



ASSOCIATED GENERAL CONTRACTORS of ALASKA

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October 4, 2005

Mr. Tom Nelson
Planning Department
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Re: Title 21 Response Release Chapters 4, 5 and 6

Dear Mr. Nelson:

The AGC Task Force for the Title 21 Rewrite has completed their analysis of chapters 4, 5, and 6 and would like to submit them to you for consideration. Once again AGC appreciates your willingness to accept these after the final date for comments on the rewrite.

1. In our previous communication dealing with these sections, we raised the question of including avalanche zones in the code. At this point we are unable to determine if the rewrite addresses these areas and all their implications.

2. The issue of which group recommends to the Assembly the adoption of the "Neighborhood Conservation Overlay District" is proposed as the Urban Design Commission per footnote 51. AGC continues to view this organization as another level of approval that will only delay projects and increase their costs.

3. AGC continues to have concerns about the flood hazards verbiage that is unchanged from the current code and is verbose. We would suggest that the MOA review the adequacy of the current provisions while at the same time adding language to address avalanche zones.

4. 21.04.020.J.1.f: It is impractical to design the control of surface runoff "for all intensities and durations". Some sort of practical intensity needs to be specified. (Page 133)

5. 21.04.030.B.1: Line 29 insert at the end "and bicyclists". (Page 135)

6. 21.04.030.E.1: Provide an example of what is meant by requiring structures to protect views by conform to "geologic characteristics of the western and northern boundaries of the district". Obviously preserving the views of someone at street level is different that preserving the views of someone on the fifth floor of a structure. (Page 141)

7. 21.04.030.F.2.a: It is not practical to require every food and beverage establishment to provide either direct visual or public access to the waterfront. Some establishments may be located away from visual access and in buildings themselves that do not provide direct access to the waterfront. Those that are located on the waterfront should not block access to the waterfront. (Page 141)

8. 21.04.040.A: Line 38, insert the word “and bicyclists” before “friendly network”. (Page 142)

9. 21.040.040. A.3: While this goal is desirable to provide residents easy access to businesses in the mixed use districts, care should be given to assure that such access does not become a “defacto” upgrade of the transportation corridors. (Page 143)

10. 21.04.040.A.7: Substitute “public benefit” for interest, delete “through use...colors,”. This would eliminate the possibility of design imposition by public officials. (Page 143)

11. 21.04.040.A.9: How do you define “adequate light, air, privacy...” etc? This paragraph leaves too much interpretation to public officials and takes away design license from the developer / architect / builder. (Page 143)

12. 21.04.040.B: Line 33 insert the word “bicyclists” after “pedestrian”. (Page 143)

13. 21.04.040.B.2.B Table 21.01-4: Maximum square footages allowed appear to be inadequate for practical purposes if these uses are to serve “higher density residential development” as outlined in paragraph 1 of this section. (Page 144) As noted in footnote 25 it would be better to simply specify maximum building footprint size.

14. 21.04.040.E.1: Line 27 insert the word “bicyclists” after “pedestrian”. (Page 146)

15. 21.04.040.F.1: Line 16 insert the word “bicyclists” after “pedestrian”. (Page 147)

16. 21.04.040.G.1: Requiring employment densities in a mixed use district seems contradictory at best. Mixed use would imply a variety of uses and densities thus how can one specify minimum employment requirements. Line 35 and line 36 insert the word “bicyclists” after “pedestrian”. (Page 147)

17. 21014.040.H.3.b: As noted in footnote 33 additional discussion needs to take place to define “public focus area” and specific types of uses anticipated / desired prior to implementation of this paragraph. The general impression of this type use is acceptable. (Page 148)

18. 21.04.040.H.5.i and ii: Paragraph “i” allows café seating between building and public sidewalks. Paragraph “ii” refers to setbacks in 21.06.010.C which state the maximum setback of 10’. It appears that the setback requirements need to be corrected to allow for café type seating which is laudable. (Page 149)

