



RABBIT CREEK COMMUNITY COUNCIL (RCCC)
A Forum for Respectful Communication & Community Relations



1057 West Fireweed Lane, Suite 100 / Anchorage, AK 99503

December 1, 2022

MOA Assembly
PO Box 196650
Anchorage, AK 99519

RE: 2022-170: S-version for Title 21.05.070.D.1 Amendment to ADU Regulations

Thank you for accepting our comprehensive comments and our redline edits to AO 2022-170 (S) version.

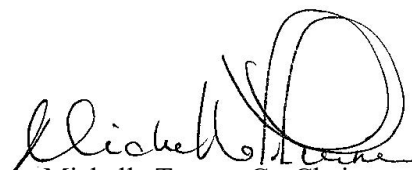
Please note a main concern--regulating Short Term Rentals (STRs)--is supported at the end of our August letter to PZC, with documentation from Title-21 and other land use plans.

We believe the need to regulate STRs is critical to implementing the *Intent and Purpose* statement of the current ADU ordinance, which is to expand resident and affordable housing. If the Assembly decides to regulate STRs in another Title or another section of Title 21, we ask that STR codes and AO 2022-170 be passed concurrently.

In summarizing some of our comprehensive comments, components of the current ADU ordinance that we have explained in detail in the August letter to PZC, and which we believe should not be deleted, changed or which should be added to fulfill land use policies are:

- Retain all *Intent and Purpose* Statements
- Retain home ownership for one of the structures for at least six months per year
- Regulate STRs as a commercial business, as have Sitka, Oregon, Hawaii and Washington D.C.
- Encourage or regulate Long Term Rentals (LTR) to fulfill intent for resident housing
- Do not increase square footage or height of ADUs.
- Follow 21.03.070.C, Procedure for Substantive Amendments. The proposed ADU revisions will likely not pass the test of 21.03.070.C.2.b through e.
- ADUs double the density. Develop a process for calculating ADUs so they will be included in future land use reviews.

Copies of the Rabbit Creek Community Council comment letter dated August 31, 2022 and our redline edits to AO 2022-170 (S) are attached. Thank you for considering these comments.


Michelle Turner, Co-Chair



RABBIT CREEK COMMUNITY COUNCIL (RCCC)
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1057 West Fireweed Lane, Suite 100 / Anchorage, AK 99503

August 31, 2022

Planning and Zoning Commission
Daniel Mckenna-Foster
daniel.mckenna-foster@anchorageak.gov
Long Range Planning, MOA
4700 Elmore Rd
Anchorage, AK 99507

RE: 2022-0090 Title 21.05.070.D.1 Amendment to ADU Regulations

Thank you for accepting our comprehensive comments. Please note our main concerns that we have supported at the end with documentation from T-21 and other land use plans, including how the MOA can regulate STRs.

At our May 2022 meeting, Rabbit Creek Community Council reviewed potential changes to Title 21's Accessory Dwelling Unit (ADU) regulations during Mr. Mckenna-Foster's presentation. RCCC also reviewed the ADU changes during Land Use and Transportation Committee meetings.

Rabbit Creek Community Council acknowledges the benefits to individuals and to the city of a well-drafted policy for Accessory Dwelling Units. However, RCCC finds the following shortcomings in the proposed amendments to 21.05.070.D:

1. Home ownership and neighborhood stability. 21.05.070.D says that the purpose of ADUs is to support continued homeownership and protect neighborhood stability and character. The provisions to remove the requirement for owner-occupancy, and to increase the bulk and prominence of the ADU, work against continued homeownership and residential stability.
2. Targeted infill. The proposed amendments also appear to contradict the intent of the 2040 Land Use Plan to promote targeted infill and redevelopment, supported by public investment in infrastructure and services. Instead, the ADU regulation change allows a random doubling of housing density, creating pockets of density without additional services or infrastructure.
3. Substantive amendment. In addition, the proposed ADU amendments are substantive enough to require one or more comprehensive plan amendments. The ADU amendments pose a potentially large shift in residential neighborhood character and use patterns: the amendments will allow a doubling in density, and will accelerate short-term visitor rentals by absentee owners as a commercial use in residential neighborhoods. The Municipality should follow the process of 21.03.070.C, Procedure for Substantive Amendments. If the Municipality follows this due process, the proposed ADU revisions will likely not pass the test of 21.03.070.C.2.b through e.
4. Lack of need. Staff Analysis does not offer evidence or data that there is any need for the proposed amendments, particularly the dimensional amendments. The general impediment to any residential is cost and financing. The staff analysis provides no evidence that increases in height and setbacks and size of ADU are necessary to reduce costs or improve financing.

