TITLE 21 REWRITE

Assembly Title 21 Committee
October 18, 2012

Review of Recommended Amendments to the Provisionally Adopted Title 21

Follow-up Items

Title 21 Rewrite — Assembly Review

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Municipality of Anchorage

Community Development Department
Planning Division

MEMORANDUM

Date: October 18, 2012

To: Assembly Title 21 Committee

From: Jerry T. Weaver, Jr., Acting Director

Subject: Follow-up Items from the Assembly Title 21 Committee's Review of Proposed Amendments to the Provisionally Adopted Title 21

This document provides follow-up review and recommendations for outstanding items from the previous issue-response documents submitted to the Assembly Title 21 Committee. These are items which the Committee intends to resolve in follow-up discussion.

The follow-up issue-response item numbers refer back to the original issues as provided in the previous issue-response documents. The content of each item is updated and re-focused to just the remaining issue(s) yet to be resolved.

This review is intended to assist the Committee in its deliberations. As with previous installments, the issues and concerns raised by the Department 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.

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4.6 R-4 Building Bulk—Follow-up –21.04.020

ISSUE:

The Assembly Title 21 Committee requested the Department's recommendation as to an appropriate increase in maximum allowed building bulk in the R-4 district, as follow-up to its decision to retain the R-4 and R-4A, and not double FAR to 4.0.

RESPONSE:

In general, any increase in the current maximum allowed building bulk in R-4 should be limited in nature, for the following reasons:

- The provisionally adopted maximum building bulk is the same as the current code for the R-4, B-3, and RO Districts. This is a longstanding safeguard that ensures appropriate bulk for residential development in these districts.
- The current and provisionally adopted maximum allowed building bulk is a "floor-area-ratio" of **2**. (See 1.) This maintains a reasonable building scale relative to the size of its lot and setbacks, appropriate to the neighborhood's character and protects neighboring property values.
- The current bulk limit already allows more than what is typically built. Only a few dozen out of nearly 900 properties zoned R-4 achieve even **1** FAR, as shown in the graph on the next page**.**
- Park Plaza II apartments at 16th and A is an example of one of the highest density projects in recent decades. It incorporates two levels of structured parking and rooftop open space, yet its FAR of 1.89 still falls below the maximum allowed bulk. (See 2.)
- Unrealistically high FAR allowances should be avoided in the regulations. If the maximum bulk were raised too high:
  a. It would render the provisionally adopted bonus system useless. This system encourages high density projects to include mitigating / public benefit features. As provisionally adopted, it applies to projects above **1** FAR. If this bar were raised further, it could become irrelevant. Only a dozen lots zoned R-4 have achieved 1.25 FAR, for example.
  b. It would harm existing neighborhoods—leaving inadequate open space, setbacks and daylighting, and increasing traffic.

Continued...

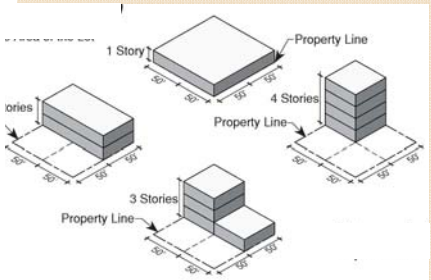
REFERENCES:

PZC Revision of Title 21: Section 21.04.020H.3., Page 8 Lines 13-16.

Issue-response #4.6, pages 16-17, of the departmental review of Chapter 4, dated August 30, 2012.

Consolidated Table of Proposed Amendments: #R6, R7, and R8 .

(1) The bulk of a building relative to the size of its lot is measured as floor-area-ratio: the amount of floor area in the building compared to the area of the lot. The figure below shows an "FAR" of **1**.

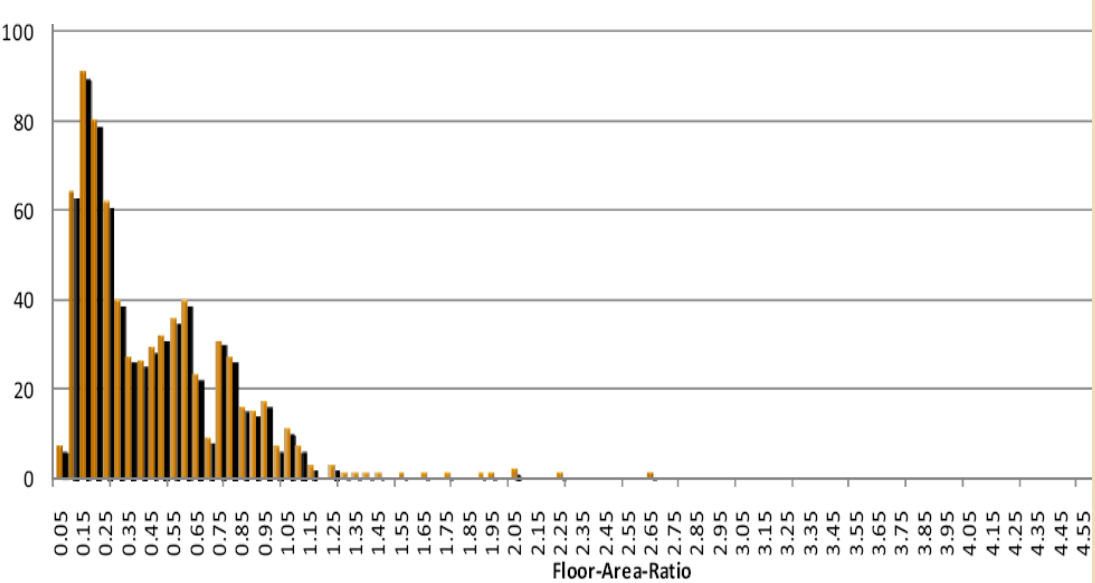


(2) **Park Plaza II** has a high residential density of more than 80 dwellings per acre, and a floor-area-ratio of 1.89.

4.6 R-4 Building Bulk—Follow-up (Continued)

RESPONSE CONTINUED:

Figure 4.6. Building bulk (Floor-area-ratio) of existing properties in R-4 District, 2008



- There are a limited number of sites near Midtown and Downtown, which have potential for residential development at a higher density. For these cases, the provisionally adopted R-4A District is available, allowing an FAR of up to **3**.
- By comparison, the three highest density multifamily residential districts in the "West End" neighborhood in downtown Vancouver, B.C., the highest density city in the Pacific Northwest, allow a floor area ratio of 1 by-right, and up to a maximum of between 1.5, 2.2, and 2.75 FAR, respectively, provided that smaller lots less than 66-feet wide cannot exceed 1.5 FAR in any of these districts.


Vancouver, B.C.

RECOMMENDATIONS:

1. Retain the provisionally adopted maximum allowed bulk of 2.0 FAR with bonus features, and 1.0 FAR by-right for the R-4 District. If the Committee chooses to increase, limit that to 2.25 FAR and only for certain larger lots.
2. Retain the provisionally adopted maximum allowed bulk of 3.0 FAR with bonus features, and 1.0 FAR by-right for the R-4A District. If the Committee chooses to increase, limit that to 3.5 FAR and only for certain larger lots.