19. 21.04.040.H.6.B: add sub paragraph including bicycle racks. (Page 149)

20. 21.04.040.H.6.c.ii: Delete last phrase of first paragraph: "...as determined by the Director" and the last sentence to eliminate the possibility of arbitrary standard setting by a public employee. (Page 150)

21. 21.04.050.B.2: It is important that this new district be closely scrutinized because it may cause such entities as the Dimond Mall to be a non-conforming use. The MOA should be careful to assure that legal enfranchised businesses not be disenfranchised because of this change in zoning. (Page 151)

22. 21.04.060.A.1: Girdwood Airport should be included since it is included in the Airport Height Overlay District per 21.040.070.C.2. (Page 151)

23. 21.04.060.B: There should be specific areas designated, after extensive public input, as to where Antenna Farms can be located. Additionally the erection of wind powered electric generators should be specifically addressed in a similar manner. (Page 152)

24. 21.04.060.F.2.ii: As noted in footnote 45 this is at best confusing and needs to be clearly defined. Are commercial developments over 4,000 sf compatible with the Turnagain Arm Comprehensive Plan? If so public input should be sought to determine if this is acceptable considering the high traffic flow already in existence and the potential this creates for additional "heavy vehicle" traffic. (Page 153)

25. 21.04.070.C.4.d: The answer to footnote 49 needs to be determined or the paragraph omitted as it appear to be arbitrary. (Page 156)

26. 21.04.070.D.2.b: Requests to establish a "Neighborhood Conservation Overlay District" is opened as to who may request such a district and what procedures and notifications must be followed. It should be restricted to people residing within or property owners within the area proposed to be established. (Page 157)

27. 21.04.070.D.4.b: add after site disturbance "or other items as deemed critical to maintaining the existing character of the proposed district". (Page 159)

28. 21.04.070.E: Why has there been no creation of an "Avalanche Hazard Overlay District"? (Page 159) This is of much greater concern than water flooding.

29. 21.04.070.E.6.a.iii: Storage yards containing "hazardous materials as defined by the EPA and landfills should be prohibited in floodway areas. (Page 163)

30. 21.04.070.E.7.a.iii: Openings to allow for the passage of floodwaters should also have some sort of deflector intended to divert the debris that may block the screens, louver or other coverings. (Page 164) This requirement should also be included under paragraph 8.b.iv. Should not drainage pathways be provided as required for structures under flood AO category as defined on page 166? (Page 164)

31. What is the difference between Zone A1-30 and AO? The standards proposed for A1-30 require the lowest floor level to be at or above base flood level (21.04.070.E.7.vi) while AO requires lowest floor level to be 2' above base flood level. AO is a standard for "shallow flood areas". (Page 165)

32. 21.04.070.E.8.b.iv: AGC would suggest at this section add that the water supply and waste treatment system must be designed to prevent or minimize the discharge of water and wastes. (Page 167)

33. 21.04.070.E.10.c.iv (A): insert the word "planned" before "alteration" in line 9. (Page 169)

34. 21.05-2 Table of Allowed Uses: The revision prohibits any type of eating facility in the I2 and MI districts. If a bar / tavern / food-beverage kiosk or restaurant is allowed in the IC district why are they disallowed in the I1, I2 and MI districts. The logic is difficult to follow. Not allowing eating establishments in these districts forces workers in these districts to travel for lunches, thus adding to highway congestion. Limiting the size of bars/taverns/food-beverage kiosks would seem to be the more appropriate approach. (Page 190)

35. 21.05-2 Table of Allowed Uses: The table still distinguishes between "natural resource extraction, general" and placer mining. Why? (Page 194)

36. 21.05.040.K: It is AGC's understanding that this section will be revised based on discussions with the telecommunications industry. Accordingly our comments will be withheld until after those revisions are released for public review. (Page 223)