5. Potential backfire: decrease in resident housing capacity. In many cities that are tourist destinations (like Anchorage), conversion of homes to short-term rentals has reduced the resident housing capacity and driven up rents and housing prices. Short-term rentals are already aggravating the Girdwood housing shortage. There is high potential for this in the core areas of Anchorage. The removal of the owner-occupancy requirement for ADUS would pour fuel on this trend.

For reasons further stated below, RCCC requests the following action from P&Z on the proposed amendments to Title 21.05.070.D:

- A. Retain the current requirement that at least one landowner will occupy the principal dwelling or the accessory unit.
- B. Adopt into 21.05.070.D a process for annual verification that properties with ADU have owner-occupancy; and prescribe sufficient penalties to achieve compliance.
- C. Retain the current proportionality in size of the ADU in the Class B district: maintain a maximum of 35 rather than 40 percent of the square footage of the primary dwelling
- D. Retain the 2-bedroom limit in the Class B District, and add a reference to site-specific capacity limits from onsite septic and well systems, and to site development envelopes that may exist on steep-slope lots.
- E. Adopt into 21.05.070 a requirement, or at least offer a strong incentive, for owners of a new ADU to sign a covenant, enforceable by penalties, not to engage in short-term rentals of less than 30 days for a period of 10 years (as Portland Oregon has started to do). Include a process for verification and penalties. The covenant should run with the property, if the owner sells within 10 years.
- F. Recalculate the neighborhood densities to determine current and projected ADU housing stocks for Municipal planning purposes. . Land use plans include periodic reviews of neighborhood density as part of zoning and Title 21 changes. The MOA needs a process for calculating ADUs so they will be included in future land use reviews.

Supporting Reasons

Retain owner-occupancy requirement to ensure continuity of ownership, neighborhood stability, and human capital

- 21.05.070.D1.b.i.B notes that the purpose and intent of ADU is to “provide a means for homeowners a, particularly the elderly, single parents, and families with grown children *to remain in their homes and neighborhood* and obtain extra income, security, companionship and services.
- 21.05.070.D1.b.i.E notes that the purpose and intent of ADU is to “*improve the affordability of homeownership* and enhance property values through rental income opportunity”
- Owner occupancy correlates to lower crime and nuisance calls. Neighborhoods where residents stay put for a long time tend to be associated with lower crime rates, according to the U.S Department of Housing and Urban Development. (from habitat.org)
- There is no evidence that owner-occupancy has limited the construction of new ADUs *by homeowners*, and that is one of the purposes of the ordinance.
- Renters are much more transient than homeowners. The median homeowner occupancy duration nationwide is 13.3 years (National Association of Realtors.) Median tenure has increased by 3 years since 2008. (nar.realtor). Only 6% of owners move within a year. Compare that to 26% of renters moving in less

than one year. A single-family rental tenancy on average lasts 3 years and a multi-family tenant roughly 2.5 years in the US (tenantplanet.com)

- The 2040 Land Use Plan Action 4-10 calls to “reduce restrictions that currently deter construction of compact housing types...[while] including development standards for neighborhood compatibility.” *The proposed amendments strip away the development standards that would ensure neighborhood compatibility: lower height, setback from the principal dwelling, continued requirement for owner occupancy of either the principal dwelling or ADU.*

The ADU changes would promote random infill versus targeted infill that can be supported by services

- The 2040 Land Use Plan calls for compact infill and redevelopment in targeted locations where services can be intensified: transit, active transportation, etc. The effect of the ADU is to increase density randomly, at the whim of unpredictable individual investment decisions.
- *Random* infill does not support the efficient provision of municipal services that are integral to higher-density living: transit, active transportation, public open spaces, emergency services, etc. The need for these services is clearly stated in Policy 12 of the 2020 Anchorage Bowl Land Use Plan: “

New higher density residential development...shall be accompanied by access to...transit and safe pedestrian facilities; and...adequate public or private open space, parks or other public recreation facilities on site or in close proximity... Instead of zones of opportunity and coordinated public/private investment envisioned in the Land Use Plan, the random implementation of this ADU ordinance will create pockets of conflict.

