

**ANALYSIS AND JUSTIFICATION FOR RCCC RECOMMENDATIONS AND COMMENTS
ON AO No. 2023-87(S)**

RCCC agrees that Anchorage is suffering from a housing shortage. We appreciate the Assembly's attention on housing. As we have all heard, major factors contributing to the lack of new and of affordable housing are beyond the Assembly's influence: high mortgage interest rates, building supply issues, lack of experienced construction trades people, and weaknesses in Alaska's economy. Nearly all these issues are shared by municipalities across the United States. We are also aware of studies documenting the negative social impacts of exclusionary zoning and appreciate the Assembly's efforts to avoid that situation. However, we are concerned that the current approach in 87(S) is not backed by planning data, will not have the intended effect on housing supply or affordability, and violates Anchorage's adopted land use plans, Title 21 land use code, and Municipal planning and zoning processes.

We believe targeted rezoning would better address the issue of Anchorage's housing shortage, while using existing infrastructure to reduce development costs, and concomitantly protecting distinctive neighborhood character and area-specific plans developed with public input. We offer suggestions on ways to implement our land use plans to achieve cost-efficient development, housing choices, and distinctive neighborhoods. Our analysis and comments are presented here in six sections, as summarized in the cover letter, followed by our recommended actions in lieu of implementing 87(S).

1. **87(S) is not ready for a decision under Title 21.03.160**
2. **87(S) does not meet primary purposes of Title 21 - Title 21.01.03 General Provisions, Title 21.01.130, and Title 21.04.020 Zoning**
3. **87(S) does not meet rezoning approval criteria: - Title 21.03.160.E Approval Criteria**
4. **2040 Land Use Plan - 87(S) does not comply**
5. **Anchorage 2020 Comprehensive Plan – 87 (S) does not comply**
6. **Hillside District Plan – 87(S) does not comply**
7. **Recommended actions in lieu of a Planning and Zoning Commission decision on 87(S)**

Section 1. 87(S) is not ready for a decision under Title 21.03.160

1. Lack of evidence. Zoning is a fundamental tool of land use planning and should not be dramatically reconfigured without cause-and-effect data and analysis.
 - a. No data has been presented to demonstrate that zoning in Anchorage constrains housing stocks or causes unaffordability. Current zoning is being scapegoated as a cause of housing unaffordability in Anchorage.
 - b. No rationale has been presented for eliminating the purpose statements for the current distinct large lot residential zones. These zoning districts are based on infrastructure

insufficiency, cost-efficiency, environmental constraints, and quality of life. They are well-documented and justified in the Hillside District Plan (HDP), the 2040 Land Use Plan (LUP) and the 2020 Comprehensive Plan (Comp Plan).

- c. The proposed zoning changes of 87(S) reduce predictability and create cost-inefficiency for infrastructure and services, both in existing and new developments.
 - d. We can find no geographical nor quantitative evidence for the WHEREAS section claims that simplifying zoning, “. . . promotes efficient land use by utilizing existing infrastructure; reducing urban sprawl, and minimizing the need for extensive new infrastructure,” or will create a customer base for the public transit system, [can] help preserve natural areas and open spaces, and reduce carbon emissions. This information should be provided in order for the Planning and Zoning Commission (PZC) to reasonably review 87(S).
2. 87(S) prioritizes a single Comp Plan Policy (affordable housing) while violating numerous co-equal Comp Plan policies.
 3. 87(S) will force multiple, fundamental changes to adopted land use plans, with the consequence of unraveling those plans. This process is contrary to Alaska Statutes that planning shall guide regulations, not the reverse.
 4. 87(S) is incomplete, denying the public, staff, and PZC the chance to understand the full effects. It does not provide full details for dimensional standards, development standards, design standards, allowable uses, and all the amendments this rezoning will force upon numerous land use plans with which 87(S) it does not comply. These elements are all integral to zoning. They are definitional. These elements should be laid out before lands are zoned, and in fact used to analyze which lands receive new zoning. 87(S) fails to clearly describe these elements.
 5. The public has been denied meaningful participation and informed review of the successive ordinances that are assumed under 87(S). The measure’s sponsors continue to develop their initiative piecemeal and separate from professional municipal planning staff. Their efforts lack supply-demand analysis, long-term cost-benefit analysis, and the public-generated vision and quality of life framework that supports current land use plans and zoning districts. Staff are relegated to analyzing piecemeal drafts that become obsolete before they are subject to public hearings. The Assembly sponsors have repeatedly made game-changing floor amendments at PZC and Assembly public hearings which precludes any professional analysis or public comments.
 6. The cascading effects of 87(S) and subsequent changes to code and the unidentified but sweeping changes to the Comp Plan that 87(S) will require are outside the scope of normal rezoning. We question whether 87(S) can legally and fairly be considered under 21.03.060, the rezoning process for a number of reasons outlined in Section 2.

