



ASSOCIATED GENERAL CONTRACTORS of ALASKA

May 11, 2004

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

Re: Title 21 Rewrite
Module #2

Dear Mr. Tremont:

The following are the comments from the commercial builder's representatives on Module 2. No doubt additional comments will be generated as the rewrite project proceeds. The lack of a complete document with references and the lack of definitions preclude submitting all comments at this time. As requested before, it would also be beneficial if in the future a single page numbering system was used for the entire module so that you didn't not have multiple similar page numbers to aid in referencing various comments.

1. When will we have a response to our comments that were submitted in October 2003? We had been promised that this would be a collaborative process and that has not happened yet, or perhaps we're not part of that process.
2. *Page 3 Chapter 21.04 Zoning Districts*- Could we receive an example of where the "Neighborhood Conservation Overlay District" would be applied?
3. *Page 3 Chapter 21.05-I-1 Light Industrial District* - Could someone please explain where the employees, customers and service people are expected to eat in an I-1 District if we prohibit restaurants? One of the goals of Anchorage 2020 is to reduce the amount of automobile trips. This provision

seems to be a step backwards. There is also a drive in the community to make our city more pedestrian friendly.

4. *Page 4 Chapter 21.04 Para. I.1 (a) thru (h)* - It would appear that an avalanche hazard should be listed here. Paragraphs “f” and “g” are probably impossible to comply with and should to be re-written if the document is to set attainable standards. It is inconceivable that someone would demand that you “guarantee” an adequate supply of potable water without depleting the water source. Where do they think the water is to come from? We all deplete the water source to some degree. Also as soon as you pave anything you will increase the surface runoff over the natural undeveloped state. These paragraphs are a strong indication that the writers are out of touch with reality.
5. *Page 8 Chapter 21.04 paragraph C.2* - This paragraph would appear to prohibit City Hall, the Performing Arts Center, the Egan Center and Transit Center from being constructed where they currently are. Where does the author believe they should be built? While we recognize that we can “grandfather in” existing structures, the issue before us seems to be to make the current situation unworkable and have future construction efforts support existing infrastructure, while at the same time working toward a predefined goal. The wisdom needed to make that happen seems to be missing from this section.
6. *Page 14 Chapter 21.04 Para. E.1. (f)* - While the perceived goals of this paragraph are laudable, it would be impossible to implement in a fair, equitable and consistent manner. It is far to open to individual opinions and tastes. One persons “varied forms” might not meet the interpretation of someone else. Similarly giving someone the right to approve, and hence dictate, forms, materials, details, and colors takes the economic control of the project out of the hands of the developer and puts the success of the project squarely on the shoulders of some un-named city employee. Also how do we provide buildings that provide “interest” To whom? If it is of interest to the developer and the architect, does that count?
7. *Page 15 Chapter 21.04 Para. B* - Is it the intent of this document that Cell Towers can only be constructed in the Zone AF?
8. *Page 18 Chapter 21.04.070 Para. C.2.a.(iv)* – There is no such section but one must ask if the omission of Merrill Field is intentional or just carelessness?

9. *Page 18 Chapter 21.04.070 Para. D-* The concept of Neighborhood Conservation Overlay districts is fraught with risk and potential abuse. A minimum size needs to be determined before the idea of a (NCO) goes further. Protocols and standards must be developed before this section is adopted. Among the questions that must be addressed is how existing buildings and residents would be treated if their neighborhood were deemed a NCO. There are also personal property issues that must be considered prior to the adoption of this section.
10. *Page 18 Chapter 21.04 footnote 33 -* Rather than trying to add to the bureaucracy of the Municipality, the author needs to strongly and realistically consider sun setting the Urban Design Commission.
11. *Pages 19 thru 31 Chapter 21.04 E Flood Hazards -* Rather than just repeating an outdated, repetitive and overly complex language regarding flood hazards the author should purpose current, simple easily understood language. This effort was to be a total re-write of Title 21 not just portions of Title 21. Also the author should purpose language regarding Avalanche Zones. They are not included in this document and we wonder why?
12. *Page 12 Table 21.05-1 "Table of Allowed Uses" -* An electrical equipment dealer is very similar to a plumbing and heating equipment dealer and should be included. Also why are "aircraft and marine vessel sales", "gasoline service stations", and "Heavy equipment sales and rental" not a permitted activity in an M-1 District?
13. *Page 14 Table 21.05-1 "Table of Allowed Uses" -* Why the distinction between "Natural resource extraction, general" and Natural resource extraction, placer mining"? They both involve similar activities and equipment.
14. *Page 17 Chapter 21.05 Para 21.05.020 B.1.* Everything from the 2nd sentence until the last sentence of this paragraph is simply an opinion and should be deleted.
15. *Page 29 Chapter 21.05 Para 21.05.030 B.4.b.iii -* What is the purpose of this paragraph? If the purpose is to keep eleemosynary organizations out of neighborhoods this seems to be a public policy issue that should be publicly addressed. If the issue is economic, then it should be declared as such.