- Higher density requires higher investment in public spaces and public services. “Research has found that increasing the number of spaces for informal contact between neighborhoods is linked to a greater sense of safety for people in urban areas. This speaks to the purpose of investing in “third places”—such as parks, cafes, community centers—within areas that lack them as a means to further the social cohesion that helps prevent crime. (Brookings.edu, citing Sullivan, W.D. “the Fruit of Urban Nature: vital neighborhood spaces).

Re-zoning without due process

- The approval of second housing unit is a de facto doubling of future housing density. This density increase may occur in patches or over a period of years: but the intent and the outcome are to double the housing density of residential areas
- The Hillside District Plan (Map 2.1) clearly states that the intent is for limited intensity of residential use, with 0 to 1 dwelling units per acre (DUA). Doubling the housing density in the rural and peripheral parts of the Anchorage Bowl has potential negative impacts to the entire community, and therefore a density change of this magnitude requires a re-zoning consideration.

Potential Negative Impacts from ADU in the Class B District

- Septic system capacity: Much of the Hillside relies on individual wells and septic systems. Septic systems are rated for a certain number of bedrooms. For this reason, the number of bedrooms in any ADU must be within the septic system capacity; and a maximum of two bedrooms helps to ensure that ADU occupancy will not overstress the septic capacity of rural lots.

- Water capacity: The Municipality currently has no groundwater capacity data, and no regulations to protect and ensure groundwater recharge. The Municipality is blind with regard to the sustainability of the well water resources on the Hillside; but groundwater recharge and quality is negatively impacted by increased lot coverage and increased well usage.
- The Anchorage Hillside has are slopes, natural hazard areas, and access constraints on the Hillside which make some areas unsuited for higher density.
- Wildfire at the urban-rural interface is a concern in all communities. A higher density of homes at the rural edge creates a higher risk of to life and property.
- New residences on the Hillside are almost certainly auto-dependent. They perpetuate a “sprawl” pattern of development, with a very high per capita rate of vehicle miles traveled. This is contrary to the goals of Anchorage 2020, the Anchorage Climate Action Plan, and the 2040 Metropolitan Transportation Plan. This draws away infrastructure resources that are needed for infill and redevelopment of the core areas of Anchorage.
- Neighborhoods where residents stay put for a long time tend to be associated with lower crime rates, according to the U.S Department of Housing and Urban Development. (from habitat.org)

ADU square footage

Keeping an ADU to a certain maximum square footage (with conditions that include consideration for soils and steep slopes) is more reasonable than stating they can be 40% of the main structure. There are large homes in the MOA that are on comparatively small lots with steep slopes, such as one house in Prominence Pointe where a 5,274 sq. foot house is situated on a 4,000 sq. foot sloped lot (PARID: 02010132000). Using the 40% formula, means an ADU could be 2,100 square feet. That would not constitute good land use planning to allow an ADU of that size on a compromised lot with such a large residence.

Affordability of ADU

- 21.05.070.D1.b.i.D notes that the purpose and intent of ADU is to: “provide a broader range of accessible and more affordable housing within the municipality”.
- The Staff Analysis offers no evidence that de-regulating ADU in the Municipality will result in lower rental prices. Housing supply is largely a matter of *affordable housing*. The City of Portland, an innovator in ADU policies, found that 80 percent of ADU charged market rates.
- Short-term rentals of less than 30 days can generate much higher revenues than long-term rentals (monthly or longer). Short term rentals thus can displace resident housing with visitor housing.
- Portland is trying to ensure more ADUS are available for resident housing by offering development fee waivers in return for a 10-year covenant not to offer short-term rentals (less than 30 days) (portland.gov)
- Size of units correlates closely with rental rates. Allowing larger ADU in all areas reduces the likelihood of small, and thus cheaper, units..
- Availability of rental units is not the most critical housing pressure: it’s the *affordability* of rental units. Nationwide, 54% of renters spend over 30% of their household income on rent. By comparison, only 28% of homeowners who spend more than 30% of their household income on mortgage payments. (ipropertymanagement.com, “Housing affordability among homeowners vs. renters). Meanwhile, rental

vacancy nationwide is 5.8% as of 2022 First Quarter, which is 86.2% higher than homeowner vacancy of 0.8%.

