

# **TITLE 21 REWRITE**

## **Assembly Title 21 Committee**

**July 19, 2012**

**Review of Planning and Zoning Commission Recommended  
Amendments to the Provisionally Adopted Title 21  
Chapters 1 and 2**

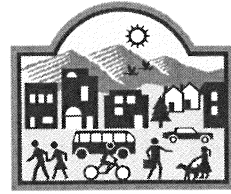
Title 21 Rewrite — Assembly Review



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



**MEMORANDUM**

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**Date:** July 19, 2012  
**To:** Assembly Title 21 Committee  
**From:** *JTW* Jerry T. Weaver, Jr., Director  
**Subject:** Review of PZC Recommended Amendments to Provisionally Adopted Title 21

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The Department is reviewing the recommended amendments from the Planning and Zoning Commission (PZC) to the provisionally adopted Title 21. This document identifies policy issues regarding these proposed amendments. This is intended to assist the Assembly Title 21 Committee in its deliberations.

These issue-response-recommendations are provided in installments by chapter. This installment addresses policy issues that have been identified for chapters 1 and 2.

For all chapters, the issues of concern 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.

Additionally, the following documents are provided:

- The Provisionally Adopted Title 21 with technical edits, dated 12-12-2011.
- Consolidated Table of Proposed Amendments from 2010 and 2011, which are the result of the Administration's review of the Provisionally Adopted Title 21. This has been reformatted to 8x14 legal size to indicate the PZC's recommendations and the Department's responses.
- The PZC's changes to the chapters 1, 2, 3, 4, 5, 6, 7, 8, 12, and 14, as provided by the PZC.

NOTE: The Commission did not address chapters 9, 11, or 13. Proposed amendments to these chapters from 2010 and 2011 appear in the Consolidated Table of Amendments.

- Exhibits for reference, lettered alphabetically, provided digitally on CD. A listing of the Exhibits is provided on the following page.

## List of Exhibits

The issue-responses in the pages that follow sometimes refer to Exhibits, which are listed below.

- Exhibit A Major Issues in Review of Coffey Proposals to Mayor (August 23, 2011)
- Exhibit B Mayor's Decisions on Mr. Coffey's Proposals (October 19, 2011)
- Exhibit C Municipal Law Opinion re Compliance with Comprehensive Plan (October 2, 2000)
- Exhibit D Public Comments (March 19, 2012)
- Exhibit D-1 Additional Public Comment (March 19, 2012)
- Exhibit D-2 Additional Public Comments outside of Public Hearing (May 2012)
- Exhibit E Economic Impact Analysis Update (May 18, 2012)
- Exhibit E-1 Economic Impact Analysis Executive Summary (June 4, 2008)
- Exhibit E-2 Economic Impact Analysis Report (February 29, 2008)
- Exhibit E-3 Municipal Assessor Opinion re Property Values (May 9, 2012)
- Exhibit E-5 Update Review of Property Value Impacts of Allowed Uses in the Title 21 Rewrite (June 8, 2012)
- Exhibit F Anchorage Bowl Land Use Plan Map Packet (May 18, 2012)
- Exhibit G Anchorage Commercial Land Assessment (January 2012)
- Exhibit H Anchorage Housing Market Analysis (March 2012)
- Exhibit I Anchorage Industrial Land Assessment (March 31, 2009)
- Exhibit J Municipal Department of Law Opinion re Takings (May 27, 2005)
- Exhibit K Director Review Authority Comparison (May 11, 2012)
- Exhibit L Assembly Committee Document 7.7: Proposed Section 21.07.130C, Tall Buildings (September 9, 2010)
- Exhibit M Photo Imagery Map Series: Illustrating a 50-Foot Stream Setback (June 15, 2012)
- Exhibit N Issue-Response Memoranda – Compilation (April 19-June 19, 2012)

Exhibits A – N comprise most of the advisory and informational material that the Department has provided during the review of the Provisionally Adopted Title 21 by the Administration in 2011, and the Planning and Zoning Commission in 2012.

