

# SUNSET AUDIT REPORT

2022-S1

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Urban Design Commission

Planning Department

August 12, 2022

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MUNICIPALITY OF ANCHORAGE  
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**MUNICIPALITY OF ANCHORAGE**  
**MAYOR DAVE BRONSON**

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**OFFICE OF INTERNAL AUDIT**

August 12, 2022

Honorable Mayor and Members of the Assembly:

I am pleased to present for your review **Sunset Audit Report 2022-S1, Urban Design Commission, Planning Department**. A summary of the report is presented below.

In accordance with Assembly Ordinance Number 2011-64(S-1), Section 14, we have performed a sunset audit of the Urban Design Commission. The objective of this audit was to provide information to the Mayor and Assembly to assist them in determining if the Urban Design Commission should be reauthorized. Our audit included a review of documents pertaining to matters such as meeting agendas, meeting minutes, resolutions, member authorization, and member participation.

Based on our review of documents pertaining to matters such as meeting agendas, meeting minutes, resolutions, member authorization, and member participation, we recommend that the Urban Design Commission be reauthorized.

The Urban Design Commission will sunset October 14, 2022, unless reauthorized by the Assembly.

Michael Chadwick, CIA, CICA  
Director, Internal Audit



MUNICIPALITY OF ANCHORAGE  
MAYOR DAVE BRONSON

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OFFICE OF INTERNAL AUDIT

August 12, 2022

**Sunset Audit Report 2022-S1  
Urban Design Commission  
Planning Department**

**Introduction.** We have performed a sunset audit of the Urban Design Commission (Commission) as required by Assembly Ordinance Number 2011-64(S-1), Section 14 which states:

*“The Municipal Clerk shall notify the Assembly and the Mayor by assembly memorandum at least 120 days prior to the sunset of any board or commission, and an ordinance for reauthorization shall be introduced through the Assembly Chair with the assembly memorandum. The assembly memorandum shall include direction to the Office of Internal Audit to audit the board or commission under Anchorage Municipal Code section 3.20.110 D.3. and 4. The Office of Internal Audit shall report its findings to the Mayor and Assembly at least 60 days, prior to sunset, prior to vote by the Assembly on reauthorization.”*

**Objective and Scope.** The objective of this audit was to provide information to the Mayor and Assembly to assist them in determining if the Commission should be reauthorized. Our audit included a review of documents pertaining to matters such as meeting agendas, meeting minutes, resolutions, member authorization, and member participation.

We conducted this performance audit in accordance with generally accepted government auditing standards, except for the requirement of an external quality control review. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



**Overall Evaluation.** Based on our review of documents pertaining to matters such as meeting agendas, meeting minutes, resolutions, member authorization, and member participation, we recommend that the Commission be reauthorized.

## SUNSET FACTORS

The following factors were used in our evaluation and are presented for information to the Mayor and Assembly:

1. **Commission Name.**

Urban Design Commission

2. **Sunset Date.**

October 14, 2022

3. **The purpose and goal of the Commission.**

*Anchorage Municipal Code (AMC) subsection 4.40.125A., Urban design commission, states  
“There is established an urban design commission to exercise the powers and duties more particularly set forth in Title 21.”*

*AMC section 21.02.040, Urban design commission, states:*

*“A. Decision-making authority. The urban design commission has decision-making authority over the following:*

- 1. Appeals of administrative site plan reviews (21.03.180C.);*

2. *Major site plan reviews for non-residential development with a gross floor area of less than 100,000 square feet, and for residential development of fewer than 140 units (21.03.180D.);*
3. *Preliminary plats, when a major site plan review under the authority of the urban design commission creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the major site plan approval that it shall act as the platting authority (21.03.180F.);*
4. *Plans in hand design drawings review for new construction and reconstruction of streets of collector classification or greater on the Official Streets and Highways Plan (21.03.190);*
5. *Commercial tract plats, where the site plan includes a large commercial establishment under the authority of the urban design commission (21.03.200E.);*
6. *Variances from:*
  - a. *The district-specific standards of Chapter 21.04, Zoning Districts, Section 21.09.040, Zoning Districts, and Section 21.10.040, Zoning Districts;*
  - b. *The use-specific standards of Chapter 21.05, Use Regulations (except subsection 21.05.040K., telecommunication facilities, and Section 21.05.055, Marijuana Establishments), Section 21.09.050, Use Regulations, and Section 21.10.050, Use Regulations;*
  - c. *Chapter 21.07, Development and Design Standards (except subsections 21.07.020B., watercourse, water body, and wetland protection, 21.07.020C., steep slope development, Sections 21.07.050, Utility Distribution Facilities, and 21.07.060, Transportation and Connectivity);*
  - d. *Those provisions of Section 21.09.070, Site Development and Design Standards, for which variance authority is not given to the platting authority or the zoning board of examiners and appeals;*
  - e. *Section 21.09.080, Building Design Standards;*
  - f. *Section 21.10.070, Development and Design Standards (except subsection 21.10.070B., Transportation and Connectivity);*
  - g. *Section 21.11.070, Development and Design Standards; and*