4.14 Commercial Uses in I-2 District—Follow-up –Chapters 21.04. and 21.05

ISSUE:

The Assembly Title 21 Committee made decisions on October 4 as to which uses to be allowed in the I-1 and I-2, except it held off deciding on limitations for General Retail and Office uses, and requested the Department return with a proposal regarding size limitations for Religious Assemblies.

To support the follow-up discussion, the information below and on the next page reflects several overall decisions made by the Committee as to interim provisions for the industrial zones.

The Departmental recommendations as to use limitations for religious assemblies and general retail appear on the next page. For office use limitations, see issue #5.8 below.

REFERENCES:

PZC Revision of Title 21: Section 21.04.050 C., Pages 27, Lines 14-17

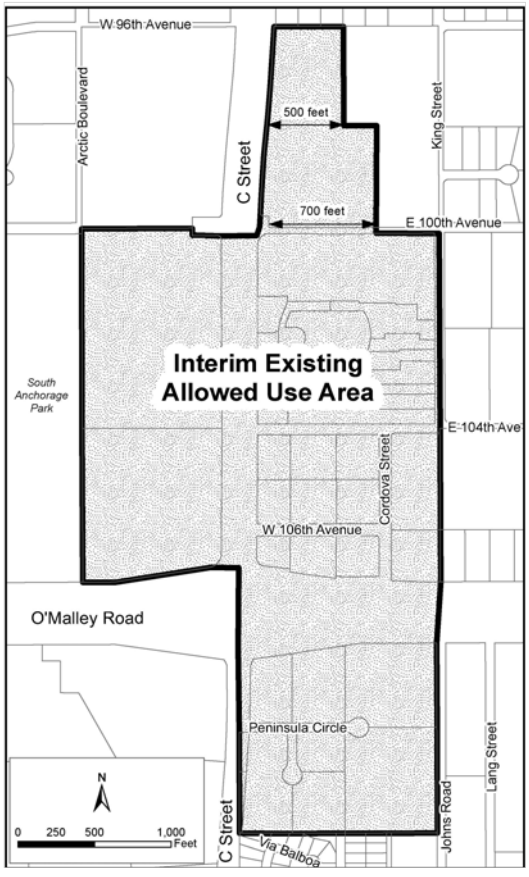
Department Memorandum: "Issue 4.14 and 5.8--Follow-up Recommendations Re: Uses in Industrial Zones", dated 10-4-12, and provided as an appendix to this document.

Issue-response #4.14, on pages 42-43 of the departmental review of Chapter 4, dated August 30, 2012.

ASSEMBLY COMMITTEE RECOMMENDATIONS (from October 4):

1. As an interim provision, exempt the C Street corridor south of 96th from the Title 21 Rewrite use table, as follows:

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



Continued...

4.14 Commercial Uses in I-2 District—Follow-up (Continued)

COMMITTEE RECOMMENDATIONS (from October 4) CONTINUED:

2. Add a second interim provision that mitigates the use limitations throughout the I-2 district generally, as follows. See (1) right.

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

GENERAL RETAIL:

The Assembly Committee held General Retail use limitations for further discussion. The Department has recommended allowing general retail stores up to 20,000 square feet of gross floor area in the I-1 District, and prohibiting general retail in the I-2 District except where accessory to permitted uses in the district. The Committee approved an equivalent recommendation for grocery stores.

RELIGIOUS ASSEMBLIES:

The Assembly Committee requested the Department to return with proposed limitations on larger Religious Assembly uses in industrial districts. A staff discussion and proposal is as follows:

- The provisionally adopted Title 21 with Administration amendments recommended restricting religious assemblies in the industrial zones, as these uses can encumber large areas of industrial land and be incompatible with some industrial uses.
- However, smaller churches often use industrial spaces temporarily, without compromising the industrial district.
- A size threshold for large establishments used elsewhere in the Rewrite is 20,000 square feet of gross floor area. Both current and provisionally adopted Title 21 limit the gross floor area of certain kinds of establishments in zoning districts.

⇒ **Therefore, the Department recommends restricting the size of religious assemblies in the I-1 and I-2 districts to no more than 20,000 square feet of gross floor area.**

(1) **Map Set:** The maps on the following pages show the location of I-1 and I-2 zoning in the Bowl, and generally the areas that the Anchorage Bowl Land Use Plan Map is most likely to redesignate to change from current industrial zoning to a commercial or other non-industrial classification, based on actual and emerging land use patterns.

Although the final revised Land Use Plan Map will be different in some areas, the yellow line hatch indicates generally that the future extent of industrially classified lands will be more limited and more focused on areas that are truly and appropriately industrial.

Anticipated Comprehensive Plan Redesignation of Industrial Lands in Comparison to Current I-1 and I-2 Zoning: North Anchorage

Comprehensive Plan Future Land Use Designation

(Based on Anchorage Bowl Land Use Plan Map draft as conceptually approved, with changes base on neighborhood/district plans, and with anticipated refinements as noted):

- Areas designated as Industrial/Industrial Reserve (ie., future I-2 areas)
- Areas designated as Industrial/Commercial (ie., future I-1 areas)
- Areas designated to change from current industrial zoning to a commercial or other non-industrial classification

Current Industrial Zoning

Current I-1 and I-2 Industrial Districts

N

0 500 1,000 2,000 Feet

Comprehensive Plan Redesignation of Industrial Lands in Comparison to Current I-1 and I-2 Zoning:

Central Anchorage

Comprehensive Plan Future Land Use Designation

(Based on Anchorage Bowl Land Use Plan Map draft as conceptually approved, with changes base on neighborhood/district plans, and with anticipated refinements as noted):

