



ASSOCIATED GENERAL CONTRACTORS of ALASKA

January 19, 2005

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

Re: Title 21 Rewrite
Module #3

Dear Mr. Nelson:

The following are the comments from the commercial builder's representatives on Module 3. No doubt additional comments will be generated as the rewrite project proceeds. In addition the complexity and magnitude of Module 3 is such that all of the comments from the various participants have not yet been received at the AGC office and an addendum to this letter may be submitted to the Municipality by January 31.

This letter is our third dealing with the Title 21 rewrite process. The first letter dated September 10, 2003 dealt with Module 1 and the second dated May 11, 2004 addressed Module 2. To date, adequate responses to the first two modules have not been received. A letter was received on June 2, 2004 addressing the comments from our letter of September 10, 2003 but that letter merely raised additional issues. Perhaps a more fruitful approach would be for the Municipality to release their revised modules and indicate whether they accepted, rejected, or modified the earlier draft based on the comments received. In addition the Municipality has not been forthcoming with plans to move the process forward. A great deal appears to have transpired behind closed doors and rumors that selected groups were told to ignore certain sections because they were being replaced lead to the conclusion that the process is tainted, biased, and being directed toward some undisclosed result.

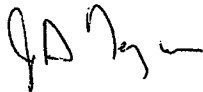
Module Three continues a theme that existed in the earlier modules. First the costs of implementing these suggestions will significantly increase the cost of development in the Municipality. AGC requested a study to look at the increased cost of developing a current project and learned that the proposed regulation would drive up costs by a minimum of at least twenty percent. Therefore AGC would request that all features impacting costs be accompanied by a cost benefit analysis.

Second, Module Three seems to represent a hodge podge of ideas that are promoted by an individual or small group and does not seem to present a systematic approach to deal with the problems that exist with the current statute. There seems to be no clear criteria for inclusion or exclusion in the draft

Third, Module Three takes a huge leap of faith by suggesting the criminalizing of violations of the proposed new ordinance. I would hope this view does not reflect the consensus of Municipal Officials toward the character of property owners and developers!

After more than two years into the process, it seems that a great deal remains to be done to make this rewrite workable.

Sincerely,

A handwritten signature in black ink, appearing to read "J. A. Fergusson". The signature is written in a cursive, somewhat stylized font.

J. A. Fergusson
Chairman, MOA Task-Force for Title 21 Revision

Addendum

The specific comments on Module Three are as follows:

1. Section 21.07.010 Page 1. A number of the purposes elicit value judgment from the enforcers. While such judgments cannot be eliminated entirely, it seems appropriate that the system should be more objective than subjective. For example, what is “proper use of land”, “high quality appearance” “good design”, “the image, identity, and unique character of Anchorage”, “compatible with the character, scale, and function”, and a “development that relates to adjoining public streets, open spaces, and neighborhoods”?
2. Section 21.07.020 Para B.3.a Page 3. Why the desire to implement restrictions in excess of what is required by Federal Law? What grievous wrong are you trying to right? What are the economic or social consequences of the revisions?
3. Section 21.07.020 para B.3b Page 3. Why is the MOA trying to enforce the Federal Regulations? Does the MOA have the budget to enforce this item? If not it should be deleted. Suffice it to say, the development needs to comply with all federal, state, and local laws and regulations.
4. Section 21.07.020 para B4ai Page 4. Has the MOA done a Cost Benefit Analysis of increasing the stream set back from the existing 50 ft to 100 ft. Don't the Federal guidelines require a 50 foot setback? What unique problems are we addressing that require a blanket doubling of the setback rule?
5. Section 21.07.020. para B.4.a.i Page 4 is in conflict with para 21.07.020 para 6 b on page 6. Revise para B.4.a.i to allow utilities in the set back area.
6. Section 21.07.020 para B.4.b.ii. Define or explain what a “delineated edge of a wetland” is.
7. Section 21.07.020 Para B.4.a.i thru v-The MOA has an extreme land shortage. Please explain the science or the logic in the arbitrary decision to increase the setback from 25' to 50'. This is another example of the authors being out-of-touch with the needs of the citizens of Anchorage. Who do the author's think will pay for the value of the land the want to make un-useable?
8. Section 21.07.020 Para B.4.d-Revise to specifically allow a stream corridor, water body or wetland setback to be credited towards any tree retention requirements, private open space requirements, or landscaping requirements.
9. Section 21.07.020 Para B.4.5.a-Why does the MOA feel driven to needlessly insert themselves into the Federal Governments arena of Wet Lands? We already have more than enough duplicity of government. Define “Qualified Professional”. The Director's approval should be automatic unless the qualified professional's findings are not supported by objective industry practices and standards. The key in such cases should be at adding predictability to the process, not to add more subjectivity and uncertainty.