*h. Chapter 21.12, Signs.*

7. *Appeals of the director's decision regarding subsection 21.13.060B., Bringing Characteristics Into Compliance (21.03.050).*

8. *Small area implementation plan (21.03.115)*

*B. Other powers and duties. The urban design commission shall:*

1. *Advise the mayor, assembly, and planning and zoning commission regarding urban design, northern climate design, and winter city design matters, including design-related amendments to the comprehensive plan and Title 21.*

2. *Review and make recommendations regarding any entitlement requests, in accordance with authority delegated by the planning and zoning commission or platting board under this title.*

3. *Perform those duties stated in Title 7, relating to the art funding requirements for public buildings and facilities.*

4. *Designate historic signs pursuant to subsection 21.12.070F.*

5. *Exercise such other powers, and perform such other duties, as are provided by law."*

**4. Is the Commission fully staffed?**

*AMC subsection 21.02.040C.3. states "Full membership means nine commissioners, less the number of commissioners excused for conflicts of interest."*

**Audit Finding.** Currently, the Commission is staffed with eight of the required nine members.

<u>Commission Member<sup>1</sup></u>	<u>Most Recent Assembly Confirmation</u>	<u>Term Expiration Date</u>
Barbara Cash	10-22-19	10-14-22
Nicole Rehm	10-22-19	10-14-22
Monica Sullivan	3-23-21	10-14-23
Allison Gordy	4-27-21	10-14-23
Julia B. Foland	5-12-21	10-14-23



<u>Commission Member</u> <sup>1</sup>	<u>Most Recent Assembly Confirmation</u>	<u>Term Expiration Date</u>
Mark Anthony Cox	11-9-21	10-14-24
Edith McKee	11-9-21	10-14-24
Alexandra Nenahlo	3-1-22	10-14-22
Vacant		

Source: Assembly Memorandums

<sup>1</sup>Anchorage Municipal Code section 1.35.010 requires that Commission members take an oath of office upon undertaking their duties. At the time of this sunset audit, all Commission members had taken an oath of office.

**5. Are the terms of the Commission members current?**

*AMC section 4.05.040, Terms, states “Except as otherwise specified in this Code, the regular term of each member of a board or commission is three years commencing on October 15 of the year in which appointed and ending three years thereafter on October 14, provided however, to avoid a vacancy until new appointments can be made and confirmed, an appointed member’s term is extended until a new appointment is confirmed or a maximum of 120 days which ever occurs first. The terms of initial or subsequent appointments to a board or commission shall be staggered so that, as nearly as possible, a pro rata number of its members shall be appointed each year of the established regular term of office.”*

**Audit Finding.** The terms for all Commission members are current.

**6. Were positions deemed vacant after the maximum number of absences?**

*AMC subsection 4.05.060A., Attendance requirements; vacancies, states “The office of a member of a board or commission member shall become vacant if the member:*

- 1. Ceases to meet the qualifications prescribed for the office;*
- 2. Resigns;*

3. *Dies;*
4. *Is judicially determined to be incompetent;*
5. *Is convicted of a felony;*
6. *Is removed from office for breach of the public trust; or*
7. *During any 12-month period while in office:*
  - a. *Is absent from three regular meetings without excuse;*
  - b. *Is absent from:*
    - i. *Six regular meetings; or*
    - ii. *Eight regular meetings for members of the planning and zoning commission, urban design commission, platting board, or zoning board of examiners and appeals; or*
  - c. *Fails to attend a two-thirds majority of the regular meetings without excuse.”*

**Audit Finding.** No members were absent from three regular meetings without an excuse during any 12-month period from January 2021 through June 2022.

No members were absent from eight regular meetings during any 12-month period from January 2021 through June 2022.

No members failed to attend two-thirds of the regular meetings without an excuse during any 12-month period from January 2021 through June 2022.