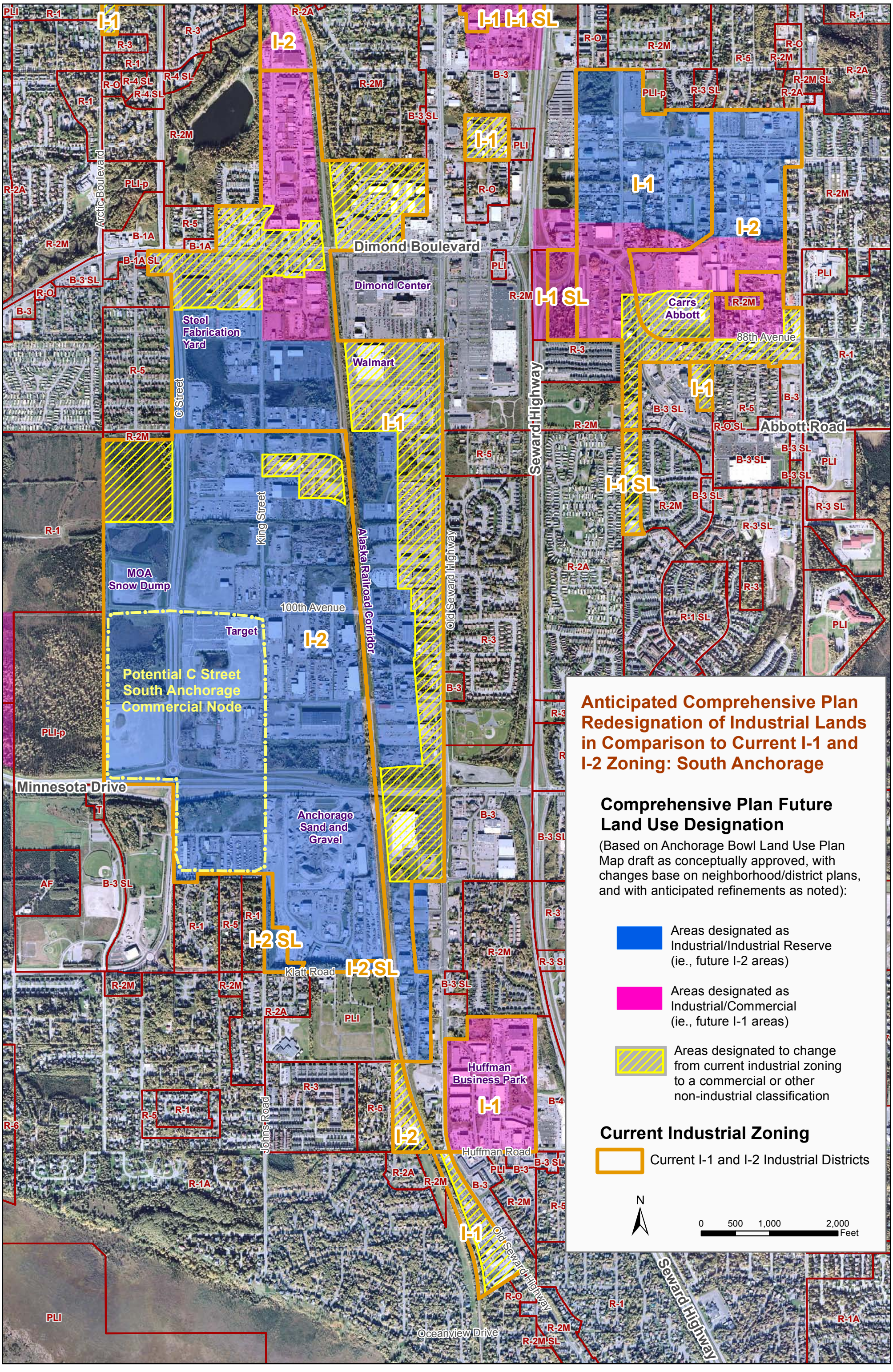
- Areas designated as Industrial/Industrial Reserve (ie., future I-2 areas)
- Areas designated as Industrial/Commercial (ie., future I-1 areas)
- Areas designated to change from current industrial zoning to a commercial or other non-industrial classification

Current Industrial Zoning

- Current I-1 and I-2 Industrial Districts

N

0 500 1,000 2,000 Feet



Anticipated Comprehensive Plan Redesignation of Industrial Lands in Comparison to Current I-1 and I-2 Zoning: South Anchorage

Comprehensive Plan Future Land Use Designation

(Based on Anchorage Bowl Land Use Plan Map draft as conceptually approved, with changes base on neighborhood/district plans, and with anticipated refinements as noted):

- Areas designated as Industrial/Industrial Reserve (ie., future I-2 areas)
- Areas designated as Industrial/Commercial (ie., future I-1 areas)
- Areas designated to change from current industrial zoning to a commercial or other non-industrial classification

Current Industrial Zoning

- Current I-1 and I-2 Industrial Districts

N

0 500 1,000 2,000 Feet

5.8 Office Use Limitations in the Industrial Districts—Follow-up –21.05.050.

ISSUE:

The PZC rejected Proposed Amendments #R14 and #38 from the Consolidated Table of Amendments, which proposed limitations to 'Business and Professional Offices' in the I-1 and I-2 industrial districts. PZC's action, if adopted, would allow commercial offices without limitation in the I-1 and I-2 industrial districts.

The Department has offered several refinements to increase the flexibility of Amendment #38, most recently to the Assembly Title 21 Committee, based on public comments from industrial property owners and the development community.

The Assembly Committee discussed this item on October 4, received additional comments, and held it for further discussion.

RESPONSE:

The proposed limitations on offices uses in industrial zones should be adopted, with revisions, for the following reasons:

- Some limits to the size and non-industrial use of office buildings in the industrial districts are needed in order to:
  - ⇒ Encourage the higher-intensity office employment growth to concentrate in commercial centers, rather than in outlying industrial zones.
  - ⇒ Protect the remaining industrial land base, and industrial uses, from intensive, incompatible new commercial offices.
- Allowing unlimited commercial office uses in industrial zones would perpetuate the conflict between Title 21 and the Comprehensive Plan, and undermine implementation of policies to promote appropriate location of commercial growth and protection of Industrial lands. See (1).
- The proposed office limitations can be adjusted to find an appropriate way to allow for offices that can fit in an industrial context, serve an industrial or utility use, or that are in existing office buildings. **New adjustments are proposed next page.**

Continued...

REFERENCES:

PZC Revision of Title 21: Section 21.05.050E.3.a.ii., page 70, lines 25-40.

Issue-Response #5.8, on pages 17-18 of the departmental review of Chapter 5, dated September 6, 2012.

Consolidated Table of Proposed Amendments: Amendments #R14 and #38, pages 28-29.

Provisionally Adopted Title 21: Section 21.05.050F.3., page 200.

(1) For example, Anchorage 2020 Policy #21 (page 75) states, "All new commercial development shall be located and designed to contribute to improving Anchorage's overall land use efficiency and compatibility..." Policy #26 (page 77) states, "Key industrial lands , such as the Industrial Reserves designated on the Land Use Policy Map, shall be preserved for industrial purposes".

5.8 Office Use Limitations in the Industrial Districts—Follow-up (Continued)

RECOMMENDATIONS:

Approve a modified form of amendment #38 creating Section 21.05.050E.3.a.ii. (on page 70, lines 25-40), adjusted to respond to concerns as follows:

- Apply office use limitations only to **new** office buildings and to **substantial** building additions or retrofits that create new office space.
- Exempt offices in business industrial parks (BIP-PUDs), as these can fit in as an appropriate primary use in an industrial business park setting.
- Relax the proposed percent-floor-area limitation, and clarify that it applies only where the office portion itself exceeds that percentage, to improve practicality for industrial establishments.
- Adjust the proposed height limit upward for consistency with the 50-foot height limit in the I-1 District. The height limit is anticipated to have little to no economic impact. See (2).
- Clarify for users in the lending and insurance fields that all exempted kinds of office development are deemed conforming.

(2) For example, existing structures will be exempt from new height limits. The Anchorage Commercial Land Assessment (Exhibit G) documents that future office development outside of Midtown is anticipated to continue Anchorage's existing development pattern of low rise office buildings.