10. Section 21.07.020 Para B.4.5.c.ii-Address how miss-mapped wet lands will be addressed. Since the Corp of Engineers determines wetlands and they are part of the review process for developments do we need this section? Whether the wetlands are unmapped or mismapped is an issue between the developer and the Corp.
11. Section 21.07.020 Para B.4.7. The exemption from this section for the MOA should be based on valid science and not the subjective desires of the Municipality.
12. Section 21.07.020 Para B.4.9 “Structures and Uses Otherwise Prohibited-What is the purpose of this paragraph. It is redundant and needs to be deleted.
13. Section 21.07.020 Para B.4.10 (C) This paragraph is overly broad. At a minimum the paragraph should be revised to apply only to endangered species. The way it is written it would apply to magpies and/or moose.
14. Section 21.07.020 Para C.3.j Sketches are unclear as to what the difference in the driveway accomplishes. It seems that conflicting goals are at work in this area. One is that we do not want to create situations where unstable and unsafe banks are created. The other is that we want to preserve the natural elements as much as possible and therefore fewer roads are preferred to more roads to accomplish the same objective, i.e. reach one’s residence. The sketch seems to imply that the first goal supersedes the second, but the second should be the preferred alternative if the safety and environmental problems can be mitigated.
15. Section 21.07.020 Para C.3.k-Define “cartway”.
16. Section 21.07.020 Para D 3 and 4 Define “High Hazard Avalanche Zone” and “Moderate Avalanche Zone”. Since paragraph 4 deals with Avalanche Areas, 5.c is redundant when it says “particularly within avalanche path starting zones.” The redundant clause should be removed.
17. Section 21.07.020 Para E. Wildlife Habitat Protection-The footnote is badly in error when the authors state that this is a simple standard. It is costly to perform the steps the author’s desire and produces little benefit. Once again the authors ignore the cost to the community for their social experiments. We recommend the following changes:
 - a. Para E.2-There is no regulatory agency to enforce this paragraph. This paragraph should be deleted or the MOA provide in advance a funding source to enforce it.
 - b. Para G.-In spite of the footnote comments this paragraph is not simple or cheap. Who pays for the “readily available aerial photos”? Is the canopy in winter the same as in summer? This should be addressed in the landscaping requirements not here. Also this paragraph is badly in conflict with Page 19.
 - c. Para G.3-Change to read that the tree retention requirements are not in addition to the requirements in Section 21.07.080.

