



Your Voice for Responsible Growth

November 13, 2007

Planning and Zoning Commission
Planning Department
Via email Title21@muni.org

RE: Comments on Chapter 7 of the 2007 Public Review Draft of Title 21

Commissioners and Planning Department staff,

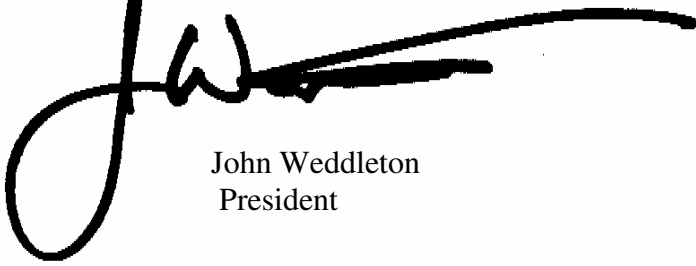
Title 21 is being rewritten to implement Anchorage 2020. To evaluate progress as we move along in the rewrite of our land use laws, we can't look at the existing Title 21 as the base line for measuring success. Improvements over the existing situation are not adequate if they fall short of achieving the mandates of Anchorage 2020. The measure of success is how close the new Title 21 comes to achieving Anchorage 2020's goals. Our comments are made primarily with that perspective.

Key Goals of Anchorage 2020 important for this chapter of Title 21:

- **Neighborhood Identity and Vitality:** A variety of safe, pleasant and distinctive neighborhoods responsive to the diverse needs of residents, with good access to schools, recreation, natural areas and community facilities.
- **Northern City:** Well-Planned development based on a design aesthetic that creates a sense of place and incorporates Anchorage's unique northern setting.
- **Economic Vitality:** A built environment based on design standards that sustain long-term economic vitality and growth and that promotes affordable residential, commercial, and industrial development.
- **Natural Open Spaces:** A network of natural open spaces throughout the community that preserves and enhances Anchorage's scenic vistas, fish, wildlife, and plant habitats and their ecological functions and values.
- **Water Resources:** Water resources and watersheds that are protected and enhanced for their enduring vitality and values.
- **Wetlands:** A system of wetlands with functions and values that are preserved and enhanced.
- **Wildlife:** A wide variety of fish, wildlife and habitats throughout the Municipality that thrives and flourishes in harmony with the community.
- **Air Quality:** Clear healthful air that is free of noxious odors and pollutants.
- **Parks, Trails and Recreation:** A sustainable and accessible system of recreational facilities, parks, trails, and open space that meets year-round neighborhood and community-wide needs.

We hope that changes to Title 21 will create a city that matches this vision and achieves these goals.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Weddleton', with a long horizontal flourish extending to the right.

John Weddleton
President

CHAPTER 21.07 DEVELOPMENT AND DESIGN STANDARDS

21.070.010 GENERAL PROVISIONS

A. Purpose (p. 3)

It's good to see in this section the requirement to "protect" natural resources rather than Chapter 4's watered down "minimize impact to." Chapter 4 should be revised to be consistent with this chapter and Anchorage 2020.

This section acknowledges that the benefits of a well designed city along the lines of Anchorage 2020 extend to the "business economy."

p.3 line 13 Change to read: "...protection of natural resources including [existing] *native trees and shrubs*...."

p. 3 line 32 Change to read: "To provide road, *trail and sidewalk* connectivity for the safe movement of people, goods and services."

D. Alternative Equivalent Compliance

This is an important procedure to allow creativity in designs. It also has opens the possibility of bypassing many of the design requirements in the rest of the chapter. It would be reassuring to add a level of Community Council notification and involvement when Alternative Equivalent Compliance is used.

21.07.020 NATURAL RESOURCE PROTECTION

It's great to see "protection" next to "natural resource." There is overwhelming community consensus placed on protecting natural resources. Anchorage has no more distinct defining element than our incredible natural setting and wildlife.

The deletion of the phrase "significant viewsheds" from the list of important features is noticeable. While that is not dealt with in this section, the protection of views, particularly of the Hillside is likely to be considered in District plans. Other cities restrict development on ridgelines. Anchorage may benefit from that, too.

