

TITLE 21 REWRITE

**Assembly Title 21 Committee
August 30, 2012**

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

Chapter 4

Title 21 Rewrite — Assembly Review






Municipality of Anchorage
Community Development Department
Planning Division



MEMORANDUM

Date: August 30, 2012
To: Assembly Title 21 Committee
From:  Jerry T. Weaver, Jr., Director
Subject: Review of PZC Recommended Amendments to Provisionally Adopted Chapter 4

This document provides the Department's review of the recommended amendments from the Planning and Zoning Commission (PZC) to the provisionally adopted **Chapter 21.04**, as well as other remaining issues regarding this chapter. This review is intended to assist the Assembly Title 21 Committee in its deliberations.

As with previous installments, the issues of concern raised in Chapter 4 are limited to the following:

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

The issue-responses in this document reference three informational Exhibits which are provided as appendices at the back of this document:

- Exhibit E-3 Municipal Assessor Opinion re Property Values (May 9, 2012)
- Exhibit E-5 Update Review of Property Value Impacts (June 8, 2012)
- Exhibit F Anchorage Bowl Land Use Plan Map Packet (Excerpts)

Additional Title 21 Exhibits referred to in this document, including the Title 21 Economic Impact Analysis Executive Summary, as well as Exhibits A, B, H, and N, were provided to you digitally on CD in your three-ring binders at the first meeting. The exhibits are also available online at

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

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Exhibit E-3: Municipal Assessor Opinion-Possible Property Value Impacts of Mixed-use Districts	
Exhibit E-5: Update Review of Property Value Impacts of Allowed Uses in the Title 21 Rewrite	
Exhibit F: Anchorage Bowl Land Use Plan Map as Approved in Concept by PZC in 2006 (excerpts)	



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4.1 Purpose Statement 6—21.04.020A.6.

ISSUE:

The PZC recommends changing (3 and 8) and deleting (6 and 10) some of the purpose statements in this chapter. No specific reason is provided for these changes.

RESPONSE:

- Purpose statement 6 (with minor working changes) has been in chapter 21.04 of the Title 21 rewrite since the first draft of the chapter was released in January 2004.
- The concepts of this statement get to the heart of zoning and were specifically noted in the 1926 Supreme Court Case that first upheld the practice of zoning (*Euclid v. Ambler*). One of the purposes of creating residential districts in which few non-residential uses are allowed is to protect people’s homes and land values from the adverse effects of non-residential development, such as excessive noise, light pollution, traffic.
- Guarantees of light and air for dwellings arose in the late 1800s and early 1900s (in New York City) in response to tenement houses where it was common to have 18 rooms per floor, of which only two had windows and received direct sunlight.
- Purpose statements inform users. They provide interpretation of the intent behind the substantive regulations of code.
- The Administration’s amendments further clarify that purpose statements are not used as approval criteria. (See 1.)

RECOMMENDATIONS:

1. Do not support the deletion of 21.04.020A.6.
2. Forward the Administration’s amendment #106.1 for adoption in Chapter 14, as recommended by PZC.

REFERENCES:

*PZC Revision of Title 21:
Section 21.04.020A.6., Page 3,
Lines 10-12.*

*Provisionally Adopted Title 21:
Section 21.04.020A., Pages 105-
106*

- (1) Administration proposed amendment #106.1 in Consolidated Table of Proposed Amendments.





4.2 Deleting the R-2F Residential District and Altering R-2M to Compensate—21.04.020F.

ISSUE:

PZC recommended deleting the provisionally adopted R-2F Residential District, and altered the R-2M District to compensate.

PZC’s basis for this change is that the potential economic impacts of new districts, especially mixed-use districts, need to be adequately addressed, and that a new land use plan map should be adopted before creating new zoning districts.

RESPONSE:

These changes should not be supported for the following reasons:

- The Administration’s consultant made this same proposal last year, claiming R-2F to be mixed-use. The Administration disagreed, and supported moving R-2F forward. (See 1.)
- In fact, the R-2F is not a “mixed-use” district. It is a residential district that allows lower density multifamily. The only “mix” in R-2F is the mix of housing types it allows, including:
 - ⇒ Detached single-family houses
 - ⇒ Attached single family and duplexes
 - ⇒ Multi-dwelling structures with three or four units
- Currently, Anchorage’s progression of residential districts incrementally steps up density and building bulk from one zone to the next, so development in adjacent zones can be compatible with each neighborhood. This implements the Comprehensive Plan. (See 2.)
- However, in current code, allowed density jumps from a two-family dwelling in the R-2D zone to an eight-plex multifamily structure allowed in the R-2M.

Continued...

REFERENCES:

PZC Revision of Title 21:
Section 21.04.020F., page 4,
lines 7-49, and page 5, lines 1-14

Provisionally Adopted Title 21:
Section 21. 04.020F., page 107

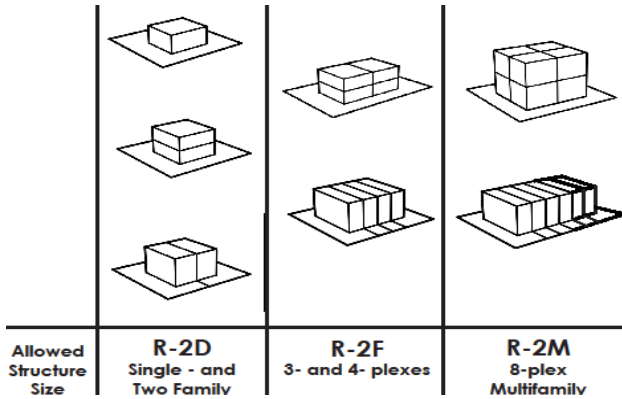
- (1) Exhibit B, August 23, 2011 Memorandum to Mayor, Issue 13, page 28.
- (2) Comprehensive Plan Policies:
 - Anchorage 2020 Policy #5: “Rezoning and variances shall be compatible in scale with adjacent uses...”
 - Policy #6: “Avoid incompatible uses adjoining each other.”
 - Policy #46: “The unique appeal of individual residential neighborhoods shall be protected and enhanced.”
 - District and Neighborhood Plans also include relevant policies, such as WADP Land Use Objective #2: “Maintain an adequate supply of residential housing of varying densities and affordability levels that promote quality residential living and stable long-term land values.”



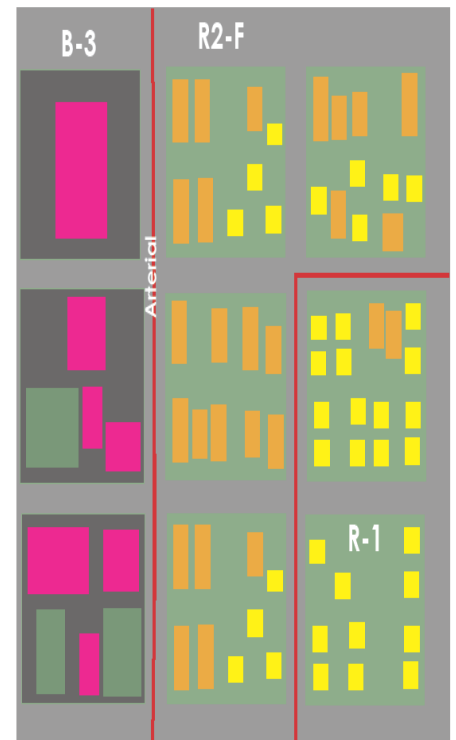


4.2 Deleting the R-2F Residential District and Altering R-2M to Compensate (Continued)

RESPONSE CONTINUED:



Transition Zoning Map



- The R-2F was developed in response to **public comments** and was included in two public review drafts of the code. Residents raised concerns that multifamily zoning in their neighborhoods could enable redevelopment with significantly larger buildings and higher densities than exist in their area. R-2F provides an intermediate zoning district, which allows smaller multifamily buildings that are more compatible with lower density neighborhoods primarily built with detached houses, duplexes and triplexes.
- The R-2F provides neighborhoods and developers with a new, less controversial rezoning option for additional housing opportunities in transitional sites adjacent to single-family zoned lots at a scale that has minimal impacts on the neighbors.
- PZC’s insertion of lower-density provisions from R-2F into the R-2M District on page 4 starting on line 49 are inconsistent with R-2M’s existing purpose and intensity, and its actual locations in town. Reducing density to four dwelling units per acre on page 4 line 41 conflicts with adopted land use plans and is lower even than R-2A. If carried out, these changes could lead to lower housing capacity.

RECOMMENDATIONS:

1. Do not support deletion of the provisionally adopted R-2F District.
2. Do not accept the proposed changes to the R-2M District on page 4 lines 37, 40-41, and sentence starting on line 49.





4.3 Allowing Single-family Houses Everywhere in R-3 and R-4—21.04.020

ISSUE:

PZC recommends amending the provisionally adopted Title 21 to allow single-family detached houses throughout the R-3 and R-4 Multifamily districts.

PZC has rejected proposed amendments to the provisionally adopted Title 21 by the Administration that would allow single-family in parts of the R-3 district.

PZC is concerned that prohibiting detached single-family housing in the R-3 and R-4 districts could be an impediment to the creation of affordable / workforce housing.

RESPONSE:

The proposal to allow single-family detached housing throughout the higher density residential districts should not be supported for the following reasons:

- The intent of the provisionally adopted R-3 and R-4 Multifamily residential districts is to allow for multifamily development that yields medium (15 to 40 dwelling units per acre DUA) and high (35+ DUA) density multifamily developments at strategic locations.
- Continuing to allow low density housing to be built in R-3 and R-4 zoned areas conflicts with the Comprehensive Plan strategy to develop at a minimum density (see 1) and further reduces Anchorage’s ability to meet forecasted housing needs.
- The supply of vacant land in the Bowl currently zoned for multi-family can only accommodate 50% of projected demand by 2030, if the city continues to develop at existing densities and development patterns. (See bar graph at right.)
- There is latent capacity in the R-3 and R-4 districts to provide additional dwelling units if there is an incremental step toward using these lands more efficiently. (See bar graph next page.)

Continued...

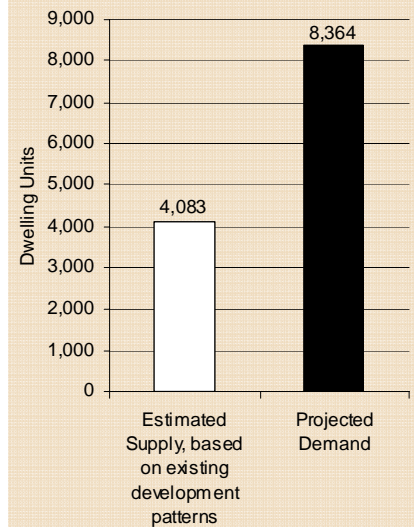
REFERENCES:

**PZC Revision of Title 21:
Amending Section
21.04.020G., Page 5, lines 18-19, Section 21.04.020H., Page 5, line 38 and deleting Section 21.04.020G., Page 5, lines 25-32**

- (1) Comprehensive Plan: “ To meet future housing demands, multifamily properties should develop at a minimum density, and implementation will require amendment of multifamily zoning district regulations to eliminate low-density housing.”

Comparison of Multi-Family Housing Supply and Demand Anchorage Bowl, 2010-2030

Multi-family, townhouse, and other structures with 3 or more dwellings



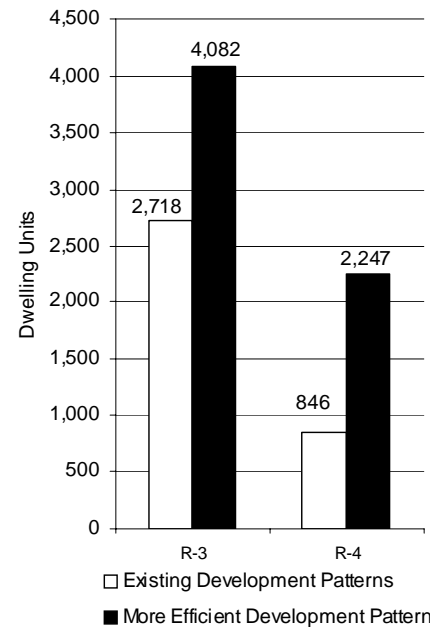


4.3 Allowing Single-family Houses Everywhere in R-3 and R-4 (Continued)

RESPONSE (continued):

- Existing single-family homes are protected in perpetuity because the Title 21 rewrite exempts houses from most nonconformity provisions.
- The Administration’s proposed amendments allow single-family houses in certain parts of the R-3 district, including Mountain View, east Fairview, and other areas designated for lower density future development that will be proposed in the city’s Land Use Plan Map and in the neighborhood and district plans (e.g., Fairview Neighborhood Plan).
- The public has expressed interest in having “small lot” housing (on lots smaller than 6,000 square feet). A small-lot housing ordinance allowing single-family homes at densities compatible with multifamily districts could be prepared. This would be through a separate project to allow for a collaborative public process to determine appropriate locations, densities (lot size), and design standards.