Short-term rentals and possible drop in resident housing capacity and affordability

- Staff Analysis does not explain how the proposed amendments would achieve an increase in affordable housing capacity in Anchorage; and what would prevent a widespread conversion of properties to absentee-landowner short-term rentals in core areas of Anchorage.
- Short-term rentals disrupt the social cohesion of a residential neighborhood.
- A robust body of evidence demonstrates the relationship between social cohesion and violent crime, with neighborhood attachment (residents' feeling of belonging to a neighborhood) and social cohesion associated with lower violent crime rates (Brookings.edu, US HUD (2016) Neighborhoods and Violent Crime).
- Short-term rentals drain a neighborhood of its human capital. They drive up rental costs and property taxes; and thus they drive out locally-employed residents as well as old-timers who invest their money, energy, and ideas in the community.
- Conversion to short-term rentals is most likely in core areas of Anchorage: areas where Municipal land use policy calls for increased resident housing that is proximate to job locations.
- It is spurious to claim that the Municipality can't regulate short-term rentals (STR). Short-term rentals are a hospitality enterprise, yet they fall through a loophole in the hospitality business regulation. Short-term rentals avoid the neighborhood protections placed on Bed and Breakfast operations. Regulations for Bed and Breakfast operations are a time-proven framework for ensuring compatibility with surrounding residential use. *Owner occupancy is a key component. With Bed and Breakfast establishments, number of occupants (number of beds or "pillows" is regulated.*
- Certain small-scale home-based businesses are allowed in residential areas, and they are strictly regulated to avoid impacts to neighbors.

In summary, the Rabbit Creek Community Council wants to emphasize the importance of urging retaining the owner-occupancy requirement as a key purpose of the ADU program: to promote continued home ownership and neighborhood stability. This will safeguard neighborhood safety and deter a total conversion of ADU properties to short-term rentals and displacement of residents.

Dianne Holmes, Board Member
Submitted on behalf of co-chairs:
Ann Rappoport & Michelle Turner

cc: C. Lyons,
D. Whitfield
Long Range Planning Dir

#2022-107 S version by RCCC for ADU (Accessory Dwelling Unit) Regulations:
Title 21.05.070.D.

See red-lined S version of AO below.

The proposed changes would erase the intent that ADU should support neighborhood stability, neighborhood character, and homeownership.

The RCCC is concerned that the regulations will:

- decrease neighborhood stability. The regulations would abandon the requirement for homeowner occupancy.
- decrease resident housing capacity. The regulations would allow conversion of both principal and accessory dwellings to short-term rentals, which is the highest return on investment in central neighborhoods such as Downtown and Midtown.
- fail to supply smaller and more affordable resident housing, because of the larger size allowances
- detract from solar access and privacy in existing neighborhoods, by expanding the square footage and height and reducing setbacks
- create random pockets of high density, rather than following the 2040 Land Use Plan of targeted infill where there is public investment in infrastructure and services.

These concerns are further explained in RCCC's comments and resolution by Rogers Park Community Council submitted to the Planning and Zoning Commission. The PZC chose not to revise the proposed amendments.

ANCHORAGE, ALASKA
AO NO. 2022-107

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE, TITLE 21 SECTION 21.05.070, ACCESSORY USES, AND 21.10.050, USE REGULATIONS.