4. Buffer/Setback Requirements

a. Stream Corridors (p. 6)

B.4.a.i - In their review of Anchorage's existing Title 21 in 2002, Clarion said "Nationally, setbacks of 100' on both sides of rivers and streams in more rural areas are generally recognized as a minimum to protect water quality."

We feel that Anchorage's proposed 50 foot setback in already developed areas is a reasonable compromise for protecting water quality.

With setbacks, only the property owner has the legal right to do maintenance. We also need to address the need for easements along each creek to allow maintenance. An easement width that mirrors the setback width would be appropriate.

B.4.a.iii (p.6) “Segments of streams or tributaries that are contained underground in pipes or culverts have no setback.” How will this impact attempts to uncover streams that have been diverted into culverts and pipes? Fish Creek is an example. Segments of streams that are in culverts need an easement for maintenance purposes

B.6.a.ii (p.8) The wording here is confusing. How does that 35’ factor in? Why isn’t it 50’? Maybe an illustration would help.

B.6.a.ii(A) (p.8) Change to “Roads, driveways, trails, sidewalks and other transportation facilities.” And delete “trails and other” from (D). Transportation is about getting you, me and all of our stuff from point A to point B. It’s not about the mode we use. This recommended change is in line with the new Pedestrian Plan which recognizes that walking is the most basic form of transportation. This change also put this more in line with phrasing in 21.07.060 TRANSPORTATION AND CONNECTIVITY .

B.6.a.ii(D) (p.8) What “public recreation facilities” would be considered here?

B.7. Preservation and Restoration of Vegetation (p.9) The previous draft referred to the *Selected Invasive Plants of Alaska* booklet from USDA. That was deleted and replaced with “identified by ... the Alaska department of natural resources.” Is this consistent with the reference to the ASDA booklet added to section 21.07.080.G.1.a (p.57)? It’s good to see acknowledgment of the problem with invasive plants.

C. Steep Slope Development (p.11)

It’s dissappointing to see the deletion of “preserve the most visually significant slope banks and ridgelines in their natural state.” And “preserve visually significant rock outcroppings, native plant materials, natural hydrology and other areas of visual significance.” Other cities protect their views. I doubt Phoenix ever regretted limiting development on its hills? The ability to develop using a conservation subdivision and the alternative compliance rules allow a developer to use their land and protect the look of the land.

C.1.g (p.11) Add retention of runoff as one of the benefits of natural vegetation.

C.2. Applicability (p.11)

This draft added that these requirements only apply to lots 40,000 square feet or greater. What requirements are there for smaller lots?

Throughout the chapter, there are cut-offs for various requirements at 40,000sf or 1 acre. Which is used appears to be arbitrary. Since 1 acre defines the lot size for R-6 in this rewrite, that is a focal size. Things would be clearer if “1 acre” were used in all cases where 40,000sf or 1 acre is now used.

C.3.f iii (p.13) This says “preserve the natural surface drainage.” The word “surface” should be deleted to require consideration of subsurface drainage as well. See sections 21.07.040D.3.b (p.21) and D.6 (p.22) with requirements regarding subsurface water. Much of the Hillside’s drainage problems are related to disturbance of subsurface water.

C.4 (p.14) Slopes Greater than 30% This new allowance for building on slopes over 30% creates a significant new benefit for owners of property on steep slopes. This increase in value should be remembered if there are complaints from landowners regarding new requirements to protect natural features.

21.070.020.D Wildlife Conflict Prevention Areas (p.17)

This small section on wildlife habitat is inadequate to protect wildlife or habitats in Anchorage. This is surprising given Anchorage's broadly expressed interest in wildlife among us. Moose, bears, and other species depend on many natural "refuge" areas between developed areas. Without these habitats, conflicts with wildlife will increase.

The elimination of public open space requirements further diminishes the protection of wildlife corridors.

Please explain how proposed language in 21.07.020 D. Wildlife Protection Areas meets Anchorage 2020 goals for "...preserving and enhancing Anchorage's ...fish, wildlife and plant habitats and their ecological functions and values," and "A wide variety of fish, wildlife and habitats throughout the Municipality that thrives and flourishes in harmony with the community." The provisions in this draft are inadequate to provide wildlife corridors, prevent garbage from attracting wildlife, and prevent new construction and fences from disrupting habitat. Language should be stronger than: "discourage," "encourage," and "should."

