

Rabbit Creek Community Council's preliminary reflection on 2023-87 'HOME' - Housing Opportunities in the Municipality for Everyone Initiative through re-zoning the Anchorage Bowl

In four months, the Assembly has released four draft ordinances to re-zone all residential land in Anchorage. The latest draft, AO 2023-87, reduces residential zoning into five districts, and eliminates single-family districts.

AO 2023-87 would override several District and Neighborhood Plans and policies of the 2020 Comprehensive Plan. The Assembly cannot legally do this without FIRST amending the plans through a public process. Nonetheless, AO 2023-087 is scheduled for a public hearing and likely vote September 26 before the public or Assembly have time to review a Muni staff analysis due that same day. Moreover, this analysis will be incomplete, because the draft ordinance compels numerous additional changes to Title 21, our Anchorage Land Use Planning code, without disclosing details. Over the next 15 months this could result in substantial new Allowable Uses in the residential district and re-writing of many Development Design Standards.

The draft ordinance's "Whereas" section emphasizes our issue of lack of affordable housing and our need to accommodate diverse households and income levels. We concur with these statements! We question the "Whereas" statements that simplifying zoning will magically and quickly result in the affordable, diverse housing we desperately need. The draft ordinance lacks any documentation that Anchorage's current zoning is the cause or the solution for affordable housing; nor can we find useful examples from other areas that simplifying zoning increases housing, particularly affordable housing.

Our current 2040 Land Use Plan already identifies locations for higher residential density with proximity to supporting infrastructure. It shows ample land zoned for multi-family housing: over 27% more than needed even in a high-growth scenario. There is also more than enough capacity for compact housing because updates to the Accessory Dwelling Unit (ADU) code allow ADUs on any single- or two-family parcel. And finally, the ordinance cannot address the myriad other issues complicating the rapid development of housing, and affordable housing, in Anchorage such as supply shortages, labor shortages, increased cost of building materials, and rising mortgage interest rates.

Below is a summary of significant issues and concerns with AO 2023-87, followed by suggestions for a positive path forward on housing.

Significant Issues and Concerns with AO 2023-87

- The top-down autonomous approach by the Assembly does not allow a meaningful evaluation and dialogue among Assembly, Anchorage residents, and Muni staff with relevant expertise (e.g., Planning, Watershed, Anchorage Fire Department, etc.). Four draft ordinances in four months indicate a need for broader discussion and professional analysis.
- There is no documentation that AO-087 re-zoning will produce affordable housing, especially in the near-term that Anchorage residents need. Zoning is intended to guide land use for long-term efficiency and investment decisions.
- This AO is not a complete package: it mandates or compels numerous other changes to Title 21 and our land use plans, with unforeseen consequences. This is like shooting a gun toward a noise in the dark.
- Alaska Courts have found that ordinances cannot override adopted land use plans. Title 21 code must follow Anchorage's 2020 Comprehensive Plan, and the more specific 2040 Land Use Plan, as well as District and Neighborhood plans. In violating numerous adopted policies, the AO would likely be adjudicated as illegal.

- To achieve the area-wide rezoning proposed by this AO, the Muni must amend the 2020 and 2040 plans first, not after the fact.
- District and neighborhoods plans developed through a thoughtful, participatory longer-term process will be ignored and overturned by this AO.
- It ignores and overturns well-accepted Comprehensive Plan policies:
 - The concept of targeting future density in Downtown and neighborhood centers where intensive activity can be supported by services such as transit and pedestrian infrastructure.
 - Infill and redevelopment in targeted areas: these would be weakened; instead, urban sprawl with pockets of density across the Anchorage Bowl are more likely, creating inefficiencies for infrastructure, public services, and transportation.
 - Supporting distinctive neighborhoods, and varied densities according to infrastructure, the natural setting, and traditional neighborhood character.
- Title 21 requires a specific process for rezoning. This includes notifying each landowner; a large role for review and approval by the Planning and Zoning Commission; analysis by Muni experts in Planning, Traffic, Watershed, Fire, etc. regarding potential problems, solutions, costs, and legality. This AO eliminates PZC from the process; the 21-day published notice requirement is waived.
- Eagle River and Girdwood have already been exempted from this ordinance.
- Planning staff does not have the resources to responsibly analyze the proposed AO, amend the various land use plans, update Title 21, and implement the proposed changes across Anchorage in the timeframe established by the AO.
- We question where the Hillside District Plan allows for merging of residential districts and suggest other area plans also do not allow such mergers.