Section 2. 87(S) does not meet primary purposes of Title 21, including in Title 21.01.03 General Provisions, Title 21.03.60 Rezoning, and Title 21.04.020 Zoning

Anchorage Municipal Code Title 21.01

The purposes of Title 21 in codifying the Comp Plan are established in the first section where there are numerous co-listed purposes. No single purpose should be pursued to the negation of numerous other purposes. Proposed AO 87(S) and the series of associated “HOME” ordinances work AGAINST several Title 21 purposes as highlighted below in the list of Title 21’s purposes: 21.01.03 The purpose of this title is to implement the comprehensive plan in a manner which protects the public health, safety, welfare, and economic vitality by:

- A. Encouraging the efficient use of existing infrastructure and the available land supply in the municipality, including redevelopment;
- B. Encouraging a diverse supply of quality housing located in safe and livable neighborhoods;
- C. Encouraging a balanced supply of nonresidential land uses that are compatible with adjacent land uses and have good access to transportation networks;
- D. Promoting well-planned development that reflects the municipality’s unique northern setting, natural resources, and majestic surroundings;
- E. Providing appropriate development incentives to achieve an economically balanced and diverse community and to promote further economic development in the municipality;
- F. Protecting the diversity of fish and wildlife habitats by minimizing adverse impacts of land development on the natural environment;
- G. Protecting development and residents of the municipality from flooding, wildfires, seismic risks, and other hazards;
- H. Encouraging development of a sustainable and accessible system of recreational facilities, parks, trails, and natural open space that meet neighborhood and community-wide needs;
- I. Promoting development in city centers and infill areas so as to create efficient travel patterns.

Title 21.03.60.A Rezoning

Section 21.03.160.A Rezoning - Purpose and Scope establishes the purpose of zoning as follows: “Zoning is intended to provide a degree of certainty that is important for long-term investment and neighborhood cohesion and stability.”

Contrary to this intention, 87(S) increases the unpredictability of future residential neighborhoods for both private and public decision-making by removing or drastically changing design standards and density standards called for in the adopted land use plans.

Title 21.04.020 Residential Districts, General Purpose and Intent

By eliminating many design standards and by merging distinctive zoning districts, 87(S) would reduce the distinction of neighborhoods, fail to mitigate the impacts of higher density, and reduce the predictability of future development. This fails to comply with the intent of zoning required here:

- “A.5. Protect the scale and character and unique appeal of existing residential neighborhoods and of community areas generally;
- A.8. Where appropriate, minimize the location of residences in high natural hazard areas . . .
- A.11 Designate areas for residential living that support neighborhood identity and economic vitality and thus give predictability to residential settings and encourage investments and enhancements.”

Section 3. 87(S) does not meet rezoning approval criteria: - Title 21.03.160.E Approval Criteria

Section 21.03.160.E establishes nine criteria which ALL must be met before the planning and zoning commission may recommend approval and the assembly may approve a proposed rezoning action. 87(S) does not meet six of these criteria.

