

**Exhibit K
of
PZC Case 2011-104 Issue Response**

Comparison of Director Review and Approval Authority

Note: A draft of this memorandum was provided to the PZC at its April 30, 2012 work session. It has undergone a technical edit to ensure completeness and accuracy.




Municipality of Anchorage
Community Development Department
Planning Division



MEMORANDUM

Date: May 11, 2012

To: Planning and Zoning Commission

From:  Jerry T. Weaver, Jr., Director

Subject: Case 2011-104 Issue-Response – Exhibit K, Comparison of Director Review and Approval Authority under Provisionally Adopted Title 21 to Current Title 21

The table on the following pages provides a comparison of Director review and approval authorities under the Provisionally Adopted Title 21, as compared to the current Title 21. The comparison focuses on the review and approval procedures established in chapters 21.02 and 21.03, and the land use and development regulations in chapters 21.04 through 21.07.

Main findings are as follows:

1. The provisionally adopted title 21 provides similar approval decision authority to the Director as under current title 21.
2. The main change from current code is that Director has additional authority to grant administrative waivers, exceptions, modifications, or reductions to more development regulations. Some of these take the form of new review procedures unavailable under current title 21, such as “minor modifications” or “alternative equivalent compliance”. Others appear as exceptions imbedded within the regulation, such as exceptions to parking requirements. Administrative waivers and modifications are intended to improve the code’s flexibility to respond to site conditions in a practical, efficient way.
3. A common user complaint about current title 21 is that it leaves some review responsibilities and practices either unstated or ambiguous. In response, the title 21 rewrite is clearer and more consistent in expressing review processes and authority. Therefore, what might appear at first reading of the rewrite to be a new authority is often only a clarification of current practice. Land Use Classification Requests, for example, is newly formalized as a process under the rewrite; however it currently exists in practice.
4. The term “Director” often in practice means his or her designee, an administrative official in the Department. For example, although the Director has decision making authority for Land Use Permits, in practice this review authority is delegated to administrative officials in the land use review section of the Department, just as it is today.

Key to Table: D – Decision

R – Recommendation

Type of Review or Regulation	Current Title 21	Provisionally Adopted
Main Review Procedures (Chapters 21.02 and 21.03)		
Administrative Permit (certain uses only)	D (1)	D (1)
Alcohol- Special land Use Permit	D (2)	D (2)
Certificates of Zoning Compliance	D	D
Comprehensive Plan Amendment	R	R
Conditional Uses and PUDs	R	R
Conditional Uses Amendment	R (major) or D (minor)	R (major) or D (minor)
Land Use Permit	D	D
Master Plan, Institutional		R
Minor Modification		D
Neighborhood or District Plan	R	R
Public Facility Site Selection	R	R
Rezoning	R	R
Sign Permit	D	D
Site Plan Review, Administrative	D	D
Site Plan Review, Major	R	R
Street and Trail Review	R	R
Subdivision (Preliminary Plat)	R	R
Abbreviated Plat (Short Plat)	D (planning officer)	D (planning officer)
Commercial Tract Plat	R	R
Right-of-Way Acquisition Plat	D (planning officer)	D (planning officer)
Title 21 Text Amendment	R	R
Use Classification Request	D	D
Vacation of Public and Private Interest in Land	R	R or D – depends on type of vacation.
Variance	R	R
Administrative Variance (minor dimensional error)	D	
Administrative Variance (use-specific)	D	D
Verification of Nonconforming Status	D	D

(1) Applies to a limited set of specific uses. In the rewrite these include Roominghouses, Hostels, Telecommunications towers, Unlicensed nightclubs, Hostels, B&B's, and Premises containing uses where children are not allowed.

(2) Beer/Wine license associated with a Restaurant for on-site consumption only. All other liquor licenses are decided by Assembly

Type of Review / Approval	Current Title 21	Provisionally Adopted
Director Reviews Specific to Individual Development Standards (Chapters 21.04 - 21.07)		
Determination if proposed use in MC and MI districts is water-dependent or -related	D (21.50.290)	D
Joint usage agreement for large domestic animal facility on adjacent lots	D (21.45.350.H)	D (21.05.050B.3; 21.05.070D.13)
Site enhancement plan for self-storage and vehicle storage operations that are non-conforming as to fence characteristics	D	D
Nuisance control plan for Composting facility and Landfill use types, prerequisite to commencement of operations		D
Contingency plan to remove proposed temporary structures from 100-year floodplain in event of a flood		D (21.05.080E)
Determination of setback requirements for lots with two or more frontages and double-frontage lots, subject to limitations.	D – double-fronting lot in certain cases	D (21.06.030C.4)
Determination of lot width or depth when definitions do not unambiguously do so.	D – current practice	D (21.06 Lot illustrations)
Authority to approve mechanism by which required common open spaces are permanently preserved for common use by the residents of a development		D (21.07.030)
Identification of priority areas in for undergrounding in utilities' five-year capital improvement programs	R (21.90.060)	R (21.07.050)
Authority to determine where street and pedestrian access system of a development should continue through to edge of the site boundaries to abutting properties		D with traffic engineer (21.07.060D)
Authority to determine parking requirements for uses not listed in the table of off-street parking requirements	D with traffic engineer (21.45.080)	D with traffic engineer (21.07.090E)
Authority to determine loading berth requirements for uses not listed in the table of loading requirements	D (21.45.080)	D (21.07.090G)

