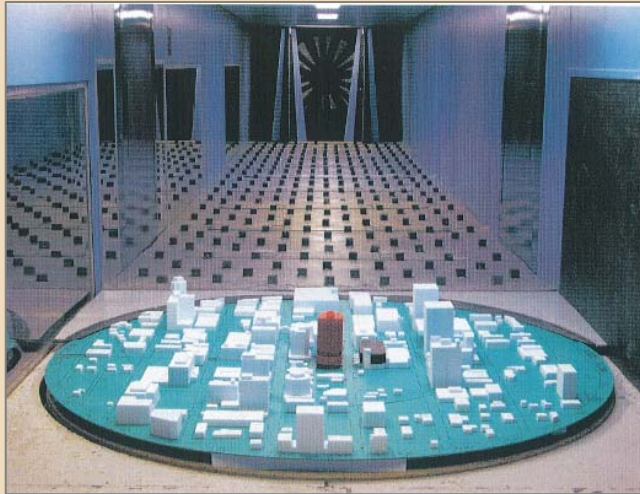




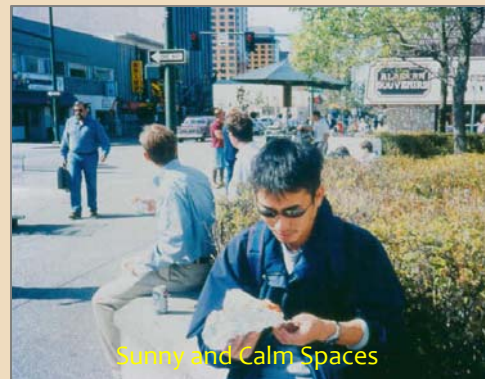
7.28 Protection of Sunlight Access from Midtown High Rise Shadows –(cont'd)

**RESPONSE CONTINUED:**

**Example Wind Study: Augustine Energy Center (2008)**



An initial screening-level wind assessment by RWDI determined that a wind tunnel test would be advisable to predict wind effects around the proposed high rise Augustine Energy Center in downtown Anchorage. The wind tunnel test was conducted with a scale model of Downtown. The wind study helped the design team adjust the building shape so that wind speeds in surrounding public streets and sidewalks would remain within comfort and safety criteria. (RWDI; Neeser Construction)



Sunny and Calm Spaces

**Example Table: Pedestrian Wind Comfort and Safety Categories**

COMFORT CATEGORY							SAFETY CATEGORY		
GEM Wind Speed (mph)	Sitting	Standing	Walking	Uncomfortable			Gust Speed ≥ 55mph		
Category Limit	0 - 6	0 - 9	0 - 12	> 12			> 2 Events Seasonally		
	≥ 80%	≥ 80%	≥ 80%	> 20%					
Loc.	Config.	Season	%	%	%	%	RATING	Events	RATING
999	A	Summer	75	85	95	5	Standing	0	PASS
		Winter	50	70	85	15	Walking	1	PASS
	B	Summer	65	80	90	10	Standing	2	PASS
		Winter	45	65	75	25	Uncomfortable	4	FAIL





**7.28 Protection of Sunlight Access from Midtown High Rise Shadows –(cont'd)**

**RECOMMENDATIONS:**

Revise and improve the draft Section 21.07.130C., Tall Buildings, as summarized below, with the suggested amendment language specified on the following pages:

1. Raise the building height threshold at which the section applies to **90-feet**.
2. Clarify the applicant may use ASCE industry standards for pedestrian wind comfort and safety criteria, as opposed to the information in the Title 21 Users Guide.
3. Protect sunlight access only for residences and elementary / middle schools.
4. Change the sunlight access criteria from a prohibition against shadowing during the sunlight access time period, to merely prescribing a higher level of community review if the proposed building would cast shadows during the sunlight access time period. It would seek to mitigate shadowing effects on a more flexible, case-by-case basis through the public hearing major site plan review process.
5. Prioritize sunlight access between February 21 and October 21, during the hours of 9 am to 3 pm, solar time, to provide more effective sunlight protection.
6. Clarify the design strategies by which a high rise building may reduce or mitigate its potential shadowing impacts.
7. Clarify the Title 21 Users Guide provides information for how to demonstrate what shadows a proposed building will cast, but does not dictate the design criteria for sunlight access.
8. Add an exception for sites affected by north facing slopes and topography.

**Example Building Heights:**



**Afognak Corp. — 62 ft**



**Wells Fargo — 82 ft**



**Dena'ina — 99 ft**



**ASRC — 100 ft**



**Centerpoint — 14 stories**





## 7.28 Protection of Sunlight Access from Midtown High Rise Shadows –(cont'd)

### RECOMMENDATIONS CONTINUED:

Draft amendment language:

#### C. Tall Buildings

This section addresses the effects of tall buildings in Alaska's northern climate, including wind downdraft impacts on pedestrian comfort and safety, and shadowing impacts on sunlight access to neighboring properties.