Criteria E.1. is for the public interest, “The rezoning shall be in the best interest of the citizens of Anchorage and shall promote the public health, safety, and general welfare.”

- Best Interest - areawide rezoning overturns the adopted land use plans which should be considered to represent the broad, long-term interests of the citizenry. The adopted land use plans were developed in an iterative process over a period of years with robust data, professional analysis, and extensive, documented public input. The adopted plans represent the best interests of the citizens of Anchorage more accurately than 87(S) that appears to have been developed largely with real-estate interests in lieu of municipal planning staff expertise and public input.
- Public health - random, scattered residential infill across the entire Bowl creates a pattern of urban sprawl and induces more driving, which poses public health risks from traffic crashes, sedentary lifestyles, particulate emissions, greenhouse gas emissions, and inequity for non-drivers. Public health is also degraded by the disruption and dysfunction posed by 87(S) from higher density in areas with onsite well and septic systems, and from drainage issues, increased run-off, soil erosion and loss of natural vegetation in areas not physically suited for higher residential zoning.
- Safety - random, scattered residential infill across the entire Bowl creates safety hazards because transportation infrastructure, emergency services, and other public services cannot be expanded everywhere at once. Emergency egress, wildfire defense, and disturbance of slopes are specific safety concerns. Safety is also diminished by induced vehicle travel.

Criteria E.2. requires a rezoning to comply with and conform to the Comprehensive Plan.

Note: there is a very long list of ways in which 87(S) fails to comply or conform with the comprehensive plan, including the plan maps. We expect that Municipal Planning staff will have a much more complete list but have listed a number of these below.

- 2040 Land Use Plan Map 3-1. Actions Map (p. 94) – recommends and identifies areas for targeted rezoning and specifically does not recommend areawide rezoning.
- 2040 Land Use Plan Map 2-1. Land Use Plan Map (p. 31) – does not recommend “simplified” residential zoning. The Plan clearly states that this map illustrates “a more general picture of future land use,” not zoning or re-zoning. The difference between land use designations and zoning districts is clearly stated in the 2040 LUP: “Most every land use designation has a corresponding set of zoning districts which implement it. This allows for a range of possible zoning densities to reflect local conditions and characteristics of the site and surrounding area. The area’s land use designation does not imply that the most intense corresponding zoning district is recommended or is the most appropriate for every parcel.” (p. 29, emphasis added).
- “Simplified zoning” undercuts the main principles of the Comp Plan and the LUP. We found 87(S) to not be in compliance or to not meet these, as follows.
 - Growth allocation. Both existing plans allocate growth to various quadrants of the Bowl based on extensive analysis of infrastructure, proximity, development constraints and existing neighborhood patterns. 87(S) is not in compliance with the plans as it would redistribute growth in unpredicted ways and is not based on a detailed locational analysis.
 - Centralized, targeted infill and redevelopment. Both plans emphasize centralized, targeted infill and redevelopment, that will guide most future residential development to cluster in or near commercial centers, neighborhood centers, and transit corridors. Instead, 87(S) invites new residential development anywhere, guaranteeing density nowhere and encouraging urban sprawl and all the attendant inefficiencies and health impacts.
 - Support higher density with infrastructure. Both plans have policies to ensure that higher density areas will be supported by existing infrastructure and additional investments in pedestrian access, transit, parks, and other place-making investments. Contrary to these policies, 87(S) invites random pockets of density, making it very difficult to match growth to new public infrastructure and services or to give predictability to private investors and home purchasers.