(Planning and Zoning Commission Case No. 2022-0090)

WHEREAS, Goal 4 of the 2040 Land Use Plan (LUP) calls for neighborhoods to provide a range of places to live and meet the housing needs of residents at all income levels, household sizes, interests, ages, abilities, and races and ethnicities; and

WHEREAS, the 2040 LUP encourages 1,000 new Accessory Dwelling Units (ADUs) in the Bowl by 2040; and

WHEREAS, 2040 LUP policy 4.2 allows for and encourages innovative compact housing types and a variety of housing options that respond to changing preferences; and

WHEREAS, 2040 LUP Action 4-7 states an amendment to Title 21 is needed to ease restrictions that deter the construction of ADUs; and

~~WHEREAS, building permits since the most recent changes to Accessory Dwelling Unit zoning regulations in 2018 do not indicate substantial increases in the number of ADUs produced; and~~

~~WHEREAS the intent of ADUs is to increase resident housing; and not to contribute to the supply of Short Term Rentals, which have increased from 5,000 to 7,000 units in the past two-and-a-half years;~~

~~WHEREAS the city benefits from supporting homeownership and homeowner investment, which reduces the transience in neighborhoods and builds social capital as well as personal capital,~~

~~WHEREAS increasing density of housing adds value if done incrementally, with attention to building scale, and apace with increased infrastructure and public services; and~~

~~WHEREAS there is a continued need for affordable resident housing and for small housing units for small households;~~

WHEREAS, between 2021 and 2022, the Planning Department has conducted outreach, hosted a work group, and conducted a survey of community councils on perceived obstacles within the zoning code and developed a proposal ~~to address needed changes to improve ADU production~~ **availability for resident housing while also supporting homeownership and the stability and character of neighborhoods** ; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code 21.05.070 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.05.070 Accessory Uses and Structures

*** **

D. *Definitions and Use-Specific Standards for Allowed Accessory Uses and Structures.* This section defines the accessory uses listed in table 21.05-3 and also contains use-specific standards that apply to those uses. Accessory uses shall comply with the applicable use-specific standards in this subsection, in addition to complying with the general standards in subsection B.

1. *Accessory Dwelling Unit (ADU).*

a. *Definition.* A subordinate dwelling unit added to, created within, or detached from a detached single-family or two-family dwelling which provides basic requirements for living, sleeping, cooking, and sanitation. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

b. *Use-specific Standards.*

i. *Purpose and Intent.* The purpose and intent of this section is to:

(A) Fulfill housing policy #15 of Anchorage 2020: Anchorage Bowl Comprehensive Plan, which provides that accessory housing units shall be allowed in certain residential zones;

[(B) *(RETAIN THIS PURPOSE)* provide a means for homeowners, particularly the elderly, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;

[B[C)] Allow more efficient and flexible use of existing housing stock, land supply, and infrastructure;

[(D) *(RETAIN THIS PURPOSE)* respond to changing family needs and smaller households by providing a mix of housing;

(E) *(RETAIN THIS PURPOSE)* improve the affordability of homeownership and enhance property values through rental income opportunity;

(F) *(RETAIN THIS PURPOSE)* provide a broader range of accessible and more affordable housing within the municipality; and

(G) *(RETAIN THIS PURPOSE)* protect neighborhood stability, property values, and character by ensuring that ADUs are installed under the provisions of this title.]

ii. *Application, Review, and Approval Procedures*

(A) Any landowner operating or seeking to establish an ADU shall obtain a building or land use permit from the Development Services Department. The permit shall constitute an ADU permit.

[(B) WITH THE PERMIT APPLICATION, THE LANDOWNER SHALL SUBMIT AN AFFIDAVIT ON A FORM PROVIDED BY THE MUNICIPALITY, AFFIRMING THAT AT LEAST ONE LANDOWNER WILL OCCUPY THE PRINCIPAL DWELLING OR THE ACCESSORY UNIT, AND THAT THE ADU WILL CONFORM TO THE REQUIREMENTS OF THE PERMIT AND THE REQUIREMENTS OF THIS SECTION. ANY OTHER RESTRICTIONS OR OBLIGATIONS RELATED TO THE ADU USE AND REQUIRED TO BE RECORDED SHALL BE INCLUDED IN THE AFFIDAVIT.]

(C) THE PERMIT AND THE AFFIDAVIT SHALL BE FILED AS A DEED RESTRICTION WITH THE ANCHORAGE RECORDING DISTRICT TO INDICATE THE PRESENCE OF THE ADU, THE REQUIREMENT OF OWNER-OCCUPANCY, AND CONFORMITY WITH THE REQUIREMENTS OF THE PERMIT AND THE REQUIREMENTS OF THIS CHAPTER.]

