Title 21 Rewrite
MAYOR'S RECOMMENDATIONS COMBINED WITH STAFF RESPONSE

On October 19, a memo was released with mayor Sullivan's decisions on proposed changes to the provisionally adopted Title 21. The list of 38 items discussed were based on a report by Dan Coffey submitted to the mayor in June 2011 and on planning staff responses to the Coffey report.

Planning staff responded to all of Coffey's hundreds of recommendations in a memo from August 23, 2011 from Jerry Weaver to the mayor titled Title *21 - Major Issues in Review of Mr. Coffey's Proposed Amendments*. That is a 90 page report.

Most of Coffey's recommendations were rejected by the mayor.

So you don't have to wade through both memos and over 100 pages, the following pages show each of the mayor's proposals to change the provisionally adopted Title 21 followed by the planning staff's comments on that issue. In some cases, the staff response is edited to relevant information and no maps or tables were included. The main points made by staff are included.

At the very end is the section of the provisionally adopted Title 21 on design standards for single family homes that the mayor proposes to delete.

For all the info used to put this together, follow the links below.

Coffey report:
http://www.muni.org/Departments/OCPD/Planning/Projects/t21/Documents/T21_Consultant_AmendmentsPolicyIssuesNarrativesCodeChanges.pdf

Mayor's Decision memo:
http://www.muni.org/Departments/OCPD/Planning/Projects/t21/Documents/T21_Mayor%27sDecisions-FinalDocument-10-19-2011.pdf

Planning staff responses to the Coffey report:
http://www.muni.org/Departments/OCPD/Planning/Projects/t21/Documents/10-MemoResponseToCoffey--8-23-11.pdf

Chapter 3

5. Requiring Community Meetings be conducted through community council meetings only (section 21.03.020C.).

Issue: The consultant's proposed amendments would require those land use cases that require a community meeting to be conducted through the community councils and at their scheduled meetings dates and times.

Decision: Propose amendment to clarify that using a community council meeting for a community meeting is preferred when a community council meeting is available, and only when no community council meeting is available (such as during the summer when many councils do not meet) should an applicant sponsored community meeting be scheduled.

STAFF COMMENTS ON CONSULTANT'S PROPOSAL

This issue was debated many times with the Assembly Title 21 committee—should public meetings that are required for certain developments be community council meetings or should these meetings be a separate public meeting? The primary concern was that the majority of community councils do not meet in the summer, and some may meet irregularly.
The Department recommends the public meetings should not be required to be community council meetings, for the following reasons:
1) The public meeting as described in the provisionally adopted code allows the applicant to hold one meeting when the project relates to multiple community councils rather than attending each applicable community council, which saves time, costs and effort;
2) As many community councils do not meet in the summer, the proposed amendment would place an undue burden on the community council president to respond to a summertime meeting request, arrange for a meeting location, and send notices to the community;
3) If the community council president is out of town and does not see an applicant's meeting request, then the public loses an opportunity to have a dialogue with the applicant regarding the project; and
4) The provisionally adopted code also allows the meeting to be a community council meeting if the applicant so desires, and staff anticipates this will often be the case in the non-summer months. If the applicant holds a separate community meeting, the community council will still be notified through the public notice process and will be able to comment on the application to the board or commission.

7. **Deletion of "Site Condo Ordinance" (Improvements Associated with Land Use Permits—current 21.15.150).**

Issue: Proposed deletion of Section 21.03.100E., which allows the Municipality to require commensurate public infrastructure improvements when there is no subdivision. Improvements internal to the development are often critical, while peripheral improvements should be more directly related to the development.

Decision: Propose amendment to provisionally adopted section 21.03.100E. to clearly correlate the requirement for improvements to the impacts of the development application.

STAFF COMMENTS ON CONSULTANT'S PROPOSAL

This section continues to be needed. Before this section became law in 2003, many development projects were constructed without the provision of the necessary infrastructure to support the developments. The section applies when there is no subdivision to prompt a subdivision agreement which provides for the orderly development of public infrastructure, as well as to paper-platted rights-of-way, and to development projects where the surrounding public right-of way may have no infrastructure improvements or substandard infrastructure improvements. It allows for the upgrade of infrastructure when a project is of sufficient size to have measurable negative impacts on existing facilities that are not constructed to current municipal standards. It is not responsible for the Municipality to allow major sites to be developed without commensurate supporting work to be done for infrastructure. Otherwise, the taxpayers end up taking on bond interest obligations for roads and drainage projects that are needed when infrastructure becomes worn out prematurely by the traffic and runoff generated by a new development.

12. **Code stability through limitation of title 21 amendments (section 21.03.210).**

Issue: The consultant proposed to delete the provision that limits text amendments to title 21 to two times per year, with an exception for amendments necessary for public health, safety, or welfare.

Decision: Propose an amendment to:

- Allow the Director of Community Development to determine if an amendment is needed due to conflicting provisions, inconsistencies, or unintended consequences. Such amendment may be immediately processed to the Assembly without Planning and Zoning Commission review. The Assembly may adopt, reject, or refer to the Planning and Zoning Commission for review; and

- Make this provision in effect for two years after adoption and then be available to be applied two times a year after the first two years.

18. Deleting the mixed-use districts (section 21.04.050).

Issue: The consultant proposes to delete all of the new mixed-use zoning districts from the provisionally adopted title 21, premised on the concept that individual property owners or areas of town will develop mixed use as the market may demand. However, not all properties are good candidates for mixed-use, as conflicts with adjacent properties and a lack of adequate infrastructure can doom a mixed-use project or unduly burden taxpayer resources (roads, drainage, traffic circulation, utilities, etc. Striking the right balance is critical. Mixed-use districts implement the Comprehensive Plan. They differentiate commercial areas by level of intensity and function, and facilitate compatibility and access between properties. They provide a new zoning option for the choice of property owners, and will allow the same range of commercial uses as allowed in today.

