

Correspondence



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



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

To: Anchorage Assembly members

February 13, 2022

**Re: PROPOSED CHANGES TO MUNICIPAL CODE REGARDING BUILDINGS (TITLE 23),
AND LAND USE and ACCESSORY DWELLING UNITS (TITLE 21)**

The Rabbit Creek Community Council (RCCC) has reviewed Information Memorandum No. AIM 17-2022, an omnibus ordinance amending Anchorage Municipal Code Title 23 to provide clarity for implementation of code and related matter; and Information Memorandum No. AIM 18-2022, an omnibus ordinance of the Anchorage Assembly amending Anchorage Municipal Code Title 21 with current practices and to provide clarity for implementation of code and related matters. We are herein submitting the following comments on the Assembly S (Substitute) version, as approved at our February 10th, 2022, meeting by a vote of 17 yeas, 8 nays, and 2 abstentions.

Assembly Ordinance No. 2021-88(S), the Assembly's substitute for an Omnibus ordinance to Amend Title 23, Building Code

RCCC supports the Assembly's S version that **RETAINS CURRENT CODE** regarding Municipality of Anchorage (MOA) licensing of general contractors and other specialty contractors. Requiring licenses in MOA code is what enables MOA enforcement. Anchorage residents want and need the assurance of qualified professionals and workmanship.

The original ordinance submitted by the Administration would have deleted MOA requirements that general contractors, plumbers and electricians possess state licenses and maintain their certificates in order to perform various skilled construction tasks and inspections; therefore the RCCC opposes that original ordinance.

Other productive updates in the substitute ordinance which we endorse include:

- Allowing permit extensions without a time restriction, for good reasons;
- Simplifying the calculation of inspection fees;
- Adding a new section on Air Admittance Valves (which would require a professional to critique); and
- A new definition for a "Limited Access Roadway" which is located in a right-of-way and serves no more than four lots or single-family dwellings.

Assembly Ordinance No. 2021-89(S), Omnibus ordinance to Amend Title 21, Land Use Code

The RCCC herein recommends comments and changes on some parts of this proposal, and support for other parts, as follows.

21.05.070.B.3.b.ii: Delete the proposed change. Keep size of sheds in the side and rear setback at maximum of 150 square feet (sf), and 300 sf total, not the proposed 200 sf each and 400 sf total. The proposed size increase would allow the equivalent of two, single car garages right up to the property line, defeating the purpose of a setback. If the larger size is justifiable, allow the use of only the inner 50 percent of the setback.

21.03: Regarding application forms for various administrative actions (e.g., conditional uses or master plans or special use permits for alcohol sales) -
Amend the proposed language to state that the application must be on a form created by the department that includes all relevant information to apply the standards of Title 21. We understand that it is advisable to delete references to the Title 21 Users' Guides, as these guides are not official Code. However, it is critical to state in Code that Municipally-prepared application forms shall incorporate all information required to apply Title 21. There is an example of how to cleanly and clearly reference Title 21 in 21.05.060 E.5.b.2: "In addition to the submittal requirements in section 21.03.080 or 21.03.180, as applicable, [USER'S GUIDE], an applicant for a land reclamation use shall submit the following: ..."

Through our conversations with a senior planner, we understand that staff has taken license to simplify application forms in the past: for example, only asking for a description of surrounding zoning and not surrounding land uses, even though the latter information is required by Title 21. The applicant may need to do a field visit instead of just look at zoning maps; but surrounding land use information is required to properly apply Title 21. We provide this example to illustrate why Title 21.03 should specify that any application forms developed by MOA staff should reference the complete information required under Title 21.

We want to emphasize adherence to Title 21 requirements especially in the following three parts of code that often affect directly affect the RCCC:

- 21.03.190.B and 190.C Street review and trail review: The application form must include all information necessary to address the standards of Title 21. The current draft ordinance references a document other than Title 21. The authority or authorship of the proposed substitute evaluation framework, "A Strategy for Developing Context Sensitive Transportation Projects" is unclear.
- 21.03.200 Review and approval of Subdivision Plans: Code should state that the application form must include all information necessary to address the standards of Title 21. We request this change in all subsections of 21.03.200, including the submittal of the final plat, 21.03.200.C.8.c, which currently authorizes AO 2015-94 and the Municipal Surveyor to determine supporting information, rather than Code. That authorization seems opaque and possibly arbitrary; it could favor the applicant and not the public interest.
- 21.03.230 Vacation of public and private interests in land. Code should state that the application form must include all information necessary to address standards of Title 21.

Title 21.20.070 Cash bond for temporary signs: We support retaining the cash bond for permits for temporary signs. The current bond requirement motivates the sign owner to remove it, without costing Code Enforcement any time or money. Current code is self-enforcing. Removing this cash bond will burden staff and result in lax enforcement.

Other proposed amendments which we support as positive updates to Title 21 are:

21.05.060.B.6.b.v - New requirements for detailed information to be submitted for applications for gravel extraction; and for

21.07.090D - A requirement for detailed information to be submitted regarding parking lot layout and design.

The Assembly version that RETAINS current requirements for professionally-approved landscape plans for commercial and other large developments.

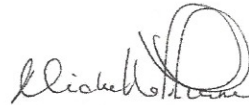
And finally, we have looked at AO No. 2022-25, an ordinance to create a 10-year property tax exemption for certain new construction of Accessory Dwelling Units (ADU). One way to ensure some public benefit is to ensure that the ADU is rented out as such and not just a tax-free home expansion. No analysis or study showing the costs or benefits to the general public was provided with the proposal to implement this change. Therefore, we recommend that Code require annual certification, in order to qualify for the tax exemption, by deleting the line: 21.15.015.C.4.f. ~~f. Annual certification is not required for the ADU exemption in subsection E.7.~~

Thank you for your attention to our comments.

Sincerely,



Ann Rappoport, Co-Chair
Rabbit Creek Community Council



Michelle Turner, Co-Chair
Rabbit Creek Community Council