

TITLE 21 REWRITE

**Assembly Title 21 Committee
September 20, 2012**

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

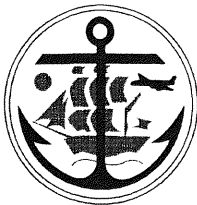
Chapter 7

except Landscaping and Building Design Standards

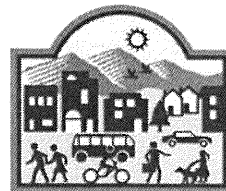
Title 21 Rewrite — Assembly Review




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Municipality of Anchorage
Community Development Department
Planning Division



MEMORANDUM

Date: September 20, 2012
To: Assembly Title 21 Committee
From:  Jerry T. Weaver, Jr., Director
Subject: Review of Proposed Amendments to Provisionally Adopted Chapter 7 – Part I

This document provides the Department's review of recommended amendments from the Planning and Zoning Commission (PZC) to the provisionally adopted **Chapter 21.07, *Development and Design Standards***, as well as other remaining issues regarding Chapter 7, up through Section 21.07.100. Several of the later sections (see below) will be addressed in a separate paper.

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.

The following sections of Chapter 7 are not addressed in this document and will be the subject of a later issue-response paper:

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

Title 21 Exhibits referred to in this document, including Exhibits B, E, H, M, 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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7.1 Deletion of Purpose Statements –21.07.010A

ISSUE:

The PZC proposes to delete all of the specific purpose statements for this chapter. The reason provided is to simplify the section.

RESPONSE:

The wholesale deletion of the specific purpose statements in Chapter 7 should not be approved, for the following reasons:

- The specific purpose statements (with changes) have been part of Title 21 rewrite since the first draft when it was released in 2004. No specific problem language has been identified.
- The proposed change would remove most or all of the guidance for the site designer for understanding the overall reasons for the development and design standards presented in this Chapter, and **the common objectives that integrate the various separate sections in the Chapter**, and the connections to the **Comprehensive Plan**.
- Without knowing the community intent and will behind the regulations, applicants will use their own interpretations.
- Many of the development and design standards present a “menu” approach to allow users to tailor the design of their project needs with how to fulfill each of the development and design standards. Minus the purpose statements, users will have to rely on their own experience to choose which design standards to apply under the new Code.
- The deletion of “streets”, (line 6), in the opening paragraph of the Chapter is also problematic. Streets are a major design component that must be considered for any project. Access to, from and through the proposed development and how the project fits in with the surrounding neighborhood is vital to the safety and access of the area as a whole.

RECOMMENDATION:

1. Retain the provisionally adopted purpose statements unless there are specific items of concern that can be addressed.

REFERENCES:

*PZC Revision of Title 21:
Section 21.07.010A, Page 1,
Lines 6 through 39, and Page
2, lines 1 and 2.*

*Provisionally Adopted Title 21:
21.07.010A., Page 281*





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

ISSUE:

The PZC proposes several changes to this section: amending the purpose statement; adding subsection 21.07.080, “*Landscaping, Screening and Fences*” to the list of standards that may be considered for AEC; deleting the example in the “*Decision-Making Responsibility*” subsection; reducing the number of days in which a decision should be rendered; and amending the criteria for granting an AEC request.

The reasons for the changes are: shorten and simplify the purpose statement for AEC; allow landscaping, screening and fences to be considered; make the timing of decision consistent the section; and clarify the criteria for approving a request.

RESPONSE:

- The AEC is essentially an administrative discretionary design review and was developed specifically to supplement the new building design standards introduced in the Rewrite in sections 21.07.110, .120, and .130 to address building orientation and massing.
- The AEC process supplements the building design sections to avoid the inadvertent prohibition of creative and functional architecture if strict adherence to the building design standards was enforced.
- PZC’s proposal to add Section 21.07.080, “*Landscaping Screening, and Fences*” , however, overextends the purpose of the AEC and harms other objectives of the rewrite such as streamlining administrative review procedures and costs, and ensuring clear and predictable minimum standards for site development.
- Adding to the list of sections available for consideration under the AEC procedure will further increase the array of AEC requests, each demanding a negotiation and discretionary review.

Continued...

REFERENCES:

**PZC Revision of Title 21:
Section 21.07.010D.1,2,4, 5 and
6, Pages 2-3.**

*Provisionally Adopted Title 21:
21.07.010D, Page 282-283.*

**Exhibit N: Issue-Response
Memoranda - Compilation.
Issue 7-1, Page 99.**





7.2 Alternative Equivalent Compliance (AEC) – (Continued)

RESPONSE CONTINUED:

- This new procedure has the potential to be time-consuming to administer per each code provision it covers. At least initially, it is prudent to limit use of AEC to its intended scope in the building design standards.
- The Department, like all municipal departments across the board, has been required to cut staffing levels in order to meet the Municipality’s projected budget shortfall for 2013. The remaining staff will need to learn and administer a new zoning code, as well as the administrative challenge of keeping track of approved alternative site designs.
- Secondly, a discretionary design review process such as AEC should have strong design guidelines, but AEC would not have this guidance for landscaping. This has the potential to undermine the integrity of the minimum development standards in the land use regulations. If there is need for flexibility in a section, it has been more the practice in the rewrite to address that need in that section, through menus, alternatives, etc.

RECOMMENDATIONS:

1. Forward the provisionally adopted Title 21 to retain the focus of the Alternative Equivalent Compliance on the new building design standards, with 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, amending 21.07.010D.5, to amend line 17, page 3, from forty (40) days, to thirty (30) days to make the timing of decision consistent within this section.





7.3 Wetlands Permitting Sequence –21.07.020B.3.c.

ISSUE:

The PZC recommends changes the optimal sequencing of wetlands permitting relative to platting and zoning actions.

In past practice, developers have been requested to obtain all necessary Federal and/or State approvals for work within wetlands prior to final platting approvals. The proposed changes by PZC allow PZC actions to occur first if conditioned on obtaining necessary permits and Federal or State approvals.

MOA Planning has determined that a clarification regarding wetland delineations and reference to the Anchorage Wetlands Management Plan is needed.

RESPONSE:

- The provisionally adopted section allows the applicant to apply simultaneously for the wetland approval. Its sequencing of final approval is really a protection for applicants.
- The scenario proposed by PZC has proven difficult in practice. For projects to seek approvals at the same time or after a platting or zoning action can result in confusing or conflicting conditions imposed on the applicant or project design changes requiring additional PZC action (21.07.020B.8.b.i.).

RECOMMENDATIONS:

1. Reject PZC changes to this Section. Forward the Administration’s proposed amendment #56 recognizing that the COE wetland permit should come after the rezoning.
2. Technical edit: In section 21.07.020.B.3.c.ii, remove “the department and/or...” from this section.

REFERENCES:

PZC Revision of Title 21: Section 21.07.020B.3.c, Page 4, Lines 33-40.

Provisionally Adopted Title 21: 21.07.020B.3.c28, Page 4, Lines 10-13.





7.4 Reducing Stream Protection Setbacks –21.07.020.B

ISSUE:

The PZC supports the Administration’s amendment to change the stream setback from 50–ft back to the 25-ft setback, to reflect the standard in the current code (AMC 21.45.210). The PZC also supports the Administration’s amendment to reduce the stream setback from 100 to 50-ft for the R-10 zoning district.

This issue regarding stream setbacks has garnered the most substantive public comments during the PZC public hearings process. (See 1.)

RESPONSE:

The Department has presented information documenting the importance of having adequate stream setbacks for safety, environmental protection, and the long term economic benefits to the Municipality and its tax payers and for property owners.

- Policies of the Comprehensive Plan, call for riparian corridor protection (policies #66,67,68 and 70).
- The Administration’s amendment #57 recommends maintaining the 25 ft stream setback for all zoning districts except for the R-10 District, where a reduction from 100 ft (current code standard) to 50 ft for stream setback is recommended.

RECOMMENDATIONS:

1. Forward the Mayor’s recommended amendments along with the Current Code’s standards for what is allowed and prohibited within the setback area.
2. 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.

REFERENCES:

**PZC Revision of Title 21:
Section 21.07.020B.4.a.i, Page
4, Line 43 - Page 5, line 5.**

*Provisionally Adopted Title 21:
21.07.020B.4.a.i, Page 284, Lines
16-20.*

- (1) Exhibit M: **Photo Imagery Map Series: Illustrating a 50-Foot Stream Setback on Six Streams in the Anchorage Bowl** and, Exhibit N, PZC Case 2011-104 Issue Response, #7-2, Page 100-111.





7.5 Alternate Setback Option for Stream Corridor Width - 21.07.020.B.4.b

ISSUE:

The Planning and Zoning Commission reduced the Provisionally Adopted “stream corridor” width from 100-ft to 50-ft.