Decision: Move forward with adoption of the three (3) mixed-use districts, and propose the following amendments and clarifications:

- Delete the MT-1 and MT-2 Midtown districts;
- Implement the NMU, CMU, and RMU mixed-use districts as a new zoning option for the choice of property owners, and facilitate rezonings to mixed-use through rezoning fee waivers, administrative assistance, and expedited review procedures;
- Amend the rewrite to waive the minimum area requirement for rezonings to mixed-use;
- Delete the site perimeter landscaping requirement for lots zoned to mixed-use next to B-3 or RO lots, in order to save space and costs for individual lots that rezone to mixed-use;
- Amend the RMU district intent statement to make it available as an option for Midtown B-3 property owners who want to rezone to a mixed-use district; and
- Amend the B-3 and RMU districts to allow unlimited height in the Midtown major employment center as designated on the Comprehensive Plan – bounded by the Seward Highway, Tudor Road, Arctic Boulevard, and Fireweed Lane. (Also see issue 25.)

STAFF COMMENTS ON CONSULTANT'S PROPOSAL

 Building Heights in Commercial and Industrial Districts
 Focusing most intensive office employment to major employment centers is a key component of Comprehensive Plan; limiting building heights in outlying areas is vital to this goal
 For existing buildings, being over-height is not a nonconformity in the rewrite
 Midtown properties can be exempt from height limits by incentivized rezones to RMU
 The vast majority of business properties outside of Downtown and Midtown are developed at less than three stories, so impact will be minimal

22. Allowing single-family homes in the R-3 multifamily district.

Issue: The consultant has proposed to allow single family homes in the R-3 medium density multifamily district. This idea makes good sense for certain parts of town.

Decision: Propose an amendment to allow single-family uses in Mountain View, Fairview, and other areas currently zoned R-3 but which the Anchorage Bowl Land Use Plan Map designates as low-medium density residential, as follows:

- Single-family detached homes, at densities of at least six dwelling units per acre on the lot;
- Single-family attached (ie., zero lot line) homes on narrow lots; and
- Implement the Anchorage Bowl Land Use Plan Map, which in draft form already designates the areas of concern as "low-medium" density residential, providing the basis for rezonings to a lower density multifamily district such as R-2M or R-2F.

24. Unlimited commercial uses in Industrial districts (section 21.04.060 and in Ch. 21.05).

Issue: The consultant recommends allowing all commercial uses and a wide range of other non-industrial uses in both the I-1 and I-2 industrial districts, as is allowed in the current title 21. While certain Industrial properties are underutilized and would benefit from more allowed uses, retaining the future ability to develop industrial activities without undue conflicts with adjacent properties is also an important long-term economic and land use goal.

Decision: Propose amending the provisionally adopted title 21 industrial zoning to allow more commercial uses, while remaining in conformance with the Comprehensive Plan, as follows:

- Amend to allow the additional commercial uses and accessory retail sales already proposed in the staff proposed draft amendments of May 2010;
- Further amend I-1 to allow all commercial uses that are allowed in the provisionally adopted B-3 general commercial district, with two exceptions: Grocery and General Retail uses that are large commercial establishments (more than 20,000 sq. ft.). These two uses tend to create commercial centers, and should not be allowed in industrial zones;
- Move forward with the provisionally adopted I-2 industrial district without an allowance of additional non-industrial uses, so that Anchorage retains at least one industrial reserve zone consistent with Comprehensive Plan; and
- The issue of allowing additional non-industrial uses within the I-2 zoning district can be reexamined upon completion of the Anchorage Commercial Land Study and adoption of the Anchorage Bowl Land Use Plan Map.

STAFF COMMENTS ON CONSULTANT'S PROPOSAL

24. Unlimited commercial in Industrial districts in section 21.04.060 (and in Ch. 21.05)
Issue: The consultant recommends allowing a wide range of commercial and other nonindustrial uses in the I-1 and I-2 districts as is allowed in the current Title 21. The consultant contends the provisionally adopted Title 21 restricts industrial zoning districts to primarily industrial uses, which could open the door for lawsuits against the Municipality for "taking" existing rights to the industrially-zoned property.
Response: The Department disagrees with the proposed amendments for the following reasons:
 The consultant's concern about "takings" lawsuits appears largely unfounded based on a legal opinion the Department received from the Municipal Attorney's Office in May, 2005.
 For industrial areas identified as Industrial Reserves in Anchorage 2020, the consultant's recommendation is clearly inconsistent with Policy #26, which states: "Key industrial lands, such as the Industrial Reserves designated on the Land Use Policy Map, shall be preserved for industrial purposes." The consultant's recommendation would perpetuate a disconnect that now exists between the Anchorage 2020 Industrial Reserves policy and current Title 21 regulations for industrial zoning districts, which allow non-industrial uses. Anchorage 2020 lists "Land Use Regulation Amendment (Industrial Zones)" as an essential strategy to implement Policy #26 of the Comprehensive Plan.
 Allowing commercial and other non-industrial uses in industrial zoning districts can create incompatibility issues between neighboring properties. For example, freight traffic, noise, odors, and lighting of industrial uses can be obtrusive to certain commercial and other nonindustrial uses that are located on an abutting lot. Added commercial traffic would increase potential conflicts with industrial and freight movement.
 The provisionally adopted Title 21 already allows a limited number of commercial uses to occur within the I-1 district. These commercial uses support and/or are compatible with industrial uses such as office industrial parks, single commodity bulk retail sales, and building supply and services.
 Allowing certain commercial uses such as offices and grocery stores to locate in industrial zones conflicts with Anchorage 2020 policy #21 which directs new commercial development to locate primarily within Major Employment Centers, Redevelopment/Mixed-Use Areas, Town Centers, and Neighborhood Commercial Centers.
 The Planning & Zoning Commission's conceptually approved Anchorage Bowl Land Use Plan Map identifies certain industrial lands for future commercial zoning. Some of these areas are already developed with commercial uses while others are in prime locations for future commercial development. Once Title 21 is adopted, further review of the Anchorage Bowl Land Use Plan Map by the Planning & Zoning Commission, Municipal Assembly, and the general public is anticipated. This review will result in a well thought out and technically based approach to re-designating certain industrially-zoned lands for commercial development while retaining key industrial lands for future industrial use and expansion as called for in Anchorage 2020. Areas designated on the draft Land Use Plan Map to change from current industrial zoning to a commercial or mixed-use center classification appear on **Map 3**.
Recommendation: Do not support the proposed amendment to allow unlimited commercial and other non-industrial uses within industrial zones.

However, the Department also recommends that upon completion of the Anchorage Commercial Land Study and adoption of the Anchorage Bowl Land Use Plan Map, the issue of additional non-industrial uses allowed within the industrial zoning districts, in particular the I-1 district, be reexamined.