[B[D)] For purposes of securing financing, potential landowners may request and receive a letter of pre-approval from the municipality indicating the property is eligible for an ADU permit if the potential landowner completes the application process and construction in accordance with this section.

iii. *Requirements.* All ADUs shall meet the following requirements:

[(A) *RETAIN THIS PURPOSE:* purpose. requirements for accessory dwelling units address the following purposes:

(1) ensure that accessory dwelling units maintain and are compatible with the appearance and character of the principal residence, lot, and neighborhood;

- (2) ensure that accessory dwelling units are smaller in size than the principal dwelling on the lot, and preserve underlying lot coverage limits;
- (3) MINIMIZE NEGATIVE IMPACTS TO ON-STREET PARKING IF ALLOWED BY THE TRAFFIC ENGINEER, AND MINIMIZE THE AMOUNT OF PAVED SURFACE ON A SITE; AND
- (4) PROVIDE CLEAR AND FLEXIBLE STANDARDS THAT MAKE IT PRACTICAL AND ECONOMICAL TO DEVELOP ACCESSORY DWELLING UNITS THAT ARE IN COMPLIANCE WITH THIS CODE.]

(A[B]) *Allowed Zoning Districts.* ADUs are allowed in all residential zoning districts.

(B[C]) *Requirements for Developing an ADU.*

- (1) *One Principal Structure.* One ADU may be added to or created within a [DETACHED SINGLE FAMILY DWELLING ON A LOT, TRACT, OR PARCEL, BUT ONLY IF THE DETACHED SINGLE-FAMILY DWELLING IS THE SOLE PRINCIPAL STRUCTURE ON THAT LOT, TRACT, OR PARCEL]dwelling or two-family dwelling on a lot, tract, or parcel.
- (2) *Detached ADU.* One ADU detached from a single-family or two-family dwelling is permitted on a lot, tract, or parcel in all residential zoning districts.
- (3) *Lot Coverage.* The lot coverage of the principal dwelling unit and all accessory structures combined, including but not limited to the ADU, shall be less than or equal to the maximum lot coverage allowed by the zoning district.
- (4) RETAIN THIS CONDITIONUSES. the landowner shall reside in either the principal dwelling unit or the ADU as his or her primary residence for more than six months of each

year.]*Building Code Requirements. All ADUs shall be built to the adopted municipal building code standards.*

- (5) *Size. ADUs shall be subordinate in size to the primary structure on the lot. The gross floor area of the ADU, not including any related garage, shall be up to 900 square feet or 40 percent of the total gross floor area of the principal dwelling unit (excluding the ADU and garages), whichever is greater.*

[(A) IN CLASS A DISTRICTS, THE GROSS FLOOR AREA OF THE ADU, NOT INCLUDING ANY RELATED GARAGE, SHALL BE NO GREATER THAN 900 SQUARE FEET OR 75 PERCENT OF THE TOTAL GROSS FLOOR AREA OF THE PRINCIPAL DWELLING UNIT (EXCLUDING THE ADU AND GARAGES), WHICHEVER IS LESS.

(B) IN CLASS B DISTRICTS, THE GROSS FLOOR AREA OF THE ADU, NOT INCLUDING ANY RELATED GARAGE, SHALL BE NO GREATER THAN 900 SQUARE FEET OR 35 PERCENT OF THE TOTAL GROSS FLOOR AREA OF THE PRINCIPAL DWELLING UNIT (EXCLUDING THE ADU AND GARAGES), WHICHEVER IS GREATER.

(C) THE ADU SHALL HAVE NO MORE THAN TWO BEDROOMS.]