- Design standards. Both plans place an emphasis on design and dimensional standards as “essential tools” to ensure that the aesthetic form, distinctive features, and livability of traditional neighborhoods will be maintained, e.g., Comp Plan policies 11, 12, 13, 23, 24, and 25. As previously described, 87(S) lacks a complete list of design and development standards. We are particularly concerned that recent related ordinances from the sponsors of 87(S) have already stripped away some design standards and reduced lot setbacks.
- Distinctive neighborhoods, by design. Both plans support distinctive neighborhoods and a range of densities, e.g., Comp Plan policies 13, 46, 47, 50, and 52. The choice of densities is reduced through 87(S) because it ignores the need for design standards to maintain the scale, form, and distinctive characteristics of neighborhoods. With its areawide application, 87(S) neither identifies or protects the characteristics of neighborhoods, as advocated in the LUP (pp. 36-49) and Comp Plan.

Criteria E.4. establishes that, “The rezoning is compatible with surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities.”

The higher densities and the removal of environmental purpose statements allowed under 87(S) pose negative impacts to watersheds. Degradation of watersheds will in turn impact residential areas with onsite wells and septic, and riparian areas and estuaries such as Potter Marsh, a State Critical Habitat. The higher densities in subalpine and alpine areas will also impact wildlife movement and habitat of adjoining Chugach State Park.

Criteria E.5. concerns the capacity of infrastructure to support the rezoning: “Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, while maintaining adequate levels of service to existing development.”

Maps in the 2040 LUP Planning Atlas and HDP document the limited infrastructure and services within the HDP area compared to other parts of the Bowl. This lack of infrastructure and services means that development will not be cost-efficient either to investors or the tax-paying public, compared to other parts of the Bowl. The Anchorage Water and Wastewater Utility service area covers only parts of the lower Hillside (HDP Map 5.8, p. 5-31). The Planning Atlas shows the unlikelihood of transit in large areas of the Bowl, including south of Dimond and Abbott roads (Map CI-2, p. 47). There is a pronounced lack of pedestrian facilities in much of Anchorage (Atlas Map CI-3, p. 49). The projected school capacity in 2040 will be far over-capacity in south Anchorage even under current zoning, with under capacity projected in north and central Anchorage (Atlas Maps CI-4a, p. 55; CI-5a, p. 56; CI-6a, p.57). Park capacity is also markedly underdeveloped in south Anchorage, compared to other parts of the Bowl (Atlas Map

CI-7, p. 59). The HDP shows that not all the Hillside is even within the Anchorage Parks and Recreation Service Area (Map 6.4, p. 6-14) or the Building Safety Service Area (Map 6.5, p. 6-20).

Criteria E.6 addresses significant adverse impacts upon the natural environment:

“The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts shall be substantially mitigated.” This criterion is not met by 87(S) because:

- Rezoning creates infill anywhere, creating a sprawl pattern of growth that induces more driving than the current zoning and targeted infill. Increased vehicle miles traveled (VMT) create significant negative impacts on air, water, noise, storm water management. The rezoning fails to assess adverse air quality impacts as required for major public land use and transportation decisions under Comp Plan Policy 40.
- Deleting the lowest density zones on the Hillside decreases habitat and harms wildlife movement including movement from alpine areas in Chugach State Park to lowland areas and the Coastal Wildlife Refuge. The increased densities also will result in greater impacts to natural terrain and topography, and hinder watershed-scale management, in contravention to HDP Policies and 2020 Comprehensive Plan Policies 13, 66, 67, 70, 71.

Criteria E.7 ensures rezoning will not result in significant adverse impacts on adjacent land uses:

“The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations.” However 87(S) will not do this.

- Eliminating design and development standards in the higher density zones such as Mixed Use is contrary to the many policies of the LUP and Comp Plan which establish that design standards are an essential tool for successful, compatible infill.
- The greatly increased densities possible on the Hillside pose damaging impacts to adjoining land uses: disruption to aquifer recharge; drawdown of the aquifers; loss of septic function; uncontrolled run-off; erosion; traffic bottlenecks on substandard roads.