These have been made available to the public on the Title 21 Rewrite web page.



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## 1.1 Effective Date—21.01.010

### **ISSUE:**

The Planning and Zoning Commission (PZC) recommends that the period between adoption of a new Title 21 and the date at which it becomes effective should be two (2) years.

### **RESPONSE:**

A grace period of six months to one year after adoption should be adequate, with the current Title 21 continued in use until the new Title 21 becomes effective, for these reasons:

- The grace period between adoption and implementation of new regulations should last only as long as users need to prepare.
- The Title 21 Rewrite has been pending for 10 years and the public has been aware of it for a long time. Permit review staff is asked frequently when the new Title 21 will be in effect.
- Due to this multi-year rewrite process, a period of one year will provide ample notice for developers and municipal staff.
- By comparison, new building codes are regularly implemented only one or two months after adoption. See (1).
- Major amendments to Title 21 typically become effective immediately upon adoption. See (2).
- The effective date should occur during the October – January slow construction season, for the easiest transition.

### **RECOMMENDATIONS:**

1. Provide a grace period of six months to one year between adoption and implementation of the new Title 21.
2. Schedule the effective date to fall between October 1 and January 31.

### **REFERENCES:**

*Section 21.01.010—Provisionally Adopted Title 21*

*Section 21.01.010—PZC Revision of Title 21*

(1)The International Building Codes and its local amendments were adopted by the Assembly on May 24, 2011, and became effective five weeks later on July 1, 2011.

(2)Examples of updates to the land use regulations that became effective immediately upon passage:

- New sign standards for the Municipality, AO 2003-62(S-1)
- New land use regulations governing multiple dwellings on a lot (site condos), AR 1004-108.
- New land use regulations and zoning map for Girdwood, AO 2005-81(S).
- Downtown Eagle River Overlay District, 2009-26(S)

*(Also see related issue 1.7)*



## 1.2 Purpose Statements—21.01.030

### ISSUE:

The Planning and Zoning Commission (PZC) has deleted some words and purpose statements that connect Title 21 land use regulations to the *Comprehensive Plan*.

### RESPONSE:

Proposed changes that would weaken or eliminate ties to plan policy are unnecessary and should be avoided:

- Purpose statements connect the Comprehensive Plan to its implementation through land use regulations.
- This section should directly connect to the essential Comprehensive Plan policies that Title 21 implements, and that provide the basis for parts of Title 21. See (1).
- The words “Promote” and “Provide” are common practice and are used in plans. They are more proactive and appropriate verbs. “Encourage” suggests that policies and regulations are optional. However, intent statements reflect the plan and are the overarching statement of achieving its goals. See (2).
- Purpose statements inform users. They provide interpretation of the intent behind the substantive regulations of the code.
- The Title 21 rewrite clarifies the purpose statements are not used as approval criteria. See (3).

### REFERENCES:

*Section 21.01.010-Provisionally Adopted Title 21*

*Section 21.01.010-PNZ Revision of Title 21*

(1) Example Comprehensive Plan policies:

*Anchorage 2020-Anchorage Bowl Comprehensive Plan:*

- Neighborhood identity and Vitality: a variety of safe, pleasant, and distinctive neighborhoods.
- The unique of appeal of individual residential neighborhoods shall be protected and enhanced in accordance with applicable goals, policies and strategies.

*Chugiak-Eagle River Comprehensive Plan Update pp. 36-37:*

- Encourage development patterns and site designs which protect...general community character and also promote safe and health environments.
- Preserve and enhance the identity of established community areas and neighborhoods.
- Consider the character of adjacent development in the site plan layout and building design for new development.

(2) Webster’s New World Dictionary:

Promote: “to help bring about or further the growth or establishment of [to promote general welfare].”

