

ANCHORAGE'S LAND USE LAW (Title 21) REWRITE STATUS

On October 19, the mayor released his long awaited proposal to amend the Provisionally Adopted Title 21. For those that have been sleeping for the past decade, Anchorage has been rewriting its land use laws, Title 21, so they conform to the comprehensive plan adopted in 2001. The Assembly adopted all but the Definitions chapter over 18 months ago but wanted everything to be done before making it all the law of the land so they are referred to as "Provisionally Adopted." In the summer of 2010, the mayor hired former assemblyman Dan Coffey to review the Provisionally Adopted code. Mr. Coffey turned in his report in June of 2011. That report was also made available on October 19.

Evaluating the mayor's decision is a mixed bag. Most of the consultant's proposals were not accepted for a variety of reasons. Out of 37 "major issues," 22 recommended "no change" from the Provisionally Adopted code and another 3 have only minor changes. A number of them will be sent back for more work. Most are just to make the requirements more clear like those for trail and road connectivity, landscaping, using community councils for required public meetings, and off-site improvements for site condo developments.

Some recommendations may be minor but we'll have to wait until the precise wording is provided. These include neighborhood protection height transitions, requirements for private open space, changes in multi-family and townhouse standards, and stream setbacks. We expect to see the exact wording in mid November.

Significant proposals include the "Tim Potter Rule" that would allow expedited changes to the code in cases where clear mistakes were made in the rewrite. Also, proposed new zones in Midtown would be deleted and height restrictions will be removed in the B-3 zones in Midtown. Changes in those things would await the completion of the Midtown Plan. Single Family homes would be allowed in R-3 zones where the Land Use Plan Map recommends low density residential. And the mayor recommends an increase in the allowed commercial uses (that means "stores") in the Industrial I-1 zones.

The real whopper is the recommendation to delete all of the design standards for single family homes. These did not apply to large lot zones on the Hillside. They are fairly minimal standards as they had been continuously trimmed through 8 years of public process. (And no, there are no rules on paint colors!) Even though most builders far exceed the minimal standards, they really rub them the wrong way. The intent of the standards is to offer small protection to neighborhood aesthetics and home values.

Of direct impact to most of the Hillside, the change in stream setbacks is proposed to change. That would temporarily put the stream setbacks back from the proposed 50' to 100' to current code, which is generally 25'. The Provisionally Adopted stream setback of 50' in R-10 districts will be retained.

The mayor's recommendations are scheduled for a public hearing at the Planning and Zoning Commission on December 12 and sometime later to the Assembly. Expect this to be ongoing through the first few months of 2012.