- d. Para G.4-It defies all logic and sense to potentially set-aside 10% of our limited I-1 and I-2 areas. Delete the requirement for 10% retention in the Industrial areas.
 - e. Para G.5.a.ii. What is the logic that allows one property owner to be treated differently than another property owner? Under priority 2, tree coverage on adjacent property is considered. Would development of that adjacent property be limited by the lack of trees on the property adjacent to them?
18. Section 21.07.020 Para G.6 This Paragraph needs to be deleted or at a minimum the MOA needs to meet with the development community and create affordable requirements to protect trees. These requirements provide for a great expense at little or no benefit.
 19. Section 21.07.030 Open Space-This section needs input for the development community. It would have been preferred if the MOA had attempted to build a consensus on what is needed and affordable before wasting time and money on social experiments like this. This section should be deleted.
 20. Para 21.07.030 B.3-The last time this author checked Anchorage was not a National Park. Anchorage is a city rich in park land but poor in affordable housing. The city cannot maintain the park land. Perhaps a goal of 10 acres of parkland per 1,000 residents is desirable but that would suggest that Anchorage needs 2,700 acres of parks. First of all the selection of 10 acres per 1000 residents is unsupported by any data. Second, how do we consider the contribution that the Chugach National Forest contributes to Anchorage residents? And finally, if existing parkland already exceeds the mythical standard, why should a new development be forced to develop more. Delete this paragraph.
 21. Para 21.07.030 C Private Common Open Space-This is another social experiment. If the MOA truly wants to adopt this they need to have a dialogue with the development community. Many of our members object to this paragraph on an intrusion in government into private rights. Property owners currently have the right to buy into a development with CC&R's if they choose. That is appropriate, what is not proper is for the MOA to dictate the requirement. This would also appear to be "double-dipping" when you consider the Tree Retention requirements of Paragraph G. Also the MOA has conveniently ignored the cost of maintaining the "Tree Retention Areas" and "the Private Open Spaces." Also what about the impact on the Property Tax on those areas. Are they exempt from property tax? If not who pays? We are also totally lost as to how it would apply to an area like "Dimond Center" or an industrial area like exists on King St.
 22. Section 21.07.040 Drainage, Stormwater Runoff, Erosion Control-This section need to be modified to exactly mirror the 2004 Federal Requirements. The Federal Government currently has jurisdiction on areas grater than 1 acre.
 23. Section 21.07.060 Transportation and Connectivity Para A. Why is the Municipality promoting "walking and bicycling" in the land use code?

24. Section 21.07.060 Para C-For the development community a Traffic Impact Analysis (TIA) is very expensive and time consuming to prepare. They can cost between \$25,000 and \$100,000. Revise paragraph c to require TIA's only for very special and specific projects. Please note this has been a critical issue to the development community that was raised very early and then ignored in the process.
25. Section 21.07.060 Para C.1.-If State Roads are involved the DOT should be invited to attend all meetings to mitigate future challenges or problems.
26. Para 21.07.060 D.3.b-Where did the standard "to at least four public streets: originate? Also revise "Director, Traffic Engineer and Municipal Engineer" to Director only. The Director can always seek input but the "Buck" has to stop at one person.
27. Para 21.07.060 D.3.a D.3.b and D.3.g would seem to contradict each other. 3. a. requires direct connections; 3.b. requires vehicular access to at least four public streets, and 3.g. "minimizes neighborhood cut-through traffic".
28. Para 21.07.060.D.3.c-Please revise to indicate that the retrofitting of any existing streets will be at the MOA's expense. Also delete reference to "Traffic Engineer and Municipal Engineer" as suggested in comment 26. Also serious consideration needs to be given to the cost of all the grandiose plans put forth in this paragraph. Anchorage needs affordable housing.
29. Para 21.07.060.D.3.f Before this paragraph can be analyzed we need a definition of "Cross Access". Is this required for all lots or should there be a minimum threshold of 5-acres? If the MOA truly wanted this feature they should make it easier to obtain rather than dictating an easement requirement down someone's throat. What happens if the adjacent property is a Greenfield or a residential area? What happens to the landscaping requirements at the easement? More driveways take-up more valuable land and parking spaces. The easement will at a minimum take 3 spaces from each lot. Where is there any "cost benefit" analysis for an off the wall requirement such as this?
30. Para 20.07.060.E.2.a. We need to have a sketch indicating how pedestrian access and an on-site vehicle circulation, including fire trucks, should be handled?
31. Para 20.07.060.E.2.b. Once again we have a conflict with the number of parking spaces required and MOA mandated luxuries like on-site pedestrian connections. Every time a pedestrian connection crosses a parking lane it takes valuable required parking spaces. The MOA needs to build a better case for pedestrian amenities.
32. Para 20.07.060.E.4.a. This paragraph is in direct conflict with some of the landscaping requirements that require trees around the perimeter of the site. Also the MOA and the DOT are probably the largest violators of this proposed ordinance with their traffic signal boxes. What does the MOA plan to do with theirs and when will it be funded? Has the MOA discussed with ML&P moving their utility poles out of the sidewalk? Delete this paragraph in its entirety.