Provide for: “make ready, prepare for, arrange, care for, support, plan ahead.”

Encourage: “to give courage, hope or confidence to; embolden, hearten.”

(3) Administration proposed amendment 106.1: *Consolidated Table of Proposed Amendments 2010-2011.*





## 1.2 Purpose Statements—21.01.030 (continued)

### **RECOMMENDATIONS:**

1. Retain the provisionally adopted verbs “promoting and “providing for” where they appear in the provisionally adopted text.
2. Retain the provisionally adopted purpose statements. If there are concerns with the wording in provisionally adopted sections G, L, and M, consider amending as suggested by the Department for the Provisionally Adopted Section 21.01.030:

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

L. Promoting development patterns and site designs that protect and enhance the surrounding community character and a variety of appealing and distinctive neighborhoods.

M. Promoting a pattern of land use and development upon which to provide for adequate transportation, water supply, sewerage, and other public facilities.



## 1.3 Conflicts with the Comprehensive Plan—21.01.060

### **ISSUE:**

The PZC recommends a general provision that says, in cases of conflict with the Comprehensive Plan, the Title 21 requirements shall govern.

### **RESPONSE:**

This kind of general provision should be avoided, for the following reasons:

- The Comprehensive Plan governs the future development of the Municipality, according to state law and municipal charter. Compliance is mandatory for land use decisions, such as zoning ordinance amendments and rezonings. See (1).
- The Legal Department recommended removing the concept of conflict between the Comprehensive Plan and Title 21, as, by law, they cannot conflict. See (2).
- There is still the possibility of an inconsistency, when elements of the Comprehensive Plan are adopted that recommend changes to Title 21. However, Plan implementation actions that require Title 21 changes should be done as soon as possible.
- A generalized “conflicts” provision like the one proposed is not a common zoning practice.
- A different section –21.01.080D.– is better suited to address plan implementation and applicability relative to the approval processes affecting proposed projects and entitlements. It can clarify when plan policies are (or are not) appropriate to use as approval criteria.

### **RECOMMENDATIONS:**

1. Forward amendment R1 to delete section 21.01.060B.
2. Resolve the applicability of plan policies to Title 21 land use approval decisions in section 21.01.080.

### **REFERENCES:**

*Section 21.01.060B. of Provisionally Adopted Title 21*

*Section 21.01.060B. of PZC Revision of Title 21*

*Proposed Amendment #R1 in Consolidated Table of Proposed Amendments*

(1) Exhibit C: Legal opinion regarding the Comprehensive Plan and mandatory compliance.

(2) Exhibit N. (page 5) discussed this issue for PZC.

*Also see related Issue 1.5*





## 1.4 Where Comprehensive Plan Elements Conflict —21.01.080

### **ISSUE:**

The PZC recommends replacing the provisionally adopted language that carried forward current Title 21 language which states: Where adopted plan elements conflict, the most recently adopted plan element governs.

PZC recommends: Where there is a conflict between the comprehensive plan and a plan element, the former governs, unless and until the comprehensive plan is amended.

### **RESPONSE:**

This change would create an inadequate, circular, and confusing guideline, for the following reasons:

- Only the current Title 21 language addresses conflicts between area-specific or functional plan elements.
- Municipal law provides no basis for treating area-specific plans and/or functional plans as elements that are legally subordinate to other, more generalized elements of the Comprehensive Plan such as Anchorage 2020 or the Chugiak-Eagle River Comprehensive Plan.
- All adopted plans, including general plan elements like Anchorage 2020 and area-specific plans like the West Anchorage District Plan, have equal legal status as “elements” of the *Comprehensive Plan of the Municipality*.
- The proposed new rule is circular. Upon adoption, a plan element automatically amends the Comprehensive Plan.
- The current language accurately reflects and clarifies this actual relationship—that new plan elements amend the old.
- Title 21 already establishes procedures for ensuring consistency of neighborhood plans. There is usually a legitimate rationale for a neighborhood or district plan to differ in some way from the more generalized land use plan. See (1).