Type of Review / Approval	Current Title 21	Provisionally Adopted
Authority to Waive or Reduce Specific Development Standards (Chapters 21.04 – 21.07)		
Authority to reduce vegetated open space requirement for hospital/health care facilities	D (21.45.380D)	D (21.05.040F.2.)
Authority to reduce or eliminate minimum separation distance for telecommunications towers	D (21.45.265)	D (21.05.040K.2.)
Authority to waive a use-specific standard for location of drive-through queuing lane		D (21.05.070D.6)
Reduction to the minimum lot size for large domestic animal facilities	D (21.45.350C)	D (21.05.070D.13)
Authority to allow accessibility ramps in required setbacks, subject to given criteria	D – temporary ramps only (21.45.070F)	D (21.06.030C.2)
Authority to allow applicant on a lot with more than two frontages to select the frontage not on primary front setback to apply the maximum setback		D (21.06.030C.5)
Authority to allow temporary features in projected setbacks from ROW.	(Traffic engineer and building official – parking areas only) (21.45.140B)	D with traffic engineer (21.06.030C.7)
Authority to determine existing or finished grade is inappropriate for establishing the grade plane for use in measuring building height, and instead establish a grade plane proposed by applicant, subject to criteria.	no authority found for Director	D (21.06.030D.5)
Authority to waive HVAC related rooftop appurtenances that cover more than 1/3 of the roof area from building height limitations.		D with bldg official (21.06.030D.6)
Authority to waive or reduce height transition limitations.		D (21.06.030D.8.d)
Authority to waive the requirement for buildings to be on a lot with access to public streets	D (21.80.330)	D with other directors (21.07.010B)
Authority to approve alternative means and methods for achieving some development standards in administrative reviews, through the alternative equivalent compliance process.		D (21.07.010D)

Type of Review / Approval	Current Title 21	Provisionally Adopted
Authority to allow development or redevelopment in a wetland or waterbody setback by determining there is no practical alternative to encroaching.	no authority found for Director	D (21.07.020)
Authority to waive requirement to re-vegetate areas in wetland or waterbody setback in the same growing season as the permitted disturbance activity.	D (21.45.210D)	D (21.07.020)
Authority to waive the submittal requirement for a drainage plan	no authority found for Director	D with other directors (21.07.040)
Authority to grant a variance from requirement to underground new or relocated lines	D	D (21.07.050)
Authority to reduce or waive street connectivity standards.		D with traffic engineer (21.07.060D)
Authority to allow sidewalks only on one side of the street in urban districts depending on topography and soils.		D (21.07.060E)
Authority to reduce minimum sunlight access standard for plazas to receive credit for bonus incentives.		D (21.07.060F.6)
Authority to waive planting standard that required site perimeter landscaping must include evergreen trees.	no authority found for Director	D (21.07.080)
Authority to reduce or waive parking lot perimeter landscaping requirement between multiple lots developed under a common site plan or joint parking / circulation plan.	D (21.45.080X)	D (21.07.080)
Authority to waive the surety bonding requirement for required planting materials, subject to given standards for approval.		D (21.07.080)
Authority to grant an administrative variance from the dumpster location requirements.		D (21.07.080)
Authority to approve an alternative screening plan for loading areas.		D (21.07.080)
Authority to allow exceptions to the maximum parking requirement.		D with traffic engineer (21.07.090E)

Type of Review / Approval	Current Title 21	Provisionally Adopted
Authority to approve reductions and alternatives to the minimum parking requirements.	R, or D with the recommendation of the traffic engineer	D with traffic engineer (21.07.090F)
Authority to approve shared parking agreements.	D with traffic engineer	D with traffic engineer (21.07.090F)
Authority to approve a shared loading area between uses	D	D with traffic engineer (21.07.090G)
Authority to approve a shared access agreement between adjacent lots	D	D (21.07.090H)
Authority to approve an alternative design to the façade of a parking structure.		D (21.07.090M)
Authority to approve exceptions to multifamily and townhouse window and building spacing requirements.		D (21.07.110C and D)
Authority to approve the use of additional kinds of ornamental and detail features beyond the ones listed as a menu choice.		D (21.07.110C.5.e. and 21.07.110D.7.d.)
Authority to allow flexibility in a screening requirement menu choice for wall mounted utility meters.		D (21.07.110C.9 and 21.07.120D.2)
Authority to exempt special purpose public facilities from the public/institutional and commercial design standards.		D (21.07.120B)
Authority to authorize temporary exemptions from one or more of the operational standards.	no authority found for Director	D (21.07.140B)