RESPONSE:

The Department presented information documenting the importance of adequate stream setbacks and the rationale for establishing a stream corridor width of 100 feet. See (1). Amendment #58 as recommended by the Administration, provides clarity in how this section is to be applied. See (2).

- *Stream Corridors* are used primarily for stream rehabilitation projects to re-create natural bends (meanders), or where additional stream buffering is warranted to protect property from a dynamic stream system, i.e. braided channels that change position annually. Corridors resemble a separate linear tract around a stream more than a standard setback, which is measured outward from a stream bank.
- A 100-ft wide corridor allows for natural stream meandering which reduces flow velocity and the danger of flooding.
- For stream rehabilitation or creation projects, a 100-ft corridor provides adequate space to engineer and design a functioning stream. An example is the Chester Creek at Muldoon project, restoring a section of Chester Creek east of Muldoon (former Alaska Greenhouses property). The 100-ft corridor was based on a minimal width that would allow for an engineered stream design with natural stream meanders, and flexibility to work with a sites natural features, flow rates and slope. A 100-ft stream corridor width also allows for an adequate vegetative buffer from adjacent land uses.

RECOMMENDATION:

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

REFERENCES:

PZC Revision of Title 21:
Section 21.07.020B.4.b, Page 4,
Lines 29 - 34.

Provisionally Adopted Title 21:
21.07.020B., Page 4,

- (1) Exhibit M: **Photo Imagery Map Series: Illustrating a 50-Foot Stream Setback on Six Streams in the Anchorage Bowl** and, Exhibit N, PZC Case 2011-104 Issue Response, #7-2, Page 100-111.
- (2) Consolidated Table of Proposed Amendments, Amendment #58, Page 37.





7.6 Weakening of Steep Slope Development Standards –21.07.020C

ISSUE:

PZC proposals in 21.07.020C. alter and reduce the standards for steep slope development . The proposed amendments do the following:

- ⇒ Eliminate some important purpose statements (no reason given);
- ⇒ Raise the threshold above which the standards would apply which vastly increases the amount of natural landform and vegetation that can be changed and/or removed (reasoning: Gives more flexibility for lots with less slope); and
- ⇒ Delete other important provisions that govern development on steep slopes in accordance with the comprehensive plan (reasoning: temporary fencing is costly; setback for retaining structure is unworkable .

RESPONSE:

The steep slope standards were created in order to integrate development in steeply sloped areas into the topography without substantial re-contouring of the natural features. This helps to maintain natural drainage patterns (reducing the need for expensive humanly-constructed drainage facilities) and natural vegetation. When a sloped area is completely or mostly re-contoured, such as Goldenview Subdivision, this creates issues with slope failure, flooding, ponding, mystery seeps, and the alteration of downstream drainage patterns which creates impacts on those downstream properties. This is a major health and safety issue.

The sloped areas of the Anchorage Bowl which will be developed with residences are generally on the Hillside in the rural (Class B) zoning districts. Anchorage 2020, Policy 13, states:

New rural residential subdivisions shall be designed to:

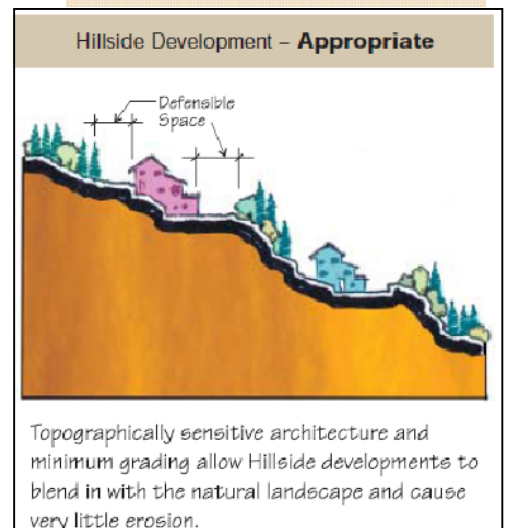
- ⇒ Maintain the rural character of the area;
- ⇒ Link to existing adjacent road and trail systems;
- ⇒ Protect, maintain, or avoid sensitive environmental areas (wetlands, steep slopes, drainage ways, unsuitable soils, geo-hazards areas); and,
- ⇒ Incorporate wild land fire safety design standards.

REFERENCES:

**PZC Revision of Title 21:
Section 21.07.020C, Page 11,
Line 14 through Page 14, Line
32.**

*Consolidated Table of
Proposed Amendments:
Amendment #60.*

*Provisionally Adopted Title 21:
Section 21.07.020C., Page 290.*



-HDP info: “Establish new standards for development, addressing drainage, grading, and retention of vegetation, to apply in the upper elevation and steeply sloping areas of the Hillside.” (Policy 2-A, page 2-30)

Continued...





7.6 Weakening of Steep Slope Development Standards –(Continued)

RESPONSE CONTINUED:

- This policy is to be implemented in part through Land Clearing Standards, the Hillside District Plan, and Slope Development Guidelines. The Slope Development Guidelines state in part:
 - ⇒ The objective of this strategy is to create enforceable design guidelines for development on slopes. The guidelines would provide instructions on how to adapt structure and lot design for sloped environments.
- The Hillside District Plan policies support standards for construction on slopes greater than 20% in order to reduce development impacts. See sidebar.
- Additionally, Anchorage 2020 guiding planning principles state, “The visual image and identity of the city are strengthened and promoted”; “The natural environment is embodied in project design”; and “Impacts to environmentally fragile areas are minimized”. Policy 48 says, “Subdivision plats and site development plans shall be designed to enhance or preserve scenic views and other significant natural features in accordance with applicable goals, policies, and strategies.”
- Purpose statements (21.07.020C.1.): The deleted purpose statement language should be retained, particularly 21.07.020C.1.f. and C.1.h. Protecting visually significant and prominent natural features implements the comprehensive plan by protecting the city’s visual image, preserving scenic views, and protecting significant natural features and environmentally fragile areas. Retaining the natural vegetation maintains the rural character of the area, as well as prevents erosion.
- Applicability (21.07.020C.2.): A 20% slope is a very steep slope. Maximum residential driveway slope is 10%. One of the steeper portions of road in town, the portion of Cordova Street between 15th Ave. and 16th Ave. (near the Sullivan Arena and Mulcahy Stadium) is a 16 % slope. Current limitations on slopes of roads limit them to no more than 10% (12% by variance). By changing the applicability of the Steep Slope Development from applying to lots with an average slope of 30% instead of 20% (as is provisionally adopted), steeply sloped lots between 20% and 30% are not protected from erosion and loss of slope stability, and the character of the sloped areas of the municipality are not protected in accordance with the comprehensive plan. The Hillside District Plan directs slope standards to apply to slopes over 20%.

Continued...





7.6 Weakening of Steep Slope Development Standards –(Continued)

RESPONSE CONTINUED:

- Additionally, there is a whole section that addresses slopes over 30%: 21.07.020C.4. If the applicability of C.2. and C.3. is changed to 30%, then do both sections apply?
- Site Disturbance Envelope (21.07.020C.3.c.ii.): The provisionally adopted code proposes limits on disturbance on steeply sloped lots in order to prevent soil erosion and landslides, and retain the natural vegetation of the hillsides, which maintains the rural character of the area. The amount of a sloped lot that can be disturbed should be related to the lot size. A blanket 70%, as proposed by PZC, allows far too much of a large lot to be disturbed. For instance, a sloped lot in the R-8 district, having a lot size of at least four acres (174,240 sf), could have 121,968 square feet disturbed under the PZC recommendation. A 10-acre lot could have 7 acres recontoured, which would significantly affect the natural drainage and increase the likelihood of slope failure, erosion, etc... The provisionally adopted disturbance limits are quite generous—no lot would have less disturbance allowed than the size of an R-7 zoned lot (20,000 square feet). This provides plenty of space for a residence and customary yards/lawns and outbuildings.
- Temporary Construction Fencing (21.07.020C.3.c.iii.): Temporary fencing is important to provide the contractor with the limits of site disturbance. Without such fencing, the contractor, or a sub-contractor for whom the contractor is responsible, could expand beyond the limit unknowingly, and once the area is disturbed, it can't be returned to it's original state. The vegetation is removed and the soil is loosened and prone to erosion.
- Setback for the Toe of Slopes and Engineered Structures (21.07.020C.3.d.ii.): By setting the bottom of fill slopes and engineered structures back a minimum of 15 feet from neighboring property lines, the abutting property owners are more protected from both construction activities impacting their property, and from changed drainage patterns impacting their property. (see photo)
- Raising or Lowering Natural Grade (21.07.020C.3.e): The provisionally adopted section limits the raising or lowering of natural grade to four feet, with exceptions, in order to integrate the development into the existing topography, discourage mass grading of large pads, and maintain existing drainage patterns as much as possible.