### **RECOMMENDATION:**

Do not accept the language proposed by PZC in 21.01.080B. Retain the provisionally adopted language at the end of Section 21.01.080D., which states that the most recently adopted plan element shall govern.

### **REFERENCES:**

*Section 21.01.080D. of Provisionally Adopted Title 21*

*Sections 21.01.080B. and D. of PZC Revision of Title 21*

*Section 21.05.030 of current Title 21.*

(1) For example, the Anchorage Downtown Comprehensive Plan (adopted in 2007) appropriately designated some lower-rise sub-areas within Anchorage’s CBD, although the Anchorage 2020 (adopted in 2001) designated Downtown generally for high-intensity office use. The Downtown Plan, upon adoption, automatically amended the Comprehensive Plan



## 1.5 Implementation - Conformity to Plans—21.01.080D

### **ISSUE:**

The Commission and Department have each recommended clarifications regarding how the Comprehensive Plan shall be implemented, applied, and considered in land use actions and approvals under Title 21.

### **RESPONSE:**

The proposed language should more strongly preserve the relationship to the Comprehensive Plan, and clarify more sharply the limits of how the Plan shall be (or not) applied:

- The Comprehensive Plan is, by law, the basis for land use regulations and decisions. A zoning ordinance cannot replace or supersede an adopted plan. See (1).
- The first objective of this section—as indicated in its title—is to state this relationship: the Comprehensive Plan shall be implemented, and Title 21 is an implementation of the Plan. This is consistent with current Title 21. See (2).
- Next, this section addresses the applicability of the Plan to the actual approval processes for proposed projects and entitlements under Title 21. It should clarify when plan policies are (or not) appropriate to use as approval criteria, as follows:
- Zoning ordinance amendments and discretionary entitlements such as rezonings, conditional uses, and subdivisions should be in accordance with the Comprehensive Plan. See (3).
- Specific, non-discretionary development approval decisions, such as land use permit reviews for by-right uses, should not impose the policies of the Plan as approval criteria.

### **REFERENCES:**

*Section 21.01.080D. of Provisionally Adopted Title 21*

*Section 21.01.080D. of PZC Revision of Title 21*

*Proposed Amendment #R2 in Consolidated Table of Proposed Amendments*

(1) Exhibit C: *Legal opinion regarding the Comprehensive Plan and mandatory compliance.*

(2) Current Title 21 section 21.05.070 and its plan-specific implementation sections 21.05.080 through 21.05.150.

(3) Depending on the circumstances of the case or type of discretionary review process, the applicable part of the plan may include goals, objectives, policies, strategies, and “comprehensive plan map” (e.g., land use plan map) of one or more adopted elements of the Comprehensive Plan.





## 1.5 Implementation - Conformity to Plans—21.01.080D (continued)

### **RECOMMENDATIONS:**

Amend the section to more clearly state:

1. The comprehensive plan shall be implemented by title 21;
2. The specific standards and requirements of title 21 govern in permit approvals; and
3. Discretionary or legislative actions under title 21 such as rezonings shall be consistent with the Comprehensive Plan and Title 21.

Specific amendment language recommended by the Department to the Provisionally Adopted Section 21.01.080D is as follows:

1. The elements of the comprehensive plan shall be implemented as provided in this title. [SECTION AND AS PROVIDED IN THE REMAINDER OF THIS TITLE.] See (4).
2. The specific requirements and regulations of this title govern in land use and building approvals and actions under this title, except as provided in subsections 3 and 4. See (5).
3. Amendments to this title, rezonings, conditional uses, subdivisions, and other related discretionary actions under this title shall be consistent with the comprehensive plan, including the goals, objectives, policies, and strategies of the elements identified in Table 21.01-1. See (6).
4. Rezonings, conditional uses, and subdivisions shall conform to the land use plan map and other applicable comprehensive plan maps of the elements identified in Table 21.01-1. See (7).