25. Unlimited building height in most commercial and industrial areas (section 21.06.020).

Issue: The consultant proposes to allow unlimited building height in the B-3, RO, and I-1 districts.

Decision: Propose an amendment to the provisionally adopted title 21 to allow for tall buildings in Midtown. Retain provisionally adopted building heights elsewhere in outlying commercial and industrial areas of the Bowl. Specifically:

- Make the RMU district available as a mixed-use zoning option for Midtown commercial property owners, until such time as a Midtown Plan and its zoning districts are adopted;
- Allow unlimited building heights in Midtown, until such time as a Midtown Plan is adopted that evaluates appropriate building heights, by exempting buildings from the height limits of the B-3 and RMU districts in the Midtown *Major Employment Center and Redevelopment / Mixed-use Area* designated in the Comprehensive Plan, as bounded by the Seward Highway, Tudor Road, Arctic Boulevard, and Fireweed Lane;
- Waive rezoning fees and provide administrative assistance for Midtown property owners that elect to rezone to RMU; and
- Retain the provisionally adopted title 21 height limits for the B-3 (outside of Midtown), RO, and I-1 districts.

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Chapter 6
25. Unlimited building height in most commercial and industrial areas in section 21.06.020
Issue: The consultant proposes to allow unlimited building height in the B-3, RO, and I-1 districts.
Response: The Department disagrees with the proposed amendment to allow unlimited building heights in the B-3, RO and I-1 districts. However, the Department supports unlimited building heights (as an interim measure) for the Midtown major employment center commercial area. The Comprehensive Plan states that specific areas of the Anchorage Bowl are intended to provide the highest concentrations of office employment, and the attendant infrastructure to support a mix of high-intensity residential, commercial, and civic land uses to support a more efficient transportation system. It calls for future higher intensity development to occur in and around the major employment centers of downtown and midtown.
Limiting the number of employment centers to Downtown and Midtown, as well as the U-Med District, encourages the concentration of medium- to high-density office and residential development in well-defined, compact, successful city centers. It makes for more efficient transit planning and service as well as realizing higher returns on infrastructure investments that are already in place which are able to support existing and new development in these centers. Over the past 20 years, because of the widespread use of the B-3 District, non residential development has been scattered through the Anchorage Bowl, resulting in more travel in singleoccupancy
vehicles to get to work, shop and access services that are located in various locations. Continuing to allow unlimited building heights in outlying B-3 areas outside of the major employment centers undermines the implementation of mixed-use districts in the centers. The smaller scale mixed-use districts, particularly the CMU and NMU, apply building height and

bulk limits to areas outside of Downtown and Midtown. This ensures that future development is compatible in scale and function with the nearby residential neighborhoods. To keep the B-3 zoning with no height limits in place as proposed by the consultant, will continue the disjointed development pattern that exists today. Map 2 provides a visual comparison of these areas.
The building height limitations will not create any non-conformities. First, the provisionally adopted Title 21 establishes that any building constructed before the new Title 21 becomes effective and that exceeds the building height limits will be deemed conforming with regard to height. Secondly, any existing building engineered for the addition of one or more stories may be enlarged in height even if the building is over-height relative to the new code. Lastly, only a handful of buildings outside of Midtown are taller than two stories. Properties are not reaching a greater development potential primarily because of limitations in the market rather than zoning. Buildings located in the medium density activity centers will have the option to rezone to a mixed-use district allowing 60 feet, which is taller than nearly every building that exists currently in these areas. Long term economic and population forecasts indicate that the low-rise pattern outside of Midtown is unlikely to change.
Midtown property owners who elect to construct tall buildings should be allowed to rezone to mixed-use, to the RMU (Regional Mixed-use District), and within that district in Midtown be exempted from building height limits. The Municipality can facilitate rezonings to RMU in Midtown and allow unlimited height there, pending the adoption of more specific land use policies and districts in a Midtown Plan.
Recommendation: Support an amendment to the provisionally adopted Title 21 to allow for tall buildings in the Midtown major employment center. Do not support unrestricted building heights in outlying commercial and industrial areas throughout the Bowl. Specifically:
 Make the RMU district available as a mixed-use zoning option for Midtown commercial property owners, until such time as a Midtown Plan and its zoning districts are adopted.
 Exempt buildings from height limits of the RMU district in the Midtown Major Employment Center and Redevelopment / Mixed-use Area designated in the Comprehensive Plan, as bounded by the Seward Highway, Tudor Road, Arctic Boulevard, and Fireweed Lane (Map 2)
 Waive rezoning fees and provide administrative assistance for Midtown property owners that elect to rezone to RMU.
 Retain the provisionally adopted Title 21 height limits for the B-3, RO, and I-1 districts.

27. Deletion of neighborhood protection height transitions (section 21.06.030D.8.)

Issue: The consultant proposes to delete the provisionally adopted "Height Transitions for Neighborhood Compatibility".

Decision: Propose to amend the height transition provision to improve the flexibility of site design, as follows:

- Amend to describe the different methods and examples for achieving an appropriate height transition;
- Amend to allow the applicant more discretion for how to achieve the height transition; and
- Delete the illustration from the section.