Specific proposed language, with the new changes underlined / bracketed:

ii. New business or professional office uses that occupy floor area not previously occupied by an office category use or government administration use shall be subject to the following limitations in the I-1 and I-2 districts:

(A) The building or portion of the building containing the use shall not exceed 50 feet in height.

(B) The proposed office use shall be directly associated with and support [DIRECTLY SERVE] the function of an industrial use, a commercial use (except those in the office use category), or a public/institutional use permitted in the district, unless the proposed office use is included within a BIP-PUD.

(C) The office use shall comprise no more than 50 percent of the gross floor area on the site when the office gross floor area is over 10,000 square feet, unless a greater percentage is approved by the director or the board or commission acting as the decision making body, or the proposed use is included within a BIP-PUD.

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

ISSUE:

The Department and Assembly Committee received information and comments that questioned the minimum lot size for 10 or more multifamily dwelling units in the R-3 medium density multifamily district.

A property owner / developer with experience in development in comparable low-rise multifamily districts in the Pacific Northwest has expressed that Anchorage's land use regulations do not allow for efficient use of R-3 zoned lots in the 10,000 to 20,000 square foot size range. According to the commenter, urban housing that incorporates public benefit features including underground parking, enhanced landscape setbacks, and a pedestrian-oriented street frontage could be more feasible and provide housing that contributes to better urban neighborhoods if the allowed number of units on lots larger than 10,000 square feet were raised closer to the existing R-3 maximum allowed density of approximately 43 dwelling units per acre. See (1).

RESPONSE:

A review of comparable zoning districts in the Pacific Northwest, the recent findings of the Anchorage Housing Market Analysis, and the existing policies regarding density in the R-3 district suggests there is merit in allowing more units on R-3 lots in the 10,000-20,000 sf approximate size range, subject to standards for public benefit features and neighborhood compatibility:

- The recently completed Anchorage Housing Market Analysis indicates that it will be important to provide new apartment style urban housing. However, there are severe financial challenges to producing multifamily housing. See (2).
- A review of comparable medium-density, three-story apartment districts in other cities, such as Seattle's "Lowrise 3 (LR3)" district, indicates other cities are able to allow more dwellings per square foot of lot area than Anchorage's R-3, with development standards that mitigate greater building bulk and parking needs, to fit into the neighborhood. See (3).

REFERENCES:

PZC Revision of Title 21: Section 21.06.020., Table 21.06-1., Page 256.

Provisionally Adopted Title 21: 21.06.020., Table 21.06-1.

(1) Issue-response #6.1, on page 5 of the departmental review of Chapter 6 issues, dated September 6, 2012.

(2) Exhibit H: Anchorage Housing Market Analysis (2011)

(3) Seattle's Lowrise 3 district is intended for 3-storey apartment buildings approximately 30-feet tall at the eaves. It allows 1 dwelling unit per 800 square feet of lot area.

By comparison, Title 21 R-3 multifamily district allows only about one-half to one-third this density for R-3 lots in the 10,000—11,000 sf size range. R-3 is intended for 3-storey apartment buildings 35-feet tall.

Continued...

6.1 Minimum Lot Size for Multifamily in R-3 District—Follow-up (Continued)

RESPONSE CONTINUED:

- Currently, the maximum allowed net density on an R-3 lot is around 43 dwellings per acre. This meets Comprehensive Plan policies for medium density multifamily areas.
- However, under the current and provisionally adopted Title 21, the smaller the lot, the further it is from being allowed this full designated density. Medium-to-small lot sizes require more than 1,500 sf of lot area per dwelling—29 DUA or less.
- For the smallest lots, these density limits seem appropriate. Historically, neighborhoods such as Fairview were negatively impacted by 6-plexes permitted on 6,000-7,000 sf lots.
- To protect neighborhoods, the current R-3 District prohibits 6-plexes on typical small urban lots with a narrow frontage:
  - ⇒ A 7,000 square foot lot 140-feet in length and a 50-foot wide frontage can have no more than a four-plex.
  - ⇒ An 8,500 square foot lot 140-feet in length and a 60-foot wide frontage can have no more than a five-plex.
- The Title 21 Rewrite adjusted the minimum lot size to simplify the R-3 and allow one or two more units per lot. It would allow 6-plexes on standard 50-foot wide lots in the R-3, which is a potential problem. Meanwhile it is not enough to enable lots 10,000-20,000 sf in size to achieve maximum R-3 density.

Number Dwelling Units Permitted by Size of Lot (R-3 District)

Lot Size	Current Title 21	Provisionally Adopted Title 21
7,000	4	5
8,500	5	6
10,000	6	8
11,000	7	9
12,000	8	10
14,000	10	12
16,000	12	14
20,000	16	18
40,000	34	36
etc.		

RECOMMENDATIONS:

1. Amend the provisionally adopted Title 21 to restore existing R-3 minimum lot size neighborhood protections from larger structures on small lots up to 8,500 square feet.
2. For lots with more than 60-feet of frontage and 8,500 square feet, research and develop an amendment, to be considered prior to implementation of Title 21, that would provide an alternative design option that allows up to one dwelling per 1,000 square feet of lot area, consistent with the maximum allowed density of the R-3 district, subject to administrative site plan review and additional development standards addressing at least the following:
   - Parking completely enclosed underneath the building or located behind the building.
   - Stronger orientation to the street and sidewalk with windows and entry walkways.
   - Mitigating building size with stronger open space, setbacks, and bulk standards.

7.11 Standards for Usable Private Open Spaces—Follow-up –21.07.030B.

ISSUE:

The Assembly Committee requested the Department and a representative of PZC to further discuss a proposed amendment by PZC that would increase the allowable average slope of an individual private open space for each dwelling unit, from a 5 to 10 percent slope, and to clarify how to measure "average" slope.

RESPONSE:

Follow-up evaluation and discussions have identified changes that could help the slope provision be easier to administer, more practical for applicants, and better achieve its intent to provide a usable activity space:

- Slope determines what uses for the land are suitable. As slope rises above 5%, more recreational uses become impractical.
- References from civil engineering and landscape design fields indicate 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 in the 5 to 10 percent slope category are suitable for a more limited range of recreational activities, however these still include informal play.
- Slopes above 10 percent are often considered to be hillsides, and slopes over 15 percent steep. For example, 10 percent is the maximum allowed grade for driveways.

  ⇒ **Therefore, a 10 percent slope seems appropriate as an upper limit, and is more flexible than five percent.** See (1).

- The term "average slope" is too complicated to measure for the purposes of the private open space section. It would require the use and measurement of contour lines.
- Also, an **average** 10% slope would enable spaces such as pictured at right which do not quite achieve the intent to provide a flat, upland usable space.

Continued...

REFERENCES:

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

(1) For example, meeting room #170 where the Assembly Title 21 Committee typically meets is 20-feet wide, 28-feet long. A 10 percent slope would create a 2-foot change in level across the width of the room.

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

The side slope of this swale is approximately 20-25 percent, while the swale's trough and minority portion of the space are flat. This could average 10 percent overall.