Restore the protections in Section E in Module III as Revised 9/05:

WILDLIFE HABITAT PROTECTION

1. Intent and Purpose

Some areas within the Municipality provide critical wildlife habitat for a wide variety of animal and bird species. Development activities have impaired, fragmented, and in some cases destroyed many such habitats. However, residents value the wildlife of Anchorage as a unique characteristic of the city. In combination with the tree retention standards and stream corridor, water body, and wetlands protection standards elsewhere in this ordinance, the following requirements are important for retaining wildlife in Anchorage. This necessitates protecting critical wildlife habitats from significant adverse impacts and potentially irreversible damage. Effective habitat protection also minimizes conflicts between wildlife and humans.

2. Applicability

The requirements of this subsection 21.07.020.E. shall apply to development within the Municipality that contains wildlife habitats designated as "critical habitat," as shown on the Sensitivity and Natural Resource Data Maps of 2005, the Anchorage Coastal Resource Atlas as revised (2005), and the Anchorage Coastal Management Plan revision (2006).

3. Development Limitations in Areas of Critical Habitat

All development subject to this section shall, to the maximum extent feasible, incorporate the following principles in siting buildings, structures, roads, trails, utilities, and other similar facilities.

Maintain buffers between areas dominated by human activities and critical wildlife habitat, with more intense human activities, such as automobile and pedestrian traffic, at a distance from critical habitat areas.

b. Provide for wildlife movement across areas dominated by human activities by:

i. Maintaining natural vegetation connectivity between open space parcels that have native vegetation, and between parks and/or refuges (regardless of the agency that administers such parks and refuges); and

ii. Locating roads and recreational trails away from natural travel corridors used by wildlife, such as riparian areas;

iii. Minimizing fences (types and placement) that inhibit the movement of wildlife species through natural travel corridors; and

c. Retain or mimic features of the local natural landscape in developed areas by:

i. Retaining as much pre-development habitat as possible in critical wildlife habitats, including large areas of high plant diversity and natural vegetated areas that have not yet been fragmented by roads or residential development;

ii. Minimizing disturbance to trees, the understory, and other natural landscape features during construction;

iii. Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation; and

iv. Enhancing the habitat value of degraded pre-development landscapes with selective plantings.

4. Referral Requirements and Planning Commission's Action

a. Development applications and site plans subject to this subsection shall be referred to the Alaska Department of Fish and Game, Division of Wildlife, and to the U.S Fish and Wildlife Service for review, comment, and recommendations. The Alaska Department of Fish and Game, Division of Wildlife, and U.S. Fish and Wildlife Service's comments and recommendations shall be incorporated into the staff report or in some other manner transmitted in writing to the Director (for minor developments) or to the approving authority prior to final action.

b. The approving authority shall give special consideration to wildlife habitats that

are determined by the Alaska Department of Fish and Game, Division of Wildlife, and the U.S. Fish and Wildlife Service in its review to be of critical value, and may require project modifications or special conditions recommended to mitigate impacts on critical wildlife habitat.

c. The approving authority may deny a development proposal if it finds that the proposed development will have significant adverse impacts on critical wildlife habitat that cannot be adequately mitigated.

d. If the Director finds that a development application subject to his or her approval may have significant adverse impacts on critical wildlife habitat that cannot be adequately mitigated, the Director shall refer the application to the Planning Commission for final action.

e. For purposes of this subsection, "significant adverse impact on critical wildlife habitat" means elimination, reduction, and/or fragmentation of wildlife habitat to the point that viability of a local population of an individual species is threatened in the Municipality, and the diversity of wildlife species that occur in the Municipality is reduced.

21.07.030 PRIVATE OPEN SPACE (p.18)

Regarding open space, Anchorage 2020 says "New development shall be accompanied by adequate public or private open space, parks or other public recreational facilities." We've seen steady erosion of this goal in every draft of the proposed Title 21. Now the requirement for developers to provide public open space or a fee in lieu has been dropped altogether, leaving only a requirement for private open space that is significantly weaker than previous drafts.

In "Module 3" from 2004, Draft 1 and Draft 2, we saw "These standards are enacted ... to *ensure* adequate and convenient *open spaces* ..." In 2006 and now we got "these standards are enacted generally ... *secure* adequate utilities and public facilities, *consideration of* ... open space needs." We started out with provisions of some public along with private open space. That has diminished to almost trivial amounts of private open space.