16. *Page 32 Chapter 21.05.04 Para A.2.(c).v.(c)* - We recognize that per footnote 17, this section may be deleted after Module 3, but this paragraph is very onerous and expensive for the community as a whole. Our discussions with the local bond market have shown that this type of bond is unusual and very expensive to obtain. The bond underwriters indicate that it is their opinion that this type of bond requires that they underwrite the financing risk of a development and that is something they would rather not do. Also the duration of this bond could be much longer than two years because the bond would be required to be obtain at the time of permitting. They have indicated that the cost of the bond could exceed 25% of the landscaping cost. If you take the landscaping at 120% times the cost of the bond at 25% this requirement increases the cost of the landscaping by 50% and does not provide for any more landscaping. This paragraph needs to be deleted or at least strongly revised to indicate when a bond is required.
17. *Page 47 Chapter 21.05 Para J.2.b.(ii)* - Who is going to do the additional research, when will it be performed, and to what criteria?
18. *Page 53 Chapter 21.05 Para B.1.b. i and ii* - The word unreasonable needs to be defined. What is unreasonable to one person may not be unreasonable to another. A veterinarian's office or a barn may offend the senses of some. What standard is to be used?
19. *Page 55 Chapter 21.05 Para C.1.a* - How would a new or existing hotel that incorporated a "Convention Center" within its plan be handled, as a hotel or a convention center?
20. *Page 55 Chapter 21.05 Para C.3.a* - Need to define "large number of people". Is it 100, 1,000 or 100,000? Where would a graduation ceremony fit?
21. *Page 60 Chapter 21.05 Para E* - Need to add language regarding "Dog Mushing Track" and "Memorials" Veteran etc.
22. *Page 63 Chapter 21.05 Para I.5.* - Why the distinction between "Instructional Services" and "Vocational or Trade Schools"? Where do "Charter Schools" fit in this plan?
23. *Page 63 Chapter 21.05 Para K* - These definitions appear overly specific and could lead to numerous omissions.

24. *Page 67 Chapter 21.05 Para 2.b.ii* - The word “maximum” needs to be defined. If the entrance to the vehicle bay can be screened from the street but it doubles the cost of the development is it required? What if it reduces the number of bays from four to three is it then required. Where did this mandate come from? How would a vehicle service facility on a corner lot be handled?
25. *Page 68 Chapter 21.05 Para 3.a* - In discussion with several automobile dealers the separation point between heavy and light vehicles is 20,000#. As written this would prohibit most dealers in town from selling some of the heavier trucks that they now sell. See also Para 8.a.
26. *Page 69 Chapter 21.05 Para 6.b.ii* - The word street needs clarification. What about a corner lot or an alley?
27. *Page 72 Chapter 21.05 Para M.4.a* - When do meeting rooms become a convention center?
28. *Page 73 Chapter 21.05 Para 21.05.060 A.2.a* - “Janitorial and building maintenance service” and “vending machine sales and services” would appear out-of-place in a General Industrial Services definition.
29. *Page 82 Chapter 21.05 Para xiv. (A)* - This is the only example of grandfather rights we have found. Are we to assume that all other examples of existing facilities that will become non-conforming by the adoption of the revised Title 21 will become non-conforming and will be required to become conforming no matter the cost or effort?
30. *Page 88 Chapter 21.05 Para 5.a and b.* - Why the distinction with snow transported to the site? Isn't a snow dump a snow dump? Shouldn't the setbacks from wetlands and streams referred to the Municipality for conformity with the Clean Water Act? Are we attempting to have requirements that exceed the federal requirements? If so, why? The maximum height of 25 feet is completely unrealistic. Is there a scientific reason for this limit? Will the MOA attempt to require the DOT snow dumps to become compliant with this requirement? Has anyone attempted to determine the cost to the community of this requirement? Will existing snow dumps be grandfathered in?

31. *Page 97 Chapter 21.05 Para 3.b.ii. (3)* - A one square foot sign is meaningless. Either allow a two square foot sign or prohibit signs altogether. A tourist would never see a one square foot sign driving down the road, but would most likely become a hazard on the road as they looked.
32. *Page 112 Chapter 21.05 Para C.4* - The word permanent needs to be defined. Does the grading of the lot or providing underground power or water constitute a "permanent alteration"?
33. *Page 13 Chapter 21.06 Para A.2.ii* - This paragraph would appear to be very onerous for an arbitrary depth of 16ft. Where does this type of change start and why?

Very, truly yours
Associated General
Contractors of Alaska



J. A. Fergusson