**Vacant Land Capacity
R-3 and R-4 Districts**



Source: Anchorage Housing Market Analysis, March 2012

RECOMMENDATIONS:

Support the provisionally adopted R-3 and R-4 limitations on single-family, with the Administration’s proposed amendments to R-3:

1. Reject PZC’s proposed amendment to the provisionally adopted R-3 Multifamily district purpose statement in section 21.04.020G.1.
2. Support the Administration’s amendment #21 which creates section 21.04.020G.2. district-specific standards specifying where single-family is allowed in the R-3 District.
3. Reject two of PZC’s proposed amendments to the R-4 district purpose statement in section 21.04.020H.1. —that delete its intended density of 35 dua (on lines 35-36); and that change the sentence on lines 38-40 to prioritize lower-density residential uses.





4.4 Commercializing the R-4 District —21.04.020H.

ISSUE:

PZC recommends changing the existing R-4 multifamily residential district into: a mixed-use residential-commercial district; allowing up to half of the gross building square footage for commercial use; permitting a wide range of commercial uses (see 1); and deleting the provisionally adopted R-4A district. (See next issue—4.5.)

PZC’s rationale is that new districts should not be added until the land use plan map is updated, the impacts of the new mixed-used districts are not known, and the code should allow mixed-use in the existing zones subject to mixed-use standards.

RESPONSE:

This proposal was made to the Administration last year by its consultant. The Administration rejected this proposal and supported the provisionally adopted R-4 and R-4A districts. (See 2.) Reasons for retaining the R-4 as residential include:

- The proposed change is in direct conflict with the Comprehensive Plan on multiple counts, and undermines its policies. (See 3.)
- Commercializing the R-4 multifamily district would be **harmful** in several ways:
 - ⇒ It would reduce the amount of land available for housing by introducing competing commercial uses into already scarce multifamily zoned lands. This will increase housing costs.
 - ⇒ It would enable conversion of existing dwellings and lots to commercial use throughout the R-4 multifamily district.
 - ⇒ It would worsen imbalances between the number of jobs in Downtown and Midtown and the supply of housing nearby—already a factor hurting local economic development.
 - ⇒ It would limit availability of urban living opportunities for multiple income levels and household types.
 - ⇒ It would change the neighborhood for existing residents, depriving them of quiet enjoyment of their home.

REFERENCES:

PZC Revision of Title 21: Section 21.04.020H., page 5, line 33, to page 8, line 11.

Provisionally Adopted Title 21: Section 21.04.020I., page 108.

- (1) PZC would allow the same range of commercial uses in the R-4 district as in the provisionally adopted new R-4A district.
- (2) Exhibit B, Issue 14, page 5.
- (3) Policy examples include:
 - “Conservation of residential lands for housing is a high community priority...No regulatory action under Title 21 shall result in a conversion of dwelling units or residentially zoned property into commercial uses unless consistent with an adopted plan.”
 - “Avoid incompatible uses adjoining one another.”
 - “Ensure that the zoning in Downtown and surrounding neighborhoods facilitates multifamily residential development...”





4.4 Commercializing the R-4 District (Continued)

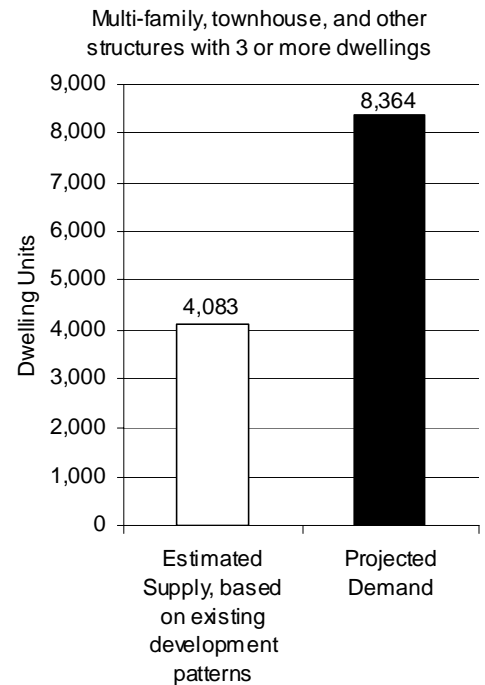
RESPONSE CONTINUED:

- The R-4 is Anchorage’s only high density residential district. Its supply is limited (see **map** next page), and inadequate to meet anticipated housing needs, as shown in the upper right.
- Anchorage needs to reserve one district for high density residential use, with very limited commercial encroachment, and leave the majority of existing R-4 zoned areas intact near Downtown and Midtown. R-4 should be used more efficiently, to provide more housing capacity. (See lower right.)
- PZC’s changes to the R-4 purpose statement eliminates clear ties to the Comprehensive Plan. Its additions to the list of commercial uses in the district-specific standards do not match the use categories elsewhere in Title 21, or the uses that PZC proposes to allow in R-4 (Chapter 5—table of allowed uses). Such inconsistencies **create confusion** and **increase user costs**.
- Zoning districts allowing different uses are necessary to be used in certain strategic locations—not just anywhere throughout the community or the R-4 district.
 - ⇒ The provisionally adopted R-4A district (issue 4.5) is the appropriate zoning district to allow commercial use and intensity, and encourage mixed-use with residential in certain underutilized sites near Midtown and Downtown.

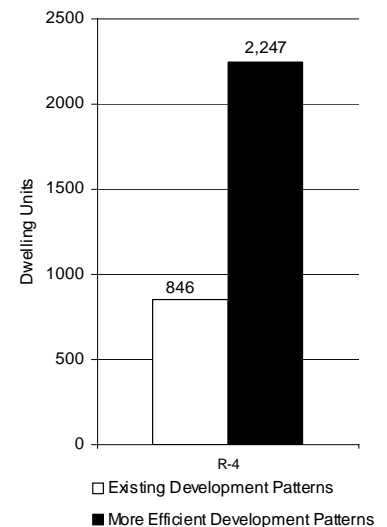
RECOMMENDATIONS:

Do not support the proposed changes to the R-4 District name, purpose statement, or the district-specific standards in section 21.04.020H.2. which would allow R-4A commercial mixed-uses.

Comparison of Multi-Family Housing Supply and Demand Anchorage Bowl, 2010-2030

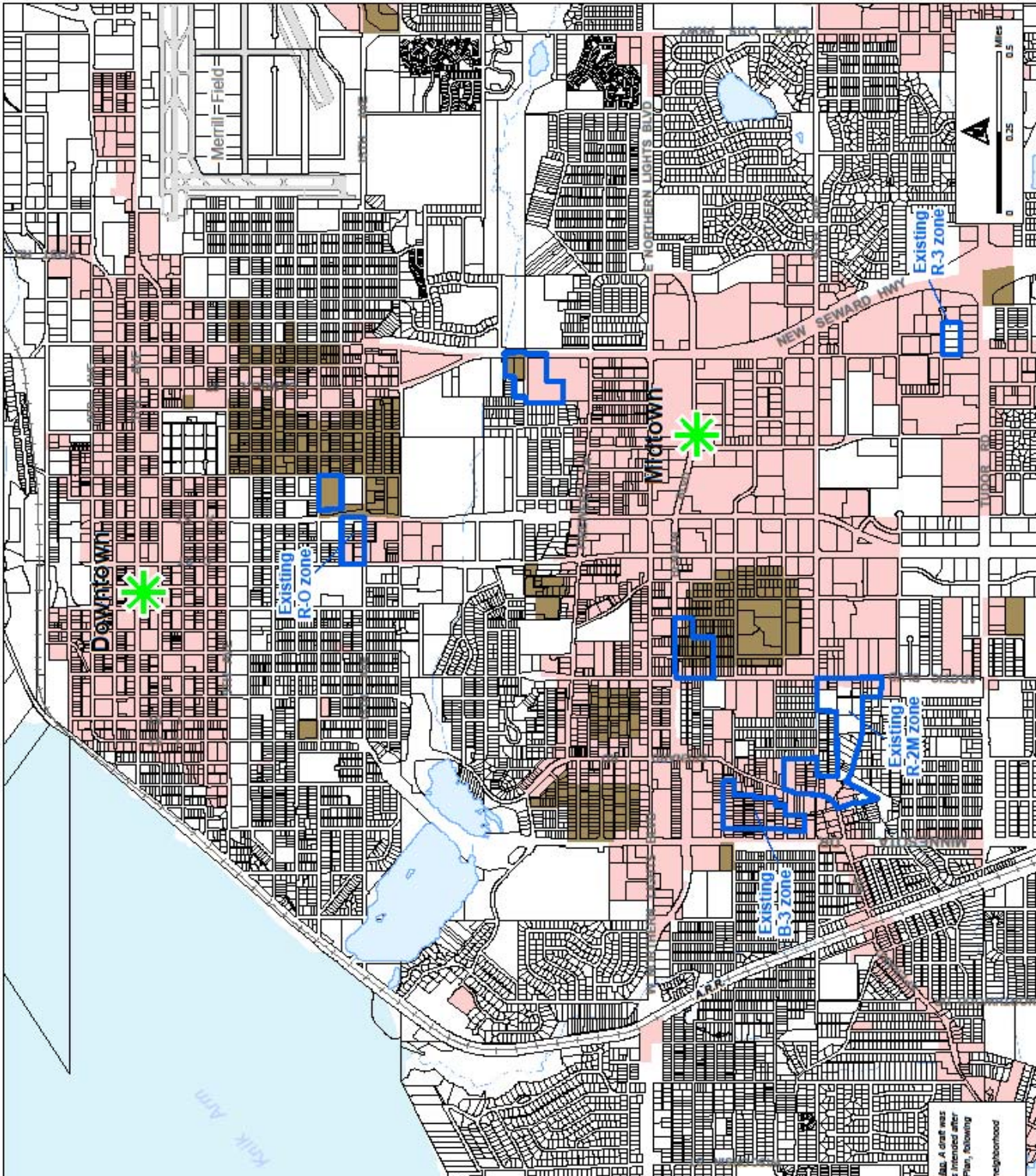


Vacant Land Capacity R-4 District



Current R-4 Zoning and Comprehensive Plan and Comprehensive Plan High Density Residential Neighborhoods

August 30, 2012



Comprehensive Plan Land Use Designations:

Anchorage 2020 Policy Map:



Anchorage Bowl Land Use Plan Map (LUPM)* (and other plans)**:

Locations designated for future High Density Residential that may be appropriate for Residential Mixed Use (R-4A)



Current Zoning

Current High Density Residential Zoning (R-4)

Current Commercial Zoning

* Future Land Use designations in the draft Anchorage Bowl Land Use Plan Map. A draft was approved in concept by Planning and Zoning Commission in 2008. The LUPM is intended after further public review and changes to be adopted as part of the Comprehensive Plan, following the completion of the 21 Re-write.

** Some of the land use designations have been adopted or are proposed in neighborhood and district plans such as the West Anchorage District Plan (WADP).



4.5 Deleting the New R-4A Residential Mixed-use District—21.04.020

ISSUE:

The PZC proposes to delete the provisionally adopted new R-4A Residential Mixed-use District and insert the R-4A’s provisions allowing high-intensity mixed-use commercial projects into the existing R-4 District.

RESPONSE:

This proposal was made to the Administration last year. The Administration rejected the proposal (see 1), because the R-4A district is different from the R-4 district—in character, function, and intended location, as well as its impacts on neighborhoods:

- R-4A is a very high intensity district that allows up to half of a development to be commercial (non-residential) use, allowing up to six times more commercial space on a site than R-4, up to one-third more building bulk, and an exponentially wider range of commercial office and retail use types.
- As discussed in issue 4.4 , Anchorage needs to retain its existing R-4 district for primarily multifamily use. However, the city also needs a zoning tool to augment its residential land supply, by supporting mixed-use residential projects in certain strategic locations near Downtown / Midtown. (See 2.)

Strategic locations include:

- ⇒ Underutilized commercial areas zoned RO or B-3; and
- ⇒ Certain large sites currently zoned residential (e.g., R-2M).

(See **Map** on previous page, p. 12.)

- The R-4A helps redevelop underutilized sites into high density urban housing. By allowing (but **not** requiring) commercial uses on the same site , it provides more flexibility. Commercial uses can yield higher returns and improve financial feasibility.
- It also preserves housing capacity by requiring residential units and a (mixed-use urban style) residential environment.
- A new R-4A zone provides greater opportunities than existing residential zones. It would have positive economic impact on property owners.

REFERENCES:

**PZC Revision of Title 21:
Section 21.04.020F. on page 4**

*Provisionally Adopted Title 21:
Section 21. 04.020F., page 107*

(1) Exhibit B, Issue 15, page 5.

(2) The Comprehensive Plan encourages mixed-use development in specific designated “redevelopment/mixed-use areas” near Downtown and Midtown.

These areas are being further identified during ongoing land use planning efforts, such as the Bowl Land Use Plan Map, and district and neighborhood plans. See **the map** on previous page for potential locations.



**Commercial/Residential
Mixed-use Example from
Kirkland, WA**

Continued...