Continued...





7.6 Weakening of Steep Slope Development Standards –(Continued)

RESPONSE CONTINUED:

- Height of Retaining Walls (21.07.020 C.3.f.): The provisionally adopted section limits the height of most retaining walls to 6 feet to have a human scale, and to limit the visual impact of the vertical, engineered structures.
- Ground Cover and Revegetation (21.07.020C.3.h.): The provisionally adopted section requires denuded areas to be revegetated by November 1, and limits excavation to between May 1 and November 1, except under emergency conditions. This provision comes from the existing code in the R-10 residential alpine/slope district—see 21.40.115K. This provision is important to prevent erosion, maintain slope stability, and protect water quality, as slopes that aren't stabilized before winter are prone to erosion and sedimentation.

RECOMMENDATION:

1. Do not accept the PZC's proposed amendments to section 21.07.020C
2. Change "temporary fencing" (or redefine) to allow less expensive methods such as flagging with tape.





7.7 Wildlife Management Corridors –21.07.020.D.

ISSUE:

The PZC recommends reducing the applicable width of the provisionally adopted Wildlife Corridor from 200-ft to 100-ft.

The PZC has also proposed deleting compatibility standards for roads, driveways, trails, and bridges within the wildlife corridors. These standards have been designed to facilitate wildlife passage along streams and to minimize wildlife-human conflicts (See PZC Revision of Title 21, page 18, lines 1-3).

RESPONSE:

- The purpose of this section is to reduce wildlife-human conflicts and to facilitate safe wildlife movement by managing selected stream corridors.
- The provisionally adopted section does not reduce allowed density or prohibit roads, bridges, etc., but rather seeks more compatible design considering the presence of wildlife using the movement corridor.
- Wildlife Management Corridors are based on ADFG field studies and local experience with large mammals, particularly bears who rely on salmon-bearing stream corridors.
- The streams subject to the wildlife corridor are selected based on bear encounter data. They are largely salmon-bearing streams and popular for recreation.
- The state’s findings indicate that large wildlife, particularly bears, move along stream corridors in an 600 ft. -wide area parallel to streams. After subsequent discussion, MOA Planning recommended a 200-ft corridor based on ADFG findings that 200-ft is essential to provide a minimum critical width for reducing bear-human conflicts.

Continued...

REFERENCES:

PZC Revision of Title 21: Section 21.07.020D., Pages 17-18.

Provisionally Adopted Title 21: 21.07.020D, Pages 296-295.





7.7 Wildlife Management Corridors –(Continued).

RESPONSE CONTINUED:

- The provision on page 18, lines 1-3 (deleted by PZC) allows new roads, driveways, trails and bridges in the wildlife corridor. It only mitigates for their *design* to facilitate wildlife passage along streams and to minimize wildlife-human conflicts. Without considering wildlife corridors in road and bridge design, motor vehicle - wildlife collisions, particularly with moose will continue to risk lives.
- Wildlife-sensitive facility design is already at work in Anchorage. Alaska Department of Transportation routinely consults with wildlife officials regarding bridge and road design with consideration for wildlife passage, i.e. Elmore Road, south of Tudor Road.
- Other countries such as Canada, and other western states like Montana have innovative designs for wildlife passage corridors across roadways, trails and utilities that have proven functional and cost-effective.

RECOMMENDATIONS:

1. Retain the provisionally adopted Wildlife Corridor width of 200-ft.
2. 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.

3. Section 21.07.020.D.4 and 5 references Discretionary Approvals: To avoid confusion, suggest rewriting PZC’s edited section 21.07.020.D.4.a.ii., which is now awkwardly worded:

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.





7.8 Waiving the Residential Open Space Requirement –21.07.030B.

ISSUE:

The PZC recommends exempting multifamily developments that are adjacent to schools, dedicated greenbelts, or public parkland from the residential private open space section, if the developer provides access thereto. PZC’s rationale is that if a development is adjacent to greenbelts and park and access is provided then private open space is not necessary.

RESPONSE:

In fact, the proposed waiver would consign many families and other households to having little to no **usable private** outdoor space, moving Title 21 backwards from its current standards:

- A school or park cannot replace the function of usable private outdoor spaces within the multifamily project, such as a small yard, deck, or common area for one’s place of residence.
- Schools are not programmed to shoulder the burden of providing the only outdoor space available for a neighboring multifamily project. Schoolyards are funded to serve students and the overall community. Some schools have sports fields instead of usable yards (see photo, right).
- During the school day and programmed events, schoolyards are off-limits. As public places, they cannot accommodate private activities like gardening or a barbecue with friends.
- Nor can one mix-and-match the function of a public park with the private outdoor space of a residence. As a safe and practical matter, most parkland cannot serve as a residence’s usable private open space, because it is wetlands, wooded trail greenbelts, wilderness, or community sports facilities. Parks are open to any member of the public, and beyond control of the residents. They cannot provide the safe, visible, private, and immediately accessible space that’s right outside one’s door and under one’s control.

RECOMMENDATIONS:

Do not accept the proposed waiver on page 18, lines 41-43.

REFERENCES:

PZC Revision of Title 21:
21.07.030B, Page 18, Lines 41-43.

Provisionally Adopted Title 21:
21.07.030.B, Page 297, Lines 14-17.

The provisionally adopted private open space section sets minimum ground rules for the quality and usability of private outdoor spaces while avoiding substantial changes to the open space area requirement over current Title 21, and it allows for incentivized reductions.



A school campus is no replacement for the private yards of surrounding housing projects.





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

ISSUE:

The PZC recommends amendments which would effectively **reduce the private open space area requirement** for multifamily development in the R-2M and R-3 districts, **by one-third to one-half or more from current Title 21 standards, down to 200-280 square feet per dwelling**, given typical housing unit widths.

It would also delete the private open space requirement for group living and non-residential uses in the R-2M District.

PZC proposes to change the way the open space requirement is calculated. It would base the required amount of required open space on the width of each dwelling.

RESPONSE:

The PZC changes reverse the course of the Rewrite project, moving the community backwards from its current standards for usable outdoor yards and open space. Instead, the provisionally adopted open space requirements in R-2M and R-3 should be supported, for the following reasons:

- The Assembly Title 21 Committee negotiated the provisionally adopted private open space area requirement through years of research, testing, public discussion, and compromise. These standards received Administration support in 2011. See (1).
- The provisionally adopted private open space section sets minimum ground rules for the quality of usable outdoor spaces while avoiding substantially increasing the area required over current Title 21, and it allows for incentivized reductions:

REFERENCES:

*PZC Revision of Title 21:
Page 19, Lines 4—19*

*Provisionally Adopted Title 21:
21.07.030B.*

(1) Exhibit B., pages 10-11.

Comparison of Current Title 21 ‘Usable Yard’ and Provisionally Adopted ‘Private Open Space’ Area Requirements (square feet)

Zoning District	Current Title 21	Provisionally Adopted Title 21	
		by-right	with available reduction
R-2M	400	480	360
R-3	400	400	300





7.9 Private Open Space Reduced in R-2M and R-3 – (Continued)

RESPONSE CONTINUED:

- An objective of the Title 21 Rewrite is to address public concerns expressed regarding a lack of quality open space in some existing residential developments. The recent Anchorage Housing Market Analysis (2012) corroborates on the high value of residential private open space. See (2).

- **Calculation of Area Required:** The current way of calculating the open space requirement, carried forward by the Title 21 Rewrite, is simple and flexible: multiply the number of dwelling units times the required amount of open space per unit. The applicant decides how to distribute this open space area among the individual units and/or in common areas.

PZC’s proposed change to a calculation based on the width of each unit is more complicated. For example:

- ⇒ Some developments include varying unit types and sizes;
- ⇒ Sometimes, the unit width varies from one floor to the next, or the front versus back walls, and on corner walls;
- ⇒ Sometimes units are partially stacked, like a 3-D jigsaw;
- ⇒ Some projects are stacked multifamily apartments, the width of units varying through the complex.
- ⇒ A rational nexus does not necessarily exist between a unit’s wall width and its floor area or demand for open space.

...This complexity can lengthen project reviews, and require additional policies and regulations to aid interpretation.

- (2) The Housing Market Analysis’ case study of 11 selected compact housing examples found that incorporating common space, such as green spaces or areas for socializing, was an important factor to the success of the developments and their acceptance in the neighborhood (Exhibit H, Appendix A, pp. 5 and 6).