In Clarion's review of Anchorage's Title 21, they recommended that developers dedicate 10 acres of **public open space** for every 1,000 new residents. Clarion Associates explained this standard is typical across the nation.

The 2005 Draft required private open space of 800 sq feet/unit. That's about 30% less than Clarion recommended but in the realm of what could be considered "compromise." The open space requirements were minimal with the provisions that 50% could be used for snow storage and private yards could count for 50%. That meant that all of the non private yard private open space can be used as a snow dump.

In the 2006 Draft, private open space standards were reduced from 800 square feet per housing unit to 600 square feet with development in the central business district exempt from setting aside open space.

In the current Draft, private open space for residential depends on the zoning with the highest at 400 sq ft lowest is 100 sq ft. Surprisingly, the densest developments will have the least open space. And still, snow storage can overlap with 50% of the private open space.

People in Anchorage treasure their open space. Our variety of parks is important in defining the city. That was reflected in Anchorage 2020. If new developments do not help provide some of the open space people expect, the cost of providing that space will fall on the backs of every taxpayer. It is reasonable and typical in other cities, for new developments to carry some of the burden of providing open space.

The provisions for open space should be increased to meet national standards, and 50 percent of that space should be “useable” i.e. flat and dry enough for children to play there. .

21.07.030.C.7 (p.20) The large section on “payments in lieu” of providing open space should be restored to provide flexibility in providing a realistic amount of open space. This provision can ensure that fees from a given area are used within the area.

21.07.040 A.1.d and A.2(p.20) Why are water quality and minimizing pollution secondary (“other”) purposes of drainage systems? The primary design consideration is listed as maintenance and access (A.1.d). This places the developer’s and administrator’s cost or convenience above public health and a clean natural environment.

21.070.040 D.4. (p.21) Standards. Standards should be tied to the purposes of this section as well as to the Design Criteria Manual. Perhaps the DCM may need to be modified to ensure its intent includes broad public benefits such as water quality and preventing pollution.

21.07.040H p.28 line 32 change “an person” to “any person.” P.29 line 1 change “assess” to “assessed.”

21.07.050 B.1 (p.29) Utilities. Why is Rabbit Creek Road the south boundary for undergrounding utilities? Does that exempt Potter Valley and Bear Valley development from undergrounding requirements?

21.07.060 TRANSPORTATION AND CONNECTIVITY (p.34)

C.1.c Traffic Impact Analysis Required. Please clarify under what conditions the traffic engineer could waive a Traffic Impact Analysis.

C.3 (p.35) Traffic Mitigation Measures. Mitigation measures should include reduced density or delayed build-out where traffic generated cannot be handled by the surrounding transportation infrastructure.

D.3.a (p.35) Street Connectivity Please add language to ensure that flow on neighborhood streets is for local neighborhood residents with traffic calming appropriate for pedestrian safety and the quality of outdoor use of the neighborhood, and with restrictions on freight or commercial traffic. Speed should also be referenced in subsection f.

D.3.c External Street Connectivity. Street connectivity to undeveloped land should include to public lands such as parks where future access may be contemplated.

D.3.c.ii Streets and On-Site Vehicular Circulation. The requirement that signs indicate future road connections is good. A similar requirement should be in place for trails.

Please add a section on Standards for Bicycle Facilities back in or refer to the bike plan.

E.2.b (p.37) The requirement for sidewalks on both sides of arterials was deleted. This should be reinstated

21.070.060.E.2.c (p.38) It is reasonable to require sidewalks along all new local streets. Sidewalks should also be required along all reconstructed streets, and along all rehabilitated streets. Rehabilitation work often lasts ten years or more and it is most efficient to add pedestrian facilities while working on the road bed.

It is not clear why only the R-4 and R-4A residential districts are called out for requiring sidewalks when 125 foot of frontage is developed or redeveloped. Surely, R-3 and even R-2M districts would benefit from the same requirement.

21.07.060.E.3 Through Block Connections. This section was made more generally applicable by deleting the requirements for various destinations. Good improvement.

21.070.060.E.6.a (p.39) Restrictions on Use. Thank you for explicitly restricting snow storage on sidewalks.