STAFF COMMENTS ON CONSULTANT'S PROPOSAL

27. Deletion of neighborhood protection height transitions, section 21.06.030D.8
Issue: The consultant proposes to delete the provisionally adopted "Height Transitions for Neighborhood Compatibility". He asserts that the height transition requirement would: result in significant loss of property value on commercial and R-4 properties located adjacent to residential districts; restrict the commercial or R-4 property owner's ability to develop the property in an economically feasible manner; and require developments in the commercial and R-4 districts to incorporate "step backs in any structure" within 200 feet of residential districts.
Response: The Department disagrees with the proposed amendment.
The height transition standard is a buffer that improves the compatibility of higher intensity development with adjacent lower density neighborhoods, in terms of where building bulk is placed on a lot. It protects property values on both sides of the fence.
The height transition does not reduce the development capacity of the commercial lot, or require smaller buildings, despite the consultant's claim. Instead, its function is to encourage more considerate placement of taller buildings on the subject lot, with respect to adjacent residential neighborhoods.
Neighborhood protection transitions become more important as the demand for infill and redevelopment grows next to existing residential neighborhoods. Already multistory structures have begun to pop up adjacent to low-rise residential areas (see example ministorage below). As the vacant land is built out, new provisions in Title 21 which promote more efficient use of land, will allow higher densities on a lot and building height will likely increase as well. The height transition will help ensure that bulk is sensitively placed on the lot.
Aside from visual dominance, a structure of much greater bulk and height has impacts to nearby smaller buildings by invading privacy and lack of visual buffering. In Alaska's northern climate, tall buildings also have more extreme shadowing, microclimatic, and day-lighting impacts to surrounding areas. These transition standards between different building types are needed to protect property values and investments in residential property, and full enjoyment of residential lots.
Years of testing and refinement over a series of public review drafts have calibrated the height transition to avoid impacting the development potential of a subject commercial lot. Even the most shallow commercial lots backing up to residential districts have room to shift the building placement on the lot to be located further away from the adjacent residential property, as demonstrated by the Cook Inlet Housing mixed-use project below.
The three-story CIHA mixed-use building easily passes the height transitions requirement while also maximizing the development potential of its lot. Parking is placed between the building and the residential properties behind it.
The second example below, the 73-foot tall Woronzof Tower on Fireweed Lane would also comply with the height transitions standard, even though it is on a relatively shallow lot backing up to a residential district. The building still has room for a front parking area, and a larger rear parking lot that buffers the residences to the north from the building mass.

Large cities such as Denver, Tacoma, and even Manhattan with longer experience with higher density infill have successfully implemented zoning height transitions. Experience elsewhere demonstrates that an infill/redevelopment strategy has a greater chance of success if neighborhoods have confidence they will be protected through better building and site design. If Anchorage is to grow through higher density infill, it will need development transitions tailored to ensure these higher densities can be compatible in closer urban environments.
Recommendation: Do not support the proposed amendments; retain and forward the provisionally adopted Title 21 for adoption.

28. Stream setbacks and natural resource protection (section 21.07.020).

Issue: The consultant proposes an amendment to lower the provisionally adopted stream protection setback from 50-feet to 25-feet and increase the number of allowed uses, i.e., trails and lawns, closer to the streams (to within 10-feet).

Decision: Propose an amendment to retain the current title 21 stream setback regulations except to reduce stream setbacks from 100 ft. to 50 ft. in the R-10 district, until concerns regarding nonconformities and setback widths can be addressed in a separate stream setbacks amendment.

STAFF COMMENTS ON CONSULTANT'S PROPOSAL

(p48-64 the photo analysis of Little Campbell Ck not included here.)

Note that Coffey said at a presentation that planning staff first looked at Little Campbell Ck. He said he asked them to look at Chester Ck and some other creek and that they then backed down and accepted his recommendation.

28. Stream setbacks and natural resource protection in section 21.07.020
Issue: The consultant proposes an amendment to lower the provisionally adopted stream protection setback from 50-feet to 25-feet and increase the number of allowed uses, i.e. trails and lawns, closer to the streams (to within 10-ft).2
Response: After considerable research, discussion, review and compromise with the T21 subcommittee, the provisionally adopted 50-foot setback is much lower than what is recommended in scientific literature and used in other cities. For comparison, based on scientific data the standard recommendation is 300-feet3. In most communities, stream setbacks average 100-feet nationwide. In Alaska: Soldotna has a 100-foot setback, the Mat-Su Borough has a 75-foot setback, and both Juneau and Homer have 50-foot setbacks. Stream setbacks are necessary to control floodwaters, provide water quality treatment by capturing and filtering pollutants, protect base stream flows to reduce threats of flash floods, maintain stream stability preventing channel migration and maintain stream health for fish and wildlife habitat.
Anchorage's existing 25' setback came about because of politics, compromise and what was acceptable in the mid 1980's—it was not based on scientific or practical findings.
The consultant's amendments reduce the role of setbacks from even current code, as illustrated following page 56 below. As proposed, allowing additional uses within 10-ft of streams threatens the very effective vegetative buffer for water quality and flood control. Vegetation along stream banks serves many purposes. Trees slow water velocity and hold the soil in place with their root system stabilizing stream banks. Overhanging vegetation regulates water temperature, provides shading for salmon, and contributes insects and other nutrients in the stream. Ground-cover vegetation filters stormwater runoff removing sediments and pollutants before entering streams.
Nationally, the economic benefits of streamside protection are well documented indicating higher home values near streams and greenbelts (15% higher in Anchorage) and better quality of life rankings, which attracts potential businesses and homeowners. Alaskan communities with salmon streams have an economic incentive to protect and enhance this valuable resource. Ship Creek supports salmon runs creating an economic boost to the city of approximately $7 million annually. Economic benefits from tourism are realized with stream greenbelts that provide recreational opportunities. FEMA has documented flood insurance rates as much as 45% lower in communities that provide adequate stream setbacks.