RECOMMENDATIONS:

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





7.10 Two-fold Increase in Private Open Space for R-4 District –21.07.030B.

ISSUE:

The PZC recommends **a two-fold increase in the amount of private open space area required for apartment buildings in the R-4 high density multifamily district**, as compared to current and provisionally adopted code, essentially requiring **200 square feet or more per dwelling**, given typical apartment unit widths.

RESPONSE:

This proposed change should not be supported, for the following reasons:

- The residential district where too much private open space could constrain development potential is the R-4 District, as it relies on the highest density of dwelling units on the lot. Efficient use of the R-4 including allowing stacked multifamily at up to **80 to 100 dwellings per acre** is a key housing strategy.
- The provisionally adopted private open space requirement for apartment dwellings in the R-4 deliberately avoids substantially increasing the area requirement over current Title 21, as shown in the table:

Comparison of Current Title 21 ‘Usable Yard’ and Title 21 Rewrite ‘Private Open Space’ Area Requirements for Apartments (square feet)			
Zoning District	Current Title 21	Title 21 Rewrite	
		by-right	with available reduction
R-4	100	120	90

- In response to public hearing testimony by a housing developer, the Department provided for PZC’s consideration a draft amendment to make the minimum private open space area for townhouse-style multifamily structures in the R-4 the same as for multifamily apartments in the district. See (1).

Continued...

REFERENCES:

PZC Revision of Title 21: Section 21.07.030B.3., Page 19, Lines 4—19

Consolidated Table of Proposed Amendments: Amendment #61., page 39.

Provisionally Adopted Title 21: 21.07.030.B.3., page 297.

- (1) Exhibit N, PZC Case 2011-104 Issue Response Compilation, p. 116 or 141.





7.10 Two-fold Increase in Private Open Space for R-4 District – (Continued)

RESPONSE CONTINUED:

- 200 square feet of open space per unit is unnecessary to the specialized high density character and function of the R-4 district.
- Requiring this much open space could negatively impact the site area requirements and economics of high density, compact multi-story apartment projects. See Park Plaza II example, right.
- PZC’s proposed change to a calculation based on the width of each unit is particularly complicated and inappropriate for stacked multifamily apartments, which characterize the intended use of the R-4 District.
 - ⇒ Imagine measuring the width of all of 100 apartment units in the picture at right, or trying to determine what is the width of the corner units.



Economic Impact Analysis:

Under PZC’s proposed change, Park Plaza II, the five-story, 100-unit apartment building at 16th and A would have to provide an additional 10,000 sq ft of open space. But its entire development site is only 55,000 sq ft.

Stacked projects like this cannot afford 200 sq ft of open space per unit because so many units are on a relatively small lot.

RECOMMENDATIONS:

1. Do not accept the proposed PZC amendments to the R-4 District private open space requirements on page 19, lines 20-29.
2. Forward the provisionally adopted open space area requirement in the R-4 district, 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:
 3. 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.





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

ISSUE:

The Assembly Committee Chair raised a question regarding the proposed amendment by PZC to increase the allowable average slope of an individual private open space for the exclusive use of each dwelling unit, from 5 to 10 percent slope.

PZC has also proposed to allow perimeter buffer or arterial landscaping beds to count toward the private open space area.

RESPONSE:

These changes should be evaluated against the intent of the section for the required private open space to be suitable for a wide range of recreational uses:

- Slope determines what uses for the land are suitable. As slope increases above 5 percent, most recreational uses become impractical. See (1).
- Reference resources from the fields of civil engineering and landscape design establish that areas in the 2 to 4 percent category are generally suitable for outdoor amenities including walkways, play areas, gardens, picnic areas, and informal lawn areas for games. Areas with a 5-10 percent slope are suitable for a much more limited range of recreational activities.
- The Assembly Committee reviewed the issue previously, and determined that an area reserved for the exclusive use of a dwelling unit should have an **AVERAGE** slope of no more than 5 percent, to count toward the private open space requirement.

RECOMMENDATIONS:

1. Clarify the measurement of “average slope”. If a 5 percent average slope allows parts of the area to exceed 5 percent, then do not accept the amendment on page 20, line 31, without a further demonstration of the rationale.
2. Do not accept the amendment on line 18 of page 20.

REFERENCES:

PZC Revision of Title 21: 21.07.030B, Page 20, Lines 18 and 31.

Percent slope is the change in vertical elevation between two points divided by the horizontal distance between the two points.

If two points are 10 feet apart, point A being 3 feet higher in elevation than point B, then the slope is 3 divided by 10 multiplied by 100, or 30 percent.

An individual private open space reserved for exclusive use of a residence is often a balcony, patio, deck, and/or small lawn.





7.12 Increasing the Site Disturbance Footprint –21.07.040.

ISSUE:

The Assembly Committee Chair has requested information as to whether the requirements for storm water treatment plan approval beginning on page 24 are a state requirement.

The PZC has recommended increasing the site disturbance footprint triggering stormwater regulatory requirements from 500 square feet to 1 acre (page 25).

The PZC also added the additional text “in excess of one acre” to sections 21.07.040.E.6 and 21.07.040.E.9.a. on pages 26 and 27.

The rationale provided by PZC is that this change is consistent with state and federal requirements.

RESPONSE:

The proposed change should not be supported for the following reasons:

- The applicability of storm water treatment plan regulations for the activities listed on page 24 is established by state and federal requirements.
- 500 square feet is the same acreage threshold as in the current Title 21 (1). No change was proposed by the Administration.
- The MS4 stormwater permit requires Anchorage to review and inspect ground disturbing projects 10,000 square feet and greater, and all projects located on environmentally sensitive areas. (2)
- Raising the threshold above 10,000 square feet places the Municipality in violation of the Municipal Separate Storm Sewer System (MS4) Permit issued to Anchorage through the Alaska Pollutant Discharge Elimination System (APDES).
- Additionally, the MS4 permit requires Anchorage to review and inspect individual projects that are part of a common plan of development (i.e. properties that individually are LESS than 10,000 square feet).

REFERENCES:

**PZC Revision of Title 21:
Section 21.07.040E.b, Page 25
Line 9; Page 26 Line 25; and
Page 27 Line 28.**

*Consolidated Table of
Proposed Amendments:
Amendment #84, Page 49.*

- (1) AMC 21.67, Water Pollution Control
- (2) Note: The MS4 stormwater permit is a separate permit from the Construction General Permit (CGP) issued by the State of Alaska.

Continued...





7.12 Increasing the Site Disturbance Footprint – (Continued)

RESPONSE CONTINUED:

- Reviewing projects at the 500 square foot threshold allows the Municipality to identify projects meeting the above criteria and ensure they are in compliance with the mandated federal and state requirements. This also allows the Municipality to take a preventative approach to problems rather than a reactive approach – waiting until after violations have occurred.
- The 500 square foot threshold makes the cost causer the cost payer. Reviewing and inspecting projects at the 500 square foot threshold allows the Municipality to collect fees for service appropriate to the size of the project. Inspecting projects after problems have occurred and approaching it as an illicit discharge would shift the costs involved to a program supported by property taxes.
- Regarding the added text “in excess of one acre” in sections 21.07.040.E.6 and 21.07.040.E.9.a.: In all other instances in Title 21 and the State APDES Construction General Permit (CGP) where the one acre threshold is used it is phrased “one acre or greater.”

RECOMMENDATION:

1. Retain the provisionally adopted language on page 25, line 9.
2. 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.”





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

ISSUE:

The PZC has recommended reducing the proposed minimum snow storage area size for commercial and residential uses from a size equal to 10 percent of the parking lot area, to 5 percent.

It has also proposed that **required** parking spaces could be designated for snow storage.

RESPONSE:

The proposed changes should not be supported, for the following reasons:

- Current and provisionally adopted Title 21 depend on the minimum required number of parking spaces being available and used only for parking for the establishment—free of long-term obstructions such as storage. See (1).
- Currently, MOA requires proposed site plans to incorporate snow storage, to ensure compliance with drainage, water treatment, and parking standards. Unless the applicant documents when snow will be removed from the site, the development must include adequate snow storage area. But Title 21 does not currently inform users of this requirement or specify the size of the snow storage area.
- Current Traffic Engineering policy and practice in review of proposed projects is to limit snow storage on required parking to approximately 48-72 hours. On tight sites without excess parking or available snow storage, the Traffic Engineer requires documentation that the snow will be removed in 24 hours or after the most recent snow event. See (2).
- Snow piles that occupy required parking for a longer time defeat the purpose of the parking requirements. **This can impact public safety, traffic flow, emergency response and garbage removal services, drainage control and water ponding, and parking spillover.**

Continued...