7.11 Standards for Usable Outdoor Private Open Spaces—Follow-up (Continued)

RESPONSE CONTINUED:

- The current practice of MOA Land Use Review for calculating slope is simpler. It is the same as used for establishing "grade plane" between two points. It is the change in vertical elevation between two points, divided by the horizontal distance. Advantages:

  ⇒ It is a simple and familiar calculation to land use reviewers.

  ⇒ It allows site plans to be less specific, because it does not require contour lines. It only needs the elevation of a few data points, such as at the corners of the space. Point elevation data is typically provided on site plans today.

  ⇒ It is flexible enough to allow for individual slopes within the area to exceed 10 percent, such as terracing or other adjustments in elevation, as long as the overall slope from one end of the space to the other is 10 percent or less.

- This method however does not account for drainage swales with side slopes within an otherwise flat space, such as pictured on the previous page. Allowing steep swales could impact usability.

RECOMMENDATIONS:

1. Amend the maximum slope on page 20, lines 30-31, as follows:

   Individual private open space for the exclusive use of each dwelling unit shall have a slope of 10 percent or less. [AN AVERAGE SLOPE OF LESS THAN FIVE PERCENT.]

2. Amend the list of areas not credited toward required private open space area on page 20, lines 15-16, as follows:

   a. Setbacks with [AVERAGE] slopes over 10 percent.

   b. Swales with side slopes over 10 percent, and drainage ditches.

2. Amend the definition of "slope" in Chapter 14, page 619, lines 32-33, as follows:

   The change in vertical elevation of a land area between two points, divided by the horizontal distance between those points, and multiplied by 100 to be expressed as a percentage.

7.13 Snow Storage Areas —Follow-up Part I: Applicability –21.07.040F.

ISSUE:

The PZC proposed new language on page 29, lines 21 through 23 to clarify the intent of the section that improvements to existing buildings—including remodeling, tenant improvements, or alterations, additions, or expansions of an existing structure—are not required to provide a snow storage area on the site plan.

The Assembly Title 21 Committee raised questions about the wording of the proposed amendment, and its applicability to building additions, and requested the Department to discuss page 29, lines 19-23, with PZC and prepare revised proposed language to clarify applicability.

REFERENCES:

PZC Revision of Title 21: Section 21.07.040F.4, Page 29, Lines 18-23

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

RESPONSE:

- The snow storage area requirement was intended to apply only to new development sites, or complete redevelopments where the existing building is replaced—not improvements in existing buildings.
- However, the original language, which appears in red on lines 19-21, to be unclear. The phrase "new development" is not defined in Title 21, so its operative term is still "development", which by default includes improvements to existing buildings.
- This was the cause for PZC's proposed clarification in blue on lines 21-23. However its wording contradicts the Title 21 definition of "development" as being inclusive of improvements to existing buildings.
- Based on the Committee meeting conversation on 9-27-12, there may be a need to reconcile views on whether a building addition / expansion should comply. However, the section is really only concerned with new parking areas, not building additions per se. If a parking area is being added to a site or expanded in area, only then would a building addition be of concern to this section.

Continued...

7.13 Snow Storage Areas —Follow-up Part I: Applicability – (Continued)

RECOMMENDATIONS:

1. Clarify the applicability language, per its original intent, while avoiding contradicting terms like "development" or relying on new or undefined terms like "new development".

2. Do not apply the snow storage section to renovation, expansion or enlargement of existing buildings, except where such improvements result in a new parking lot area or expanded parking area. New parking lots should be subject to the snow storage area requirement.

⇒ Replace lines 19-23 on page 29, , with the following:

"Developments involving the construction of new principal buildings and/or the removal and replacement of existing principal buildings shall provide for snow storage and disposal on the site plan, as provided below.

"Tenant improvements, renovations, alterations, and enlargements of existing buildings are exempt, except that the addition or expansion of parking lots or other areas for motorized vehicle parking and access by 10 percent or more, or by 10 or more parking spaces, shall comply."

7.13 Snow Storage Areas —Follow-up Part II: Area Requirement Revisited –21.07.040F.

ISSUE:

During a follow-up discussion regarding the applicability of snow storage area requirements to existing buildings, a PZC member proposed changing the requirement from being based on the size of the motor vehicle area to be plowed of snow, to being based on the number of parking spaces.

The Assembly Title 21 Committee already had determined that the size of the snow storage area would be equal to either 5 percent or 10 percent (depending on the use) of the motor vehicle area to be plowed of snow. The PZC member proposes instead that 15 square feet per required parking space be designated for snow storage and is in addition to all required parking. The intent of this proposed change is to make the standard easier to administer, and avoid disagreements at the front counter. The PZC member cited a lack of clarity in the snow storage section's description of what surface areas would be included—would it include crosswalks, drives, turning spaces, interior landscaping, fire lanes, etc.

REFERENCES:

PZC Revision of Title 21: Section 21.07.040F.4, Page 29, Lines 18-23

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

RESPONSE:

The size of the required snow storage area has been consistently a percentage of the actual size of the motor vehicle area to be plowed, and should continue to be, for the reasons that follow. The existing language can be clarified as to what areas count.

1. **A requirement based on the number of parking spaces fails to account for motor vehicle dependent facilities with large paved areas that need to be cleared of snow, yet few if any required parking spaces.**

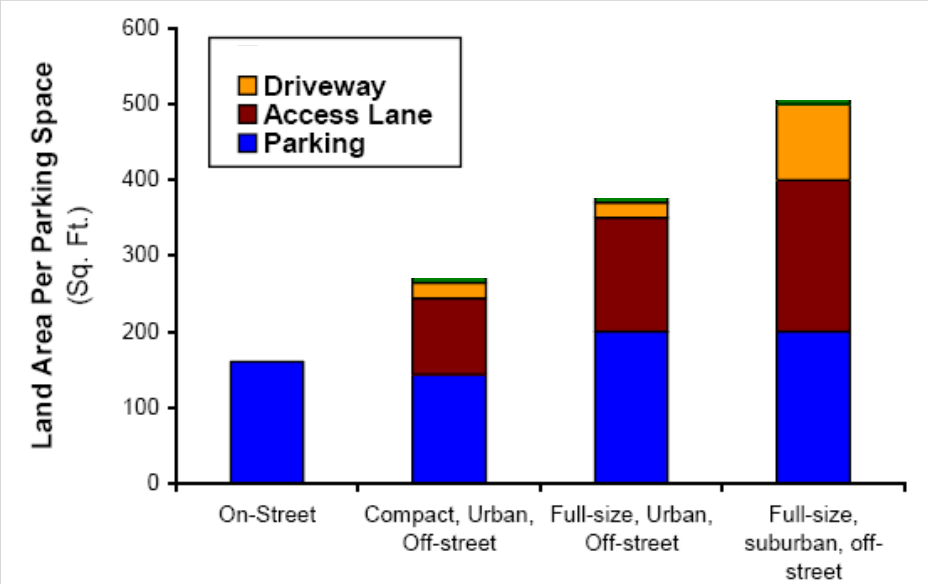
   - Examples include: vehicle sales and display, gas stations, self-storage facilities, distribution facilities, retailers with large loading areas, drive-throughs with queuing lanes, and many other kinds of facilities.