4.5 Deleting the New R-4A Residential Mixed-use District (Continued)

RESPONSE CONTINUED:

- More than half of the underutilized sites that have been identified to potentially use the new R-4A standards are located in districts other than R-4—such as the R-2M and R-3. For these sites, PZC’s proposal fails to meet its own objective to enable mixed-use without rezonings. (See map on p. 12.)
- Anchorage needs to have contemporary zoning tools tailored to support the needs of its mixed-use/redevelopment areas.
- A district that permits this much commercial should be used in strategic locations—not just anywhere zoned multifamily. Decisions regarding locations are being clarified in updates to the Land Use Plan Map and neighborhood / district plans.
- Gaining entitlement to R-4A status will allow the property owner to obtain administrative review and approval of innovative mixed-use residential projects, not possible in existing title 21 R zones. See “Country Lane” example at right.
- Despite claims by some, rezonings are not anticipated to be a barrier to implementing the R-4A. Several reasons include:
 - ⇒ Experience shows that rezonings occur as property owners review the advantages of a new district for their development needs. Otherwise, they would not have proposed more than 150 rezonings over the past decade.
 - ⇒ The MOA will facilitate easy, low-cost rezonings to R-4A where consistent with the Comprehensive Plan, through rezoning fee waivers, assistance, and expedited approvals.

RECOMMENDATION:

Do not support the proposed deletion of the provisionally adopted R-4A District.

“Country Lane” Project:

A mixed-use project concept under consideration in recent years by a major property owner in Midtown exemplifies the use for which the R-4A district is intended.

The concept for “Country Lane” is a high-density mixed-use Midtown residential project with 330 dwellings above ground floor commercial and parking.

R-4A can accommodate innovative projects like this by right, which reduces costs and uncertainty. The city does not have any R district tailored to accommodate this intensity of mixed-use development. This adds considerable time and expense to the project.

Country Lane Concept Drawing:





4.6 R-4 Building Bulk Increased Twofold—21.04.020

ISSUE:

The PZC proposes to double the maximum building bulk allowed in the R-4 multifamily district, as well as for residential buildings in the B-3 and RO districts.

Specifically, a maximum “floor-area-ratio” of 4 would be allowed for providing bonus features, and 2 would be allowed by right.

No reason is provided for this change. In general, PZC has recommended to retain the districts as they exist in current code, and to allow mixed-use commercial in the R-4 .

RESPONSE:

This proposal should not be supported 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 actually 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 Apartment Homes at 16th and A is an example of one of the highest density developments in recent decades. It incorporates two levels of structured parking and rooftop open space, yet still falls below the maximum allowed bulk. (See 2.)
- Unrealistic allowances should be avoided in the regulations. For example, the proposal to double the allowed bulk would render the provisionally adopted bonus system useless. This system encourages high density projects to include mitigating / public benefit features. PZC would apply it only to projects above 2 FAR. Only four lots in Anchorage have achieved 2 FAR.

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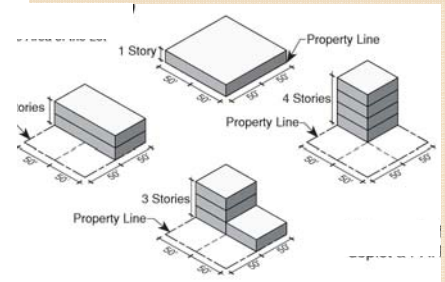
REFERENCES:

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

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

Provisionally Adopted Section 21.04.020J.2.c., Pg. 110, Lines 37-40.

- (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 dwelling units per acre, and a floor-area-ratio of 1.89.

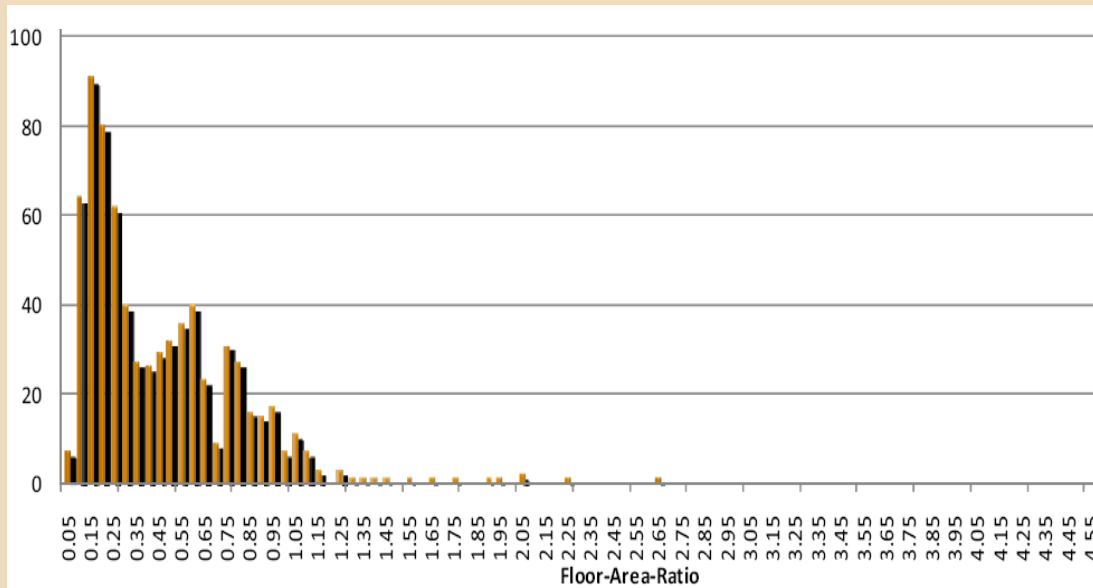




4.6 R-4 Building Bulk Increased Twofold (Continued)

RESPONSE CONTINUED:

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



- PZC’s proposed allowances would be harmful to existing neighborhoods. It would leave inadequate open space, setbacks, impact day-lighting within a residential district, and introduce much more traffic and other impacts.
- 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.

RECOMMENDATIONS:

1. Retain the provisionally adopted maximum allowed bulk for the R-4 District: a maximum of 2.0 FAR with bonus features, and 1.0 FAR by-right.
2. Adopt proposed amendment #R8, which carries forward existing maximum residential building bulk limits in the RO district.





4.7 Reclassifying Residential Office (RO) District as a Residential Zone—21.04.020

ISSUE:

The PZC recommends reclassifying the RO district from a commercial district to a residential district, moving its provisions from 21.04.030 into section 21.04.020. No reason was provided for this change.

PZC adds a new paragraph titled “Standards for Mixed-Use Development in the RO District” and applying the standards established for mixed-use in the R-4 district, as part of its overall recommendations to allow mixed use development in existing R-4 and commercial districts.

RESPONSE:

The proposed changes to the RO district conflict with the intent of the RO district, are problematic with how RO is currently applied in the Anchorage Bowl, and are inappropriate for the following reasons:

- The intent of the RO district is to provide a transition from residential areas to more intense commercial uses and road traffic. (See 1.) The list of limited commercial permitted uses are principally professional consultative services, offices, and outpatient medical buildings. Typical hours of operation, traffic patterns, and built character of these uses minimizes noise and other impacts to nearby residences.
- Retail stores and more intense commercial uses are not allowed.
- Most of the existing RO-zoned areas are located adjacent to single-family developed areas. (See 2.)
- Most RO properties in the Anchorage Bowl developed as commercial (i.e., non-residential), typically offices or medical. It is in practice a commercial office district in most places. The RO district is classified as a commercial district in the current Title 21.

REFERENCES:

*PZC Revision of Title 21:
Amending Section 21.04.020O.,
pages 14-15*

*Provisionally Adopted Title 21:
Section 21.04.030D., pages 115-116*

- (1) Map of RO Zoning in Northern Lights– Minnesota Drive area.
- (2) Map of all RO zoned properties within the Anchorage Bowl.

Continued...





4.7 Reclassifying Residential Office (RO) District as a Residential Zone (Continued)

RESPONSE CONTINUED:

- The RO district allows non residential uses to occupy up to 25 percent of the gross building floor area and was not amended by PZC. PZC recommends applying the R-4 district development standards to RO development, which allows non residential uses up to 49 percent of the gross building floor area. These two standards are in conflict with one another and would cause confusion for those trying to develop under the RO district. Also, PZC’s changes to the Table of Allowed Uses conflict with the uses allowed in the chapter 4 district-specific standards for RO.
- The existing classification of the RO district as a commercial district is linked to standards throughout the rest of the provisionally adopted Title 21. These address issues of bulk and scale, building height, etc. when the RO-zoned property is adjacent to residential districts. The PZC recommendation does not address these issues nor does it consider the consequences of applying all regulations and their impacts to nearby residentially zoned areas. Examples of regulations that would no longer apply to RO:
 - ⇒ Building height transitions where adjacent to residential lots, for neighborhood protection;
 - ⇒ Landscaping buffers between commercial uses and residential districts;
 - ⇒ Allowing shared parking with a non-residential use in an abutting commercial district (e.g., B-3), if such use is not permitted in the RO.

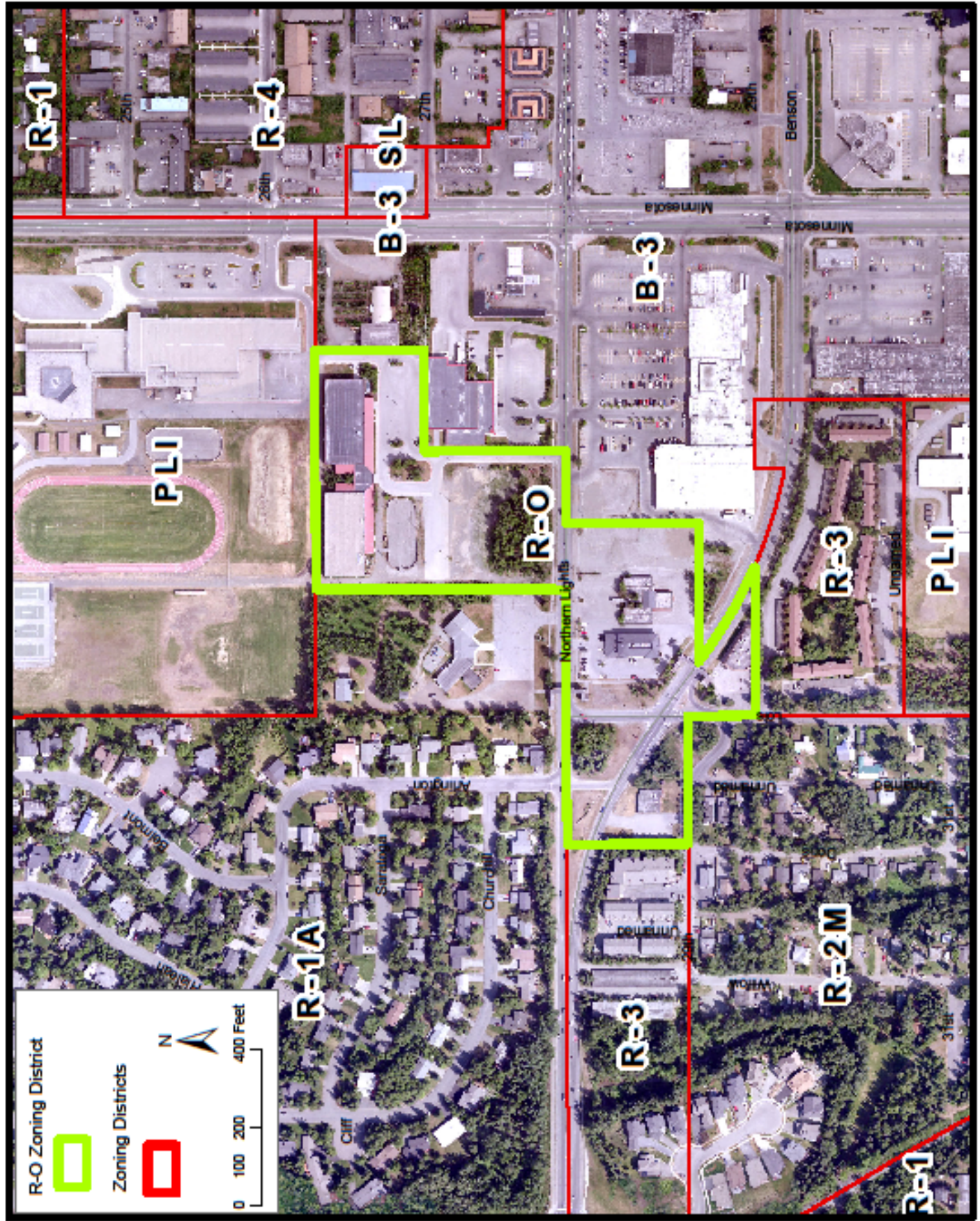
These are just some examples that have been found by the Department so far. A full analysis of the impacts to the land use regulations affecting RO property has not been conducted.

RECOMMENDATION:

Retain the RO district classification as a commercial district in section 21.04.030, as stated in the provisionally adopted Title 21.