REFERENCES:

**PZC Revision of Title 21:
Section 21.07.040F.4, Page 29,
Lines 18-28**

*Consolidated Table of
Proposed Amendments:
Amendment #84.1, starting on
page 49, through page 52.*

- (1) Provisionally Adopted section 21.07.090B.3., *Use of Required Parking Spaces:*
“Required parking spaces shall be available for the parking of passenger automobiles by residents, occupants, customers, visitors, or employees of the use...required parking spaces shall not be used for the parking of equipment or for storage of goods or inoperable vehicles.”
- (2) Current AMC 21.45.080X.5, *Regulation of Parking Space Use.*





7.13 Snow Storage Areas on New Development Sites – (Continued).

RESPONSE CONTINUED:

- **How much snow storage is really needed?** Studies indicate that, in an average winter, properties without snow removal will need an area on site equal in size to **15-20 percent** of the parking area, to store stacked / plowed snow.
- The draft 10 percent area requirement is already lenient:
 - ⇒ It is less than what we know will be needed, which would be closer to the original draft requirement of 20 percent.
 - ⇒ It applies only to developments without snow removal, is reduced or eliminated based on a snow removal game plan.
 - ⇒ It allows excess parking not required by Title 21 to be used in the designated snow storage area. It allows use of site enhancement landscaping and private open space, too.
- The PZC proposed area equal to 5 percent is a fraction of the space actually needed to accommodate on site snow storage. If it were used as the standard, piled snow is almost certain to encroach into needed parking, driveways, property setbacks, stream outfall setbacks, drainage, pedestrian areas, neighboring lots, and streets—because it will have nowhere else to go. MOA will spend more time and tax dollars fixing problems and resolving neighbor-to-neighbor conflicts.
- The problem will be most widespread in multifamily projects, which have less tendency to haul snow.
- Title 21 Rewrite clarifies the ground rules for how much snow storage to provide, but its minimum area needs to be **realistic**.

RECOMMENDATIONS:

1. Retain the minimum area of 10 percent, rather than reducing it. For multifamily, consider raising the minimum to 15 percent.
2. 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.



CARRS Aurora, April 2009

In this example measurement site, the snow storage area occupied approximately 11-15% of parking area at the end of a close to average snow year.



Snow pile partly in the driveway and partly into the private open space and fence of the multifamily development above.

Snow pile encroaching over the required landscape tree below.





7.14 Reducing Connectivity Among Neighborhoods –21.07.060D.

ISSUE:

PZC proposed changes in 21.07.060D.3. reduce the standards for connectivity in new development. Their reasoning was that requiring vehicular access to 4 public streets was too onerous and not always achievable in some areas.

RESPONSE:

Anchorage 2020, the Chugiak-Eagle River Comprehensive Plan, and the 2035 Metropolitan Transportation Plan all call for increased connectivity between developments. Connectivity is important to disperse traffic movements and discourage congestion points, to reduce length of trips between neighborhoods, and to provide multiple access points for emergency services.

When connectivity and multiple ingress/egress points are not provided, there is an undue traffic burden placed on the neighboring areas and their streets. Disbursing the traffic burden is more equitable to the surrounding community. There is an administrative process to waive the requirement if it is not reasonably feasible due to topography, natural features, or the configuration of existing adjacent development.

- Anchorage 2020: Anchorage 2020 policies and strategies support increased connectivity. See Sidebar 1-3 .
- Chugiak-Eagle River Comprehensive Plan: “Provide connectivity to and between subdivisions where important to accommodate normal as well as emergency traffic, recognizing physical environmental constraints and the need to minimize cut-through traffic within residential neighborhoods.” (Transportation Objective g., page 54).
- 2035 Metropolitan Transportation Plan:
 - ⇒ “Establish community connectivity with safe, convenient, year-round automobile and non-automobile travel routes within and between neighborhoods, commercial centers, and public facilities.” (Goal 5, page 3-4)
 - ⇒ “Enhance the physical connectivity between neighborhoods by increasing the number of roadway, pedestrian, bicycle, and transit connections.” (Goal 5, Objective 4, page 3-4).

REFERENCES:

PZC Revision of Title 21: Section 21.07.060D, Page 40, Lines 27-48 and Page 41, Lines 1-6.

Provisionally Adopted Title 21: 21.07.060D., Page 315, Lines 1-24.

- (1) “Design, construct, and maintain roadways or rights-of-way to promote and enhance physical connectivity within and between neighborhoods.” (Policy 38, page 80)
- (2) “Design and construct neighborhood roads and walkways to ensure safe pedestrian movement and neighborhood connectivity, and to discourage high-speed, cut-through traffic.” (Policy 54, page 83)
- (3) “The objective of this strategy is to amend the municipal subdivision regulations to ensure a continuous network of streets and pathways. The use of cul-de-sacs, dead-end streets, and gated communities generally increase distances that automobiles, pedestrians, and bicyclists must travel to reach their destinations. An adequate number of access points from the subdivision to adjacent higher order streets (arterials, collectors, subcollectors) should also be required to increase the efficiency of the roadway system.” (Street Connectivity Standards Implementation Strategy, page 106)

Continued...





7.14 Reducing Connectivity Among Neighborhoods –(Continued).

RESPONSE CONTINUED:

- In 2011, during adoption of the building code update, the Assembly debated when secondary access needed to be required. If 30 to 100 units are being created and they are in accordance with the International Wildland-Urban Interface code, then access from two directions is not required. The Assembly passed the following language:

The number of dwelling units within multiple developments connected by access streets or peripheral streets ... shall not be aggregated to determine whether a separate approved fire apparatus road is required.

However, they declined to define “multiple developments,” so there is some uncertainty in the application of this provision.

- Provisionally adopted section 21.07.060D.3.d. sets a standard that developments of more than 100 residential units shall be connected to at least four public streets (the director and traffic engineer may administratively waive the requirement). PZC proposes reducing this standard to require a connection to only two public streets. Using the current code’s assumption for daily trips per dwelling unit (AMC 21.85.050), single family detached units are anticipated to generate 8.2 trips per day on the residential street, so a development of 101 units would generate over 828 trips per day. That is a large number of trips to funnel to only two access points. More than 101 units would create even more trips.
- In section 21.07.060D.3.g., PZC changed a requirement to a recommendation, by replacing “shall” with “should”. This section says that when a required vehicular connection is not feasible or appropriate, a pedestrian access way shall be provided to the extent reasonably feasible. This section, as provisionally adopted, recognizes that when vehicular connectivity cannot be provided, pedestrian connectivity is a necessary and appropriate substitute, but can be waived by the director and the traffic engineer. Anchorage 2020 Policy 55 states, “Provide pedestrian and trail connections within and between residential subdivisions in new plats, including re-plats.”

RECOMMENDATIONS:

1. In 21.07.060D.3.d., either retain the standard of connections to four public streets, or set a threshold beyond which two access points is not enough and more are required.
2. In 21.07.060D.3.g., do not accept the PZC’s proposal to change the language from “shall” to “should”—retain the word “shall.”





7.15 Reducing Sidewalk Requirements –21.07.060E

ISSUE:

The PZC proposes to only require a sidewalk on one side of all streets (local, collector, and arterial) and to not require any sidewalks in cul-de-sacs. They state, “sidewalks should not be required on both sides of the street. This adds expense to development that is not warranted. Sidewalks are not needed in cul-de-sacs.”

RESPONSE:

Sidewalks on both sides of streets is a standard amenity in urban areas and is called for in the comprehensive plan. Creating walkable communities and providing transportation choices will benefit the municipality from both an economic perspective and a livability perspective. PZC’s proposed changes are problematic and dangerous for the following reasons:

Current Code

The current code bases sidewalk requirements on the expected average number of daily (vehicle) trips. Streets carrying more than 1,000 average daily trips are required to have sidewalks on both sides. According to the Official Streets and Highways Plan, collector streets generally have over 2,000 average daily trips, and arterials generally have over 10,000 daily trips. Thus, sidewalks (or other types of pedestrian facilities) are almost always installed on both sides of collector and arterial streets, and on both sides of local streets with over 1,000 average daily trips. The PZC proposal would be a step **backwards** from current code.

Provisionally Adopted Title 21

The provisionally adopted code recognizes that sidewalks or other pedestrian facilities may not be needed in all circumstances and calls out these differences. In more urbanized areas, sidewalks are required on both sides of all streets in the R-1, R-1A, R-2A, R-2D, R-2M, R-3, R-4, R-4A, and R-5 residential districts, and all commercial and industrial districts. Sidewalks are not proposed to be required along either side of local streets in the R-6, R-7, R-8, R-9, or R-10 districts unless specifically called for in the comprehensive plan. A sidewalk or other pedestrian facility is required along at least one side of collector or arterial streets in those districts.