Criteria E.8. prevents rezoning from exacerbating a land use pattern that is inconsistent with the Comp Plan. Contrary to this criterion, 87(S):

- Promotes “infill anywhere” with reduced design and dimensional standards, which is inconsistent with the Comp Plan land use pattern of targeted infill and redevelopment, supported by increased infrastructure and design standards.
- Promotes in-city urban sprawl and increased vehicle miles traveled (VMT).
- Is inconsistent with the HDP by potentially increasing density from two- to eight-fold or even greater and by eliminating the design and development standards that both the Comp Plan and LUP repeatedly cite as key implementation tools.

For the Hillside, areas zoned R10 cannot safely be developed at higher density without development criteria. That zoning district is currently described: “where natural physical features and environmental factors such as slopes, alpine and forest vegetation, soils, slope stability, and geologic hazards require unique and creative design for development. Creative site design and site engineering are essential.”

Section 4. 2040 Land Use Plan - 87(S) does not comply

As described previously under criteria for 21.03.160E, the LUP Map 3-1. Actions Map (p. 94) recommends and identifies areas for targeted rezoning and specifically does not recommend areawide rezoning. 87(S) does not comply with the LUP’s policies for: growth allocation; centralized, targeted infill and redevelopment; matching growth to existing infrastructure; safe, efficient travel and reduced vehicle traffic; design standards; or distinctive neighborhoods, by design.

Our review finds 87(S) not in compliance with these LUP Goals (pp. 17-23):

- “Goal 2: Infill and redevelopment meets the housing and employment needs of residents and businesses in Anchorage.” This goal has 12 actions. Areawide residential rezoning is not one of the actions. The HOME Initiative could and should focus on several actions for Reinvestment Focus Areas, economic incentives, and “create a medium-density residential district that allows mixed use commercial in an integrated neighborhood setting . . . Direct this district to locations next to Centers or Corridors.” Action 2-6, page 83.
- Goal 3 promotes mixed-use, walkable commercial centers. 87(S) thwarts infill into commercial centers by increasing density allowances everywhere. Dispersal instead of concentration defeats the concept of thriving centers.
- “Goal 5: Coordinated and targeted infrastructure investments catalyze new growth, provide an acceptable return on investment, and equitably improve safety and quality of life.” 87(S) also thwarts the Municipality’s ability to coordinate and target infrastructure for optimum growth and quality of life, because infill is invited anywhere.
- “Goal 6: Anchorage coordinates transportation and land use to provide safe, efficient and affordable travel choices.” The promotion of “infill anywhere” as promoted in 87(S) circumvents the Municipality’s ability to predict where to invest in transit, active transportation, or roads. Safety is compromised. Cost-efficiency is hard to ensure.
- “Goal 7: Infill development is compatible with the valued characteristics of surrounding properties and neighborhoods.” There are seven implementation actions for this goal, none of which are incorporated in 87(S). The areawide approach to infill anywhere without design standards found in 87(S) ignores the valued characteristics of surrounding properties and neighborhoods.

Section 5. Anchorage 2020 Comprehensive Plan – 87 (S) does not comply

Existing Case Law documents the importance and precedence of the Comp Plan.

In **Lazy Mountain Land Club v. Matanuska- Susitna Borough Board of Adjustment and Appeal**, (Sept 1, 1995) 904 P 2d 373, the Supreme Court of Alaska stated that "Adoption of a comprehensive plan must precede enactment of zoning regulations." The court concluded "that the language of AS 29.40.040 requiring that zoning regulations be enacted "in accordance with" or "in order to implement" the comprehensive plan, requires the Borough's zoning regulations must be consistent with a validly enacted plan."

In **South Anchorage Coalition, Inc. v. Coffey**, 862 P.2d 168, 174, the court stated that "many of the evils in zoning practice can be ameliorated by judicial insistence upon the zoning board's compliance with the statutory requirement that any changes in the zoning ordinance be made "in accordance with a comprehensive plan."