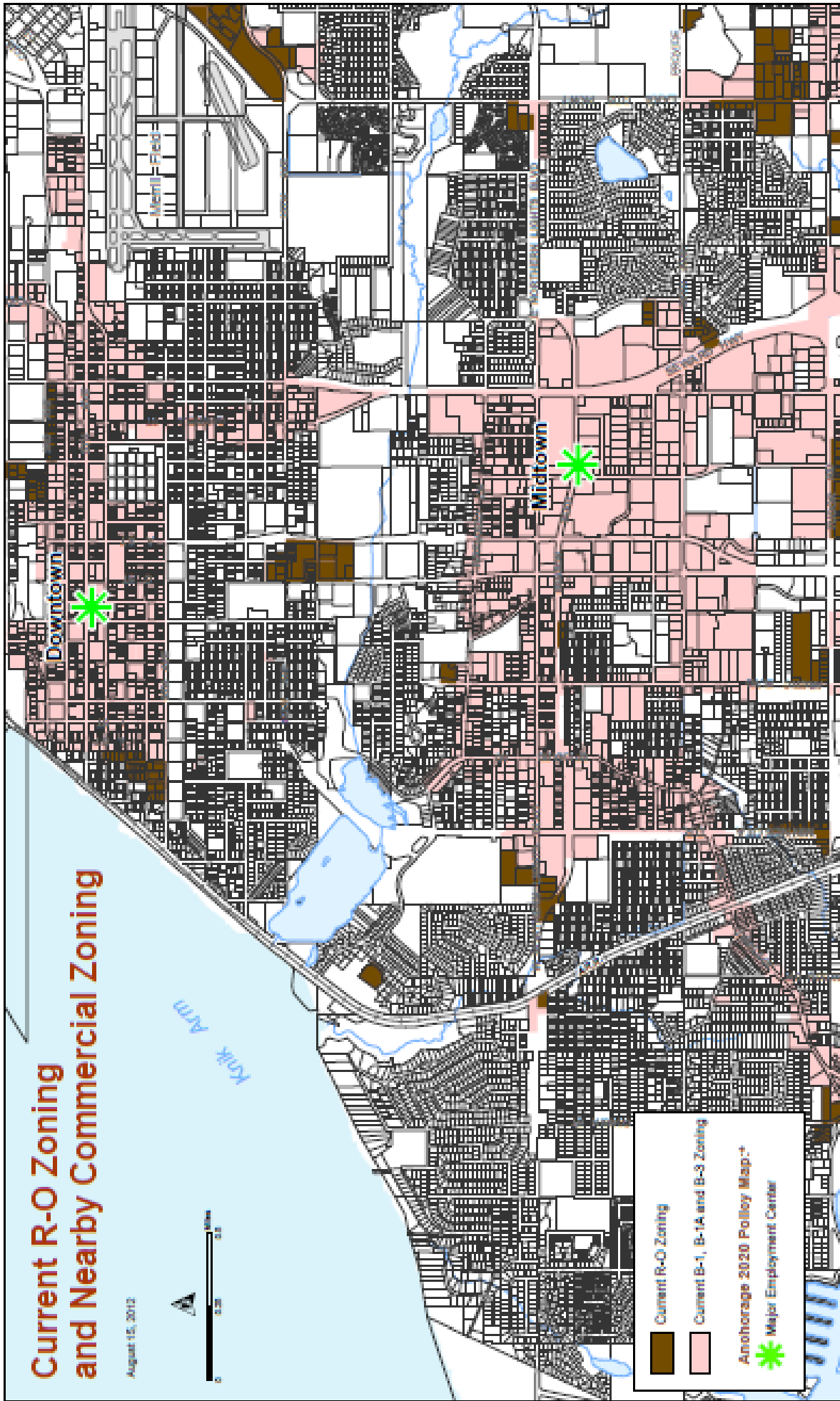
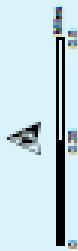


R-O Zoning in Northern Lights - Minnesota Dr. area



Current R-O Zoning and Nearby Commercial Zoning

August 15, 2012



- Current R-O Zoning
- Current B-1, B-1A, and B-3 Zoning
- Anchorage 2020 Policy Map: Major Employment Center



4.8 Allowing 60-foot Tall Buildings in B-1A —21.04.030B.

ISSUE:

PZC recommends amending the B-1A District for mixed-use developments to allow a maximum building height of 60 feet. No reason is provided for this change.

PZC also deleted a reference to the NMU district in the purpose section of the district. It has inserted other mixed-use development standards into this existing district.

RESPONSE:

- PZC recommends deleting all mixed-use zoning districts from the provisionally adopted T21. As a replacement, PZC inserted mixed-use development standards and expanded the maximum building heights in the existing commercial districts.
- This approach is contrary to the intent, purpose, and historic application of the B-1A. This district specifically ascribes to small, compact commercial sites surrounded by residential areas. Such developments are to be compatible in both scale and character with the adjacent residential neighborhoods. (See 1.)
- The current B-1A district limits building heights to 25 feet, the Title 21 rewrite increased it to 30 feet. Any more is out of scale for neighborhood-based buildings. PZC proposes to increase the building height to 60 feet. Such a large, multi-story building would dwarf adjacent residential homes. The expected traffic generation, off-site impacts, and on-site necessities to accommodate such potentially intense uses would be equally out of scale with the neighborhood character.
- PZC’s proposed additional standards applicable only to mixed-use projects could complicate mixed-use development in B-1A. The provisionally adopted B-1A already allows mixed-use without a new section of regulation.

RECOMMENDATIONS:

1. Do not accept PZC’s proposed new section 21.04.030E. (p. 19).
2. Forward Amendment #22 from the Consolidated Table of Proposed Amendments (p. 16, lines 5-8 of PZC’s Chapter 4).

REFERENCES:

PZC Revision of Title 21: Section 21.04.030B.3., Page 16, line 29, and Section 21.04.030E.3., Page 19, line 10.

Consolidated Table of Proposed Amendments: Amendments #22 and #23, page 15.

Provisionally Adopted Title 21: Section 21.04.0030B., Page 114

- (1) Examples include the downtown New Sagaya’s City Market, the Fire Island Bakery building in South Addition, and the proposed Turnagain Crossing on W. Northern Lights Blvd.



Fire Island Bakery building with residences next door.





4.9 Retaining the B-1B District and Allowing 70-foot Tall Buildings —21. 04.030

ISSUE:

The PZC recommends that the existing B-1B community business district be retained in the code. It recommends similar district standards to current Title 21, except it has inserted a new section of standards applicable only to mixed-use projects, including a height provision that permits up to 70-foot tall structures. (See 1.)

PZC reinstated the B-1B district as part of their approach to retain existing districts, and allow mixed use in existing commercial districts subject to mixed-use standards, rather than rezone to mixed use.

RESPONSE:

This proposal reverses progress on updating Title 21 and protecting neighborhoods from out-of-scale development, and was rejected last year by the Administration (see 2):

- The B-1B district is an antiquated, rarely applied zoning district. There are only ten (10) lots zoned B-1B (out of approximately 67,000 commercial lots in Anchorage).
- A review of the properties determined that other available districts are as equally or more applicable.
- B-1B’s restrictive regulations, and lack of the right development standards to support cohesive **neighborhood centers**, render it neither popular with property owners nor able to implement the Comprehensive Plan.
- The sites zoned B-1B are located within the Neighborhood Commercial Centers designated in Anchorage 2020 and reaffirmed in the **West Anchorage District Plan**. (See 3.)
- The provisionally adopted B-1A, B-3, and Neighborhood Mixed-use (NMU) districts sufficiently address the community’s current needs and objectives, and allow the existing uses in these areas. (See 4.)

Continued...

REFERENCES:

PZC Revision of Title 21: Section 21.04.030C. Page 16, and Section 21.04.030E. Page 19.

Provisionally Adopted Title 21: Section 21.04.050B., Page 117.

- (1) Also, PZC did not provide dimensional standards for its B-1B in Chapter 21.06.
- (2) Exhibit B, page 6 item 17.
- (3) Zoning maps showing B-1B properties are provided after the next page.
- (4) An example of a neighborhood center is at the West Dimond – Jewel Lake Road intersection.





4.9 Retention of the B-1B District & Allowing 70-foot Tall Buildings (Continued)

RESPONSE continued:

- For example, in comparison to B-1B, the provisionally adopted NMU:
 - ⇒ Provides for more flexibility in lot dimensions, landscaping and parking, and more efficient use of land, including higher intensity of reuse and infill;
 - ⇒ Permits greater building height to allow for a third commercial story; and
 - ⇒ Uses height transitions and buffering to enhance a project’s suitability to its particular location and to protect adjacent neighborhoods.

Unlike PZC’s reconstituted B-1B, the NMU applies these advantages to all uses, including the ones existing in B-1B areas today, not just for mixed-use projects.

- The outdated approaches to neighborhood and commercial development highlighted in B-1B are being replaced nationwide with mixed-use commercial-type districts. These districts are well known to positively impact and enhance property values, rental rates, and facilitate infill and redevelopment projects, which will continue to expand in the Anchorage Bowl.

Implementation: To facilitate the retirement of the B-1B district (and D-2, D-3, and B-4 districts), the Department contacted the property owners to initiate a rezoning to appropriate districts more advantageous to the needs of the owners. The Department has spoken with those who responded with questions, and will follow up with each property owner as Title 21 moves toward adoption. The districts will remain in effect on their existing lots until these properties are placed into another category.

70-foot Building Heights: The PZC also proposes to allow mixed-use buildings up to a 70-foot building height. This is contrary to a neighborhood-scale center. Consider the impact of placement of a 7-story building at the intersection of Dimond and Jewel Lake. Even if the building is well buffered from the abutting residential neighborhoods, there is no way to mitigate the abrupt, obtrusive nature of a building of that scale with the adjacent single-family homes.

RECOMMENDATIONS:

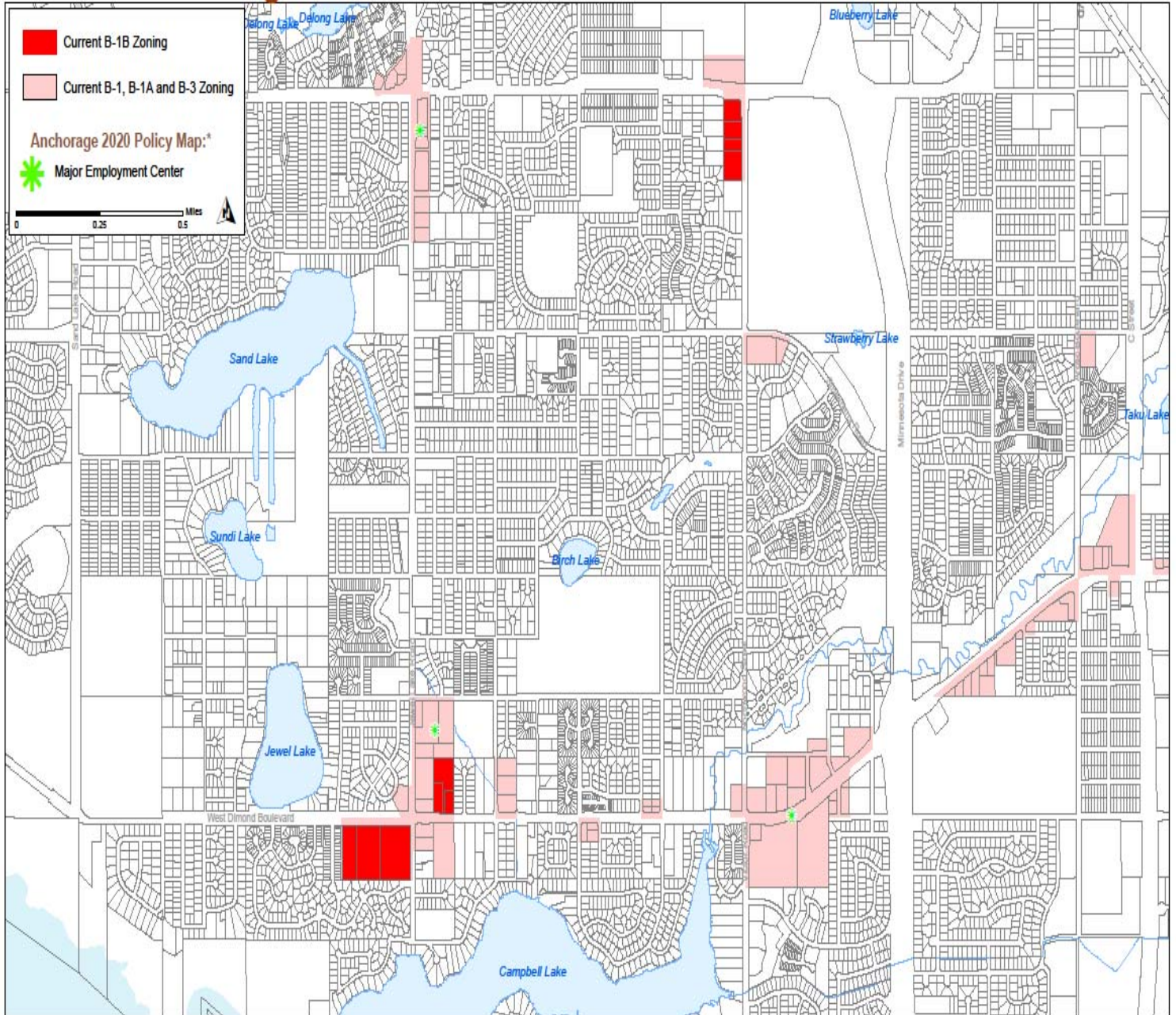
1. Retain the provisionally adopted Title 21 which retires the B-1B district.
2. Do not accept PZC Proposed Amendments #31-40—in other words, delete section 21.04.030C. that establishes a B-1B, and 21.04.030E. that applies mixed-use standards including a 70-foot maximum height to the B-1B.