- (6) *Setbacks. [AN ADU SHALL NOT ENCROACH INTO ANY REQUIRED SETBACK, EXCEPT THAT]ADUs are subject to the same setbacks of the underlying zone except that a[A]n ADU may encroach into the side or rear setback abutting an alley.[DETACHED ACCESSORY UNITS TALLER THAN 15 FEET SHALL ADHERE TO A 10-FOOT SIDE SETBACK ABUTTING A NEIGHBORING R-1 OR R-1A LOT.]*

[(7) PARKING. ONE PARKING SPACE IN ADDITION TO THE PARKING SPACES REQUIRED FOR THE PRINCIPAL DWELLING UNIT IS REQUIRED FOR THE ACCESSORY DWELLING UNIT; BUT IN NO EVENT SHALL THERE BE FEWER THAN THREE PARKING SPACES PER LOT. THE ADDITIONAL PARKING SPACE REQUIRED FOR THE ADU MAY BE ON THE PARENT LOT OR ON-STREET WHEN APPROVED BY THE MUNICIPAL TRAFFIC ENGINEER AS PROVIDED IN SUBSECTION 21.07.090F.19. NOTWITHSTANDING THE PROVISIONS OF CHAPTER 21.13, NONCONFORMITIES, ALL OFF-STREET PARKING DEFICIENCIES SHALL BE CORRECTED. EXCEPTIONS:

(A) NO ADDITIONAL PARKING SHALL BE REQUIRED FOR THE ACCESSORY DWELLING UNIT IF THE LANDOWNER OF THE REAL PROPERTY EXECUTES A COVENANT, INCLUDED AS A PROVISION IN THE AFFIDAVIT REQUIRED FOR THE ADU PERMIT ON A FORM PROVIDED BY THE MUNICIPALITY, THAT PROHIBITS THE PERSON OCCUPYING AND RESIDING IN THE ADU FROM OWNING, LEASING, OR HAVING A RIGHT TO USE A MOTOR VEHICLE; EXCEPT THE PERSON MAY OWN OR LEASE A MOTOR VEHICLE THAT IS NOT INTENDED FOR USE BY THE PERSON OCCUPYING AND RESIDING IN THE ADU AND NOT REGULARLY PARKED AT THE SITE. THE COVENANT SHALL INCLUDE AN AGREEMENT BY THE LANDOWNER TO REQUIRE ANY LEASE, RENTAL AGREEMENT, OR OTHER ARRANGEMENT WITH THE TENANT OF THE ADU TO INCLUDE THE PROHIBITION, WITH THE RIGHT OF EVICTION IF SUCH PERSON ACQUIRES ONE. FOR PURPOSES OF

THIS SECTION, A “MOTOR VEHICLE” IS A SELF-PROPELLED VEHICLE DESIGNED TO TRAVEL ON THREE OR MORE WHEELS IN CONTACT WITH THE GROUND.

(8) DESIGN AND APPEARANCE.

(A) THE CONSTRUCTION OF AN ADDITIONAL ENTRY DOOR ON THE SIDE OF A PRINCIPAL STRUCTURE FACING A STREET FOR ENTRANCE INTO AN ACCESSORY DWELLING UNIT IS PROHIBITED, UNLESS NO OTHER ENTRY DOOR ALREADY EXISTS ON THAT SIDE. ENTRANCES ARE PERMITTED ON NON-STREET-FACING SIDES OF THE PRINCIPAL STRUCTURE. DETACHED ADUS ARE EXEMPT FROM THIS STANDARD.]

(Z[9]) *Utilities.* To the extent allowed by law and utility tariff, the ADU shall be connected to the water, sewer, gas, and electric utilities of the single family dwelling unit. However, lots with on-site water or septic systems may have a separate water and/or septic system for the ADU.

[(D) ADDITIONAL REQUIREMENTS FOR DETACHED ADUS

(1) *(retain this condition)* the adu shall, on all street frontages, either have a front setback of at least 40 feet, or be at least 10 feet behind the street facing façade of the principal dwelling unit.

(2) *(retain this condition)* the maximum height of a detached adu shall be 25 feet.]

~~(C) *Height.* ADUs shall be subject to the same height limits as the principal structure on the lot.~~

(D[E]) *Density.* ADUs are ~~not~~ included in the density calculations for a site. ADUS are also included in the calculations of housing stocks and for determining levels of infrastructure and public services.

(E[F]) *Expiration of Approval of an ADU.* Approval of an ADU expires when:

(1) The ADU is altered and is no longer in conformance with this code;

[(2) THE PROPERTY CEASES TO MAINTAIN ALL REQUIRED PARKING SPACES;

(3) *(RETAIN THIS CONDITION)* a landowner of the property does not reside in either the principal or the accessory dwelling unit; or]

(2[4]) The ADU is abandoned by the landowner through written notification to the municipality on a form provided by the municipality.