21.07.060.F Pedestrian Amenities (p.40-45) This new section is a tribute to the importance of creating a city where walking is possible and encouraged.

21.07.060.F.15 (p.45) Bicycle parking shall be located ... no farther from a primary entrance than the closest motor vehicle parking space.”

This is probably more restrictive than it needs to be. Someone riding a bike is reasonable mobile and it would be a shame to move a handicapped parking spot farther from an entrance to allow a bike rack to be closer. This would also require multiple bike racks for strip malls with several entrances. Perhaps a maximum distance of 50’ or so would

satisfy cyclists. We should envision a time when there will be many car lengths of bike racks needed in some locations.

21.07.070 Neighborhood Protection Standards (p.45)

B. Conditions for conditional use could also include building design, parking requirements, sign requirements and the ability to enforcement requirements.

21.07.080 LANDSCAPING, SCREENING, AND FENCES (p.46)

Landscaping is a critical element needed to implement Anchorage 2020. Please provide at least 3 examples of newly landscaped development to illustrate how these standards would improve current landscaping practices.

All across Anchorage, we see varying types of development with little or no buffer in between. A goal of Anchorage 2020 is to protect neighborhoods in the face of increased density. Buffers are an important part of that protection. These requirements are an improvement, but also appear to be thin protection. Table 21.07-2 shows an L2 buffer between R-6 and PLI. That scant 8' would be the buffer to developments as extensive as Legacy Point and possibly hotels if a recently proposed ordinance is adopted.

The examples following would provide a buffer that would be distressing to anyone who had a new development put in at the higher density.

Examples Using Tables 1 and 2 (p.51):

An R-6 lot adjacent to R1 would require no buffer.

An R-6 lot adjacent to R2-M, R-2F, PLI, NMU, CMU and B-1A would likely have about 150' of L2 "visual enhancement" required. That buffer is 8' wide and needs 75 units of screening. Those units would get something like two existing trees 10' high, eighteen 3' high shrubs and 90' of 4' high fence.

An R-1 lot next to B3 would require L3 Buffer landscaping. R-1 lots would be about 50' wide so would need 55 units of landscaping. That could get three trees, one 8' and another 10' with two of them evergreens. You'd also get sixteen 2' high shrubs and a 4' fence along the full length. This would be to screen a building on B-3 could be over 45' tall.

It is nice to see the additional emphasis on survivability of trees in Table 21.07-1 (p.49). It looks like the preservation of native vegetation has slipped in importance since the previous draft while the points for topsoil and seeding increased by a factor of 10.

21.07.080.F.8 Trees (p.55)

The minimum tree density of 165 landscaping units per acre is about 11 trees or so. If we look at a townhouse development, that can have 60% lot coverage. That leaves 11 trees planted on about 17,000 sf of open space.

The provision of a minimum of three trees per lot is an increase over the one per lot in the previous draft. An immediate reaction is that this is an improvement. A reality is that a homeowner will plant trees if they want them and will park their snowmachine on them if they don't. There will probably be more success with tree retention if more trees are in common open space.

21.07.080.H (p.60)

The section requiring screening of “ground mounted mechanical equipment and utility fixtures” was deleted. Chugach Electric had surmountable objections to it. Some sort of screening should be reinstated.

There are requirements for trash capacity inside and outside buildings. Commercial recycling collection in Anchorage is increasing and may be required in the future. Space to accommodate recycling efforts in commercial and multi-family buildings should be reflected in the code. If relevant, recycling capacity could also be reflected in the Design Standards Manual.

21.070.090 OFF-STREET PARKING AND LOADING (p.63)

A. Purpose. The stated purposes provide good balance between the need to provide parking and the need to restrict it in order to protect the community from becoming more overrun by vehicles.

In its January 2006 publication, *Public Spaces /Community Places*, the US Environmental Protection Agency explains on page 6:

The most commonly used guidelines, issued by the Institute of Transportation Engineers...are based on observations of peak demand for parking at single-use developments in relatively low-density settings with little transit (Shoup, 2005). In such places, the destinations are widely separated, parking is typically free, and walking, biking, and transit are not available. As a result, planners assume in effect that every adult has a car, every employee drives to work, and every party visiting a restaurant arrives by car. Under these conditions, parking can take up more than 50 percent of the land used in a development.... For more compact, mixed-use, walkable places, these standards end up calling for far more parking than is needed.