4.9 Retention of the B-1B District & Allowing 70-foot Tall Buildings (Continued)

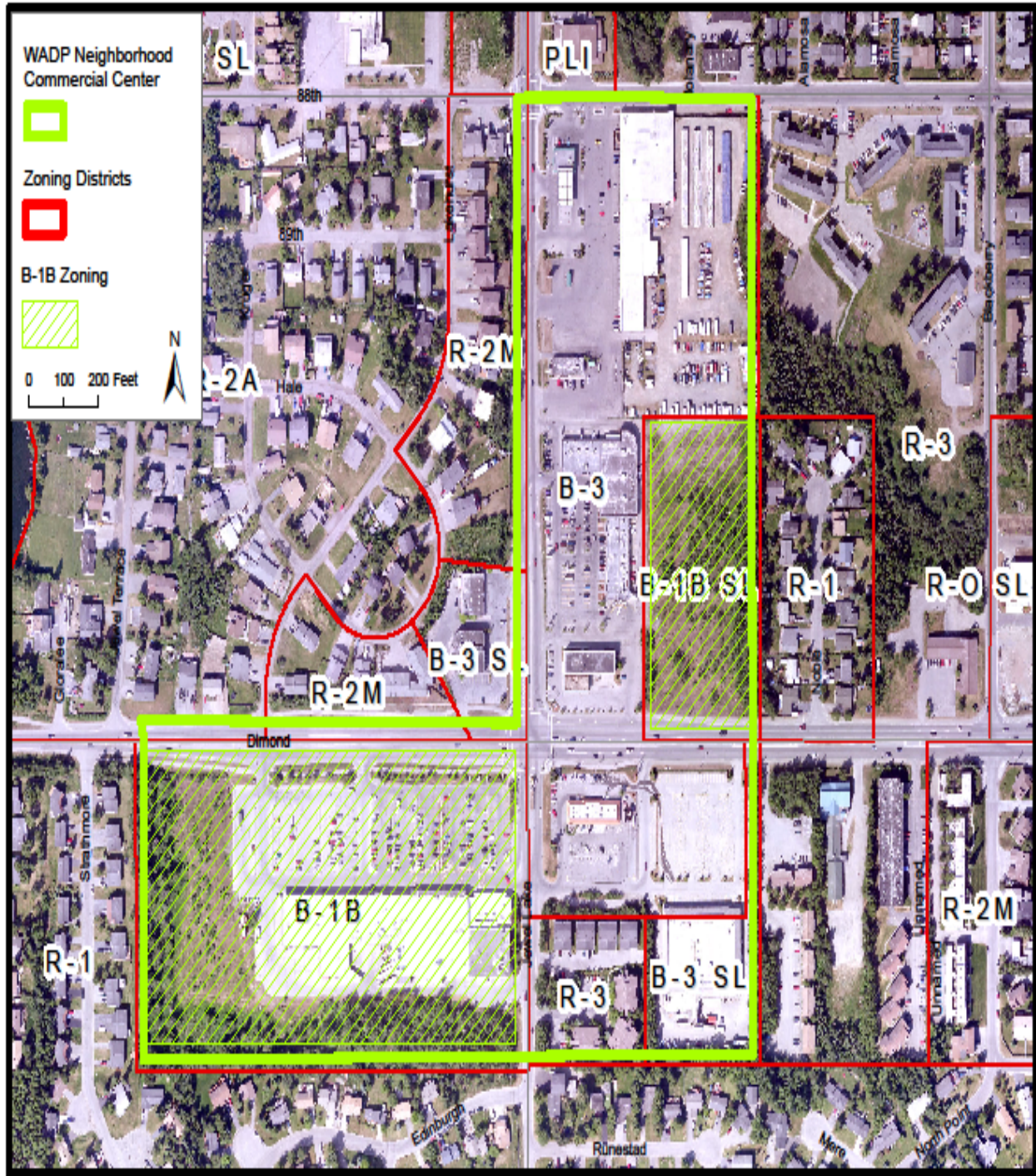
Current B-1B Zoning





4.9 Retention of the B-1B District & Allowing 70-foot Tall Buildings (Continued)

Commercial Properties in Jewel Lake-Dimond,
WADP Neighborhood Commercial Center



MOA Planning, 2012





4.10 Downtown (DT) District Clarification—21.04.040

ISSUE:

The Assembly Title 21 Committee Chair has suggested adding language to recognize the existing zoning in the downtown area until the new downtown (DT) districts are written and adopted.

RESPONSE:

- The downtown districts, DT-1, DT-2, DT-3, have not been developed at this time.
- The downtown districts and regulations will be developed and proposed separately through the Downtown Plan zoning amendment project for the area shown on Map 1. DT-1 will address the downtown core, DT-2 will address mixed use, and DT-3 will address mixed-use residential areas.
- The Downtown Plan zoning amendment project will begin after Title 21 is adopted.

RECOMMENDATION:

1. Amend Section 21.04.040, page 20, Line 11, to state that new downtown districts will be proposed separately through the preparation of updated land use regulations for downtown, as indicated in the Anchorage Downtown Comprehensive Plan.
2. Temporarily exclude the area within the Downtown Districts Diagram as shown in Map 1 from the Title 21 rewrite.
3. Until the new downtown districts are adopted, all areas located in the B-2A, B-2B, and B-2C districts shall remain subject to the current Title 21 land use regulations, for the areas depicted in Map 1.

REFERENCES:

PZC Revision of Title 21: Section 21.04.040, Page 20, Line 11.

Provisionally Adopted Title 21: Section 21.04.040, Page 116, Line 41

Map 1, 2007 Adopted Anchorage Downtown Comprehensive Plan, Downtown District Diagram, page 47.



Downtown Districts Diagram

- Legend
- Downtown Study Area
 - Downtown Core
 - Park/Open Space
 - "Notable" Building Footprint
 - Downtown Mixed-Use
 - Downtown Mixed-Use Residential
 - Ship Creek
 - Arts District/Corridor
 - Seismic Ground Failure Zone #5





4.11 Deleting the Mixed-use Districts—21.04.050

ISSUE:

PZC recommends deleting all three provisionally adopted mixed-use districts from the provisionally adopted Title 21. In their place, PZC would insert select mixed-use district standards into the commercial zones to be applied only to mixed-use projects.

PZC's premise is that regulating mixed-use projects in existing commercial zones can implement mixed-use on a voluntary basis without the need for rezoning to new mixed-use districts. It implies the provisionally adopted Title 21 would mandate rezonings for mixed-use projects, and that rezonings are costly.

PZC also recommends holding off on creating any new zoning districts until Anchorage's land use plan map update is adopted. It is also concerned that new mixed-used districts could result in unintended economic consequences and the potential impacts of these changes for individual properties and MOA tax revenues have not been adequately studied.

RESPONSE:

The Administration's consultant made the same proposal to the Administration last year. The Administration rejected this proposal and supported the provisionally adopted mixed-use districts, and proposed some amendments to address the underlying concerns. (See 1)

Important reasons for retaining the mixed-use districts are provided on the next several pages, as parts 1, 2, 3, 4, and 5.

REFERENCES:

**PZC Revision of Title 21:
Section 21.04.050A., B., and
C., Page 20 (line 12), through
Page 26 (line 27).**

*Consolidated Table of
Proposed Amendments:
Amendments #18, 26, 27, 32,
44, 51, 55, 61, 76.*

*Provisionally Adopted Title 21:
Section 21.04.050A., B., and
C., Page 116 (lines 42-45),
through Page 119 (lines 1-36)*

- (1) Exhibit B. documenting the Mayor's decisions, page 6, issue #18.

Continued...





4.11 Deleting the Mixed-use Districts (Continued)

RESPONSE (Continued):

1. What is driving the mixed use zones?

- The three mixed-use districts are essential zoning tools to implement the development of regional, town, and neighborhood centers as identified in the Anchorage 2020 – Anchorage Bowl Comprehensive Plan.
- The Comprehensive Plan directs that there be new zoning provisions in Title 21 to differentiate among the various commercial areas in the Bowl, by implementing mixed-use centers. (The existing districts cannot achieve this.)
- These districts have been at the center of the new zoning ordinance since its first draft in 2004, and have evolved through extensive discussion by a wide range of stakeholders, over the subsequent drafts of the code rewrite.
- From the beginning of the rewrite, it was recognized that the current districts no longer meet Anchorage’s needs as it moves into second generation growth (i.e., infill and redevelopment). The old districts encourage a low-density development pattern that spreads out over the landscape. This does not make for efficient use of land, infrastructure, or address transitions and connections between various uses in a closer urban setting.
- The general location of the mixed-use centers compared to current commercial zoning is shown on the map (next page). Their placement is intended to focus on existing commercial centers that have a location and size that allow it to be successfully implemented. These areas are identified in the conceptually approved Anchorage Bowl Land Use Plan (see 1) and recent / ongoing neighborhood and district plans. (See 2.)
- The land use plan for the Bowl is in fact being updated, with parts of the draft Anchorage Bowl Land Use Plan Map already amended and adopted for West Anchorage, Hillside, and Downtown, and in progress in other neighborhoods. These processes are reaffirming support for the basic concepts of Anchorage 2020. (See Anchorage Plans and Community Councils Map.)

(1) Exhibit F, the Anchorage Bowl Land Use Plan Map, is provided as an excerpt in the back of this document. The excerpt includes the PZC resolution establishing the purpose of concept approval to allow the draft LUPM to serve as a technical reference for the evaluation and adoption of the new districts in the Title 21 Rewrite.

(2) Recent and ongoing district and neighborhood plans such as the WADP that are reaffirming and adopting the mixed-use center concept are indicated on the map overleaf.

Continued...



Current B-3 Zoning and Comprehensive Plan Mixed-use Centers

August 30, 2012

Comprehensive Plan Mixed Use Centers:

Anchorage 2020 Policy Map:

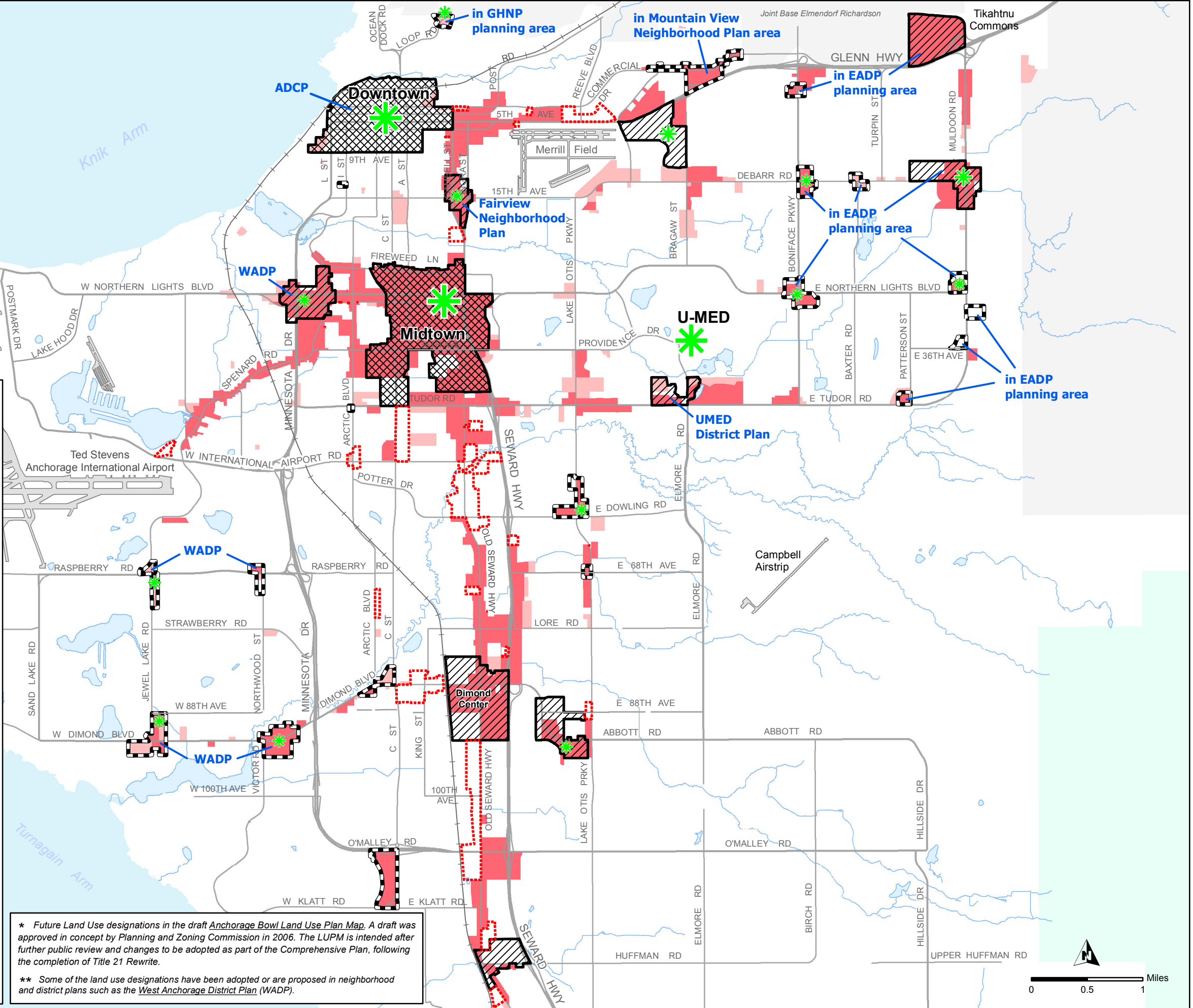
- Major Employment Center
- Neighborhood and medium scale mixed-use centers