REFERENCES:

PZC Revision of Title 21: Section 21.07.060E, Page 41, Lines 21 - 35.

Provisionally Adopted Title 21: 21.07.060E., Page 315.

Two studies that find a clear association between the built environment and activity levels, people’s weight, and their health are, “*Relationship Between Urban Sprawl and Physical Activity, Obesity, and Morbidity*,” American Journal of Health Promotion, Vol. 18, No 1, September/October, 2003; and “*Obesity Relationships with Community Design, Physical Activity, and Time Spent in Cars*,” American Journal of Preventative Medicine, 2004; Volume 27, Number 2.

Continued...





7.15 Reducing Sidewalk Requirements – (Continued)

RESPONSE CONTINUED:

Sidewalks in Cul-de-Sacs

- Not requiring sidewalks in cul-de-sacs as a blanket exemption does not take into account the intensity of development on the cul-de-sac. Nothing prohibits intense uses on cul-de-sacs, such as a school or multifamily housing that would generate large numbers of pedestrian trips. **At a minimum, the sidewalk requirement in a cul-de-sac should be tied to the need.**

Anchorage 2020:

- ⇒ “The overall intent is to create a city in which there will be more opportunities to live a less automobile-dependent lifestyle.” (page 51)
- ⇒ “Design, construct, and maintain roadways or rights-of-way to accommodate pedestrians, bicyclists, transit users, the disabled, automobiles, and trucks where appropriate.” (Policy 37, page 79).

Anchorage Pedestrian Plan:

- ⇒ “Factors that negatively affect walking or biking to school include parental perceptions of heavy traffic within the neighborhoods where the family resides and where schools are located and a lack of pedestrian infrastructure such as sidewalks.” (page 14)
- ⇒ “...areas with the lowest rates of nonmotorized travel—Sand Lake (4.3 percent), Northwest (5.4 percent), and the Hillside (5.6 percent)—are generally low in housing density, lack a mix of land uses, and do not have an established sidewalk system.” (page 14)
- **“Revise the MOA Zoning Code to require pedestrian facilities on both sides of streets in all urban zoning districts and between and within subdivisions without regard to volume of vehicular traffic where appropriate.”** (Action Item Recommendation 1, Policy 4.1; page 53)

REFERENCES:

Transportation Choices:

- ⇒ On average, 30-35% of Americans don’t drive. These are children, some seniors, people with disabilities, those who choose not to drive, and those whose driving privileges have been taken away. A majority of these people make trips—to school, to jobs, to shopping, to recreation. They need a safe and convenient way to move around in the community.
- ⇒ “Walkable communities... command higher property values and are more affordable when people have to spend less on transportation.” (Steps to a Walkable Community, America Walks, 2012, page v)
- ⇒ “Walking can help reduce traffic and parking congestion, improve safety, conserve energy..., and reduce pollution.” (Steps to a Walkable Community, America Walks, 2012, page 5)

Continued...





7.15 Reducing Sidewalk Requirements – (Continued)

RESPONSE CONTINUED:

Sidewalk Maintenance During Winter Months

- ⇒ “Because most residential areas do not have separated sidewalks, the snow is stored on sidewalks.” (Anchorage Pedestrian Plan, page 18)
- ⇒ “Improving snow removal operations for pedestrians entails changes in enforcement, purchase of additional equipment, and additional staff to conduct operations. In addition, attention by designers to consideration of winter city design and snow storage and removal would be helpful in improving operations.” (Anchorage Pedestrian Plan, page 20)
- **Many other winter communities have laws that require abutting property owners to clear the sidewalks in front of their homes and businesses. They also accommodate seniors and persons with disabilities that are unable to shovel snow. This sort of requirement could be explored.**

Walking in Anchorage

- ⇒ “In general, complete sidewalks are more likely to be found in older Anchorage Bowl neighborhoods such as Downtown, Fairview, Mountain View, Airport Heights, College Village, and South Addition. Currently about 474 miles of sidewalks are found in the Anchorage Bowl (excluding separated multi-purpose trails). This sidewalk coverage represents roughly 13 percent of the total miles of roads in the Anchorage Bowl.” (2035 MTP, page 5-46)
- ⇒ Sidewalks on both sides of the streets are normal and an expected amenity in urban areas. If sidewalks are only on one side, children, people with disabilities, and older people, will need to cross the street to use the sidewalk in all weather conditions.
- ⇒ Well designed communities include sidewalks, which increases walkability. That in turn reduces the demand for parking which is the second greatest consumer of land in urban areas. If parking needs are reduced, land opens up for other uses.

RECOMMENDATIONS:

1. Do not accept the PZC amendments in section 21.07.060E.2. Forward the Administration’s Amendment #63 for adoption.
2. Amend the section to require sidewalks on only one side of local streets in industrial districts.
3. Tie the requirement for sidewalks in the stem of the cul-de-sacs to the number of trips generated by residential development, and require sidewalks in the bulb if a public facility such as a school or park is accessed by the cul-de-sac.





7.16 Deleting the Requirements for On-site Pedestrian Walkways –21.07.060E.

ISSUE:

The PZC has recommended deleting all of the requirements for providing on site pedestrian walkway connections between building entries and the street sidewalk.

No rationale for this change is provided. There is no explanation of any specific concerns with the provisionally adopted section.

The PZC also proposes that any on-site pedestrian walkway be credited against required landscaping and private open space.

The Assembly Committee Chair raised concerns about the provision requiring that the walkway shall be the shortest practical distance between the building entrance and the street.

RESPONSE:

This section should be retained, with corrective adjustments as needed to address specific concerns, for the following reasons:

- This section is essential to implement the Comprehensive Plan, to improve Anchorage’s pedestrian environment and community connectivity by providing safe, convenient pedestrian routes within neighborhoods and commercial centers, and to encourage development patterns that make walking convenient, safe, and enjoyable. Further, it implements the Anchorage Pedestrian Plan policy to **Provide for pedestrian circulation within and to commercial development.** (1)
- In Anchorage’s winter and low visibility conditions, equity and public safety demand that people on foot should not have to walk up the vehicle access driveway to get to a building entry.
- Many building sites are **already meeting the standard**, as illustrated on this and the next page.
- The walkway route can cross driveway aisles and parking areas, marked as a striped crossing, as shown on the examples.

Continued...

REFERENCES:

PZC Revision of Title 21: Section 21.07.060, Page 42, Lines 9-41.

- (1) Anchorage Pedestrian Plan, p. 54: **“Require all development to provide direct on-site pedestrian connections between the adjacent street and entrances to places of business such as stores, restaurants, and banks.”**





7.16 Deleting the Requirements for On-site Pedestrian Walkways – (Continued).

RESPONSE CONTINUED:

- Site development cost comparison testing of local example projects demonstrates that walkway connections comprise a very small share of the costs and land area requirements of Title 21. See (2), and **MGM Building example** on next pages.
- Efficient site planning, such as shown in the examples at right, can reduce the land area needed for walkways even further.
- Walkways contribute lasting value to a property and its district. Development that makes walking between destinations safer, more pleasant, and practical can improve public perceptions of the area and can reduce automobile use by 5 to 15 percent. (3)
- In review of PZC’s proposed amendment on page 42, lines 16-18, Title 21 Rewrite already allows walkways to be counted as part of required private open spaces, where contiguous, such as in the Sagaya photo. Also, walkways cutting perpendicular through required landscaping can count as part of the required landscaping bed. However, there is no rational nexus for crediting a walkway path toward unrelated landscaping or open space areas, which have a different function in Title 21.
- Good development practices in more buildings already reflect an awareness of the utility of pedestrian connections. It’s already working in Anchorage projects, without having to deduct needed site landscaping and open space.

- (2) Exhibit E, Title 21 Economic Impact Analysis (EIA) May 2012 Updated Cost Comparisons of 10 development scenarios.
- (3) Sources include Parking Best Management Strategies (2005).



