



Rabbit Creek Community Council

1057 W. Fireweed Ln, #100, Anchorage, AK 99503



March 15, 2016

Anchorage Assembly, MOA
PO Box 196650
Anchorage, AK 99519

RE: Request to Delay PH for AO 2016-034 & Request for Full Review

Rabbit Creek Community Council has prepared the following comments on AO 2016-034 despite inadequate time for full analysis. Given the extreme fast-tracking of this AO, the lack of staff analysis, and potential major impacts to SE Anchorage, Girdwood, and adopted plans, we request the following:

- 30-day notice to Community Councils;
- Planning staff analysis to enable the public to understand the impacts; and
- a PZC review and public hearing.

If this ordinance is urgently needed by Ms. Demboski's constituents in Eagle River and Chugiak, we respectfully suggest that the Assembly revise it to affect only the Eagle River Comprehensive Plan and allow the other areas of Anchorage a full review through the Planning and Zoning Commission.

The Council's justifications for requesting the usual public process is:

1. Magnitude of impacts. The proposed changes in AO 2016-34 could have MAJOR impacts, especially to residential neighborhoods, and to Southeast Anchorage, where steep slopes and drainage issues are the rule. The public deserves full information from a staff review and PZC hearing in order to understand the consequences of these proposed changes.
2. False urgency. While the New Title 21 may have promised fast tracking for changes "to quickly respond to industry and community concerns . . .," in this instance, the community is not part of that equation. In general, a land use code should not be changed in the blink of an eye; rather, it needs to be fully vetted. This accelerated review implies catering to special interests.
3. Appearance of special interests. The changes proposed in this AO do not arise from any public process. The implication is that Assembly sponsors are pushing these changes to serve special interests before the upcoming election. Politics should not be used to accelerate or slow the standard public process.
4. Custom tailoring is not community planning. Title 21 just emerged from a 10-year revision. The last two or three major revisions were driven by the development community, often with invitation-only forums, and little public involvement. If the proposed changes are truly worthy of adoption, then they will stand the test of staff analysis. On-going custom tailoring of the land use code defeats the purpose of long-term, comprehensive planning.
5. The public process should be paramount in every Assembly action. Yet the speed of these proposed changes is out of step with that basic principle.

The Council's comments on AO 2106-034 are:

IN GENERAL

This AO is overreaching. It will override carefully-adopted development guidelines of district and neighborhood plans in the Anchorage Bowl. For example, the Hillside District Plan has specific intent and guidelines for steep slope development and drainage, in part to protect groundwater re-charge for onsite well-water systems. Numerous neighborhoods have specific concerns over garages and accessory buildings. This ordinance threatens to minimize local input and override adopted neighborhood and district plans.

Sec 1, 21.05.070

The Assembly should not remove standards that keep garages and carports proportionate to residential structures.

The removal of proportionality requirements for garages and carports would allow residential lots to become commercial and industrial in appearance and function. Garages and carports could dwarf the main residence and are subject to fewer design and structural criteria. Picture a 6,000 square-foot, windowless, aluminum-sided garage with a 600-square foot living space; this type of structure would change the character of a neighborhood.

The municipality would create an unmanageable opportunity for commercial use of residential garages and warehouses. Code enforcement by MOA would be difficult and time-consuming.

Accessory buildings that are disproportionate to the main residence can reduce the property values of the surrounding neighborhood. This happened when a huge domed-riding ring in our Council area reduced adjoining property values. Home buyers want assurances about the density and appearance of a neighborhood. Protection of neighborhood character is paramount throughout the 2020 Comprehensive Plan.

There is no evidence that owners of large garages store fewer vehicles or personal effects in their yards.

Sec 2, 21.07.020

The Assembly should retain purpose-and-intent language and guidelines for steep slope development.

Purpose and intent language regarding construction on steep slopes is valuable to developers and the public. It allows municipal agencies or adjudicators to make accommodations. This proposed change is too broad and lacks details on how it would impact the policies and goals of the Hillside District Plan (HDP).