Anchorage Bowl Land Use Plan Map (LUPM)* (and other plans):**

- Major City Center
- Community / Regional Center
- Neighborhood Center
- LUPM Commercial Corridor not currently zoned B-3 (currently zoned Industrial)

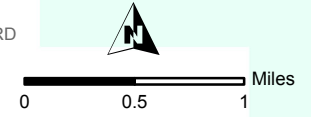
Current Commercial Zoning

- Current B-3 Commercial Districts
- Current R-O (Office/Residential) or Neighborhood Commercial Districts



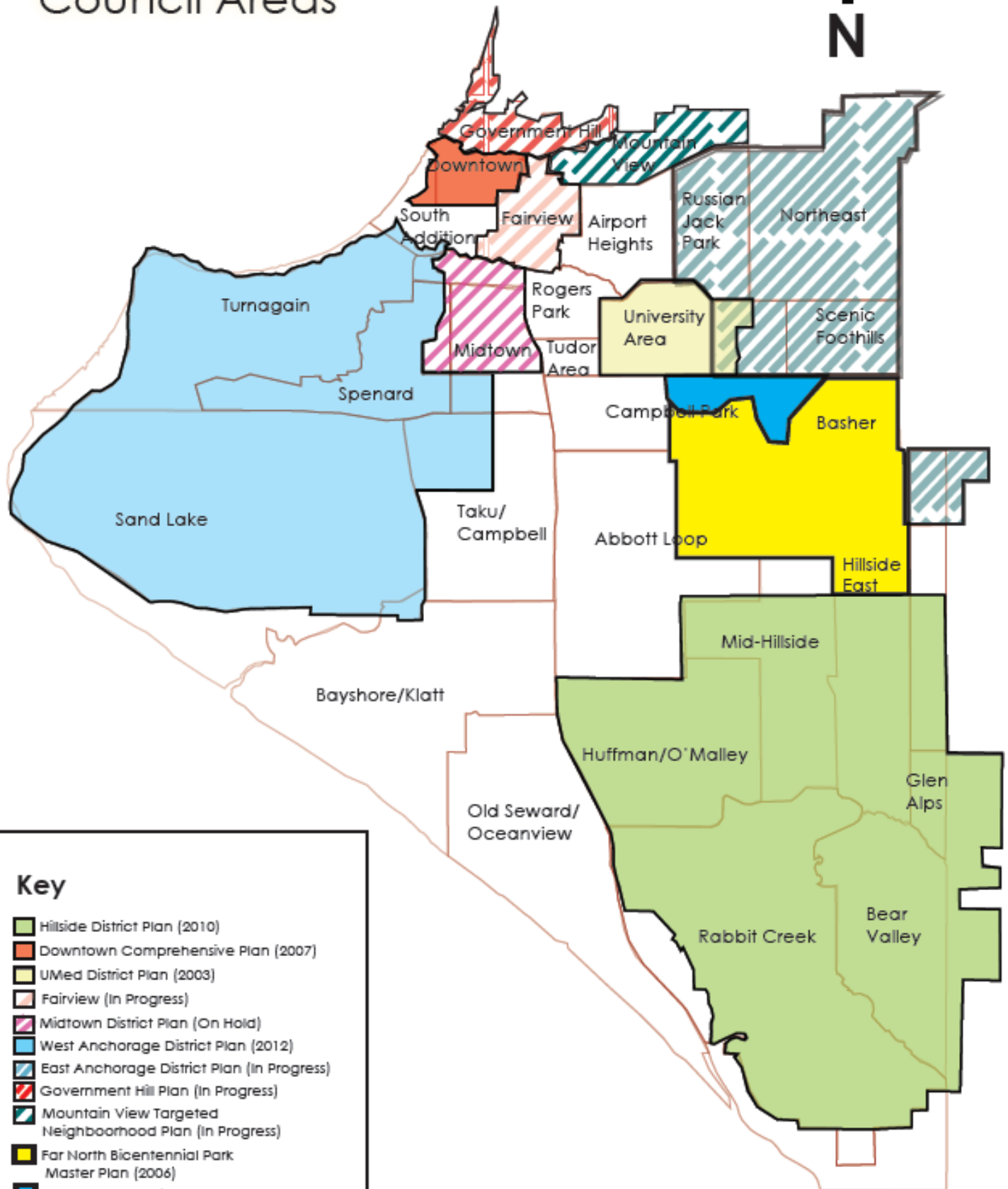
* Future Land Use designations in the draft Anchorage Bowl Land Use Plan Map. A draft was approved in concept by Planning and Zoning Commission in 2006. The LUPM is intended after further public review and changes to be adopted as part of the Comprehensive Plan, following the completion of Title 21 Rewrite.

** Some of the land use designations have been adopted or are proposed in neighborhood and district plans such as the West Anchorage District Plan (WADP).



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Anchorage Plans & Community Council Areas



Key

- Hillside District Plan (2010)
- Downtown Comprehensive Plan (2007)
- UMed District Plan (2003)
- Fairview (In Progress)
- Midtown District Plan (On Hold)
- West Anchorage District Plan (2012)
- East Anchorage District Plan (In Progress)
- Government Hill Plan (In Progress)
- Mountain View Targeted Neighborhood Plan (In Progress)
- Far North Bicentennial Park Master Plan (2006)
- Tudor Road Public Lands and Institutions (2006)



4.11 Deleting the Mixed-use Districts (Continued)

RESPONSE (Continued):

2. What Do Mixed-use Districts Accomplish?

- Mixed-use districts encourage the concentration of future development in well-defined, more compact centers, in order to create stronger, more successful focal points of urban activity. They help focus highest intensity development into a limited number of major employment centers.
- Mixed-use districts allow for more efficient use of existing underutilized commercial lands, urban infrastructure, and the transportation system.
- Three mixed-use zones differentiate the centers by scale and function, just as Anchorage’s residential zones today differentiate between neighborhoods. This provides for development that is appropriate to each part of town.
- A mixed-use district provides a cohesive and inter-connected area which accommodates a variety of uses (e.g., commercial, institutional, parks, and residential), characterized by more efficient use of land and pedestrian-friendly components. It applies a consistent set of district-wide standards to all uses in the center, to allow more uses to coexist in close proximity, and convenient pedestrian connections to allow for walking and transit, by:
 - ⇒ Locating all new buildings and their primary entrances closer to the street and sidewalks;
 - ⇒ Locating parking lots to the side or behind buildings rather than between the front of the building and the sidewalk;
 - ⇒ Encouraging enhanced pedestrian connections, residential development, and other features through incentives; and
 - ⇒ Reducing parking requirements to free more square footage for development and bring developments closer together.

Continued...

Example District:

Eagle River CBD Overlay District and Rural Commercial District

The Eagle River CBD Overlay District, adopted in 2009 with support from the Chugiak-Eagle River community, is an example similar to the Title 21 Rewrite mixed-use districts, in function and regulations. In fact, most of its development standards are based on or similar to an earlier draft of the Rewrite. For example, new buildings are expected to be located and oriented toward the street, and not exceed district height limitations.

The Chugiak-Eagle River community has differentiated its CBD regulations from its other commercial areas, to encourage its evolution as a cohesive town center.

Differentiation of scale and function is also being carried forward in the Chugiak-Eagle River rural commercial district tailored for northern parts of Chugiak-Eagle River.

See Eagle River Overlay District Map on next page.



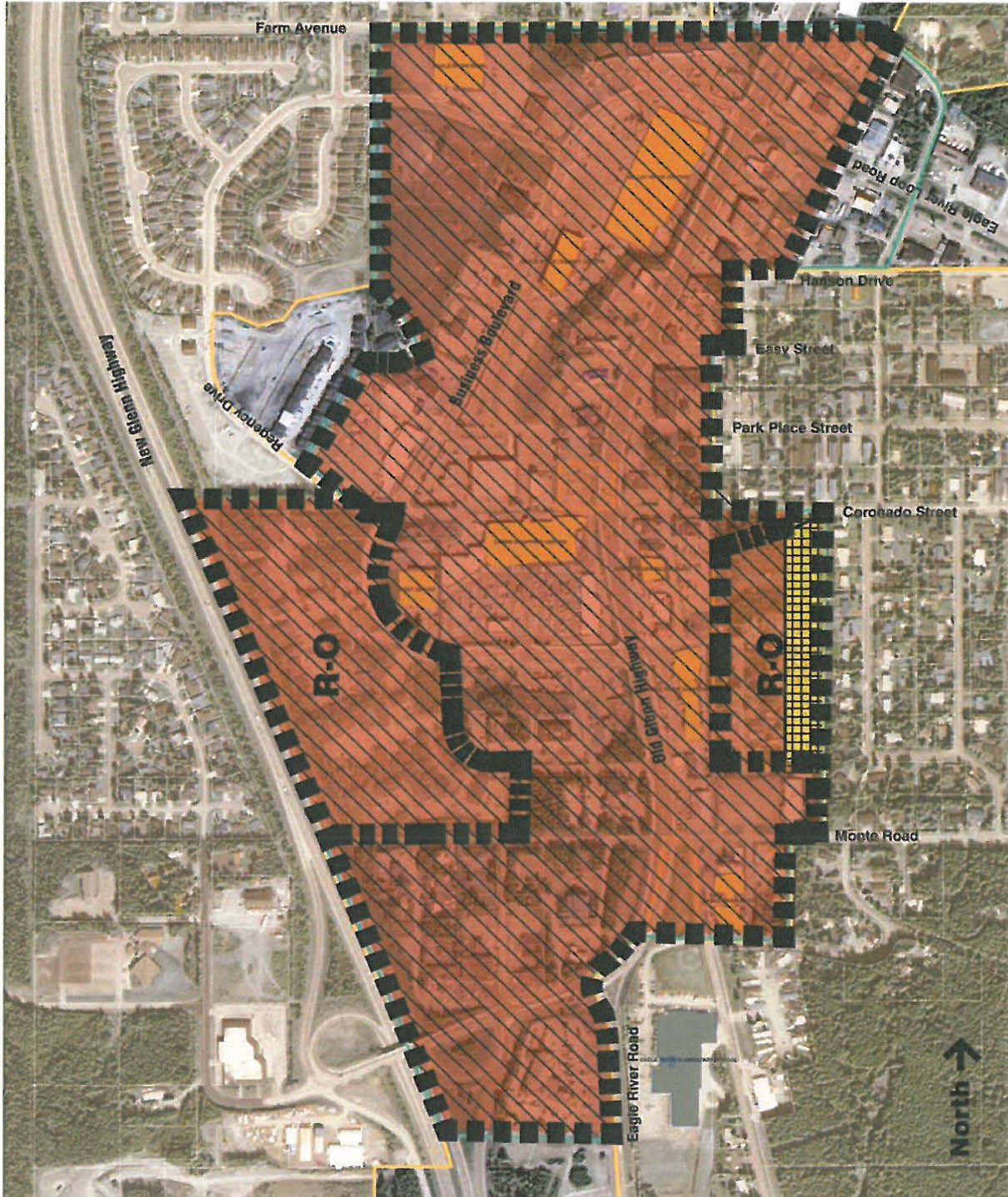
Eagle River Overlay District

Overlay District Boundary and Height Restriction Map

Map 21.66-A

LEGEND

-  Eagle River Overlay District Boundary
 -  Underlying zoning designation of R-O, as identified in AMC 21.40.130.
 -  Height Restricted to 4 Stories within 55 feet
 -  Height Restricted to 3 Stories within 40 feet
- Note: All underlying zoning within the overlay district bears the designation of B-3, as identified in AMC 21.40.180, except for those areas specifically identified as R-O.
- Where building height restriction is identified by stories, basements are excluded





4.11 Deleting the Mixed-use Districts (Continued)

RESPONSE (Continued):

3. What Uses Are Allowed?

The three mixed-use zones allow most of the same land uses that are permitted in the B-3 general commercial district:

- A few highly auto-dependent land uses that do not fit into a compact pedestrian-oriented commercial area are prohibited, such as self-storage facilities, car dealerships, and marine sales. This is similar to the existing Eagle River CBD overlay district’s restriction against ministorage facilities in its center.
- Mixed-use developments with residential and commercial uses on the same site or the same building are encouraged, but not required. The term “mixed-use district” is more about the mix of complementary uses located within a compact and walkable center.
- Mixed-use zones are not mandatory for mixed use projects. Property owners in B-3 or B-1A commercial districts may develop mixed use projects without having to rezone to a mixed-use district. They will just not have the incentives such as parking reductions offered through the mixed-use zones.