There is little value given to the public process when others can, in a relatively short period of time and with minimal public interest or notice, in effect rewrite any portion of the Comp Plan to suit their needs or desires. American Law of Zoning 5.02, at 263 (2nd 3d. 1976) states: "The notion that zoning regulations should be imposed only in accordance with a comprehensive plan is founded on the basic premise that zoning is a means rather than an end. The legitimate function of a zoning regulation is to implement a plan for the future development of the community."

An opinion in late 2000 from a Municipality of Anchorage attorney to Mayor Wuerch when asked, "Is it mandatory for land use decisions to follow the Comprehensive Plan?" said, "the answer is 'yes'."

Under AS 29.40.040. Land Use Regulation, a comprehensive plan adopted under AS 29.40.030 shall be implemented with subsequently enacted provisions to implement the plan governing the use and occupancy of land. This clearly establishes the role of Title 21 as an implementation tool of the Comp Plan and the broad definition of a Comprehensive Plan described in AS 29.40.030.

Specific policies of the 2020 Comp Plan

Comp Plan Policies 1 and 2 specify that Neighborhood or District Plans are essential strategies to develop specific land use guidance.

Comp Plan Policy 3 allocates residential growth for various geographic subareas of the Anchorage Bowl, and the Southeast Anchorage allocation for the Hillside is roughly met by current zoning and the Hillside District Plan. Individual parcel up zoning continues to add incremental density to the Hillside in places where infrastructure and natural site conditions can support it: e.g., Sky View Estates on Lower O'Malley, and Huffman Hills on lower Huffman.

Numerous 2020 Comp Plan policies encourage infill, redevelopment, and greater density, and these policies list design standards as essential strategies for implementation. The Assembly, in

recently passed AO 2023-103, proposed AO 2023-87(S), and the un-numbered ordinance from January 2024, delete many design standards while also increasing density, directly violating Comp Plan policies such as 3, 9, 11, 12, 17, 18, 19, 21, 22, 24, 25 and 46.

Specifically, Comp Plan Policy 46 states: “the unique appeal of individual residential neighborhoods shall be protected and enhanced in accordance with applicable goals, policies and strategies.” Essential strategies include neighborhood or District Plans, such as the HDP which was developed through a carefully implemented public process and covers the Rabbit Creek Community Council area; and Design Standards, including Streetscape Standards and guidelines. A list of current neighborhood and special area/issue plans and studies is at 21.01-1 (pp. 1-5 through 1-7).

Section 6 Hillside District Plan – 87(S) does not comply

The Hillside District Plan (HDP) currently has residential zoning allowing for residential growth commensurate with the Comp Plan and Land Use Plan. At the time of the HDP adoption, zoning allowed for 5,030 additional homes, which was solidly within the southeast sub-area growth allocation of 4,00 to 6,000 homes.

Policies of the HDP support targeted residential growth (NOT increased density everywhere). Density targets in the HDP are based on infrastructure and environmental conditions, with Goal 1 on location and intensity of development including:

- Primary Hillside as a whole - “Policy 1-A. Encourage a greater proportion of future Hillside growth to occur in the lower Hillside, in areas located closer to existing services and infrastructure; to a limited degree reduce the amount of future development in the southeast Hillside” (p. 2-4).
- Central Hillside - “Policy 1-C. Maintain the same land use designations and zoning in this area as were established prior to the beginning of this plan” (p. 2-4).

The overarching point of the five policies under Goal 1 in the HDP is: **Maintain the Hillside’s Existing Low-Density, Rural Residential Character.**

The HDP is an adopted part of the Comprehensive Plan. It clearly outlines the infrastructure and environmental constraints to high density in the Hillside area with its steep terrain, and large areas lacking sewer, water, and paved roads. It outlines long-term solutions to some of these constraints (see the Hillside Home and Landowner Resolution, February 1, 2024, and the HDP Summary of Plan Policies, p 1-21). However, since completion of the HDP, the Assembly and Administration have not enacted those solutions, and constraints remain in terms of substandard roads, drainage, onsite water capacity, onsite sewers, lack of pedestrian systems, and low levels of emergency services – all exacerbated with the construction of more homes.