RECOMMENDATIONS:

1. Retain section 21.07.060E.4.b., rather than deleting it, and identify specific problems for resolution. For example, if the provision on lines 29-31 prescribing the shortest practical route is too restrictive, it can be adjusted for more flexibility.
2. Amend the last sentence proposed by PZC in section 21.07.060E.4.a., to clarify and qualify it, as follows:

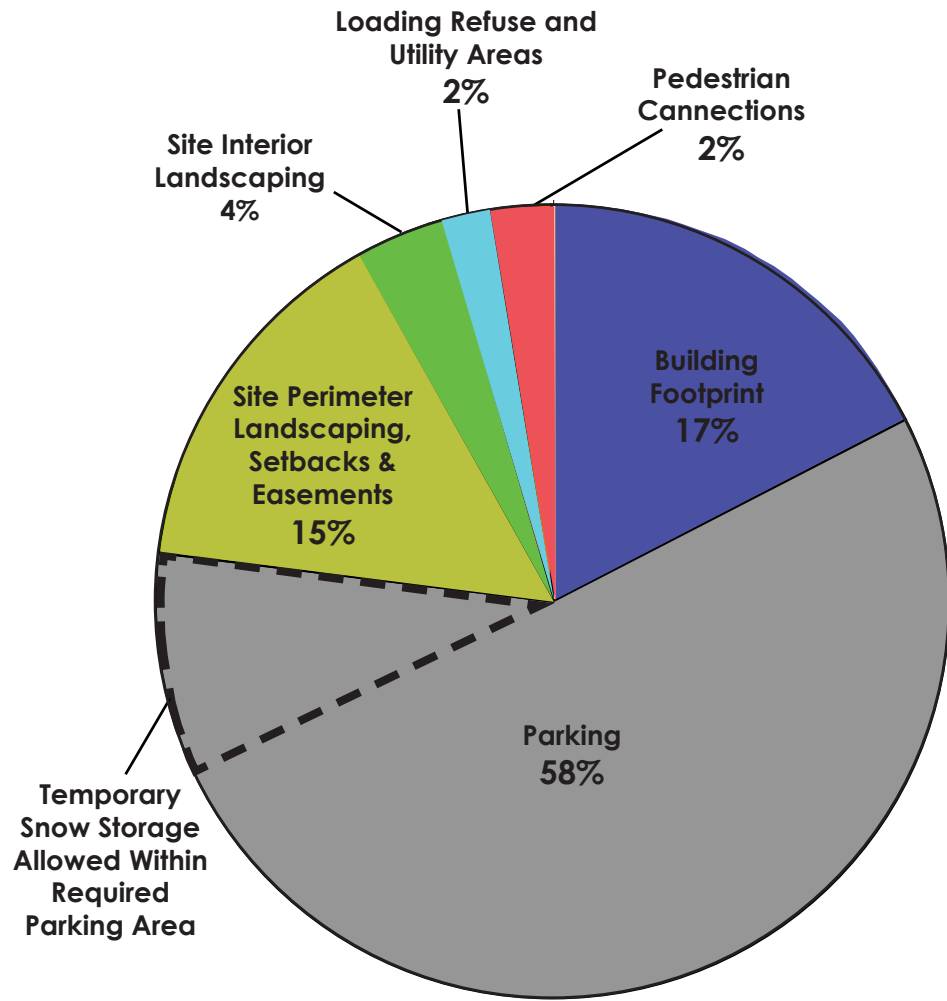
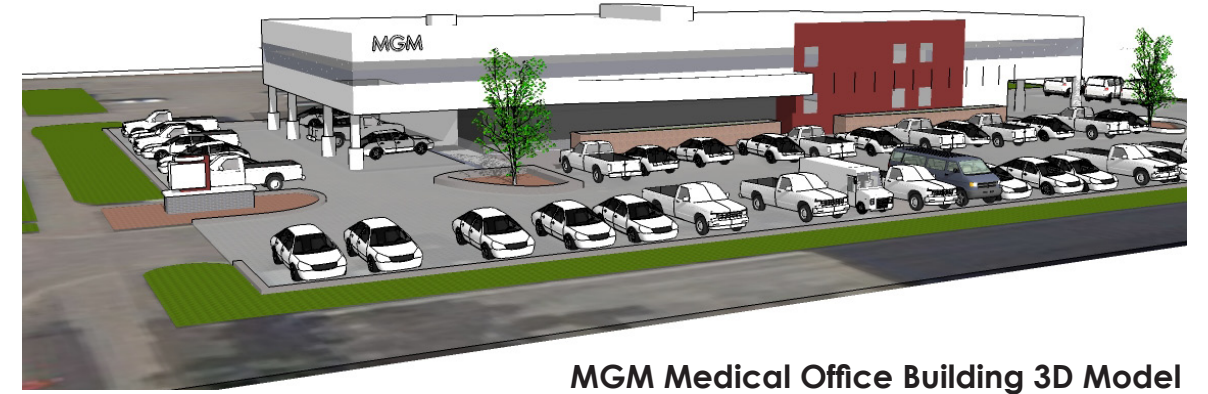
Walkways shall be credited toward a required private open space where they are contiguous. A walkway that crosses a required landscaping bed shall be credited against the required landscaping area and amount of planting material.



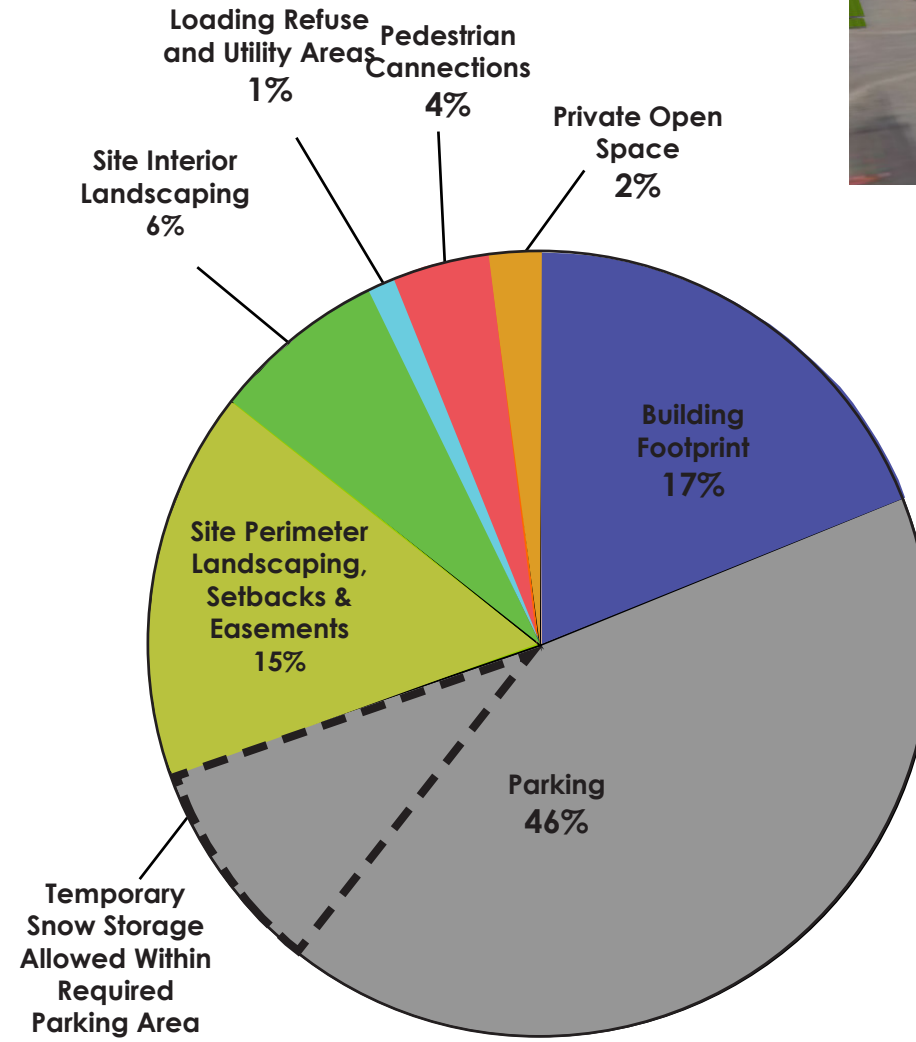
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Land Area Requirements as a Percent of Total Site - MGM Medical Office Building

Comparison of Current and Provisionally Adopted Title 21



Current Title 21 (97% of Total Site Area)



Provisionally Adopted Title 21 (90% of Total Site Area)

MGM Medical Office Building as actually Constructed (Plan View)

Required perimeter landscaping area is similar for this development under either current and provisionally adopted Title 21, except that under the provisionally adopted Title 21, the minimum bed width along the Lake Otis frontage would increase from 6' to 8' to provide enough space for trees.

MGM building walkway connections and entry plaza areas, as constructed, exceed the provisionally adopted Title 21 area requirements for pedestrian facilities and private open space.



Provisionally adopted Title 21 would reduce Loading and refuse area costs for this development.

Provisionally adopted Title 21 would reduce the parking requirement for MGM by approximately 16 spaces.

Consistent with current municipal reviews and requirements, the Title 21 rewrite draft provisions for snow storage allow snow piles to be accommodated within the required parking area if the developer documents that snow is intended to be removed (hailed off site) periodically. The rewrite also provides for snow melting and other snow management alternatives.