37. 21.05.050.B.1.b: This section should be reconsidered. If a building is sound proof then the verbiage after building on line 12 through line 14 should be removed. (Page 231)

38. 21.05.050.D.5.bii: The setbacks for licensed nightclubs is considerably different from that proposed for unlicensed nightclubs (21.05.050.D.6.bii). Unless there is a good public policy for such a distinction, they should be the same or similar. (Page 234-235)

39. 21.05.050.B.bi and ii: The word "unreasonable" was removed from the earlier draft in lieu of providing a definition and the phrase "to the maximum extent possible" was inserted. This sets an impossible task in that perfection is the only appropriate response. The standard does not consider the economics of compliance. The MOA should seek a more appropriate standard that meets the desired goal of the Municipality, is attainable, and considers the economics for the standard. (Page 231)

40. 21.05.050.E: This section did not address the classifications for “dog mushing tracks” or “memorials”. (Page 235)

41. 21.05.050.I.5: In AGC’s previous review of the draft statute, the distinction between “Instructional Services” and “Vocational or Trade Schools” (21.05.040.E.6) was questioned but not addressed in this address. Construction apprenticeship training would be classified under trade schools but the teamsters could make a case that since they teach construction truck driving they should be classified under instruction services. Computer instruction services are classified under instructional services but teaching data processing and computer repair would be classified as under trade school. It would appear that in many cases there is not much difference so why the distinction? (Page 242)

42. 21.05.050.L.7.b.ii: This section defines large scale vehicle sales and storage facilities as those that sell vehicles that have a gross vehicle weight in excess of 12,000 pounds. AGC’s discussions with some dealers suggest that this level is low. AGC would suggest that the MOA meet with the impacted dealers and determine the appropriate breaking point. (Page 247)

43. 21.05.050.L.10.b.i: Once again the MOA is proposing an impossible standard (see item 38 above) as this section did not address the concern of the need to define “maximum.” The maximum extent feasible would not allow entrances to face primary street frontages since it is always feasible to modify the design to avoid such frontage. Once again there is no consideration of economics or public convenience. Also regarding car washes, since these establishments are frequently “drive throughs” moving the entrance may mean that the exits face the frontage. Is the concern with “dirty cars vs. clean cars” or the queue of dirty cars waiting to be washed? (Page 248)

44.21.05.060. A.2.a: The original definition of “General Industrial Services” included “janitorial and building maintenance service” and “vending machine sales and services” which seemed out of place. The revised definition deleted “janitorial” but retained “vending” which still seems out of place. (Page 251)

45. 21.05.060.D.3.xiv: The question of what else, if anything, besides “Existing Self Storage and Vehicle Storage Operations” are grandfathered in. Are we to infer that everything that existed before is now “conforming” or that everything else is to “upgraded”. Why are these establishments specifically grandfathered in? The issue needs to be address at a minimum by a footnote. (Page 260)

46. 21.05.060.E.b.i: Shouldn’t the setbacks for streams and wetlands simply refer to the Clean Water Act? If they are different, AGC would like to know why? (Page 268)

47. 21.05.080.E.1: The term “substantial” is arbitrary and needs definition. Is the concern with aesthetics or economics? By its nature, a construction job shack is designed for functionality not beauty. Might this pose a potential problem to someone in a multi-million dollar home?

48. 21.05.080.E.4: A temporary use permit on a job site should be issued for a period

49. Table 21:06-3: Front setbacks appear too small for mixed use facilities that are meant to encourage a pedestrian friendly environment, sidewalk café establishments and similar public areas. (Page 313)

50. 21.060.0.20.A.8: (Proposed new wording) Sight triangles: No structures / landscaping (permanent or temporary) over 30" height shall be installed between the R.O.W. / PROPERTY LINE and the edge of the road within the sight triangle. (Page 321)

If you need further clarification or explanation of any of these items, we would be happy to meet with you.

Sincerely,



Richard Cattnach, for
J.A. Fergusson