[ZONING MAP AMENDMENTS, LAND USE APPROVALS, AND SUBDIVISIONS SHALL CONFORM TO THE COMPREHENSIVE PLAN ELEMENTS LISTED IN THIS SECTION.]

5. Where comprehensive plan elements conflict, the most recently adopted shall govern.

### **REFERENCES:**

- (4) The first sentence establishes the hierarchy in which Title 21 is an implementation of the Comprehensive Plan. It carries forward current title 21 section 21.05.070, Implementation – Generally.
- (5) This sentence addresses concerns that Comprehensive Plan policies might be applied inappropriately as approval criteria. By comparison, the language proposed by PZC is circular. It would require “all provisions” of Title 21 to be consistent with Title 21.
- (6) The third sentence establishes what types of reviews must consider the policies of the Comprehensive Plan. It reduces confusion from description proposed by PZC, and is closer to current title 21 language.
- (7) This fourth section follows on existing language in 21.05.090 and 21.05.100, which emphasizes that these three types of land use decisions in particular must comply with the maps.

## 1.6 Approved Multi-phase Projects—21.01.090

### **ISSUE:**

The PZC recommends that all phases of a multi-phase project be allowed to be developed utilizing the provisions of Title 21 as they existed at the time of the original approval of the master phasing plan.

### **RESPONSE:**

A time limit consistent with current Title 21 should be added or this change would downgrade current Title 21 standards and potentially impede or complicate implementation of the Comprehensive Plan.

- Phased projects tend to be large scale developments, which can take more than many years to complete. See (1).
- The proposed change allowing the developer to choose which code would apply to later phases would have the effect of extending Title 21 regulations that existed at a certain point in time indefinitely into the future. See (2).
- This would conflict with the Comprehensive Plan in that later stages of large developments would not be in conformance with new code requirements.
- Development rights tied to regulations that existed at a certain point but which have changed over time, are intended to be extinguished over time.
- The proposed change would be a step back from current title 21. Currently, the conditions of approval are based on the Title 21 provisions that existed when the plat was approved, for a period of five years. If time extensions are approved, the development can continue under the original approval for up to 10 years.

### **REFERENCES:**

*Section 21.01.090D.1.b., of Provisionally Adopted Title 21*

*Sections 21.01.090E.1.; and E.3.d; and 21.08.030B. of PZC Revision of Title 21*

(1) Examples of existing multiphase projects that were started in the late 1990's or early 2000's still in progress include Southport, Whisperwood, Eagle Crossing, and Eagle Pointe.

Eagle Pointe, for example, was originally approved in the mid-to-late 1990's. It is still not completely developed. Approval of each phase has occurred at different times in the past ±15 years. Each phase was required to meet the most current requirements of Title 21 as the each successive preliminary plat was submitted. So, staff did not go back to the 1990 version of Title 21 that existed when the first preliminary plat was submitted for review and approval.

(2) The Commission's proposal could be applied to unlimited time extensions of the original approval or in the case of an expired preliminary plat approval.

(3) Going back to the version of Title 21 that existed when each phased development was approved would result in multiple years of Title 21 requirements being used to review different phases of developments, depending on what year the development was approved as Title 21 underwent revisions within the ensuing years.





## 1.6 Approved Multi-phase Projects—21.01.090 (continued)

### **RESPONSE (continued):**

- When a plat approval does expire, a new preliminary plat must be submitted for approval to continue development of a phased project. At such time the most currently adopted Title 21 applies to the preliminary plat being reviewed. This ensures that the most current Title 21 will govern a phased development no matter how many revisions were enacted to Title 21 in the time since the phased development was originally approved.
- By contrast, PZC’s proposed change would create regulation ambiguity and administrative inefficiency. (3) In addition, tracking the applicable Title 21 version would further compound tracking applicable versions of design criteria and construction standards for phased developments.