Reduced setbacks create issues, including:
 Increased peak runoff (floodwaters, stormwater) entering streams resulting in flash floods, increased erosion and sedimentation;
2 The consultant did not propose changes to the provisionally adopted setback to drainageways and ephemeral channels, which is a 10 foot setback.
3 In numerous research projects, pollutants become neutralized or removed after about 300' of overland treatment in vegetated conditions.
 Increase in frequency of flooding events; de-stabilization of streams; increase in icing and winter flooding issues; increased potential for spring break-up icing causing flooding by diversions and obstructions; impaired water quality;
 Impaired habitat; reduced shading results in higher stream temperatures; reduction in healthy micro-flora/fauna resulting in a reduction of viable salmon habitat; and
 Increased cost to property owners who must rebuild after flood damage, and ultimately to tax-payers who help pay disaster assistance after significant flooding events.
As demonstrated with the existing 25-ft setback, the Municipality has been forced to address issues with costly consequences. Stream bank erosion requires trail, road and utility re-location and bank stabilization projects to protect private property. Municipal work crews are tasked with preventing winter icing and repairing flood damage to infrastructure. Past practices of stream bank armoring just deflects the stream energy and causes erosion in another downstream location. Projects to solve stream bank erosion require careful planning and execution to ensure optimal performance without creating further issues, incurring further costs to the Municipality.
The proposed amendment would exacerbate existing water quality issues and the ability to adhere to the Alaska Pollution Discharge Elimination System permit. Most Anchorage area streams are listed as impaired waterbodies by the state Department of Environmental Conservation because of the ineffective existing minimal 25-ft stream setback i.e. 25' has proven to be too little an area where streams abut industrial uses. In our urban areas, fecal coliform from dog waste is the largest contributor to the poor health of our streams.
Maintaining healthy mature vegetation along stream corridors is paramount to ensuring overall stream health. The amendment also proposes to diminish revegetation oversight for allowed uses within stream setbacks. The basic premise behind retaining vegetation in a stream corridor is to maintain natural vegetation, primarily larger mature trees that benefit the stream and floodplain ecologically and physically stabilizes banks. In order to ensure vegetated setbacks it is important to be very specific about the type of vegetation (natural, non-invasive species) required. As amended, this proposed section could be construed to mean that simply re-seeding with Kentucky bluegrass or allowing the site to grow back on its own with weeds would be acceptable. Removing the provision of natural vegetation does not direct what species are acceptable or not, which could be interpreted to allow invasive species.
As proposed, utilities are allowed to be placed anywhere in the stream setback. Utilities within stream setbacks have a much higher probability of requiring relocation later since placement of such utility lines often requires extensive vegetation removal to bury infrastructure which, only exacerbates erosion potential. As utilities require upgrades, these buried lines are subject to further disturbance and vegetation clearing, increasing costs to utility companies for revegetation efforts. This kind of frequent disruption is contrary to the setback's purpose.
Allowing the proposed change to a 25 foot setback will have unintended financial consequences to property owners in terms of flood insurance costs. The Municipality currently receives credit through the FEMA Community Rating System for requiring a 25-foot setback along local streams. "Credit" in this case is a reduction in the cost of flood insurance premiums. For FEMA's purposes, the consultant's amended version brings allowed uses within the setback closer to the stream, to within 10-feet. Inclusion of these uses under a 25-foot setback will cause a 10% increase in the cost of flood insurance in Anchorage. For the majority of policy holders, flood insurance is NOT voluntary and is mandated by their banks to comply with federal regulations. This is a very real cost to homeowners.
Recommendation: A change that causes increased financial hardships for property owners and the Municipality, as well as being detrimental to property, infrastructure and habitat cannot be

supported. Retain the 50-foot stream setback as in the provisionally adopted code.
(The following pages provide a comparative stream setbacks illustration and a photo imagery series showing the provisionally adopted 50' stream setback in relation to surrounding properties.)

29. Private open space – significantly reduced and modified (section 21.07.030).

Issue: The consultant proposes several changes to the private open space requirements in the residential districts: reduction or elimination of the open space requirements; to count indoor rooms without windows for up to half of the required open space area; and to allow 10'x10' sized spaces to count as the common open space serving multiple dwellings.

The amendment proposes to eliminate the provisionally adopted standard for non-residential uses in commercial and mixed-use districts to provide usable space for pedestrians (e.g., entry plaza).

Decision: No change to the provisionally adopted title 21, except for the following amendments to provide clarifications and reduce several private open space requirements:

- Reduce the minimum width of non-residential private open space from 25 to 18 feet (i.e., to what Sagaya City Market provides in the photograph in issue #29 narrative of the August 23 *Major Issues* memorandum;
- Amend to exempt non-residential development from having to provide any additional private open space in return for any reductions to the parking requirement. This change will measurably reduce costs while still achieving the rewrite objectives;
- Amend to clarify confusion as to when common open space is allowed/required versus when open space for individual residential units is required/allowed;
- Amend to clarify that in no case will more than 2,000 square feet of private open space area be required of non-residential uses, regardless of the size of the development. This is consistent with the standards for large retail establishments; and
- Move forward with staff-proposed amendments of May 2010 which provide further clarifications and increase flexibility.

STAFF COMMENTS ON CONSULTANT'S PROPOSAL

29. Private open space – significantly reduced and compromised in 21.07.030
Issue: The consultant proposes several changes to the private open space requirements in the residential districts: reduction or elimination of the open space requirements; to count indoor rooms without windows for up to half of the required open space area; and to allow 10'x10' sized spaces to count as the common open space serving multiple dwellings.
The amendment proposes to eliminate the provisionally adopted standard for non-residential uses in commercial and mixed-use districts to provide usable space for pedestrians (e.g., entry plaza). No explanation is provided, although the general intent is probably to reduce project costs.
Response: The Department disagrees with the proposed amendments to private open space.

A major objective expressed by community participants during the rewrite process was to address concerns about the lack of quality open space in multifamily residential developments. The provisionally adopted section replaces the current Title 21 "usable yard" regulations with a "private open space" requirement that focuses on improvements in quality and usability, while avoiding increasing the amount of area required from current code. The table reflects that the provisionally adopted Title 21 is not a substantial increase in the amount of area required, and it allows reductions in the amount of area required by incentivizing higher quality spaces. The provisionally adopted code also explicitly allows rooftops, balconies, and atriums to count as well.

30. Deletion of connectivity requirements (section 21.07.060D.).

Issue: The consultant proposes to delete the connectivity index requirements for future plats.

Decision: No change to the provisionally adopted title 21 except for the following amendment:

- Delete the connectivity index and create a standard to provide for vehicular and pedestrian connectivity.

STAFF COMMENTS ON CONSULTANT'S PROPOSAL

30. Deletion of connectivity requirements in section 21.07.060D
Issue: The consultant proposes to delete the connectivity index requirements for future plats.
Response: The connectivity index should be retained. It is important for future subdivision in Municipality to address connectivity. When neighborhoods are connected, it encourages less motorized usage, better health and wellness for its citizens, and a greater sense of community. There is administrative relief written in to the provision to account for steep slopes, stream corridors, wetlands, or existing development patterns that make it impossible to meet the standard. The connectivity index is important to make sure there are adequate vehicular routes in and out of the subdivision so that not all of the traffic is clogging just a few routes and intersections, as well as more options for bicyclist and pedestrians to move in and between subdivisions. The beauty of the connectivity index is that it leaves the subdivision designer has greater flexibility to design the road system, as long as the number of intersections and the number of links meets the required ratio.

The other provision that was deleted along with the connectivity index is the requirement for pedestrian connectivity when a cul-de-sac is created. The standard requires a pedestrian walkway from the cul-de-sac head to the neighboring development, with administrative relief when the walkway cannot be provided due to steep slopes, stream corridors, wetlands, or existing development patterns. Providing pedestrian connectivity allows people to walk more, which helps reduce traffic congestion and improves personal health, both of which are municipal goals.