33. Section 21.07.070. This section is entirely new and should be developed after extensive discussions with developers and planners. There is no question that a transitional zone needs to exist between residential and commercial developments. However, all too often residential development has encroached on commercial development and the tone of this section is to force the commercial development to protect the residential development. People that move into a development next to an airport should do so with an understanding that airplanes are noisy
34. Section 21.07.070 Para B Define “decision-making body” and delete “site plan review”. Define or limit “any potential adverse impacts”. As written it is overly broad. Delete Para B.9 because it is outside the purview of the MOA.
35. Para 21.07.070.C-Delete in its entirety. The height limitations are already set in the various zoning ordinances. This is an interesting approach but seems to be arbitrary. What are the goals the MOA is attempting to achieve there and are there alternative means of addressing them?
36. Para 21.07.070.D.3.b.iii. Define “major visual entrances.” Do they exist at one point only or along a road for a specific distance or what?
37. Para 21.07.070.D.3.c.i-Per paragraph D.4 Internal site enhancement landscaping consist of general site landscaping and parking lot interior landscaping. It would appear that the comment in Para c.i in regards to interior landscaping may not be counted towards buffer landscaping is in conflict.
38. Table 21.07-D Delete note [2].
39. Para 21.07.070.D.4.c-Delete as prohibitively expensive. As this is written everything that is not building or paving would have to be landscaped.
40. Para 21.07.070.E.3-This portion of the code needs to be re-worked with real world examples. Items to consider are small business that does not have the space to build a trash receptacle without taking away from required parking spots. Do they go out of business? Currently a dumpster can be in an easement without causing a problem because it is portable. If you try to build a “screening enclosure”, ie a structure the utility will object, how does the MOA plan to resolve that conflict? Yes some dumpsters are ugly and unsightly but this purposed ordinance is unworkable and very expensive.
41. Para 21.07.070.E.3.c-Two years for a currently lawful permanent dumpster location is far too short for “Grandfather Rights”. Consider at a minimum 10 years.
42. Para 21.07.070.E.4.c-Screening of off-street loading areas is completely impractical. Please explain how you would purpose to screen the loading area of Fred Myers on Dimond. Screening creates security, fire access, maintenance, snow removal and trash removal problems. Please indicate another cold weather community of 300,000 that has a similar ordinance.
43. Para 21.07.070.E.5-The screening of rooftop mechanical equipment will cause snow drifts that were not designed for and could cause a structural collapse. Is it the intent of this paragraph that all structures without screens around their rooftop

equipment would have to go through a structural review and increase structure if required for very little benefit? Delete this paragraph because it is overly expensive and no real benefit. Screening can also be adverse to critical air flow to mechanical equipment and increase maintenance labor.