### **RECOMMENDATIONS:**

1. The Department should carry forward the existing five-year sunset, and limit the number of time extensions for phased developments to a total that shall not exceed five years.

This allows a 10-year development window for a phased development. If 10 years pass and the phased subdivision is not complete, a preliminary plat shall be required to be submitted for review and approval of the undeveloped portion of a phased development.

1. The new preliminary plat shall conform to the most currently adopted Title 21 in effect.

2. **Specific Amendment Language Recommended by the Department for Provisionally Adopted Section 21.01.090D.3.** (and replacing the language proposed by PZC on page 8 lines 26-29 of the PZC Revised Version of Title 21)

d. For multi-phased projects, the phases of the project may be developed utilizing the provisions of this title as they existed at the time of approval of the master phasing plan, subject to the approval period and time extensions periods provided in 21.03.200C.7.e.



## 1.7 Vested Rights and Elections Clause-21.01.090

### **ISSUE:**

The Planning and Zoning Commission (PZC) accepted amendment R4, which deleted the “investment-backed expectations” section. However, discussion has continued about a transition period in which applicants might elect which code, old or new, that they wish to fall under.

### **RESPONSE:**

Because of the ramifications of trying to operate two land use codes in parallel, a “clear bright line” approach is recommended as follows:

- The current Title 21 applies prior to the effective date, and the new Title 21 applies after the effective date. Only one code should be in effect at a time.
- The Legal Department and PZC have recommended there be no provision on investment-backed expectations.
- The statutory trend is to adopt a ‘bright line’ permit vesting rule, for its certainty and predictability. See (1).
- Provisionally adopted section 21.09.090D. uses a completed application as the basis for development rights under the previous code, because of its clarity and simplicity. See (2).
- The common practice and local precedent for code updates is: all applications submitted before the effective date of a code update are subject to the existing code. Applications submitted after effective date are subject to the new code.
- A period in which applicants may select one or another code would be complicated and likely costly. The same review staff cannot administer two separate zoning ordinances running parallel at the same time without potentially significant impacts to review times; accuracy and consistency of reviews; confusion to the public; increased public waiting times at the counter; and complication in records and inspections. See (3).

### **RECOMMENDATION:**

Implement the new Title 21 using a ‘bright line’ vesting rule, with all applications received before the effective date being subject to current (pre-existing) Title 21.

### **REFERENCES:**

**Section 21.01.090E-Provisionally Adopted Title 21**

**Proposed Amendment # R4 in Consolidated Table**

(1) **American Planning Association’s Growing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change.**

(2) **Exhibit N, page 11, provides more discussion of vested rights.**

(3) For example, current review staff is very familiar with Title 21 and does not have to research every facet of each review to perform an accurate review.

If two codes are concurrent, every facet of every review will need to be researched and looked up in the new Title 21 as well as the existing Title 21, in order to avoid mistakes.





## 2-1. Power to Delegate Review and Approval Authority—21.02.020D. and 21.02.030C.

### **ISSUE:**

PZC has proposed a new provision that grants PZC the power to delegate any of its authority and/or duties to any other “appropriate” board or commission.

### **RESPONSE:**

After discussion with the Municipal Attorney, the Department advises against this new proposal, for these reasons:

- The proposed change increases risk for applicants. To grant a board or commission the power to delegate its review and approval authority to another board that may not have the expertise or interest in reviewing the type of application under consideration, could result in reviews and approvals by bodies not constituted for that kind of case. The applicant should not be exposed to that the kind of risk.
- It would also create “due process” risks. This means that similar applications may be treated differently.
- Current Title 21 grants a limited power to the Planning and Zoning Commission to delegate in a few types of cases. See (1).
- The provisionally adopted Title 21 allows a review body to request comment by another body, however it clearly and deliberately delineates the actual approval authorities.
- Land use regulations should clearly delineate what kinds of cases each review body should hear and decide. This reduces risk to applicants, and provides more certainty that the board hearing their case is the appropriate board.