Continued...





4.11 Deleting the Mixed-use Districts (Continued)

RESPONSE (Continued):

4. What are the economic impacts of the mixed use zones?

Despite PZC’s assertions about unknown potential impacts, an extensive Economic Impact Analysis has in fact been conducted:

- The EIA documents that changes in zoning to mixed-use districts will have a neutral impact on property values—i.e., no loss in value—as compared to current B-3 zoning. (See 1.)
- A 2012 review of the EIA land valuation comparisons, based on more recent changes made to the draft mixed-use districts, reinforce the EIA findings—the districts are more flexible. (See 2.)
- The Municipal Assessor, in review of the provisionally adopted zoning districts, agrees with these findings, anticipating little effect on price or value from the zoning changes. (See 3.)
- Development cost comparison tests, fully updated in 2012, indicate lower site development costs and land area requirements in mixed-use zones. (See 4.) This is partly because of 10% reduction in parking requirements to reflect lower parking demand in pedestrian-friendly environments. (See 5.)
- Prevailing development densities and economic forecasts indicate that the local market conditions will remain the main limitation to feasible property development potential.

Continued...

- (1) Exhibit E-1 summarizes the land valuation comparison of the Title 21 Economic Impact Analysis.
- (2) Exhibit E-5 is provided in the appendices at the back of this document.
- (3) Exhibit E-3, Municipal Assessor Opinion regarding Possible Property Value Impacts of Mixed-use Districts (dated May 2012), is provided in the back of this document.
- (4) Exhibit E includes a summary and detailed results of 13 fully updated cost comparison site tests completed in 2012.
- (5) Studies document a 5-15% or greater reduction in parking demand as development patterns become more pedestrian-friendly.





4.11 Deleting the Mixed-use Districts (Continued)

RESPONSE CONTINUED:

5. How Will Mixed-use Zoning be Implemented?

Cities and towns across the country have successfully implemented mixed-use districts. They are a well-accepted, contemporary zoning practice for commercial centers. Once the mixed-use districts are in the land use regulations, several zoning implementation strategies are available:

- Area-wide rezonings of individual centers could be initiated by the MOA where there is area-specific direction through a district or neighborhood plan.
- For elsewhere, a preferred strategy brought forward by the Administration and Department (see 1) is to implement mixed-use districts as a new zoning option for property owners. Rezoning will occur as property owners review the advantages of the new mixed use zones for their development needs. Experience shows that property owners do pursue rezonings—as evidenced by the more than 150 proposed rezonings in the past decade.
- MOA could facilitate low-cost rezonings to mixed-use where consistent with the Comprehensive Plan—through fee waivers, assistance, and expedited approvals. Where one property owner decides to rezone, the MOA can also facilitate a rezoning of multiple participating surrounding properties. (See 1.)
- For Midtown, the Administration has brought forward proposed amendments such that Midtown property owners will have the option of remaining with existing B-3 zoning or may choose to rezone to the Regional Mixed-use (RMU) zone.

(1) Exhibit B, page 6.





4.11 Deleting the Mixed-use Districts (Continued)

RECOMMENDATIONS:

Retain the three provisionally adopted mixed-use districts. The Department and Administration have recommended the following amendments and clarifications to the provisionally adopted Title 21:

1. Delete the MT-1 and MT-2 Midtown district placeholders.
2. Implement the provisionally adopted NMU, CMU, and RMU mixed-use districts as a new zoning option.
3. Amend the provisionally adopted B-3 district to reaffirm that B-3 is intended to stay and remain available to commercial property owners, including in central Midtown.
4. Amend the purpose statement and district-specific standards of the RMU district to clarify it will be available as an option for Midtown B-3 property owners who want to rezone to a mixed-use district.





4.12 Adding Mixed-use Standards in the B-1A, B-3, B-1B Districts—21.04.030

ISSUE:

PZC proposes to address mixed-use development by inserting select mixed-use district standards into the existing commercial districts to be applied only to mixed-use projects, and leaving out housing incentives, parking reductions, and enhanced pedestrian improvements for mixed-use projects.

PZC’s premise is that regulating mixed-use projects in existing commercial zones can implement mixed-use on a voluntary basis without the need for rezoning to new mixed-use districts.

The result would be mixed-use development projects that are subject to different height limits, setbacks, and other development standards than neighboring commercial, office, and residential projects.

RESPONSE:

The proposal reflects a misunderstanding of what mixed-use districts implement. PZC’s proposal applies standards based on an individual use-type, whereas the provisionally adopted Title 21 applies standards across a whole area.

- The point of the Title 21 Rewrite isn’t to add regulations to govern individual “mixed-use” projects.
- The purpose of the mixed-use zoning districts is to create a cohesive and inter-connected **area** that accommodates a variety of uses and fosters more compact, pedestrian-friendly components.
- The mixed-use districts’ standards apply to all uses in the district to facilitate compact site development, to allow more uses to coexist in close proximity, and to provide convenient pedestrian connections that allow walking and transit to be more functional.
- The illustration at right (from *Anchorage 2020*) shows the concept for a mixed-use center. Not one individual building in the illustration is shown as a stand-alone mixed-use building.

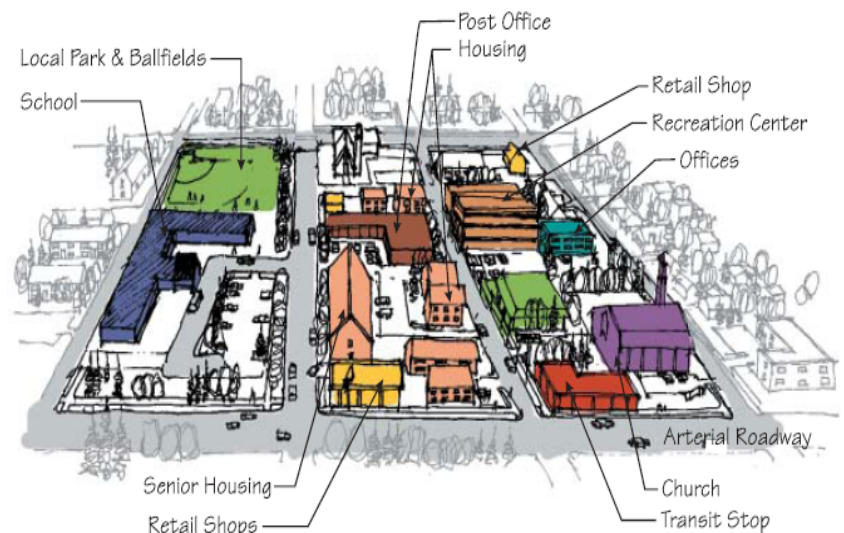
REFERENCES:

PZC Revision of Title 21: Section 21.04.030D. and F., on page 19, (lines 1-36)

Provisionally Adopted Title 21:

Section 21.04.050G., Page 119 (lines 41-46 through Page 121 (lines 1-15),

Exhibit B, October 19, 2011 Memorandum-Title 21 Rewrite, Mayor’s Decisions on Consultant’s Report, Page 7, Issue #19.





4.12 Adding Mixed-Use Standards in the B-1A, B-1B, and B-3 Districts (Continued)

RESPONSE CONTINUED:

- Mixed-use districts allow single-use development as well as mixed use. However, the sum of the whole creates a cohesive center in which a variety of compatible uses interact with one another. (See map on next page for proposed Government Hill Commercial Core.)
- The success of a mixed-use area depends on a consistent set of development regulations applying to all uses. For example, the buildings and active uses are set closer to streets and sidewalks. (See photo.) Parking lots are located beside or behind each building. This is why, for example, Eagle River adopted a similar set of regulations to apply to all uses in its CBD.
- The grafting of mixed-use development standards onto a general commercial zoning district such as the B-3 district will fail to achieve cohesive areas, or more efficient use of land. Instead, it would:
 - ⇒ Result in a low-density, patchwork development pattern where mixed-use standards are applied to occasional isolated developments rather than to the whole area in a cohesive manner. Without a consistent set of rules, most new development projects could easily resort to site plan designs that further auto dependency. (See bottom two photos.)
 - ⇒ Apply extra regulation only to mixed-use projects, not to neighboring offices, housing, or retail stores—a complication and disincentive.
 - ⇒ Reduce development potential for most other lots as they are no longer entitled to mixed-use district incentives such as reduced parking.



Walgreens at Huffman



Tenant retail at Victor and W. Dimond



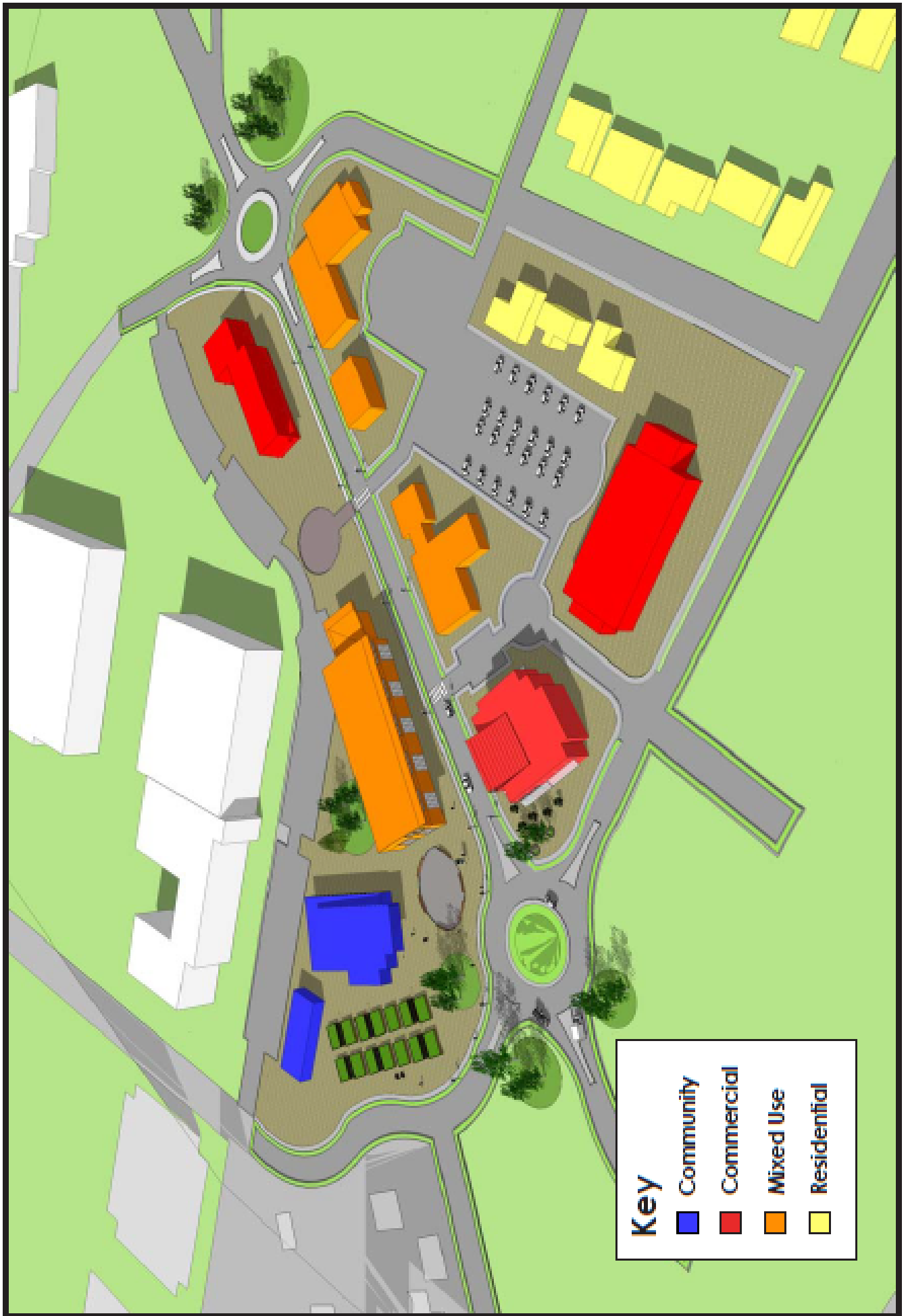
Walgreens at West Dimond Blvd.

RECOMMENDATIONS:

1. Retain the mixed-use districts, as discussed in issue 4.11; and
2. Reject PZC's proposed sections 21.04.030E. and F. which apply regulations only to mixed-use projects in commercial districts.



Government Hill Neighborhood Plan - Commercial Core Redevelopment Scenario 1





4.13 Eliminating Mixed Use District Incentives for Enhanced Sidewalks, Parking Reductions, and Housing—21.04.050E.

ISSUE:

PZC has rejected an amendment that would create an option for property owners to provide an enhanced “main street” sidewalk for mixed-use environments, in lieu of standard required arterial landscaping.