7. **Did the Commission meet regularly?**

*AMC section 4.05.090, Meetings, states “A board or commission shall hold regular monthly meetings at such time and place as may from time to time be designated by the board or commission, but meetings need not be held if no business is pending. Boards and commissions shall advise the public of their meeting schedules, or publicly advertise their meetings where necessitated by statutory requirements. The chairman of a board or commission, or the municipal employee who is designated as an ex officio member of the board or commission pursuant to section 4.05.140, or a majority of the board or commission, may call a special*



*meeting of the board or commission. Meetings of all boards and commissions shall be open to the public, except for an executive session, from which the public may be excluded.”*

**Audit Finding.** From January 2021 through June 2022 the Commission held 11 regular meetings and three special meetings. Meetings are publicly announced on the Planning Department’s website, the Municipality of Anchorage’s Public Notices website, the Mayor’s website, and on the Municipal Meetings website.

**8. Were minutes taken and published?**

*AMC section 4.05.130, Reports, minutes and public hearing records, states “A board or commission shall keep minutes of the board or commission proceedings, and such minutes shall record the vote of each member physically present upon every question formally presented to the board or commissions for its consideration. The minutes shall be maintained in the custody of the municipal agency which supplies staff support to the board or commission and shall be a public record, open to inspection by any person.”*

**Audit Finding.** Meeting minutes were taken at each Commission meeting. Planning Department staff keeps a copy available for the public. In addition, the meeting minutes and video recordings of most of the meetings are posted on the Municipal Meetings website.

**9. Did meetings have action items or other business?**

*AMC section 21.02.040 states:*

*“A. Decision-making authority. The urban design commission has decision-making authority over the following:*

- 1. Appeals of administrative site plan reviews (21.03.180C.);*
- 2. Major site plan reviews for non-residential development with a gross floor area of less than 100,000 square feet, and for residential development of fewer than 140 units (21.03.180D.);*

3. *Preliminary plats, when a major site plan review under the authority of the urban design commission creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the major site plan approval that it shall act as the platting authority (21.03.180F.);*
4. *Plans in hand design drawings review for new construction and reconstruction of streets of collector classification or greater on the Official Streets and Highways Plan (21.03.190);*
5. *Commercial tract plats, where the site plan includes a large commercial establishment under the authority of the urban design commission (21.03.200E.);*
6. *Variances from:*
  - a. *The district-specific standards of Chapter 21.04, Zoning Districts, Section 21.09.040, Zoning Districts, and Section 21.10.040, Zoning Districts;*
  - b. *The use-specific standards of Chapter 21.05, Use Regulations (except subsection 21.05.040K., telecommunication facilities, and Section 21.05.055, Marijuana Establishments), Section 21.09.050, Use Regulations, and Section 21.10.050, Use Regulations;*
  - c. *Chapter 21.07, Development and Design Standards (except subsections 21.07.020B., watercourse, water body, and wetland protection, 21.07.020C., steep slope development, Sections 21.07.050, Utility Distribution Facilities, and 21.07.060, Transportation and Connectivity);*
  - d. *Those provisions of Section 21.09.070, Site Development and Design Standards, for which variance authority is not given to the platting authority or the zoning board of examiners and appeals;*
  - e. *Section 21.09.080, Building Design Standards;*
  - f. *Section 21.10.070, Development and Design Standards (except subsection 21.10.070B., Transportation and Connectivity);*
  - g. *Section 21.11.070, Development and Design Standards; and*
  - h. *Chapter 21.12, Signs.*
7. *Appeals of the director's decision regarding subsection 21.13.060B., Bringing Characteristics Into Compliance (21.03.050).*

8. *Small area implementation plan (21.03.115)*
- B. *Other powers and duties. The urban design commission shall:*
  1. *Advise the mayor, assembly, and planning and zoning commission regarding urban design, northern climate design, and winter city design matters, including design-related amendments to the comprehensive plan and Title 21.*
  2. *Review and make recommendations regarding any entitlement requests, in accordance with authority delegated by the planning and zoning commission or platting board under this title.*
  3. *Perform those duties stated in Title 7, relating to the art funding requirements for public buildings and facilities.*
  4. *Designate historic signs pursuant to subsection 21.12.070F.*
  5. *Exercise such other powers, and perform such other duties, as are provided by law.”*

**Audit Finding.** From January 2021 through June 2022, the Commission issued 15 resolutions.