### **RECOMMENDATION:**

No change to the provisionally adopted Title 21.

### **REFERENCES:**

*Section 21.02.020D. of Provisionally Adopted Title 21*

*Sections 21.02.030C.4. of PZC Revision of Title 21*

(1) Current Title 21, Sections 21.10.015.B. and C.





## 2.2 Review Authorities of the Planning and Zoning Commission and Urban Design Commission Sections, 21.02.020, 030, and 040

### **ISSUE:**

The Planning and Zoning Commission (PZC) proposes to take on most of the project review functions that are listed for the Urban Design Commission (UDC) in the Provisionally Adopted Title 21.

### **RESPONSE:**

This proposal should not be supported for the following reasons:

- In 2011, a consultant to the Mayor proposed reducing the role of the UDC to one function - reviewing trail projects, which is far less the UDC's role even under the current code. The Administration did not accept the consultant's proposal. See (1) and (2).
- The UDC consists of design professionals including architects, landscape architects, and engineers, who have the training and expertise to conduct in-depth design review of site plans. See (5) and (6).
- UDC has evolved into an efficient, necessary, and strong regulatory body. In 2008, the UDC was given site plan review authority over certain developments. See (3).
- The provisionally adopted Title 21 provides an increased level of project design review, which increases the need for a board comprised of design professionals. See (4).
- The PZC's proposal would reduce the role of the UDC to trail and historic sign review, public facility art funding, and commercial tract plats—all of which could amount to only a handful of cases per year. See (5).
- Conversely, PZC's role would expand and add significantly to its caseload. This could result in delays scheduling project review/ approvals, and less time for adequate reviews.

### **REFERENCES:**

*Sections 21.02.020 – 0.40 of the Provisionally Adopted Title 21*

*Sections 21.02.020 – 0.40 of the PZC Revision of Title 21*

*Proposed amendments 2 and 3 (page 2) in the Consolidated Table of Proposed Amendments.*

- (1) Exhibit B, page 2.
- (2) Exhibit A, page 17.
- (3) AO 2008-15. PZC Resolution 2006-031 supports the transfer: "owing to the composition of the Urban Design Commission, the review of site plans would benefit from the transfer of this duty to the Urban Design Commission."
- (4) Based on Comprehensive Plan goals, objectives, and policies.
- (5) The provisionally adopted Title 21 also increases the review role of PZC, but its role is primarily at a higher policy level, such as the land use and transportation issues associated with proposed conditional uses.





## 2.2 Review Authorities of the Planning and Zoning Commission and Urban Design Commission Sections, 21.02.020, 030, and 040

### **RECOMMENDATIONS:**

1. Retain the respective roles of the Planning and Zoning Commission and the Urban Design Commission as established in the provisionally adopted Title 21 with the Administration's amendments.
2. If the functions of the UDC are not restored, then eliminate the UDC altogether, and transfer all its responsibilities that would remain under the PZC proposal (primarily trail review and commercial tract plats) to another review body such as PZC.

### **REFERENCES:**

- (6) The UDC has been responsible for review of the following cases in the past several years:
- Parks: Delaney Park Veteran's Memorial, Far North Bicentennial Park Trail, Improvement Plan, and Beach Lake Park Master Plan.
  - UAA: UAA Health Sciences Building, UAA Sports Arena.
  - Roads: Raspberry Road, Tudor Road and Lake Otis Intersection Improvements, and 9th Avenue from L Street to LaTouche Street.
  - State: Scientific Crime Detection Laboratory, and Connector between the North and South Terminals at Ted Stevens Anchorage International Airport.
  - MOA: Performing Arts Center sign variance, South Anchorage High School Ball Fields Improvements, Anchorage Police Department Expansion, Museum Transit Facility, and Anchorage Museum of History and Art.