Continued...

7.13 Snow Storage Areas—Follow-up Part II – (Continued)

2. **The number of parking spaces in a parking lot does not accurately determine what size of snow storage area it needs.**

   - Even among parking lots, the size of the paved area for a given number of parking spaces varies from one parking lot to the next, depending on facility design and configuration. See figure at right.



Typical Parking Facility Land Requirements

Todd Litman (2006), *Parking Management Best Practices.*

3. **The percent-of-area based calculation is more REALISTIC and FAIR.**

   - It is not a consistent or level playing field if one applicant with more parking spaces but less vehicle area overall must provide more snow storage area than the neighboring property.

   - If a snow storage area requirement fails to capture plowed paved areas not classified as required parking, then more piled snow would encroach into needed driveways, property setbacks, stream setbacks, drainage, walkways, neighboring lots, and streets. MOA and property owners would spend more time and tax dollars fixing problems, and resolving neighbor-neighbor conflicts.

Continued...

7.13 Snow Storage Areas—Follow-up Part II – (Continued)

4. **Percent-of-area based provisions are a familiar and proven part of the Title 21 land use regulations today.**

   - For example, current Title 21 requires landscaping areas "equal to five percent of the surface of the parking area including appurtenant driveways". Title 21 Rewrite has carried this forward without controversy. See (3).
   - In the experience of Land Use Review, the percentage based requirements have not been a problem.

(3) For example, the applicant provides a calculation that there is 10,000 square feet of paving on the site plan, and indicates it is providing at least 500 square feet of landscaping.

5. **The applicability language in the snow storage section could be clarified as to what surfaces get counted for snow storage area calculations.**

   - The applicability language in section F.2., on page 28, lines 28-30, could provide a clearer and comprehensive definition of what counts as on-site surface areas to be plowed for motor vehicle access and parking.
   - Exceptions such as on page 28, line 36 are what complicates land use plan review. What is a "non-motorized surface"? Is a crosswalk in a parking lot exempted? Line 36 is intended to exempt walkways. But it is unnecessary as that is already accomplished on lines 28-30, since a walkway is obviously not for motorized vehicle access.
   - The snow storage requirement as stated on page 29, lines 24-27, should more clearly link back to the surface areas to be included in section F.2., on page 28.

Continued…

7.13 Snow Storage Areas—Follow-up Part II – (Continued)

RECOMMENDATIONS:

Clarify which surface areas are subject to the snow storage area requirement, as follows:

1. Amend section F.2. on page 28, lines 28-31, to read as follows:

   "Except where stated otherwise, all existing and new uses with on-site surface areas to be plowed for motorized vehicle access or parking, such as parking spaces[LOTS], circulation and parking aisles, associated driveways, queuing lanes, emergency vehicle access lanes, loading areas, tractor trailer areas, or vehicle sales and display areas shall comply with this section. The following uses and surfaces are exempt:"

2. Delete exemption c. on page 28, line 35.

3. Replace page 29, lines 24-27 with the following:

   "For residential uses, an area equal to at least 10 percent of the surface area on the site to be plowed for motorized vehicle parking and access (as identified in subsection F.2.), shall be designated for snow storage. For non-residential uses, this area requirement shall be five percent. Where an alternative snow management strategy (such as snow removal) is used as provided in subsection F.5., this requirement is waived."

7.16 On-site Pedestrian Walkways—Follow-up –21.07.060E.

ISSUE:

In its review of issue #7.16 on September 20, the Assembly Title 21 Committee determined to retain the walkway requirement in 21.07.060E.4.b., page 42, lines 19 through 29, however directed the Department to bring revisions to the remainder of section b. back to the Committee to resolve various concerns.

For example, concerns were raised about requiring connections to all bus stops no matter which bus route, or requiring that the walkway shall be the shortest practical distance between the building entrance and the street.

RESPONSE:

For a majority of the provisions in question, corrective amendments should be able to resolve specific concerns, while others may be difficult to reconcile with the concerns, as follows.

1. General Review:

- 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."**

AK USA on DeBarr / Muldoon

On-site drive aisle crossing

7.16 On-site Pedestrian Walkways—Follow-up – (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** in original issue #7.16.
- 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)

2. Concerns Regarding Subsection b., Page 42, Lines 29-41

- While the walkway should be a direct route to the extent practical, Title 21 should allow deviations around site elements.
- The regulations could combine the use of the defined phrase "to the extent reasonably feasible" with illustrations to demonstrate that walkways may wrap around the building or make a jog around site elements.
- Some bus routes have infrequent service. A requirement to connect to a transit stop should be tied more closely to Comprehensive Plan policies the identify transit supportive development corridors and transit routes that will have an improved level of service, such as 15-minute headways. See (4) on next page.
- The requirement for a pedestrian connection to abutting properties is discretionary in two ways that make it unpredictable to applicants and difficult to administer.

Continued...

(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).

7.16 On-site Pedestrian Walkways—Follow-up – (Continued)

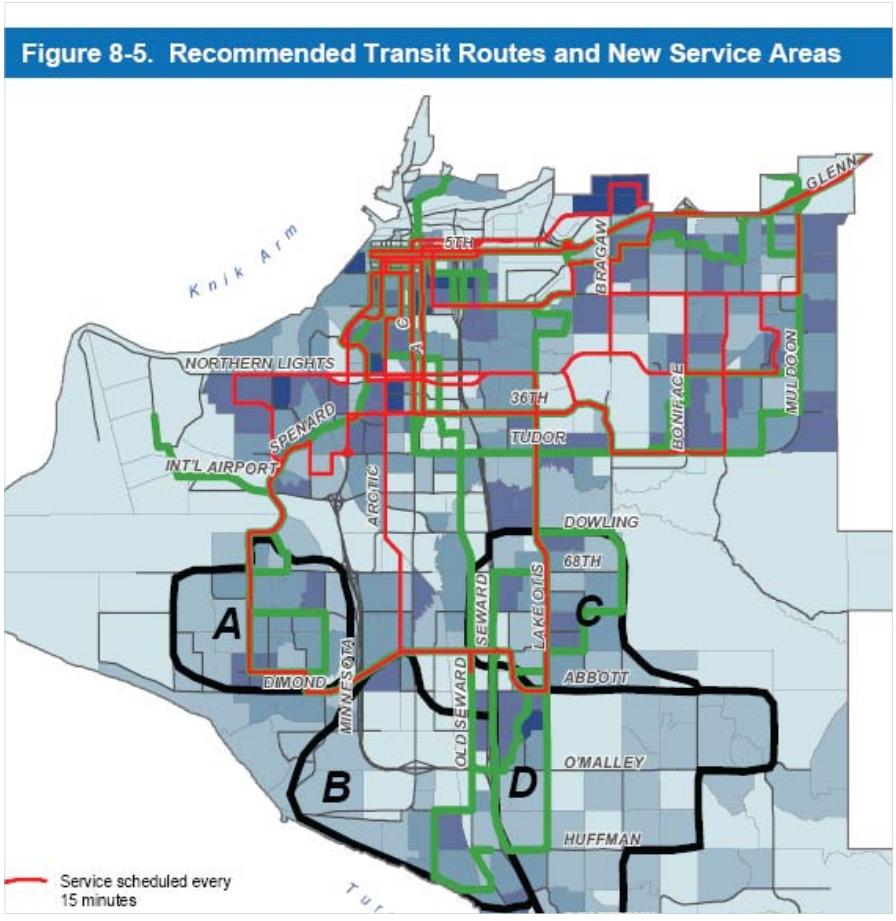
RESPONSE CONTINUED:

3. Proposed Amendments on Page 42, Lines 16-18:

- The PZC proposed that any on-site pedestrian walkway be credited against required landscaping and private open space.
- The 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.
- There is not a rational nexus for crediting a walkway path toward unrelated landscaping or open space areas, which have a different objective in the Title 21 land use regulations.
- Good development practices in more and more buildings already reflect an awareness of the utility of pedestrian connections. It's already working in Anchorage projects, without having to deduct needed landscaping and open space.

(4) The Long Range Transportation Plan (LRTP) recommends that the frequency of bus service on certain routes be improved to 15-minute headways.

These routes are designated in Figure 8-5, excerpted here from page 120 of the LRTP.



7.16 On-site Pedestrian Walkways—Follow-up – (Continued)

RECOMMENDATIONS:

Amend page 42, lines 9—41 as follows:

4. On-Site Pedestrian Walkways

a. *Continuous Pedestrian Access*

Pedestrian walkways are intended to form a convenient on-site circulation system that minimizes conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances. This subsection E.4. does not apply to single- and two-family development, or to industrial and utility facility uses in an industrial district. [(ILLUSTRATE)]

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.

b. *On-Site Pedestrian Connections*

The following walkways shall be provided. Where one walkway fulfills more than one requirement, only one walkway need be provided. If they can provide a relatively direct route, public pedestrian facilities such as public sidewalks shall satisfy any or all of the requirements below.

i. A walkway shall connect the primary entrance to the abutting primary street frontage. No walkway need be provided if that frontage is a restricted access street or a frontage road, unless there is a pathway[TRAIL] or other pedestrian facility to which access can be provided along the restricted access street or frontage road, in which case a walkway shall connect to that pedestrian facility.

The walkway route shall be clear and direct, to the extent reasonably feasible.[THE WALKWAY SHALL BE THE SHORTEST PRACTICAL DISTANCE BETWEEN THE ENTRANCE AND THE STREET, AND GENERALLY NO MORE THAN 133 PERCENT OF THE STRAIGHT LINE DISTANCE.]

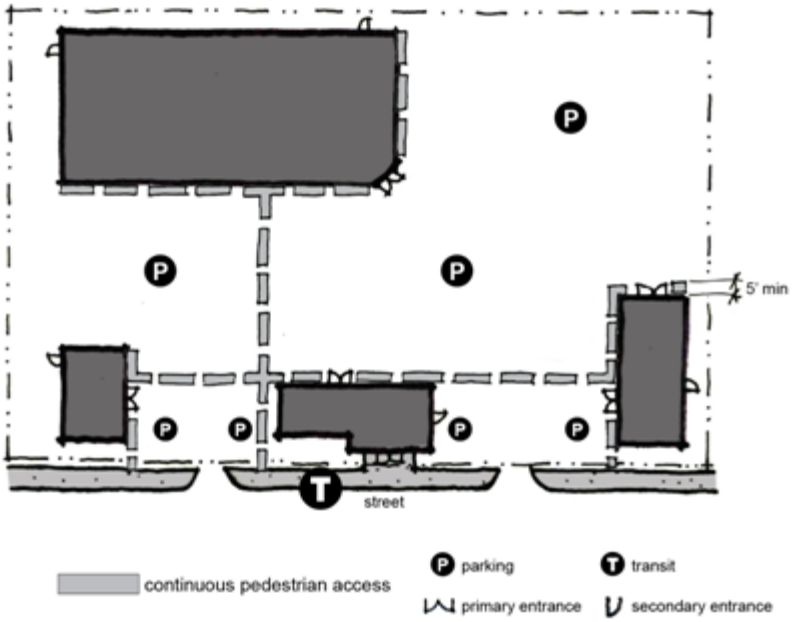
(Illustrate two site plan examples showing that the last sentence allows the walkway to (a) wrap around the building, and (b make a jog around site elements.)

Continued...

7.16 On-site Pedestrian Walkways—Follow-up – (Continued)

RECOMMENDED AMENDMENTS (CONTINUED):

ii. All primary building entrances on a site shall be connected to the street by a convenient system of walkways. This includes multiple primary entrances into one building, and primary entrances in separate buildings on a site.



(Modify the illustration by deleting the walkway connections from the lower middle building to the eastern and western buildings.)

iii. Where a transit stop occurs on a street that is designated by the comprehensive plan either as a transit supportive development corridor or to improve transit service frequency to 15-minutes or less, the development shall provide a clear and direct walkway connection from the primary entrances to the transit stop. [A WALKWAY SHALL CONNECT ALL PRIMARY ENTRANCES TO ALL BUS STOPS ADJACENT TO THE SITE.]

iv. [WHERE ABUTTING PROPERTY ...] *(delete item iv.)*

7.18 Street Crossings Follow-up—Skywalks –21.07.

ISSUE:

Skywalks were raised as an issue at a recent meeting of the Assembly Title 21 Committee. The Department was asked to evaluate how Title 21 addresses these projections spanning rights-of-way, and possibly prepare an approach to regulating them for the Committee's review.

RESPONSE:

The provisionally adopted Title 21 land use regulations should be amended so that they address skywalks and similar structures projecting over rights-of-way, for the following reasons:

- Current Title 21 regulates "Marquees, overpasses and similar substantial projections into public airspace" as a conditional use in the B-1B, B-2A, B-2B, B-2C, B-3, and I-1 districts.
- Current Title 21 establishes specific conditional use standards for the design and location of skywalks. Some of the criteria are specific to the 1982 CBD Comprehensive Development Plan (superseded), while others remain relevant. See (1)
- Skywalks and other projections subject to Title 21 are different from "bridges". Titles 21 and 23 do not generally regulate bridges or pedestrian overpasses. Bridges in the right-of-way are generally designed and reviewed by the State. See (2).
- Current Title 21 does not list skywalks as a permitted or conditional use in the PLI or RO zones, but skywalks could be made appropriate in certain locations in the U-MED District.
- Proposed kinds of projections in recent years have included skywalks in Downtown and U-MED District, and "skybuildings" with occupiable space spanning over alley rights-of-way.
- The provisionally adopted Title 21 Rewrite did not address skyways, skybuildings, or other projections into public airspace. They were probably omitted from the use-specific regulations because they were determined not to be a use.
- Comprehensive Plan policies address issues of community design and character that may be impacted by the skywalks and other projections over public airspace. See (3).