31. Reducing requirements for pedestrian connections and facilities (section 21.07.060E.).

Issue: The consultant has proposed revisions which reduce the number and location of pedestrian sidewalks and walkways, and standards for on-site pedestrian connections, including: only require sidewalks along streets in new residential and commercial developments; increase the block length threshold to 1300 feet before a through-block pedestrian connection is required; and, removal of standards which protect pedestrian walkways within parking lots such as upright curbs and bollards.

Decision: No change to the provisionally adopted title 21 except for the following amendment:

- Sidewalks are not required on the bulb portion of cul-de-sacs.

STAFF COMMENTS ON CONSULTANT'S PROPOSAL

31. Weakening of pedestrian connections and facilities in section 21.07.060E
Issue: The consultant has proposed revisions which weaken the provision of pedestrian sidewalks and walkways, and standards for on-site pedestrian connections, including: only require sidewalks along streets in new residential and commercial developments; increase the block length threshold to 1300 feet before a through-block pedestrian connection is required; and, removal of standards which protect pedestrian walkways within parking lots such as upright curbs and bollards.
Response: Do not support the proposed amendments for the following reasons:
 The cumulative effect of the consultant's proposed revisions is a considerable setback to Anchorage 2020 policies regarding pedestrian environment and connectivity.
 Sidewalks should be required along both sides of public streets for all types of developments in class A zoning districts, including cul-de-sacs. For example, public streets through areas of institutional and industrial developments will have pedestrians as well as commercial or residential areas. Institutional uses, in particular, such as churches and schools, can have fairly high levels of pedestrian activity.
 Through–block connections are extremely important to pedestrians. Without these connections and with large blocks, pedestrians are forced to either walk to the next street, which can be a significant distance, or trespass across a property to have a more direct and shorter route to their destination. The provisionally adopted Title 21 requires a throughblock connection for blocks 900 feet or greater so that a pedestrian walkway located approximately in the middle of this block will be similar in distance to a large city block. The consultant's proposal to increase the block threshold to 1,300 feet isn't accompanied with any justification. However, the consultant's proposal to increase the distance and inconvenience for pedestrians will only encourage illegal trespass and/or increased pedestrian activity in areas such as parking lot aisles that aren't designed for safe pedestrian access.
 Creating safe pedestrian movement through and abutting parking lots requires design features which clearly indicate to drivers the location of pedestrian walkways. The most effective methods in a winter city are to provide structural definition to the walkway such as a raised walkway protected by vertical curbing or use of physical barriers such as bollards. Painted stripes are not of much use when covered by snow and ice. The Traffic Division supports the provisionally adopted standards for vertical curbing and bollards to protect the pedestrian.

32. Rewrite of Landscaping section with diminished requirements (section 21.07.080).

Issue: The consultant has proposed deleting most of the provisionally adopted landscaping section and replacing it with new language which in some respects requires less landscaping than in the current title 21 landscaping standards.

Decision: The Planning Division will hold several meetings in the next 30 days with the landscape architects who advised the consultant in the proposed rewrite of the landscaping section. Based on these meetings, the Division will review and recommend possible revisions to the provisionally adopted section.

STAFF COMMENTS ON CONSULTANT'S PROPOSAL

32. Extensive rewrite of Landscaping section with diminished requirements in 21.07.080
Issue: The consultant has proposed deleting most of the provisionally adopted landscaping section and replacing it with new language which fails in some respects to meet even current Title 21 landscaping standards. The consultant did not provide a narrative with guiding principles for the landscaping section or Chapter 21.07 as a whole. The proposed changes would: delete standards for varied levels of landscaping materials in the provisionally adopted draft and replace these with standards which are alluded to but not provided; delete the screening landscaping category from the provisionally adopted code and the current code; delete the table which indicates where the various levels of perimeter landscaping would be required; delete the landscaping point system which was developed to provide flexibility in design and incentives for retaining existing trees and shrubs on a site; and result in a major step backwards in landscaping standards compared to what is required in the current Code.
Response: The Department disagrees with the proposed changes for the following reasons:
 The provisionally adopted landscaping section (21.07.080) is the result of hundreds of hours of public citizens' time spent reviewing and commenting on the section, staff research and review of drafts with a committee of landscape architects, response to comments received from the public, including comments from the American Society of Landscape Architects (Alaska Chapter), and review and changes to the section made by the Urban Design Commission, Planning & Zoning Commission, and the Municipal Assembly. The consultant's rewrite of the landscaping section does not reflect the recommendations heard by staff throughout the entire public review process to date.
 A new landscape ordinance is a key Anchorage 2020 strategy to improve the existing landscaping standards of Title 21. The provisionally adopted landscaping section improves the current code and responds to the comprehensive plan strategy. The consultant's proposed version is a step backwards from some landscaping standards in the currently adopted Title 21 and, as such, doesn't meet the comprehensive plan strategy to improve the current code.
 The provisionally adopted landscaping section in Chapter 21.07 provides three primary levels of landscaping are very similar to the three landscaping levels in the current Title 21 (visual enhancement, buffer, and screening landscaping). The consultant's draft eliminates the screening landscaping category which is an essential landscaping level used to separate uses having significant incompatibilities, such as an industrial site abutting a residential area. The proposed amendment includes visual enhancement and buffer landscaping categories but no standards are provided (only referred to) regarding planting material and landscape bed widths for these landscaping types.
 The provisionally adopted section in Chapter 21.07 includes a reference table which clearly indicates the minimum level of perimeter landscaping required for development sites and abutting zoning districts and various classifications of public streets. The consultant deleted this table and deleted or reduced some of the perimeter landscaping requirements of the provisionally adopted Title 21 such as the replacement of highway screening landscaping

34. Lessening the minimum standards for multifamily developments (section 21.07.110).

Issue: The consultant proposes to reduce some of the minimum development standards for residential multifamily and townhouse developments to the point at which the residential design standards may no longer achieve the original objectives of the section. Among the proposed amendments:

Decision: Propose the following amendments to the provisionally adopted multifamily and townhouse standards:

- Amend multifamily and townhouse windows requirement on multi-story buildings to be more flexible, as suggested by written comments provided to the Municipality and the consultant in 2010;

- Clarify that the provisionally adopted street-facing windows requirement does not apply on alleys or rear access driveways *(reviewers from a housing provider may have misinterpreted the standard in a way that influenced the consultant's proposal);*
- Amend to reduce the number of sides of a multifamily or townhouse building that would need to comply with the building design features menu, including building modulation;
- Amend to make the wall modulation dimensional standard more lenient, as proposed in the May 2010 staff amendments;
- Amend to clarify that front entrances are not required to face a street;
- Amend to reduce the size of the covered entrance requirement on multifamily buildings, as proposed by staff in May 2010; and
- The Planning Division will contact Cook Inlet Housing Authority to discuss concerns (provided in writing to the Municipality during the 2010 public review period) regarding the multifamily and townhouse design standards. Based on the discussions, the Division will review and recommend possible additional amendments.