Path Forward: Recommendations to positively address Anchorage's housing crisis

- Suspend AO 2023-87: areawide residential rezoning:
 - Is not a practical or timely solution to affordable housing.
 - Ignores and overrides our adopted land use plans.
 - Encourages urban sprawl across the Anchorage Bowl, instead of infill and redevelopment of central or blighted areas.
 - Opens a Pandora's Box of unknown changes to Title 21 and Land Use Plans that should all be considered as a package, not piecemeal.
 - Would become legal only if land use plans are amended through a public process.
- Fund an update to our Comprehensive Plan, Anchorage 2050 – engaging citizens in developing a new vision and plan for Anchorage.
- Implement higher densities in areas already identified in the 2040 plan (e.g., downtown, mid-town) and monitor the effect on affordable housing before tearing apart our entire zoning code.
- Work with the State, Alaska Housing and Finance Corp., Cook Inlet Housing Authority, other non-profits, and private partners to develop economic incentives for affordable housing (e.g., lower interest and subsidies for first time home buyers; tax incentives for developers).

Finally, we reject the implication that current residential zoning is exclusionary. Under current zoning, residential zones across Anchorage contain housing of varying sizes and price ranges. Under current zoning, any lot can add a compact ADU.

Attachment – based on an August 22, 2023, memorandum provided by the Assembly
 Chart shows names for new zones and which current zones are combined into each new zone.

Existing Anchorage Zones	Under AO 2023-87, these convert to:
R-5, R-6, R-7, R-8, R-9, R-10	LLR–Large Lot Residential
R-1, R-1A, R-2A, R-2D	STFR–Single and Two Family Residential
R-2M Compact	Mixed Residential - Low
R-3, R-3A	Compact Mixed Residential - Medium
R-4, R-4A	Urban Residential – High

This Would Require:

- Amending chapter 4: Zoning districts–**creating new purpose statements according to the 2040 land use plan.**
- Amending chapter 5: Uses--update the primary use and accessory use tables. Also look into any special use restrictions for existing zones.
 - Which uses should be allowed where? What is the purpose of distinguishing between so many use types (especially for residential)?
 - Are there any uses that need to be added or removed? (Short term rentals, for example)
 - Is this the time to look seriously at moving away from use-based zoning towards form-based zoning?
- Amending chapter 6: Dimensional standards–**Discuss the dimensional standards for each new zone (lot size, height, setback, etc.)**
- Amending chapter 7: Do we **need all these highly specific design standards?**
- Amending other sections of code with buried references to existing zones.
- Addressing whether Girdwood and Eagle River want a similar approach or prefer their existing codes.

Assembly Member Justification and Identified Benefits/Obstacles

- This directly implements the adopted 2040 plan. This is the direction in which the MOA is already moving. [RCCC asserts this is not true]
- Large swaths of Title 21 create complications without clear benefit, but this allows a chance to start over without a complete code rewrite.
- This proposal does not address mixed use or industrial zones or any of the highly impactful elements of Title 21 related to design and other standards.

Benefits	Obstacles/Complications
<ul style="list-style-type: none"> ● This addresses the need for change within the existing framework. ● This could be a new approach to zoning which focuses on trying to reach positive outcomes rather than avoid negative potentialities. ● Simplified zoning will allow for expanded property rights and more flexibility for development. ● Simplified zoning provides more opportunities for building different types of housing and other economic activity. ● Simplified zoning makes local land use regulations more accessible and transparent to the public. ● This approach would directly implement the 2040 plan, and likely result in an Anchorage that looks like the plan intended. 	<ul style="list-style-type: none"> ● Existing residents will have less control/ influence over their neighbors' behavior. ● MOA might need to be more responsive to dealing with nuisances relating to impactful behaviors on private property. ● Finding consensus on design standards (Chapter 7 of Title 21), or establishing a baseline of what is arbitrary and what is clear and objective, might be difficult. ● Existing bureaucratic structures may be uncomfortable with uncertainty and/or hostile to growth/change. ● This won't make the desire to exclude go away. Those with means might resort to more HOA or other types of restrictions in some areas, but these are more easily changed (and enforced differently) than zoning rules controlled by the Municipality (see lot reform in Texas).