REFERENCES:

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

(1) AMC 21.50.027, *Conditional use standards – design standards for skywalks.*

(2) Skywalks generally span from a building to another building. MOA Building Safety (Title 23) also generally sees these because they are designed by the engineers working on the building that supports the skywalk or marquee.

(3) Some policies specifically address how projecting building forms such as skywalks can be located, placed, and designed to mitigate any land use / community design impacts. For example, the Downtown Plan (2007) devotes a section of its urban design guidelines to skywalks.

Continued...

7.18 Street Crossings Follow-up—Skywalks – (Continued)

RESPONSE CONTINUED:

- If the new Title 21 land use regulations were to no longer address marquees, skywalks, and other substantial projections over public airspace, it could potentially roll back existing Title 21 protections, doing nothing to mitigate land use and community design impacts of these projections. It could make implementation of some Comprehensive Plan policies difficult.
- A conditional use permit is the only review process in Title 21 that addresses whether the proposed skywalk **location, or placement,** is appropriate and compatible with the area. It also allows for review of the design of the structure. The cost of a conditional use review is proportional to the cost and potential impacts of a skywalk spanning over public airspace.
- Applicants for the kinds of projections that may be likely in Anchorage—skyways, skybuildings, marquees and the like—stand to benefit if it is clear what approval processes and regulations apply.
- Applicants should be informed that any such projection into a right-of-way should have a building permit under Title 23, and is subject to AMC 24.90 right-of-way encroachment permits.
- Staff is evaluating what would be the most appropriate place in Title 21 to house provisions for skywalks and other projections. Depending on how they are organized, they could be located in Chapter 21.04, Chapter 21.05, or Chapter 21.07.
- The current Title 21 does not provide adequate definitions for the kinds of structures being regulated, or clarity as to what standards apply. These would need to be developed.

After decades of bonus incentives for developments to include skywalks, Minneapolis, MN added development standards that minimize the impacts of skywalks on street level views and pedestrian activity, and is refocusing on improvements and upgrades to its street-level sidewalk environment.

This photo is of a reconstruction of a Downtown street into a pedestrian oriented main street in 2009.

Continued...

7.18 Street Crossings Follow-up—Skywalks – (Continued)

RECOMMENDATIONS:

Insert a temporary placeholder in the Title 21 Rewrite indicating that a section will be developed over a period of months which will address skywalks and other structures projecting into public airspace from private property.

This section, to be developed for consideration in time for implementation of the Title 21 Rewrite, should include elements such as the following:

1. Reorganize, clarify, and update the existing Title 21 regulations for overpasses marquees, and skywalks, so that they can be fit into the Title 21 Rewrite prior to its implementation of date.
2. Develop clear definitions for "skywalks" and other anticipated kinds of projections arising on private property and projecting into or spanning across public airspace, that would be subject to Title 21 regulations.

3. Continue to require skywalks and building projections such as marquees be subject to a conditional use permit in the B-1B, B-2A, B-2B, and B-2C, B-3, and I-1 districts, as in current Title 21. Consider conditionally allowing in some RO and PLI districts.
4. Identify which conditional use standards for skywalks from current Title 21 section 21.50.027 should be carried over and updated or modified, and which are no longer relevant or appropriate.
5. Identify additional standards that may be appropriate, given contemporary development trends and Comprehensive Plan policies for community design.
6. Include the proper references establishing that projections into a right-of-way should have a building permit or be a part of a building permit under Title 23, and be subject to engineering design review under the permit.
7. Also establish references ensuring that right-of-way review and approval is prerequisite, and that other reviews by the State may apply.

7.22 Landscaping Section—Follow-up – 21.07.080.

ISSUE:

The Planning Division prepared an issue response document (See 1) which responds to the Planning and Zoning Commission's recommended changes to the landscaping section in the provisionally adopted Title 21. The Assembly Title 21 Committee indicated that in reviewing three draft landscaping sections : the provisionally adopted Title 21, the PZC version , and a draft provided by Terry Schoenthal (See 2), a registered landscape architect, the Committee most favored the Schoenthal draft. The Assembly Committee directed Planning Division staff to work with Mr. Schoenthal and others from the Alaska Chapter—American Society of Landscape Architects (ASLA) to work from the Schoenthal draft as a base document and to prepare a recommended draft landscaping section for review by the Assembly Committee at its October 18, 2012 meeting.

The Planning Division met with an ASLA committee of landscape architects, including Mr. Schoenthal, to discuss and reach consensus on revisions to the Schoenthal draft based on the Planning Division's review comments. At the meeting, consensus was reached on the issues identified in the Planning Division's issue/response document and on more specific edits throughout the document. The ASLA committee and Planning Division-recommended landscaping section is attached as Appendix A. (See 3).

RESPONSE—CONSENSUS REACHED ON THESE ISSUES:

- Licensed Landscape Architects and Landscape Plan Requirements—*language was provided by ASLA which addresses the licensed landscape architect provision. In addition, ASLA provided landscaping plan requirements.*

- Screening Landscaping Standards—*ASLA and Planning developed separate standards for screening landscaping and freeway landscape*

- Parking Lot Buffer Landscaping for Some Uses Abutting Residential Districts—*ASLA and Planning prepared standards in a narrative form to replace a proposed table.*

Continued...

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) Review of Planning and Zoning Commission Recommended Amendments to the Provisionally Adopted Title 21, Chapter 7, Part II (Landscaping and Building Design Standards), Issues #7-22A-G, pages 5-18.

(2) Terry Schoenthal draft landscaping section to the Assembly Title 21 Committee, October 1, 2012.

(3) Revised draft landscaping section recommended by the ASLA landscaping committee and the Planning Division. This is attached as Appendix A after this issue-response item.

7.22 Landscaping Section—Follow-up – (Continued)

- Arterial Landscaping—*ASLA and Planning deleted the arterial landscaping category but developed optional design standards which will accommodate more visibility into commercial sites located on major streets.*

- Parking Lot Interior Landscaping—*ASLA and Planning brought back most of the parking lot interior landscaping standards from the provisionally adopted draft. The landscaping break every 20 spaces was deleted.*

- Alternative Equivalent Design—*ASLA and Planning developed optional design standards which will allow the designer to work with difficult site conditions such as utility easement constraints.*

- Site Perimeter Landscaping Section and Table—*revisions were made to this table including a note regarding perimeter landscaping requirements in other sections of Title 21 which may be more restrictive than the standards of Table 21.07-2.*

- Although ASLA and the Planning Division reached consensus on the above issues, another issue regarding a proposed surety bond requirement remains unresolved. This requirement would provide a means to inspect landscaping after two years to ensure that it is still in place and in healthy condition. The ASLA representatives have requested bringing this issue to the Assembly Title 21 Committee meeting for further discussion.

RECOMMENDATION

Accept the revised draft landscaping section which has been recommended by the ASLA landscaping committee and the Planning Division.

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