STAFF COMMENTS ON CONSULTANT'S PROPOSAL

34. Watering down of minimum standards for multifamily developments (21.07.110)
Issue: The consultant proposes to reduce some of the minimum development standards for residential multifamily and townhouse developments to the point at which the residential design standards no longer achieve the objectives of the section. Among the proposed amendments of concern:
 Reducing a minimum standard that windows and/or entry doors comprise at least 15 percent of the façade wall area facing neighborhood streets down to 7 percent;
 Eliminating minimum spacing for daylighting between multifamily buildings, while reducing the spacing to lowest common denominator business-as-usual for townhouses
 Watering down individual design feature menu choices to render them worthless, such as converting a tree planting menu choice. which was intended to help soften the appearance of large building façade walls using trees, into a strip of grass
 Converting a four-part requirement to make townhouse entries accessible and visible into a menu of four choices which builders must choose only two

...

Essential design elements – Windows and entries facing the street
Windows facing neighborhood streets, entrance areas, and common or public spaces provide "eyes on the street", a sense of human presence and habitation, and avoid developments that turn their back on the neighborhood. Like many police departments across the country, the Anchorage Police Department recognizes and encourages the public safety value in street facing windows and visible and accessible entries. At a recently held Anchorage Police Department (APD) safety conference, APD stressed the importance of having "eyes on the street" to help in deterring criminal activities in neighborhoods. Having well placed windows on buildings will help foster this crime deterrent in future residential and commercial buildings in our City. Extensive review of local development examples for attached dwellings indicated that a 15 percent window requirement is still modest and practical. It can be easily met, and represents about the lowest percentage that achieves the objectives for the project. The proposed amendment to reduce the window requirement from 15 to 7 percent, and to make it applicable to all sides of the building (not just street-facing side) eliminates its usefulness. The Department recommends against amending the minimum windows requirement to 7%. Such an amendment would require the community to implement a new regulation which has little practical effect.

35. Deletion of townhouse landscaping standards (section 21.07.110D.).

Issue: The consultant proposes to eliminate townhouse landscaping requirements specific to providing landscaped breaks between driveways for individual townhouse units.

Decision: Retain the provisionally adopted townhouse landscaping standards, except for an amendment to delete the last sentence in subsection 21.07.110D.9.d., to address the concern of the Anchorage Homebuilders regarding vertical curbs.

The following issue was not numbered in the mayor's memo. This includes a real whopper, the deletion of single family home design standards.

Response to Concerns from Homebuilders

Issue: During the 2010 public review process which was used as input to the consultant's review, the Anchorage Homebuilders Association provided written comments to the Municipality that identified a "Top 10" list of changes it would most like to see in the provisionally adopted title 21, and documented the reasons for its concerns.

Decision: Propose amendments that resolve seven (7) out of their 10 issues, as follows:

- Amend the driveways provisions to be more flexible, particularly allow driveways to be 40% of a lot's frontage, as allowed in current code;
- Delete the design standards for single-family homes (sections 21.07.110E. and F.), which will resolve five of the ten stated concerns; and
- Delete the requirement for vertical curbs in the townhouse landscaping standards, as discussed in Major Issue #35.

STAFF COMMENTS ON CONSULTANT'S PROPOSAL

3. Claims that project costs and site land area requirements will increase and are used as a basis for reducing the minimum development standards

Issue: The consultant has proposed amendments in multiple sections of the provisionally adopted rewrite that reduce or eliminate minimum development standards. The basis for these changes is the claim that the Title 21 rewrite would increase project monetary costs, and the contention that:

"The regulations in the provisionally adopted code required the use of significantly more land for both residential and commercial development…in short these new requirements all increase the amount of land required for development for both commercial and residential."

According to the consultant, the only Anchorage 2020 policy relevant to using development standards is that the Comprehensive Plan "contemplates more efficient use of remaining vacant and underdeveloped land". He interprets this to mean that any individual site requirement, such as a landscaping bed, conflicts with the Comprehensive Plan.

Response: Despite claims of significant cost impacts and greater land area requirements, the evidence from cost comparison site tests (developed in partnership with consultants and with substantial input from the local development community) conclude that the new code will reduce direct monetary costs and land area requirements for most types of commercial, industrial, and multifamily apartment site developments. The proposed changes ignore the well known fact that landscaping, open space, and walkways help promote compact development, make it less costly to achieve, and preempt future public expenditures to make up for their absence.

... [Much of Staff response regarded commercial and multifamily development]

Likewise, another test site, the Sunbeam Apartments, would experience a 10%-15% reduction in the amount of land needed to comply with title 21 site development standards under the provisionally adopted code.

The consultant's statement regarding the Comprehensive Plan (Anchorage 2020) reflects a selective reading and misinterpretation of its adopted policies for future growth. Anchorage 2020 emphasizes efficient use of remaining vacant land as a necessary means of shaping developments to meet projected population growth, and to maintain natural open spaces. It emphasizes strategies that focus on Anchorage as an evolving community with higher densities around commercial and employment centers. In order to accommodate anticipated population and employment growth, development standards must be tailored to promote higher densities to make efficient use of dwindling land supply and full use of infrastructure investments. This was the thrust behind the Comprehensive Plan implementation strategy calling for the comprehensive update to Title 21.

Economic benefits to property owners from development standards can include:

- providing walkways promotes pedestrian access between uses, making possible a more compact and inviting development pattern within a district;
- reduced parking requirements opens up more land for building footprint; and
- enhanced landscaping can reduce use conflicts and protect property values in the general area.