While there appears to be downward movement in the required minimum parking standards from ITE standards, the change has been incremental, and it is not clear how it will affect built out neighborhoods where homes are being remodeled and replaced.

F.5 (p.76) It is a major advancement that the original South Addition neighborhood automatically is exempt from 40 percent of parking requirements. Now, that requirement should also apply to the rest of the surrounding neighborhoods of Fairview and South Addition, and there should be a mechanism to include neighborhoods inside and near town and neighborhood centers.

New construction in these neighborhoods has too frequently resulted in more asphalt and parking than surrounding homes.

Thank you for reducing parking requirements for mixed use development another 5 percent to a total of 10 percent. Even so, evidence supports cutting mixed use parking requirements by 50 percent:

Downtown Anchorage is as close to mixed use development as can be found in Anchorage. Already, we know that 31% of downtown residents walk to work, and 14% take a bus. These numbers alone argue for more than a 5% parking reduction for mixed use districts.

Furthermore, Seattle's transportation director indicated that families moving into Belltown condos typically requested two parking spaces, but that many gave up one of the spaces after their first year because of reduced car use.

Parking requirements also appear to require too many spaces for residential development. Most cities require only two parking spaces for single family, duplex and town houses. Anchorage on the other hand, requires a third parking space when the home goes over 1800 square feet.

As walking and transit become more practicable in Anchorage, there will be less need for parking. How can this section respond to new information as transit service increases and driving diminishes? Excessive parking requirements waste land.

21.07.090.G Off- Street Loading Requirements

This section could use a "purpose" statement. For many uses the intent is clear, but for some, the intent of a loading "Berth" is unclear. For a typical strip mall, stores "unload" by backing a delivery van up to their door. It's unclear how a designated loading area would apply.

21.07.090.H.7 (p.85) There are a number of changes in this chapter that make walking easier. This section with a foot wider sidewalk and the requirement that vehicle overhang be considered is a significant improvement over the previous draft. Thank you!

21.07.090.H.14 (p.90)

This section's allowance for pervious surfaces for parking and driveways in some circumstances is an improvement over the previous draft. This is particularly true for the Hillside where many roads are dirt or gravel and drainage issues abound.

21.07.090.M.3 (p96) The incentives for active uses on the lower floors of parking structures are a welcome addition.

21.07.100 RESIDENTIAL DESIGN STANDARDS

We eagerly await illustrations that show the difference between today's new construction, and what would have been built using these proposed minimum design standards. Please

provide such illustrations soon enough to be used while the community considers the Title 21 Economic Impact Analysis.

21.07.100.A (p.97) Add to the Purpose section the wording in other parts of this section: “Promote building design, placement and orientation that considers Alaska’s northern climate in terms of weather protection and access to sunlight.” (from p.102 lines 24-25)

21.07.100.G.10 (p.106) This section on weather protection and sunlight is a real improvement over the previous draft’s very tiny requirement that roofs shouldn’t drip on us.

G.10.k (p.107) This chapter has a lot of new discussion of courtyards. They appear to be a primary means of providing private open space and related goals. It looks like courtyards might be double counted as menu items in more than one category. See 6a on p.103 line 23, 6gii p.104 line 20 and 7f p. 105 lines 19-22 and this paragraph.

21.070.110 PUBLIC, INSTITUTIONAL AND COMMERCIAL STANDARDS (p.108)

In previous drafts, commercial building facades were allowed to retreat from the sidewalk. Why was this change made?

21.070.110.D.2 (p.108) The “tracked changes” version has a second paragraph under this section that is not in the Public review draft. The additional paragraph adds a height requirement for screening rooftop mechanical equipment and should be added into the official draft.

21.070.110.D.5.b.ii (p.111) Is a warehouse with a 24’ high ceiling a two story building? Would that count for “massing?”

21.07.110.E.7 (p. 116) This section shows the importance of pairing design standards with the dimensional criteria. If they get a lot of “bonus FAR,” the R4-A buildings could be as tall as 90’ and also very close to less intensive residential areas. This will be a concern for anyone living near downtown and parts of mid-town. An appreciation of the type of development allowed in this district would be helped by illustrations.

21.07.130 EXTERIOR LIGHTING (p.121)
It’s good to see this important section added.