##### 1. Wind

Buildings that exceed 90[75] feet in building height (as measured in section 21.06.030D.), including additions or modifications to the exterior building envelope, shall be designed so that wind speeds on sidewalks, walkways, and other pedestrian spaces surrounding the building will remain within thresholds for outdoor comfort and safety, or at least not add to existing wind problems, as follows:[]

##### a. *Wind Speed Criteria*

Acceptable wind speed thresholds for outdoor comfort and safety shall be as specified in the Title 21 users guide, or as supported by ASCE publications, and based on the types of pedestrian activity anticipated to occur around the proposed building.

##### b. *Method for Determining Wind Conditions*

A wind study by a wind engineering/building aerodynamics expert shall be used to forecast wind conditions and present wind control measures or design modifications as necessary to demonstrate that wind speeds will remain within the accepted thresholds.

##### c. *Incentives for Wind Mitigation*

Any development that incorporates a wind tunnel test and the wind speed criteria of this section into the design of a multistory building shall be eligible for a floor area bonus as provided in sections 21.04.[x-ref].





7.28 Protection of Sunlight Access from Midtown High Rise Shadows –(cont'd)

**RECOMMENDATIONS CONTINUED:**

Draft amendment language:

**2. Sunlight Access**

The placement, height, bulk, and orientation of buildings that exceed 90[75] feet in building height (as measured in section 21.06.030D.), including additions or modifications to the exterior building envelope, shall minimize shading of residences and[,] schools[, PARKS, AND COMMUNITY GARDENS], as provided below. ~~THE SUNLIGHT ACCESS CRITERIA ARE DESIGNED~~ to protect the health and welfare of occupants, the economic value of solar radiation, and options for future use of solar energy.

**a. Sunlight Access Criteria**

It is the priority of this section to protect solar access to the buildable area of residentially zoned lots and elementary and middle school lots in the PLI District, from February 21 to October 21 between 9 am and 3 pm solar time.

Developments proposed to cast shadows during these times at the locations specified are subject to a major site plan review, in order to minimize and/or mitigate the additional impacts on solar access to the maximum extent feasible.

Design measures to reduce or mitigate these shadow conditions may include the placement, massing, roof form, facade, or orientation of a high rise on its site.

~~[APPLICABLE DEVELOPMENTS SHALL AVOID CASTING SHADOWS ON THE LOCATIONS PROVIDED IN TABLE 21.07-14, FOR THE TIME PERIODS THAT THE TABLE SPECIFIES.]~~

~~[TABLE 21.07-14: MINIMUM SUNLIGHT ACCESS] (Table Deleted)~~

**b. Method for Determining Shadowing Impacts**

The Title 21 users guide shall provide information regarding acceptable methods and procedures to forecast the spatial extent and hourly time periods of shadowing, ~~[AND PRESENT DESIGN MODIFICATIONS]~~ as necessary to demonstrate that the sunlight shadowing will remain within the accepted thresholds.

**c. Incentives for Shadow Mitigation**

Floor area incentives for minimizing shadowing through building placement and design are available in sections 21.04.[x-ref].





**7.28 Protection of Sunlight Access from Midtown High Rise Shadows –(cont’d)**

**RECOMMENDATIONS CONTINUED:**

Draft amendment language:

**3. Exceptions**

The Director may allow wind speeds to exceed accepted thresholds for comfort, and/or [ALLOW] **waive the major site plan review requirement for shadowing** beyond the accepted minimum thresholds for sunlight access, if:

- a. The building avoids worsening pre-existing conditions;
- b. The impact will be insubstantial because of the limited location or time period in which the wind speed or sunlight shadowing threshold is exceeded; [OR]
- c. It has been demonstrated that the proposed development conforms to the maximum extent feasible; **or** [.]
- d. Because of hillside topography, the sunlight access provision would restrict permissible development on a lot with a north slope, and reasonable use cannot otherwise be made of the site.**

***Bonus for Wind Mitigation***

A floor area bonus equal to ten percent of the lot area (0.10 FAR) but in no case to exceed 10,000 square feet is allowed if a wind tunnel test and the wind speed criteria meeting the specifications of section 21.07.130C. are incorporated into the design of a multistory building development to improve microclimatic conditions.

***Buildable Area***

The area of a lot remaining after the minimum setback and site perimeter landscaping requirements of this title have been met, including any required setbacks from utility transmission facilities, projected rights-of-way, streams, water bodies, or wetlands. The buildable area of a lot shall exclude floodways, class A wetlands, utility easements, steep slopes and other areas of a lot that the regulations of this title deem unavailable for building construction.