87(S) specifically does not meet the following goals of the Hillside District Plan:

Goal 1: Location and Intensity of Development

Goal 2: Character of Development

Goal 3: Infrastructure and Efficient Growth Patterns

Goal 5: Environmental Quality

Goal 7: Visual Quality

Goal 8: Drainage Management

87(S) Reduces the ability to manage run-off on a watershed basis, reduces the low-density and lot coverage that helps to manage the run-off from high elevation and steep lots. Does not implement the Hillside Area Natural Resource Protection Plan or protect aquifer recharge areas or wildlife movement corridors from the Coastal Wildlife Refuge to Chugach State Park.

Goal 9. Roads

By allowing “infill anywhere,” 87(S) increases pressures on substandard roads and areas with poor emergency egress while at the same time reducing the predictability needed to expand road infrastructure efficiently

Goal 13. Water and Wastewater “. . . Preserve the viability of onsite water and wastewater systems and the quality of domestic water supplies.”

The MOA lacks information on the carrying capacity of the well-water resources or the cumulative effect of denser septic systems. Allowing higher density in upper watersheds, and “infill anywhere,” threaten to outstrip the carrying capacity of onsite services.

Goal 14. Funding and Managing Infrastructure

The HDP has 16 policies to facilitate orderly and sustainable growth on the Hillside. Many of these include adopting additional development standards and guidelines for challenging site conditions. On the contrary, 87(S) removes existing guidelines and purpose statements for large lots and fails to include standards recommended by the HDP for sub-alpine and alpine elevations, steep slopes, ridgetops, challenging site conditions, rural roads, and rural character.

Section 7. RCCC recommendations: Follow the Land Use Plans, do not subvert them

Recommended actions in lieu of 87(S)

Given the concerns RCCC has raised about how 87(S) would negate the Comp Plan and Land LUP, and our concern that 87(S) is likely illegal, we have three primary recommendations:

- 1) A legal determination should be requested as to whether 87(S) can be evaluated under 21.03.060 as a standard rezoning action; or whether 87(S) and subsequent expected implementation measures constitute a much broader, cascading, legislative action that has the effect of overriding the basic land use patterns and development and design guidance of the Comp Plan at several levels, including the HDP and other neighborhood plans.

- 2) If 87(S) subverts the basic guidance of large parts of the Comp Plan and area-specific plans, suspend the 87(S) rezoning effort, and fund a 2050 Comprehensive Plan with broad public outreach and data-driven staff analysis, similar to the Comp Plan and LUP processes. Comprehensive plans are intended to guide zoning, not the other way around (per Alaska Statutes). Municipal Code intends our Comp Plan to be updated every 20 years: our Anchorage 2020 Comp Plan was adopted 22 years ago.
- 3) If 87(S) does not require a major Comprehensive Plan amendment or a new Comp Plan, suspend the 87(S) rezoning effort until all the implementation pieces are drafted, to allow for simultaneous review. The current 87(S) does not provide details for dimensional standards, development standards, design standards, allowable uses, and all the amendments this rezoning will force upon numerous land use plans. The public, Muni Planning and other Staff, and the Planning and Zoning Commission cannot be expected to see, understand and analyze the cumulative changes under such a piecemeal roll-out.

Recommended actions if the PZC and Assembly amend 87(S) to comply with Title 21.03.160.E, Rezoning Approval Criteria

Retain the current zoning of the HDP for the R6, R7, R8, R9 and R10 areas, given the definition of those zones based on limited access, limited services, and environmental constraints and travel distances.

Retain details of the purpose statements for all current districts, R6, R7, R8, R9, and R10 zones. These purpose statements give invaluable guidance for considering rezones, variances, conditional use permits and other administrative decisions.

Rezone the R1-A in Upper Potter Valley low density to R8 or R9 as recommended in the HDP. This is a high elevation, roadless area with wetlands, and does not meet the proposed R1A/Single and Two Family Residential (STFR) description in 87(S). The setting is clearly not “urban/suburban” and is located far from “well-developed infrastructure, public water and sewer, and municipal services.”