[(G) *(RETAIN THIS CONDITION)* [transfer. when a property with an adu is sold or otherwise transferred, the new landowner shall file an affidavit of owner-occupancy with the department within 30 days of the transfer, and pay a processing fee. failure to file an affidavit by the due date constitutes failure to have a permit, in violation of this section. transfers from one landowner to another landowner do not require a new affidavit so long as the recipient landowner signed the original affidavit.]

(G[H]) *Prior Illegal Use.*

(1) All structures which meet the definition of accessory dwelling unit which are not recognized as legal nonconforming structures or uses of structures under chapter 21.13 shall comply with this subsection. Such structures may continue in existence provided the following requirements are met:

(a) A permit application for an ADU is submitted to the building safety division within six months of the effective date of this ordinance.

- (b) The unit complies with the requirements of this section.
- (2) If the unit does not comply with the requirements of this section at the time the permit application is filed, the building official may grant six months to bring the unit into conformance.
- (3) In addition to any other remedies provided in this code, failure to legalize an existing unit under this subsection shall result in civil penalties as provided at AMC section 14.60.030. *RETAIN THIS CONDITION: [All landowners of illegal units shall also be required to either legalize the unit or remove it.]*
- (4) This subsection does not apply to existing legal nonconforming uses of structures established pursuant to chapter 21.13.

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-131, § 4, 1-12-15; AO No. 2015-142(S-1), § 5(Exh. C), 6-21-16; AO No. 2016-3(S), § 10, 2-23-16; AO No. 2016-136, § 3, 11-15-16; AO No. 2017-10, § 1, 1-24-17; AO No. 2017-160, § 2, 12-19-17; AO No. 2017-176, § 5, 1-9-18; AO No. 2018-43(S), §§ 1(Exh. B), 2, 6-12-18; AO No. 2020-38, § 6, 5-28-20; AO No. 2021-26, § 1, 3-9-21; AO No. 2021-89(S), §§ 3—8, 21, 2-15-22)

Section 2. Anchorage Municipal Code 21.10.050 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.10.050 USE REGULATIONS

*** *** ***

H. *Accessory Uses and Use-Specific Standards.*

Except for those uses listed below, see section 21.05.070. For those uses listed below, the use-specific standards or applicable portions of such standards of this chapter shall apply instead of the use-specific standards of chapter 21.05.

1. *Accessory Dwelling Unit (ADU).*

- a. *Size. The gross floor area of an ADU, not including any related garage, shall be up to 1,000 square feet or 40% of the total gross floor area of the principal dwelling unit, whichever is larger.*

- I. DETACHED ADUS ON LOTS OF ONE ACRE OR MORE SHALL HAVE A MAXIMUM GROSS FLOOR AREA OF 1,000 SQUARE FEET. (AMENDS SUBSECTION 21.05.070D.1.B.III.(C).(6).(A).)
- II. NOTWITHSTANDING SUBSECTION 1.A. ABOVE, THE GROSS FLOOR AREA OF AN ADU (EXCLUDING A GARAGE) SHALL NOT EXCEED 40 PERCENT OF THE GROSS FLOOR AREA OF THE PRINCIPAL DWELLING (EXCLUDING ANY GARAGE). (REPLACES SUBSECTION 21.05.070D.1.B.III.(C).(6).(B).)]

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2013-139, § 2, 1-28-14; AO No. 2014-40(S), §§ 2(Att. A), 3, 4, 5-20-14; AO No. 2014-58, § 4(Att. C), 5-20-14; AO No. 2015-133(S), § 5, 2-23-16; AO No. 2015-142(S-1), §§ 8, 9, 6-21-16; AO No. 2016-3(S), §§ 15—17, 2-23-16; AO No. 2016-54, § 1, 6-7-16; AO No. 2016-136, § 4, 11-15-16; AO No. 2017-10, § 2, 1-24-17; AO No. 2017-57, § 2, 4-1-17 AO No. 2017-160, § 6, 12-19-17; AO No. 2019-11, § 5, 2-12-19; AO No. 2021-89(S), § 17, 2-15-22)

Section 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2022.

Chair of the Assembly

ATTEST:

Municipal Clerk