

Correspondence



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



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

December 19, 2023

Dear Assembly Members:

The Rabbit Creek Community Council (RCCC) actively participated in Housing Action Week activities and is engaged in reviewing proposals to address Anchorage's housing crisis. The Assembly cannot directly address supply and labor limitations, or financial factors like interest rates which significantly contribute to the lack of new housing, and in particular, affordable housing. We appreciate your work to address where permitting and building requirements may be constraining home construction.

We are concerned attempts to rush such changes will jeopardize policies of our Comprehensive Plan and 2040 Land Use Plan (LUP) to maintain the quality and distinct character of our neighborhoods and ensure efficient investment in infrastructure and services. We agree that changing permitting of 3- and 4-plexes to come under single family/duplex zoning, rather than commercial zoning, in zones where the LUP provides for those densities, is helpful. But we are frustrated with the current process wherein changes and substitutions are on-going up to the moment of the public hearing, the changes are not analyzed adequately and presented to the public and Community Councils online in a timely manner, and we then spend time evaluating incorrect versions. Substantively, we are concerned that important requirements affecting landscaping, side setbacks, and sunlight access have been modified or deleted in conflict with the LUP as detailed in the Attachment.

At our December 14, 2023, meeting, RCCC voted to submit the attached comments on AO 2023-103(S) and request that: (1) the Assembly delay a vote until the Municipality's Planning Department provides a visual and quantitative analysis of this most recent version of 103(S); and (2) there be ample time for public/Community Council review and comment on this proposal and any amendments, prior to the final Assembly vote. Our proposal was approved at the very end of our meeting by a vote of 12 yeas, zero nays, and 1 abstention.

Our comments include support for the Planning Department's November 13, 2023, Memo recommending replacement language for several items in the original version of AO 2023-103. We support retaining the: Marine Commercial district for non-residential uses; snow storage area requirement for 3- and 4-plexes; and standards of AMC 21.07.110C.7, *Landscaping*, for 3- and 4-unit developments. We also recommend that side setbacks be 10-ft, not 5-ft to better ensure safety, viable landscaping, and character of neighborhoods.

Attached is a detailed explanation of how the review process has effectively excluded Community Councils from making informed, meaningful comments on this zoning issue; and our Council's concerns regarding violation of the Comprehensive Plan. Thank you for your attention.

Sincerely,

ATTACHMENT

Rabbit Creek Community Council (RCCC) has reviewed proposed Assembly Ordinance AO 2023-103(S), creating residential development classification for 3- and 4- dwelling unit construction and related changes. Our Board and members have two primary concerns about the process:

- It has not allowed nor supported informed, meaningful public input, and.
- It seeks to implement some elements of the Comprehensive Plan in ways that override equally-ranked elements, and that override the adopted patterns of targeted infill and redevelopment.

Public participation on AO-2023-103

RCCC been repeatedly frustrated in our efforts to make informed, timely comments on this ordinance because 2023-103 has been in a continual state of revision. Timing is a major concern. Community Councils cannot respond to last minute revisions to zoning ordinances on the eve of, or during public hearings, as occurred with the December 4th Planning and Zoning Hearing. A few months ago, RCCC first heard that AO 2023-103 was intended to change building code standards for 3- and 4-plexes. AO 103 expanded to include design standards, lot sizes, and zoning districts. The ordinance has changed multiple times, including the zoning districts in which it applies. Revisions and amendments to the proposed ordinances during those notice periods cause the public to waste time and public trust on obsolete versions.

RCCC members understand that there is a 21-day public notice for Planning and Zoning hearings and a 30-day notice from the Assembly between introduction and voting on an ordinance. These standards are minimums. On complex issues, such as changes in zoning districts and building codes, these minimum legal standards do not allow for informed, meaningful input from Councils, neighborhoods, or individuals. Most Councils meet monthly: a 45-day period is optimal for getting an issue onto an agenda and informing residents.

In addition to timing, lack of analysis is another major concern. This ordinance, 2023-103(S), markedly changes design requirements and residential density patterns which beg for illustrated examples and quantitative analysis by Planning Staff. No such analysis has been afforded to the public, even though Planning Staff has produced excellent graphic and data-rich analysis on other planning issues and Title 21 amendments. In additions, last-hour revisions can, and do, move forward without any Staff review or public comment whatsoever.

Implementation of the Comprehensive Plan

All areas of Anchorage are affected by this ordinance, whether or not they have R2-M and B-3 zones, for two reasons:

- This zoning change would impact future density patterns and the Comprehensive Plan.
- This ordinance could also set a precedent for revising other zoning districts.

Relation of Zoning to the Comprehensive Plan

Alaska court decisions make clear that zoning serves to implement adopted plans for the future development of the community: zoning is a means, not an end (see footnotes: AS 29.40.039 and .040; Lazy Mountain Land Club v. Matanuska Susitna Borough, 1995; and South Anchorage Coalitions, Inc. V. Coffey) .

The goals and policies of Anchorage's land use plans are not ranked in importance: all are important. Therefore, the public assumes that municipal actions, such as a zoning ordinance, will

work to implement some goals in a manner that will not work against other goals and policies. The “whereas” statements in 103(S) quote only two Goals from the Anchorage 2040 Land Use Plan (LUP), while not citing other key guidance from the 2040 LUP regarding infill and increased density.