Construction on steep slopes is clearly addressed in the HDP. This proposed change appears to override the HDP. We have not been allowed time to determine all the incompatibilities with the HDP, but for example:

HDP Policy 14-P has height limits of 25 feet or two stories above ground on high ridge tops.

Having design requirements in two code titles is not necessarily a negative thing. While the two titles should be consistent, these requirements are very important. Having them in only one title could easily result in the standards being changed without the review they deserve.

Deleting limitations for height is also a potentially significant change. Allowing several stories on a steep slope would also mean more clearing would be required to accommodate the back side of the house against the slope. Additional cleared acreage translates to more run off and potential drainage issues. The HDP is clear about the intent to minimize impervious areas.

Sec 3, **21.07.040**

Do not substitute a plot plan for the current requirement of more-comprehensive drainage planning

Drainage is a serious problem for many areas of the MOA, especially the Anchorage Hillside. AO 2016-34 attempts to reduce both standards and details in drainage plans. This appears to be incompatible with the HDP, which has objectives to “incorporate drainage design so development does not adversely impact neighboring or nearby properties, downstream properties, and public infrastructure.” (HDP, pp. 6-24, Application of Development Standards and Procedures)

The ordinance would allow tri-and four-plex construction to be completed without a drainage plan or drainage report. The ordinance’s AM indicates that this is a current MOA practice, but that’s not correct. Triplex or greater construction is reviewed by the PD civil department for compliance with relevant codes, as well as compliance with the MOA Design Criteria Manual (DCM). Waiving the drainage review requirement increases the risk that development could cause adverse impacts to adjacent properties and drainage in general. This type of development often has significant amounts of impervious cover (roofs, parking areas, etc.), and compliance with the drainage requirements of the DCM is important. Adverse impacts are especially likely in areas without storm drain systems.

The DCM is being updated to incorporate changes required by state storm water discharge permits. Four-plexes are not exempt from such requirements.

Handout AG.21 should not be referenced in code. It is part of the guidance manual already referenced in this code section; the manual is updated as-needed based on state-mandated changes to storm water treatment, erosion, and sediment control requirements. The guidance manual provides project-specific erosion and sediment control requirements.

It remains unclear to the Council whether the elimination of a drainage planning form means the elimination of some of the drainage requirements and best practices. The current form includes a line item delegating the responsibility for drainage plan compliance to either the builder or to the buyer/owner; this is an important feature to retain. This lack of clarity is further reason to allow staff analysis and public review of the AO.

Sec 4, **21.07.110**

Do not reduce the window/door area standard to 10%: rather, use the flexibility built into Title 21 to address specific situations when the reduction is the only solution.

Standards were whittled down during the Title 21 revision and should not be reduced further.

The issue of windows facing the street was not brought up during the year of review for multifamily design standards. There has been only one example of a very specific situation brought to the Muni staff’s attention. This appears to be a special interest proposal.

The value of visual and physical connection between the building and the street is well demonstrated: it provides neighborhood security as well as aesthetics. It is a disservice to the public to reduce the standard.

Section 21.07.110.C.3.d creates an excuse for reducing windows without any guaranteed payback in the form of higher energy rating. The new language allows the developer to reduce the window area even if he/she could achieve the 5-star rating through other design or materials. It does not require the developer to achieve the 5-star rating.

The previous language allowed reduction of the window area only “if the reduction is **necessary to achieve** a 5-star or greater rating. If the aim is to foster high energy ratings, keep the original language and don’t allow lower window area with no guarantee of higher energy-rating.

SUMMARY

The changes proposed in AO 2016-34 would have long-term impacts on the density and character of neighborhoods. The reductions in steep slope and drainage planning poses potential impacts to safety, water recharge, and erosion. These changes did not arise from an open public process; therefore, it is essential that they undergo full staff analysis and public review.

Rabbit Creek Community Council requests the Assembly to commit to a full review schedule for this AO through the normal Planning and Zoning Commission public hearing process.

Sincerely,

Adam Lees, Chair

cc: Mayor
Planning Director
PZC
FCC