44. Para 21.07.070.E.6-The author's have not made their case that this is a serious issue. The proposed solutions do create serious problems with security, access for maintenance, solar access and other issues. Interestingly the footnote indicates that this provision was submitted by staff but the authors were unsure of its intent. This comment expresses a concern that runs throughout the revision and the comment would seem to suggest that any comment made by staff is worth of consideration. Please delete as unnecessary.
45. Para 21.07.070.F.3.c-Do you really mean to have fences eighty feet high?
46. Table 21.07-7. If you have 30 trees in your landscaping plan you can have up to 18 of any one species, but if your plan calls for 31 trees you can only have 12 of that species. The percentages seem arbitrary and subjective. They should be based on reasonable industry standards.
47. Section 21.07.080 Para E.3. Refuse Collection. This entire section needs to be reconsidered. It is cost prohibitive, ill-conceived, and does not provide adequate remedies for existing properties.
48. Section 21.07.090 para B.2.a-This paragraph is in conflict with state law and should be revised by placing a period after design professional. Also the 2nd sentence should be deleted.
49. Section 21.07.090. Para B.2.b-Delete "and Traffic Engineer"
50. Section 21.07.090. Para C.4.a-Delete the 125 percent requirement. The revisions in these documents have already increased the parking lot size by more than the 125% requirement. This suggestion seems arbitrary and capriciously and limits an owners rights with no real benefit to the community.
51. Section 21.07.090. Para D.1.c-Delete the last sentence as impossible to demonstrate.
52. Section 21.07.090. Para D.1.d-Delete the requirement to record the agreement prior to the issuance of the Building Permit.
53. Section 21.07.090. Para D.7.d-Apply this paragraph to all areas of the city, not just a MU District.
54. Section 21.07.090. Para F.1-Revise to follow normal mathematical procedures, i.e. when $\frac{1}{2}$ or larger round-up when less than $\frac{1}{2}$ rounds down.
55. Section 21.07.090. Para F.2-Revise to provide for the sharing of a common loading area, as written two uses would require two loading areas even though in practice they would probably share a common loading area.
56. Section 21.07.090. F.2-This is one of the most ridiculous requirements in the revised Title 21. This one sentence when combined with para G.5.A. that requires 20% for snow storage increases every parking lot in Anchorage by 20%. The authors are out-of-touch with reality. Revise this paragraph to specifically allow

- the snow storage area to be counted towards the required parking. Also the authors should state the reasoning behind their ridiculous earlier language.
57. Section 21.07.090. Footnote 79 page 74-Reinstate the options for compact car stalls.
 58. Section 21.07.090. Para G.1-Delete “the Traffic Engineer and”. Approval by one city official is all that should ever be required.
 59. Section 21.07.090. Para G.2.a-This paragraph conflicts with Section 21.07.090 para D.2.b.
 60. Section 21.07.090. Para G.3.d-The requirement for an upright curb or physical buffer grossly impacts the ability for snow removal. Delete this paragraph as being too expensive for the value received.
 61. Section 21.07.090. Para G.4.g-please explain why Entries, Driveways and Passenger Drop Areas have to be on private property when the best value for the public may be in the public ROW?
 62. Section 21.07.090. Para G.5-This section is so unbelievable as to be funny. Delete as impossible to economically obtain. Does the city have any “snow management districts”? Why should private land owners be required to remove snow faster than the city. This issue is already handled by simple economics. If a landowners customers or employees cannot park because of snow storage the haul snow. It is very disappointing that the authors choose to waste valuable resources drafting unreal requirements such as this. We hope the administration takes the author’s to task for wasting the drafters and the reviewers time with unachievable, unrealistic and ridiculous paragraphs like this.
 63. Section 21.07.090. Para G.9 A serious meaningful study must be done to quantify the accumulative impact of all the revised landscaping and parking lot changes. The DOWL study impacts a few of the changes will make parking lots over 20% bigger. It is recommended that the city take a serious look and decide what is realistically and economically feasible. What is presented in Module 3 is neither realistic nor economically doable. Once again it is a disappointment that the drafters wasted their time at the tax-payers expense and the reviewer’s time preparing flights in fantasy such as this.
 64. Section 21.07.090. Para G.9.a.vii-this paragraph is expensive and unrealistic. It also conflicts with an earlier requirement regarding trees in sidewalks. Lacking a definition we are forced to assume “street trees” are actually trees planted in the sidewalk.
 65. Section 21.07.090. Para G.9.a.ix-This section conflicts with Section 21.070.04 page 42.
 66. Section 21.07.090. Para G.9.b.ii.A-Revert to the existing code which requires Interior Lot landscaping only for lots with more than 50 cars, not 40, and requires 5% not 10%.
 67. Section 21.07.090. Para G.9.b.ii.B-Delete the prohibition on rolled curbs.
 68. Section 21.07.090. Para G.9.b.ii.C-Revert to the existing requirements.