With their proposed amendments, PZC has also eliminated the parking reductions option as well as the mixed-use districts’ density bonus for providing market rate housing. Both of these options are critical to incentivize mixed-use projects to include housing.

No rationale has been provided for these changes.

RESPONSE:

These proposed changes should not be supported for the following reasons:

- Amendment R10 takes the required minimum sidewalk width for mixed-use from 6-feet back to the current 5-foot standard, and provides an incentivized “main street” option in the provision of sidewalks for mixed-use development areas. Property owners can choose this incentivized sidewalk option or stay with the 5 foot sidewalk standard. (See 1)
- Amendment R10 increases the flexibility of the zoning code to allow developments to create a “main street” style commercial sidewalk environment, with street trees and extra sidewalk width, in lieu of suburban style arterial landscaping buffers. This is more consistent with the intended street character of the mixed-use commercial centers.
- The parking reduction option for development in the Mixed-use Districts in Chapter 7, is no longer applicable per PZC’s recommendations regarding the new Mixed Use Districts.
- The Housing Density Bonus system that was tailored for the Mixed-use Districts is proposed to be deleted by PZC. In its place, future mixed-use projects with housing are directed to use the R-4 system, which fails to incentivize the construction of market rate (non-subsidized) housing.

RECOMMENDATION:

1. Forward Amendment R10 for adoption

REFERENCES

PZC Revision of Title 21: Section 21.04.050E.5., Page 25, line 34 - Page 26, line 27

Provisionally Adopted Title 21: Section 21.04.050E.5., Page 121

- (1) *Amendment R10: Consolidated Table of Proposed Amendments 2010-2011*





4.14 Unlimited Commercial Use in I-2 Districts–21.04.050C.

ISSUE:

PZC recommends retaining commercial uses in the I-2 heavy industrial district as it is under the current Title 21, as well as changing the “Purpose” statement to include a listing of permitted and prohibited uses. No specific reason is provided for these recommendations.

RESPONSE:

The primary purpose of the I-2 heavy industrial district is for public and private heavy manufacturing, warehousing, major freight terminals, waste and salvage, resource extraction and processing, and other related uses. To continue allowing general commercial uses in the I-2 District would impact the heavy industrial zoned lands in the following way:

- Conflicts with Comprehensive Plan policy #26. (See 1.)
- The 2009 Industrial Land Assessment report highlighted the shortage of industrial lands in the Anchorage Bowl to meet future industrial needs. (See 2.)
- On average, industrial based jobs pay higher wages compared to commercial/retail jobs. Industrial businesses should be retained and encouraged in the Anchorage Bowl.
- Allowing commercial and other non-industrial uses in industrial districts can create incompatibilities and conflicts between uses and users, such as freight and car traffic, noise, dust, vibrations, odors, hours of operation and other industry operational requirements and needs.
- It is recognized that there are certain industrial lands today that should be re-designated as commercial or mixed use districts to recognize the existing commercial or mix of uses that have been developed. This work will be covered as part of the Comprehensive Land Use Plan Map review. (See Map on next page.)

REFERENCES:

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

*Provisionally Adopted Title 21:
Section 21. 04.060C., Page 121*

- (1) Comprehensive Plan Policy #26: “Key industrial lands, such as the Industrial Reserves designated on the Land Use Policy Map, shall be preserved for industrial purposes.”
- (2) Source of Industrial supply estimates in this issue-response is in Exhibit I: Industrial Lands Assessment (2009).

Continued...



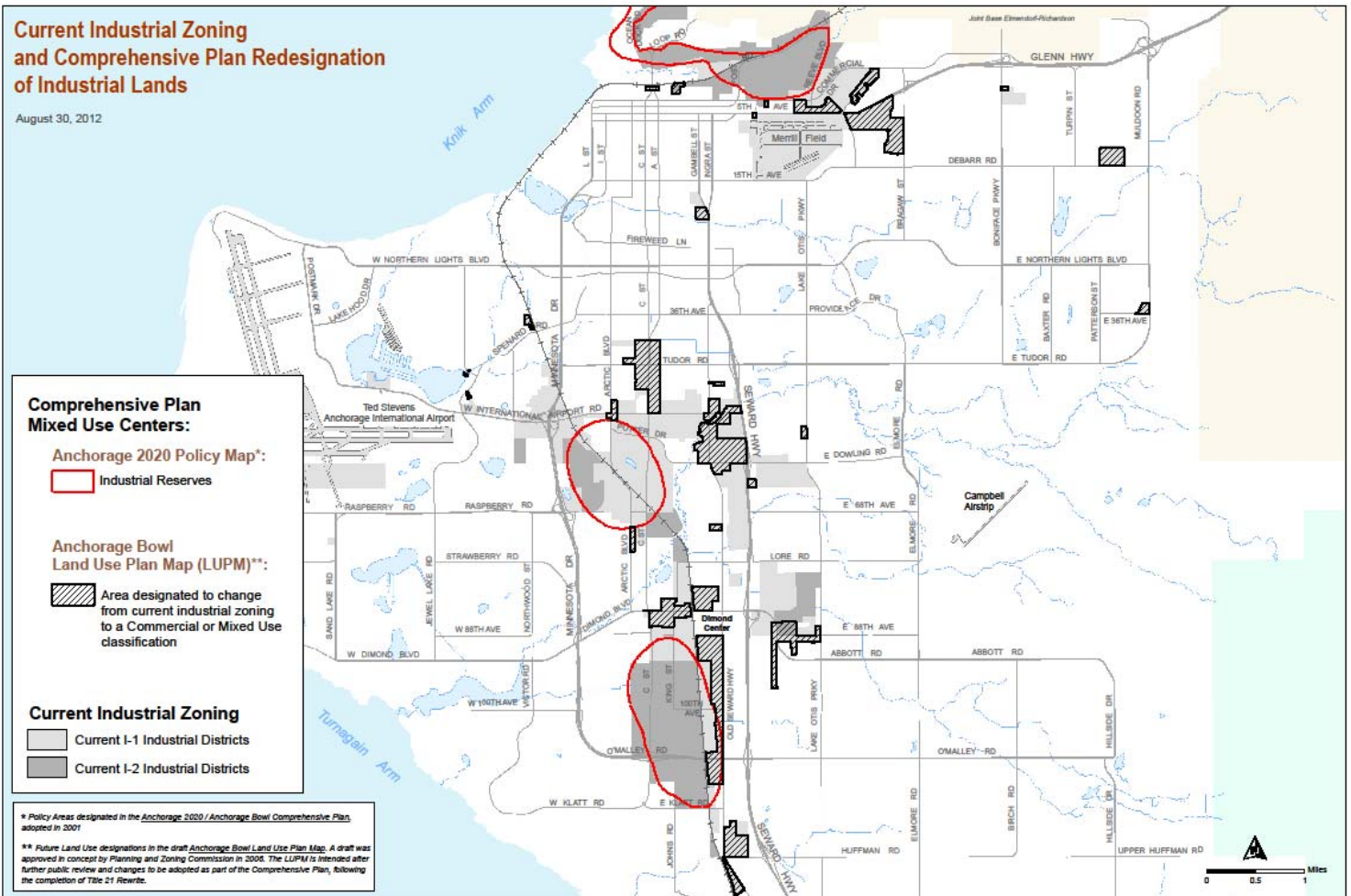
4.14 Unlimited Commercial Use in I-2 Districts (Continued)

RESPONSE CONTINUED:

- The listing of permitted and prohibited uses in the “Purpose” statement is out of place and does not match the purpose statements for all other zoning districts. As with all other districts, the listing of permitted uses is covered in Chapter 5 of the zoning code.

RECOMMENDATIONS:

1. Retain the provisionally-adopted Title 21 and forward for adoption;
2. Forward amendments R11, and #32 for adoption;
3. Review and refine the Comprehensive Land Use Plan Map for areas that should be re-designated to commercial and retain the remaining industrial lands for long term industrial uses.





4.15 Development Reserve (DR) District—21.04.070C.

ISSUE:

The Assembly Committee Chair has requested that the allowed uses in the DR district be indicated in its purpose statement.

RESPONSE:

No objection to this proposed clarification:

- The purpose and application of the DR district is for lands intended for future development, undesignated municipally owned lands, municipal and state tidelands and waters, and military lands.
- 21.05-2: Table of Allowed Uses identifies the following allowed uses in the DR District:

Permitted Uses:

- ⇒ Single Family Detached (along with customary accessory uses)
- ⇒ Type 3 and Type 4 Telecommunication Facilities:
- ⇒ Land Reclamation – Conditional – operations continued beyond 1 year

Administrative Site Plan Review:

- ⇒ Parks and open space, public or private
- ⇒ Utility Substation
- ⇒ Land Reclamation – operations completed within 1 year

Conditional Uses:

- ⇒ Telecommunication Facilities Type 2
- ⇒ Natural resource extraction, organic and inorganic

RECOMMENDATION:

Amend the Purpose Statement of the DR District to read: “The DR District may be applied to lands intended for future development, undesignated municipally owned lands, [AND] municipal and state tidelands and waters, and military lands. Large-lot single-family residential is allowed by-right, along with limited public and institutional uses; see the use tables in chapter 21.05 for specific allowed uses.”

REFERENCES:

PZC Revision of Title 21: Section 21.04.060C., on page 28, Lines 3-7.

Provisionally Adopted Title 21: Section 21.04.070C., Page 122, Line 31-33.





4.16 Interim Airport Zoning and the “T” District—21.04.060A.

ISSUE:

Ted Stevens Anchorage International Airport (ANC), Turnagain Community Council, and others commented to PZC with concerns about Proposed Amendment #30, which adds back the current Title 21 Transition district in revised form. The commenters found the proposed insertion of the existing Title 21 Transition district, renamed “TR” District and re-worded to fit in the new Title 21, misleading or confusing about airport land uses, and inconsistent with FAA requirements.

After reviewing these comments and with further discussion with ANC, the Department recommended an alternative interim airport zoning solution to PZC. This recommendation is consistent with the West Anchorage District Plan (WADP), which identified creating a new airport zoning district.

These comments and recommendations were not addressed by PZC. PZC forwarded Proposed Amendment #30 to insert the TR district without deliberation.

RESPONSE:

After discussions with the Airport, comments by the public, and in context with the recently adopted WADP, the Department recommends that all lands within the ANC boundaries should temporarily remain under current Title 21 land use regulations, including the existing T district for the following reasons:

- Currently ANC comprises three zoning districts within its borders: PLI (public lands and institutions), I-1 (light industrial), and T (transition).
- Both ANC and MOA recognized early in the Title 21 rewrite process that the existing Title 21 districts do not appropriately address ANC’s unique land status and land uses.
- Completing an Airport District (AD) is the long-term solution to this issue. Both parties remain committed to working on how the airport should be zoned and what regulations should apply. But that will occur at a later date beyond the immediate review schedule for the Title 21 rewrite. ANC supports this approach. (See 1.)

Continued...

REFERENCES:

PZC Revision of Title 21: Section 21.04.060A. on Page 27, and Section 21.04.060H on Page 29, Line 36.

Consolidated Table of Proposed Amendments: Amendment #30, Pages 19-22.

Provisionally Adopted Title 21: Section 21.04.070A., Page 122, Line 13

- (1) An Airport District concept is a key element of the new West Anchorage District Plan. Specifically, Implementation Action IA-3 directs the MOA and the Airport to adopt an airport zoning district within 1-3 years. This policy includes seven conditions to assist in framing the content and approach for this new district.
- (2) WADP Policy IA-3: Adopt an airport zoning district that combines current multiple zoning districts on airport property (PLI, PLI-p, I-1, I-2, T) into a single zone.





4.16 Interim Airport Zoning and the “T” District (Continued)

RESPONSE continued:

- The bottom line is that when the Title 21 rewrite is adopted, there will not yet be an airport district in place. Therefore, the existing districts at the airport need to be maintained in code.
- Removing zoning altogether would be contrary to the interests and responsibilities of the home rule Municipality, and would conflict with the Comprehensive Plan. (See 2.)
- The WADP is predicated on future adoption of an airport zoning district.
- This temporary resolution applies the “donut hole” strategy. In this scenario, the area within the ANC boundary is excluded from the Title 21 rewrite. Airport land would remain under the existing Title 21 until such time as a new airport district is incorporated into the new Title 21. This approach is already being used for the Downtown Anchorage CBD.

RECOMMENDATIONS:

1. Do not forward Proposed Amendment #30.
2. Amend 21.04.060A. on Page 27, to state that the airport district will be proposed separately through the preparation of updated land use regulations as indicated in the West Anchorage District Plan.
3. Temporarily exclude the area within the ANC boundary from the Title 21 rewrite. The title 21 rewrite adopting ordinance would state that ANC lands remain under the pre-existing Title 21 until such time as a new airport district is incorporated into new Title 21 and the airport lands are rezoned.
4. Prioritize the completion of an airport district, to be implemented in a separate ordinance and zoning map amendment for all ANC land.