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

ISSUE:

The Assembly Committee Chair requested evaluation of a recommended amendment by PZC to apply “neighborhood protection” reviews only to non-residential properties that directly abut a residential district.

As provisionally adopted, it would apply to any non-residential property within 300-feet of a residential property, where subject to a conditional use, site plan review, subdivision, or variance.

RESPONSE:

Limiting the applicability only to sites abutting a residential lot use would be inadequate, for the following reasons:

- This section applies only to conditional uses, site plan reviews, variances, and subdivisions. It helps clarify the kinds of issues of concern to address in these reviews to implement the neighborhood protection policies of the Comprehensive Plan.
- A commercial or industrial development can have noise, glare, and other impacts that affect residences at least a few hundred feet away not just those residences abutting it.
- The proposed word “abutting” does not even address the effects of a commercial use located across a street or alley.
- To more consistently protect residential areas, the provisions should apply to developments within a certain distance of the residential lots (e.g., 200 feet).
- 300-feet is the length of an entire Downtown city block. 200-feet is consistent with the distance used for the height transitions standard, and adequate to reach across a street.

RECOMMENDATIONS:

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

REFERENCES:

*PZC Revision of Title 21:
Section 21.07.070C., Page 51,
Lines 10-17.*

*Provisionally Adopted Title 21:
21.07.070C., Page 324, Lines 4-
7.*





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

ISSUE:

Public comments from the Spenard Chamber of Commerce requested amendments to recognize back-in diagonal parking dimensions for on-street parking situations, and to allow shared parking across a minor arterial where there is a clear and safe pedestrian crossing, just as allowed for off-site parking in section 21.07.090F.16.e.

Additional comments were received with respect to shared parking crossing streets within the U-MED District campuses.

After a review in response to these comments, and discussions with MOA Traffic Engineering, the Department proposed draft amendments in four sections to address the issues. PZC did not have time to respond to these recommendations or all of the issues, and instead proposed a single amendment of its own, on page 95, line 4-6.

RESPONSE:

- The provisionally adopted Title 21 allows shared parking or off-site parking facilities to count toward the parking requirements.
- The shared parking provision (21.07.090F.16.) carries forward current Title 21 language that prohibits separation of a use and its shared parking facility by a higher classification street than a collector.
- By contrast, the off-site parking language (21.07.090F.17.) leaves the MOA traffic engineer with the power to approve separation by a collector, minor arterial, or arterial.
- It would be more consistent and flexible to update the shared parking language to be consistent with the off-site parking section.
- The amendment should also provide more guidance that approval be based at least in part on pedestrian safety and access.

REFERENCES:

**PZC Revision of Title 21:
Section 21.07.090F,16.f., Page
95, Lines 1-6.**

*Provisionally Adopted Title 21:
21.07.090F.16 and F.17 Pages
359 - 361.*

Continued...





7.18 Off-site and Shared Parking Across a Street – (Continued).

RESPONSE CONTINUED:

- Another condition for granting flexibility is where an area-specific or institutional master plan, such as in the U-MED District, calls for sharing of parking facilities across a street.
- In response to the Spenard Chamber’s other comment, the dimensions of a back-in diagonal parking space would be the same as established for angled parking in provisionally adopted section 21.07.090H.10.
- The illustration at top of page 106 addresses angled parking spaces. Although the diagram shows a front-in scenario, the parking space elements that it depicts, relative to the required dimensions of those elements established in Table 21.07-9, are equally applicable back-in diagonal parking. The addition of a note could clarify this.
- Reduction of the “aisle width” dimensions specifically for back-in diagonal parking, as suggested in the public comment, would not be appropriate or consistent. Parking spaces in a parking facility will need the aisle width regardless of its angle or configuration. However, if it is on-street parking, then the roadway’s moving traffic lane completely replaces the parking aisle, and street lane widths apply instead.

RECOMMENDATIONS:

1. Replace the PZC’s amendment on page 95 lines 4-6 with the friendly and more comprehensive set of amendments below.
2. 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 on next page.
3. Amend the dimensions for parking spaces and aisles to clarify applicability to on-street parking and back-in diagonal parking situations. See specific language on next page.

Continued...





7.18 Off-site and Shared Parking Across a Street – (Continued).

RECOMMENDATIONS CONTINUED:

Recommended amendment 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

...
a.

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.

b.

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.





7.19 Parking Facility Maintenance —21.07.090.H.

ISSUE:

The Assembly Committee Chair has asked if the MOA or State already require parking facility maintenance currently, in response to a recommendation by PZC to delete this section from the provisionally adopted Title 21 Rewrite.

RESPONSE:

- This section, particularly subsections “b” and “c”, speak to a pending regulatory requirement of the Municipality’s MS4 Stormwater Permit from the State of Alaska. See (1).
- Per the permit, effective January 31, 2013, the Municipality of Anchorage is required to ensure the all permanent stormwater controls (oil and grit separators and storm water detention and runoff facilities) are maintained for long term operation.
- On that same date, the Municipality will be responsible for performing inspections to ensure that permanent stormwater controls are being properly maintained.
- If this section is deleted, the Municipality will still be responsible for ensuring that these systems are properly maintained but will have no ordinance outlining the requirements for property owners.
- Subsection “a” reflects current Best Management Practices (BMPs) specified by the MOA for compliance with federal water quality and air quality regulations, and as provisionally adopted, has already been reduced and simplified from previous drafts by the Assembly.

RECOMMENDATION:

Retain the provisionally adopted Parking Facility Maintenance section on page 107, lines 26-33.

REFERENCES:

*PZC Revision of Title 21:
Section 21.07.090.H.11., on
page 107, lines 26-33.*

- (1) Section II.B.2.f of PZC
Revision of the MOA
APDES MS4 Stormwater
Permit, AKS-052558





7.20 Reducing the Bicycle Parking Requirement –21.07.090K.

ISSUE:

The Assembly Committee Chair has raised a question regarding a proposed amendment by PZC to reduce the bicycle parking requirements.

As provisionally adopted, larger uses would be required to provide secure bicycle parking (e.g., bicycle racks) for a number of bicycles equal to three percent of the number of required automobile parking spaces. Under PZC’s amendment, this would be reduced to one percent.

RESPONSE:

This proposed change should not be supported for the following reasons:

- The provisionally adopted requirement is consistent with available data regarding actual bicycle parking demand in Anchorage, and is consistent with the adopted Anchorage Bicycle Plan.
- For example, the Alaska USA FCU Financial Center on 36th Avenue would be required to provide approximately six bicycle parking spaces — altogether less space than even one of its more than 200 automobile parking spaces.
- Bicycle usage continues to increase since adoption of the Bicycle Plan.
- Bicycle parking incurs a fraction of the direct monetary cost and land area needed for a single automobile parking space, and can support trip choices that reduce demand for parking.
- According to PZC’s amendment, an establishment would be large enough to have 400 required automobile parking spaces before it would be required by Title 21 to provide more than four bicycle rack spaces.

RECOMMENDATIONS:

Retain the provisionally adopted bicycle parking requirement.

REFERENCES:

*PZC Revision of Title 21:
Section 21.07.090K., Page 112,
Line 12.*





7.21 Exterior Lighting Section - 21.07.100.

BACKGROUND AND STATUS:

In 2009, the exterior lighting section of the Title 21 rewrite (See 1) was put on hold until a model lighting ordinance was approved by the national Illuminating Engineering Society (IES), site testing was completed by Planning Division, and the draft section was further discussed between Planning staff the IES Northern Lights Chapter.

In 2011, the national IES approved a model lighting ordinance for use by municipalities (See 2). Also in 2011, the Planning Division hired a local consultant to conduct site lighting tests to determine how the model lighting ordinance standards and lighting levels compared to existing site lighting in Anchorage and to help establish a basis for the Title 21 exterior lighting section.

This fall, the IES Northern Lights Chapter is developing standards for a revised Title 21 lighting section based on the model lighting ordinance, Anchorage site testing results, and other recent IES publications. Once the Chapter develops the draft standards, the Planning Division will hold meetings with the Chapter to finalize a revised draft exterior lighting section for review by the general public, the Planning and Zoning Commission, and Municipal Assembly. Along with the draft section, a draft lighting zone map will be prepared by the Planning Division for public review. This map will define where the lighting standards will be applied.

RECOMMENDATIONS:

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.

REFERENCES:

(1) Draft Title 21 Exterior Lighting Section, Assembly Committee Document 7.2.R (July 7, 2009).

(2) Joint IDA/IESNA Model Lighting Ordinance (MLO) with User's Guide (with Addendum 1), Illuminating Engineering Society and International Dark Sky Association, June 15, 2011.