## 2.2 Review Authorities of the Planning and Zoning Commission and Urban Design Commission Sections, 21.02.020, 030, and 040 (continued).

**2-2 Table: Comparison of PZC and UDC Decision Authorities:**  
Provisionally Adopted Title 21 vs. Proposed Amendments from PZC

Review Type	Provisionally Adopted Title 21		Proposed PZC Amendments	
	UDC	PZC	UDC	PZC
Design study report – collector streets or greater (21.03.190)		√		√
Landscaping, streetscape, and pedestrian facilities – collector streets or greater (21.03.190)	√			√
Applicable trail projects - 21.03.190C, <i>Trail Review</i> <sup>1</sup>		√ <sup>1</sup>	√ <sup>1</sup>	
Public facility site selections (21.03.140)		√		√
Designate historic signs (21.12.070F) <sup>1</sup>	√ <sup>1</sup>		√ <sup>1</sup>	
Title 7 duties - art funding requirements for public facilities	√		√	
Conditional Use applications (21.03.080)		√		√
Major Site Plan Reviews (21.03.180C)	√			√
Minor modifications (21.03.120)	√	√		√
Appeals from the director’s decision - institutional master plans (21.03.110F)		√		√
Preliminary Plats – when a major site plan review creates a subdivision or requires vacation of a dedicated public area (21.03.180F)	√			√
Preliminary Plats – when a conditional use creates a subdivision or requires vacation of a dedicated public area (21.03.110F).		√		√
Commercial tract plats, when the site plan includes a large commercial establishment (21.03.200E) <sup>1</sup>	√ <sup>1</sup>		√ <sup>1</sup>	√ <sup>1</sup>
Variances from 21.05.040K, <i>Telecommunications Facilities</i> , and 21.07.050, <i>Utility Distribution Facilities</i> (21.03.240).		√		√
Variances from the district-specific standards of chapter 21.04, <i>Zoning Districts</i> ; the use-specific standards of chapter 21.05, <i>Use Regulations</i> ; and the provisions of chapter 21.07, <i>Development and Design Standards</i> and chapter 21.11, <i>Signs</i> . <sup>2</sup> (21.03.240)	√		-- <sup>2</sup>	-- <sup>2</sup>
Appeals of administrative site plan reviews – 21.03.180B.	√			√
Appeals of the director’s decision regarding 21.12.060B., <i>Bringing Characteristics into Compliance</i>	√			√

**Notes:**

<sup>1</sup> These reviews are expected to occur infrequently.

<sup>2</sup> It isn’t clear where these reviews occur under the PZC amendments.





## 2.3 PZC as Platting Authority for Rezoning and Subdivision Variances —Table 21.02-1 and Section 21.02.030B

### **ISSUE:**

The PZC proposes to make itself the Platting Authority in rezonings, where there is an associated subdivision, as well as to take on the review and approval responsibility for subdivision variances.

### **RESPONSE:**

These proposals should not be supported for the following reasons:

- Platting Board has the expertise and training making it the appropriate review body for these decisions.
- The authority to review subdivisions associated with a rezoning should remain the option of the applicant. Some applicants request that a plat be heard at the same meeting as a rezone petition. This option does not save the applicant time or money.
- Variances from subdivision regulations need to be reviewed in the context of a preliminary plat that is being proposed. A variance request is integral to the design of the preliminary plat, and should not be reviewed and/or acted upon independently from the review of the preliminary plat.
- The proposed change complicates the subdivision process, and places an extra burden on applicants. For example, with two approving authorities, it would require two public hearings for a preliminary plat approval.

### **RECOMMENDATIONS:**

Retain the provisionally adopted review and approval authorities.

### **REFERENCES:**

*Table 21.02-1 of Provisionally Adopted Title 21*

*Table 21.02-1 of PZC Revision of Title 21*

*Section 21.02.030B.3. of PZC Revision of Title 21*