If the Assembly pursues a change to the R3 Residential Mixed-Use zone, then the logical conversion of R3 within RCCC would be to STFR under 21.03.160.E.3. The LUP recommends downzoning the R3 parcels within RCCC (Planning Atlas Map PZ-2). The limited R3 areas within the RCCC area do not fit the proposed Compact Mixed Residential-Medium (CMR-M) zone. Primarily within the Golden View Bridge subdivision which has already been fully built out with homes that have fairly high lot coverage, this R3 area is unlikely to be retrofitted with multifamily apartments, condominiums and multi-story townhouses. Lacking any nearby commercial area, community activity center, town center, or area well served by transit, it does not meet the purpose of “efficient use of residential land.”

Retain design guidelines for Mixed Use districts, such as those in the current R3A Mixed Use Development Standards. It is easy for commercial areas to feel uninviting and unsafe for residential occupancy. Many of the standards under 21.04.020.H.2.d are common sense and need not be expensive: e.g., parking lot placement, visible primary entries, shadow effects, and street-facing windows all provide for security and health of occupants. Other standards in the current Mixed-Use district should be retained to protect the long-term value of properties, such as important viewsheds.

Require a condition of approval in Title 21.05 to include Accessory Dwelling Units in calculations of residential density. Currently 21.05.070.D.1.b.iii(E) does not require ADUs to be counted in site density. There is no logical or legally defensible reason not to count ADUs. Accessory Dwelling Units have the same housing benefits as any other housing type, and they create the same need for services and infrastructure as any other housing type.

A single-family home plus an ADU should be defined as a two-family development under zoning district definitions. 87(S) is not transparent regarding the proposed one- and two-family residential zone. Under the proposed 87(S), all single- and two-family residential lots are de facto triplex lot or four-plex lots. 87(S) does not allow predictability of future density of individual blocks or neighborhoods. High uncertainty does not serve individual residents and investors, nor public planners and administrators.

Section 8. Recommended actions in lieu of a Planning and Zoning Commission decision on 87(S): A cooperative way to implement our Land Use Plan

As we have taken a deep dive into our HDP, zoning, and development throughout Anchorage, RCCC has been reminded of some significant recommendations and needs that are even more urgent to pursue for the greater Hillside area. We request the Assembly's support to establish entities that can coordinate future Hillside infrastructure and services as outlined in the HDP. These entities can help the Hillside catch up on infrastructure and determine the localized and overall carrying capacity of onsite well water and septic systems, as outlined in the HDP:

- Hillside stormwater management entity (HDP Policies 8A, 8B and 8D).
- Well Water Protection Program (13-G and 13-K).
- A consolidated roads, trails and drainage entity to manage and finance roads, drainage, built/green infrastructure, watershed protection and aquifer recharge, and trails at a watershed or Hillside area scale.

RCCC supports additional Title 21 development and design guidelines recommended in the HDP (e.g., see Summary p. 6-23). Guidelines are needed for Hillside land that has environmental constraints or that poses high impacts to the surrounding area. RCCC would like to participate in the drafting of:

- Hillside Conservation Subdivision standards under Title 21, per HDP Policy 14-L. The intent is to cluster development in ways that save on infrastructure costs and conserve sensitive or high-value open space.
- Standards for lighting 14-O.
- Standards for steep slopes and higher elevations 14-I and 14-J.
- Standards for ridgetop development 14-P.

The sound planning policies of the HDP were based on inventories, descriptions and analyses of existing and future conditions that took several years and resulted in a level several magnitudes more thorough and precise than any analysis we have seen to justify the zoning proposal of 87(S). Specifically of concern to RCCC is lack of evidence of a detailed analysis of Hillside conditions. A broader concern is for the potential consequences of this proposed areawide rezoning for all of Anchorage.