These code details are based on successful methods from around the country; they are not trendy approaches to regulations. By contrast the consultant's revisions have not undergone detailed, comprehensive testing or economic analysis. His changes are not directed towards those ends and instead focus on the immediate costs of individual site elements, rather than looking at the bigger, long term picture. This approach has proved unsustainable and has not been supported by the public, nor has it proved to be successful across the country. It actually trends towards inefficient uses of land and in some cases poor quality development. Title 21 serves as the most important set of tools to support the future shape of Anchorage and consultant's proposed changes severely undermine this tool's role. In many cases his amendments and reversals of new regulations will restrict or delay this evolution towards a vibrant urban community.

Recommendation: Do not support amendments that would negate the minimum standards for

development based on unsubstantiated claims, which conflict with the best evidence available, that the cost and land area for development would increase under the provisionally adopted code. Examples of sections where proposed amendments based on false premise regarding potential impacts should be rejected at a minimum:

- 21.07.030. private open space
- 21.07.060E. pedestrian connections and facilities
- 21.07.080. landscaping requirements
- 21.07.110. residential design standards

FOLLOWING ARE THE PROVISIONALLY APPROVED DESIGN STANDARDS FOR SINGLE FAMILY HOMES

Chapter 21.07: Development and Design Standards
Sec. 21.07.110 Residential Design Standards
Title 21: Land Use Planning Provisionally Adopted March 16, 2010; AO 2010-26
Anchorage, Alaska Page 13

E. Standards for All Single-Family Residential Structures

1. Applicability

The standards of this subsection E. apply to all single-family residential structures.

2. Permanent Foundation

All dwellings shall be on a permanent foundation.

3. Aspect Ratio or Roof Design

a. The dimensions of a rectangle, drawn to encompass the whole structure measured at 30 inches above the ground, shall be as follows: the shorter dimension of the rectangle shall be more than 30 percent of the longer dimension of the rectangle; or

b. If all of the dwelling is single-storied, it shall have a pitched roof of at least three to 12 (rise to run).

c. The director may provide a waiver in writing at a design concept phase, that exempts a structure from meeting either of these requirements.

4. Appeals

The urban design commission shall hear appeals from the director's decision in this subsection.

F. Standards for Some Single-Family Residential Structures

1. Applicability

The standards of this subsection F. apply to any single-family use except for single-family residential uses on lots of 20,000 square feet or greater, and apply to any multifamily use with single-family style construction on a single lot. This section does not apply in Girdwood.

2. Mix of Housing Models

Any subdivision or development of five or more units shall have a mix of housing models, as determined during the building permit process, according to the following table:

5-10	2
11-20	4
21-30	5
31 or more	6

Each housing model shall be noticeably different through at least three of the following variations:

a. Noticeably different window placement and entrance location.
b. Noticeably different façade detail elements, siding material, or siding colors.
c. Noticeably different placement of the building footprint on the lot. A four foot setback differential to the closest front corner of the adjacent façade shall be acceptable.
d. Noticeably different garage placement.
e. Noticeably different roof design/feature. This includes the main ridgeline being oriented differently, two or more additional roof planes, addition of at least one dormer, or a different roof style.
f. Noticeably different exterior elevations.
g. Noticeably different building massing.
The development (of five or more units) shall be arranged to avoid placing identical housing types, including mirror image floor plans, on lots that share side lot lines.

3. Primary Entrance

a. A porch or landing with a minimum inside dimension of at least four feet shall be provided at the primary entrance. The porch or landing shall be covered by a roof of at least four feet by four feet, located at the primary entrance.
b. The primary entrance of each residence and the walkway to that entrance shall be clearly visible from the street. The roofed porch/landing of primary entrances on side elevations shall extend at least three feet from the elevation. Primary entrances shall not be located on the rear of the structure.
c. A hard-surfaced pedestrian walkway shall be provided from the street, sidewalk, or driveway to the primary entrance. Roof drainage shall not fall upon the walkway.

4. Garages

a. Where a garage (with no habitable area above) extends from the rest of the structure towards the street, the width of the non-garage portion of the front elevation shall be no less than the length that the garage extends from the rest of the structure.
b. Garage doors facing the street shall comprise no more than 60 percent of the total width of a dwelling's elevation and no more than 30 percent of the overall square footage (area) of the dwelling's front elevation that faces the street. Single-story homes are exempted from the garage door area limitation.
c. Dwelling units with a street-facing elevation that is 40 feet wide or narrower and with garage doors that face the street shall feature at least one design element from each of the three lists below.
i. *List A:*
(A) At least one dormer that is oriented toward the street.
(B) The front elevation has two or more facades that are offset by at least 16 inches. Each façade or a combination of offset facades shall be at least one third of the area of the elevation, and facades that receive credit for a bay window shall not receive credit for this choice.
(C) Front-facing balcony, accessible from a habitable room, at least six feet wide, that projects from a façade at least two feet and is enclosed by an open railing.
ii. *List B:*
(A) A primary entrance area with a covered porch or landing at least eight feet wide, incorporating visual enhancements such as gabled roof forms, roof brackets, fascia boards, side lights, and/or ornamental columns divided visually into top, middle, and bottom.
(B) A bay window on the front elevation at least six feet wide that extends a minimum of 12 inches outward from a façade, forming

a bay or alcove in the room within.
(C) If the garage is more than one car wide, multiple garage doors are used.
iii. *List C:*
(A) Windows and primary entrance door(s) that occupy a minimum of 25 percent of the wall area of the front elevation. Windows in the garage door do not count towards the 25 percent.
(B) Trim (minimum three and one half inches wide) of a different color from the primary siding color, shall outline all windows, doors, and roof edges on the front elevation, and may outline corners and projections/recesses on the front elevation.
(C) A minimum of two different siding materials and/or patterns are used on the front elevation. Doors and trim do not qualify as a type of siding material.
d. The minimum front building setback may be reduced by five feet when there is no garage, or where there is a garage (attached or detached) where the front wall of the garage is located at least 10 feet behind the front façade of the house.
5. Windows
a. Windows and primary entrance door(s) shall occupy a minimum of 15 percent of the wall area of a building elevation facing a street or private common open space. Windows in the garage door do not count towards the 15 percent requirement.
b. Any elevation with solar orientation shall have at least one window that is a minimum of six square feet.
c. An overall reduction in required window area may be approved if demonstrated by calculation by an energy rater certified by the state of Alaska that the reduction is necessary to achieve an upgraded Energy Star rating of Five Star or Five Star Plus.