We request citation of other relevant 2020 and 2040 LUP guidance and goals, and staff analysis about how the ordinance affects the goals cited below:

- 2020 Plan (cited in the 2040 LUP): Neighborhood Identity and Vitality. Encourage distinctive neighborhoods that are responsive to the diverse needs of residents in urban, suburban, and rural settings, with amenities and infrastructure to absorb growth, such as good access to schools, recreation, natural areas, and services.

- Area-specific plans with R2-M and B3 zoning

Goal 6 of the LUP: Accessible land use. Anchorage coordinates transportation and land use to provide safe, efficient, and affordable travel choices.

Goal 7 of the LUP: Compatible Land Use. Infill development is compatible with the valued characteristics of surrounding properties and neighborhoods . . . Compatible design is a key part of successful infill and redevelopment. “The scale or physical appearance of buildings, noise, glare, shadowing effects of taller buildings, parking, and other characteristics can impact neighboring properties . . . ‘Placemaking’ upgrades—including well-designed and maintained streets, sidewalks, parks, and open spaces—improve cohesion between uses, mitigate the effects of higher densities, and contribute to neighborhood value.”

LUP 7.1. Preserve, accommodate, and contribute to the character, scale, and identity of established neighborhoods as new infill housing and mixed-use development occurs. Protect and restore the natural environment as development occurs in these neighborhoods.

LUP 7.2. Ease the transitions between more intensive uses and adjacent lower-density neighborhoods—in terms of the built scale, height, level of activity, and character.

Future re-zoning changes

All Community Councils have a stake in 103(S), because the Assembly has entered a timeline to revise all residential zoning districts. The process used in 103(S) to revise R2-M zones deters and denies informed, timely, meaningful participation by the public and Community Councils. Councils are formed under Municipal Charter for the purpose of meaningful, organized participation in local governmental decisions.

RCCC requests a 2- to 3-month review period for this ordinance before the Assembly takes final action. The length of this review period should be determined by two factors: (1) turn-around time for Planning Staff to do their typical complete analysis of zoning and design ordinances, including visual depictions, and the effect on the implementation of diverse Comp Plan goals and on the intended pattern of targeted infill and redevelopment, and (2) a 45-day period for Community Councils and the public to receive and review the Staff analysis and submit comments.

Passage of this ordinance should not be driven by short-term expediency for a few builders. This re-zone has long-term multi-generational impacts on the pattern and quality of housing across many neighborhoods. This includes neighborhoods with blighted and dis-used land, if 3- and 4-plex developers choose to avoid investing there in favor of the R2-M.

Specific questions and information requested include:

- Provide maps of all the affected zoning, at a scale where people can see these zones relative to their own block or street.

- How do 103(S) guidelines encourage neighborhood identity and distinctiveness, especially in neighborhoods where, for example, distinctiveness may be based on factors such as yards, landscaping, and traditional architecture?
- Has there been any modeling to show the public how 180-foot-long 3- and 4-plexes will fit onto 6,000-sf lots, and the effects of shadowing, run-off, parking, etc. on the houses next-door?
- Address any goals and design guidance from area-specific plans regarding the vision and characteristics of their neighborhoods.
- Address the effect of this re-zoning to achieve the Comprehensive Plan's goals and policies for targeted infill and redevelopment in blighted or dis-used areas, and in a pattern that reduces vehicle dependency and can be supported by transit, and other public services.
- How will non-motorized transportation be supported in these areas, given that infill may increase density up to 30 units per acre (counting ADUs)?

Specific Revisions Requested for AO 2023-103(S)

Design Standards that remain important for 3- and 4-plexes, and their neighbors

The R2-M is targeted for 5 to 20 units per acre (and will be raised through AO 103 to 30 units per acre). This range implies considerable variability from lot to lot, and block to block, which is where design standards are critical to achieve a neighborhood that works well for everyone.

When zoning is used to spur neighborhoods toward a new scale or type of development, site and design standards are important to guide the new development in ways that mesh with existing development; to allow for efficient infrastructure and services; and to follow the goals of the Comprehensive Plan, which include distinctive neighborhoods and targeted density.

Specific Standards that are important for the R2-M to retain:

- Yard space (set at 400 square feet per dwelling unit) plus basic design standards;
- Sunlight access into every residential unit;
- Sunlight access for adjoining lots;
- Windows facing the street;
- Lines of sight to residential entries and active living spaces for casual surveillance of the street;
- Current landscaping requirements for multi-family housing, including current L2 buffer landscaping where R2-M abuts other residential zoning.

Purpose statements to retain for 3- and 4-plexes

The purpose statements for Title 21.07.110 multi-family design standards remain valuable for 3- and 4-plexes where or not in the R2-M Zone. Retain those guiding principles:

- “Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods.”
- “Avoid monotony” by “providing variety and visual interest in the exterior design” of residential buildings.
- “Enhance the residential streetscape, walkability, and the pedestrian environment.”

- “Enhance public safety by promoting lines of sight to residential entries.”
- “Locate active living spaces, entrances, and windows to improve the physical and visual connection from residences to the street, and foster opportunities for casual surveillance of the street.”

Analysis of 103(S) and other proposals should include existing and potential Accessory Dwelling Units now that ADUs are allowed throughout Anchorage.