

Municipality of Anchorage

MEMORANDUM

DATE: December 1, 2016

TO: Rabbit Creek Community Council, Attn: Mr. Adam Lees, Chair

THRU: Hal H. Hart, AICP, Planning Department Director

FROM: Terry Schoenthal, Current Planning Division

SUBJECT: Response to Rabbit Creek Community Council comments on Case 2016-0151, Text Amendment to Anchorage Municipal Code, Title 21, Establishment of Base Grade and Building Design Standards on Steep Slopes.

1. “Change Title Language”: The title language comes directly from those sections of Title 21 that are being amended. It is not entirely clear what change you are seeking with respect to the title.

New Title 21 does call for special measures on steeper slopes for the hillside. The only one of those measures that is being modified is the allowance for building height. You have noted and included images of slope failures associated with drainage issues. All of the protections provided in new Title 21 for drainage remain in place. None of these provisions existed in old Title 21. Examples include:

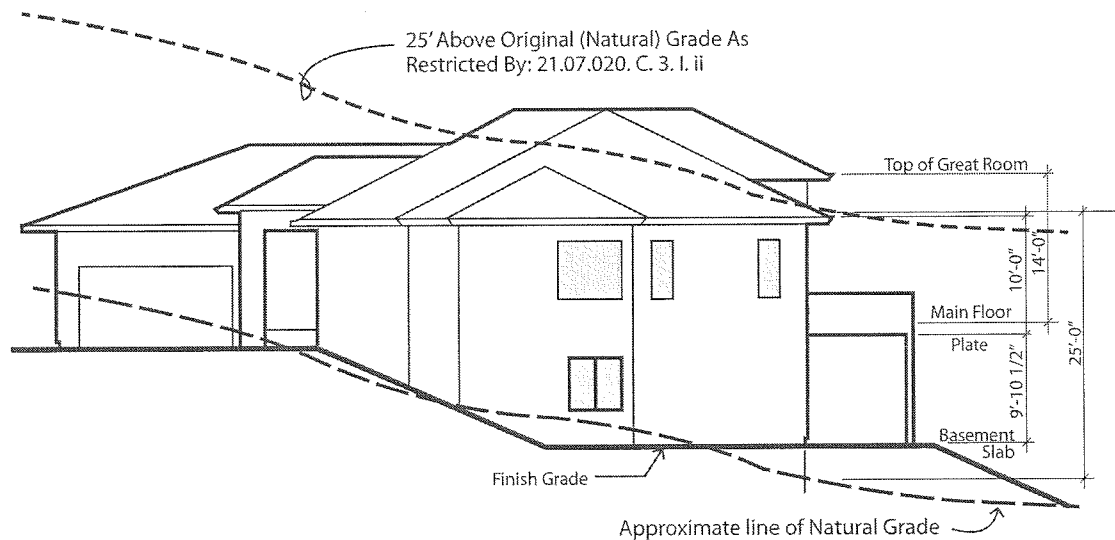
- Establishment of a site-disturbance envelope for new development (maintained for hillside development);
- Limits on cutting, grading, and filling;
- Requirements prohibiting modification of natural grade to establish a favorable basis of grade plane;
- Restrictions on retaining walls; and
- Requirements to maintain natural drainage patterns.

Perhaps the strongest measure that protects hillside development from improper grading is “Policy and Procedure #5”, which is actively enforced by the Building Safety Department. That policy requires subdivision developers to obtain topographic surveys for the subdivision and to identify acceptable drainage patterns throughout the subdivision. As part of that effort, the finish grade for garages on each of the lots is established on the plan. These subdivision plans are maintained on file with our folks who do zoning review. As each house within a subdivision comes in for permits, the finish floor for the garage (which relates strongly to the rest of the house) is checked against the approved

subdivision plan. The best approach to improved drainage is at the subdivision level of review and not by individual house.

2. The maximum allowable height from the approved grade plane will be 35 feet for most of the hillside. Your concern about the potential height being 45 feet on the downslope side is justified as a result of the way that grade is measured. In fact, a home could be 4 stories tall on the downhill side. Your concern on this has also been raised by others and we modified the language of the proposed amendment to still allow 35 feet, but to restrict the height to a maximum of three stories on the downslope side.

The problem with the 25-foot height on steep slopes is that it is not measured in the same way that height is measured in any other case. That height is measured not from an established grade plane, but from the existing slope at any given point. As a result, even a ranch style home (admittedly a generous ranch-style home) with one floor and a walk-out basement has difficulty meeting the height requirement (see below).



I would note that while a thirty five foot height may seem generous, there were no height restrictions at all under old Title 21 in the R-6 zone.

3. The revised amendment language allows an applicant to use one of three methods. That includes the new average method (per current Title 21) as best suits the applicant's needs. The proposed change doesn't require a lot of study, because it has been in use for establishing the grade plane for 30 years. Consider, for a moment that we use Policy and Procedure #5 to establish grades within subdivisions and on each of those subdivision plans the finish floor of the

garages at each parcel is identified. The finish floor of each garage is identified because they have to relate, grade-wise to the adjacent street. There cannot be more than a 10% slope on the driveway leading to the garage. For that reason the finish floor of the garage really establishes the base elevation for the rest of the house. The height allowances for each zone roughly correspond to allowed stories. In an R-1 zone you are allowed two stories. In an R-6 zone, you are allowed a generous three stories. The problem is that if you use the average method for determining the base grade plane, it will always be lower than the finish floor of the house (garage) which was determined by the subdivision agreement. In the proposed method, which is roughly the same as old Title 21, the grade plane for a house (with an elevation difference of less than 10 feet) is the adjacent high point within five feet. This roughly corresponds to the garage and it means that a homeowner gets the full allowed height that the zoning district allows.

The issue with the topography is that it was all done at the subdivision level to establish a finish floor and then it is required again as each individual home is developed. In many cases, it is a redundant step.

4. The proposed changes are not for a special interest. They are proposed on behalf of a number of homeowners who have not been able to construct their homes. I have driven through and reviewed many of the neighborhoods on the hillside. As a rough estimate, I would say 75% of existing homes constructed on slopes could not comply with the new standards. Title 21 states that zoning variances should not be made on economic hardship or cost. This is a Title 21 text amendment and that is not a criteria for modifying Title 21. We are not proposing a modification for economic hardship. The code simply doesn't work well and it does not provide value. Every word in Title 21 comes at a cost. Builders have to build to it and reviewers have to review to it. If a provision of Title 21 does not provide good value in meeting stated goals, it should be removed or modified. Title 21 is a living document.
5. Foundations on the hillside have long been designed by homebuilders and they are always reviewed by engineers at the municipality, if the homes are within the Building Safety Service Area. That is the case for most homes on the hillside. There has been no demonstrated problem with using this method and requiring an engineer's stamp adds cost without necessarily adding value. A requirement for an engineer has been put back into the amendment for homes constructed outside of the Building Safety Service Area. In this case they are not reviewed by an engineer at the Municipality and it provides some added measure of safety to those homeowners.
6. There is no simple way to provide documentation on how much longer it takes to review a plan under the requirements of new Title 21. Where it once (and currently) could be done in five minutes, it takes half an hour or more, under new title 21, depending on the home. It simply takes more time to review a plan using the average grade method. It is not a matter of training. Our reviewers are much better and faster at it than most homeowners. I am including a copy of the guidance for determining the average grade and I would let you be the judge. If a

six-page guidance document is required to determine a base grade for determining building height, there should be a very good reason for having it.

7. The current pupose statement doesn't align with the two standards associated with it. The purpose statement was removed, because both standards associated with the purpose were removed.