69. Section 21.07.090. Para G.9.b.iii.E-Why does the city want to put landscaping in the area that will create traffic hazards by reducing the lines of sight? This is in conflict with common sense and logic.
70. Section 21.07.090. Para G.9.b.iv-It would be logical to encourage any landscaping. A paragraph such as this discourages a landowner from doing any landscaping.
71. Section 21.07.090. Para G.9.c.i-Is it the intent of this paragraph to require Perimeter Landscaping and Visual Enhancement Landscaping in the same space. Does anyone consider the cost of installation and maintenance for what they are asking for?
72. Section 21.07.090. Para G.10-A requirement such as this totally ignores all aspect of security. Delete or make more reasonable.
73. Section 21.07.090. Para G.11-Would the authors please explain their logic of taking 5% of a parking lot by requiring one shopping cart cache for over 20 spaces. A simple review of existing lots with shopping cart caches would show one cache for every 50 to 75 cars is reasonable. Parking lot caches are provided by retailers primarily to simplify the collection of shopping carts in parking areas. Why should the MOA care if a retailer has, or doesn't have, such caches?
74. Section 21.07.090. Para G.13.c Revise to 33 ft maximum (30ft pole plus 3ft base) except 38 ft in the larger lots.
75. Section 21.07.090. Para G.13.d-Would the authors please explain their logic of limiting the number of fixtures to a pole to two? Most poles located in the interior of a lot have four. This requirement would effectively double the number of poles with no benefit. Delete this paragraph.
76. Section 21.07.090. Para G.13.h-Existing light technology cannot provide this level of cutoff. Revise to 1.0 foot-candles.
77. Section 21.07.090. Para G.13.i-This paragraph as written does not provide for the lights to be on in the morning. Delete "whatever is later".
78. Section 21.07.100-Northern Climate Design-Prior to spending the taxpayer's money on a Utopian Proposal such as this it would have been prudent to meet with the design and construction community to discuss the perceived problems and potential economical solutions. The authors have not demonstrated an overriding need nor have they purposed reasonable or workable solutions. They have also not demonstrated that it is within the purview of the MOA to dictate colors and shapes of buildings on a scale such as this.
 - a. We have informally discussed the issue of "Ugly Buildings" with a great number of citizens. Most citizens will agree that Anchorage has 3% to 5% "Ugly Buildings". There is no consensus of what makes a building ugly. Remember beauty is truly in the eye of the beholder. Why would we throw out a system that works 97% of the time for a system that "might" be better? Section 21.07.100 should be deleted.
79. Section 21.07.120. Para D.1.a. This requirement to always orient a building to the primary abutting street will conflict with other orientation considerations such

- as available parking and solar orientation. This requirement should be reworded so as to only “encourage”.
80. Section 21.07.120. Pared. Many warehouse, storage, and cross-dock facilities will function ONLY if their loading docks can face the street; this requirement should be eliminated. The term “blank wall” needs to be defined or eliminated. “Garage” as used in this context should also be defined...is this meant to include parking garages, garage doors, or what?
81. Section 21.07.120. Para E.1 This “building block” design approach is one of many suitable design techniques. Other techniques may be more appropriate in some circumstances, yet this paragraph would eliminate that possibility. Further, the footprint of a 20,000 square foot structure is not that large and will vary significantly based on the number of floors. This paragraph should be eliminated.
82. Section 21.07.120. Para E.3.i Architectural tile work is not commonly used in this area due to lack of materials and craftsmen. This paragraph should be expanded to include other decorative masonry such as textured or patterned CMU or brick masonry.
83. Section 21.07.120. Para E. 4 The author seems to be stating a personal preference for stepped roof forms. In this climate, such stepped forms are problematic; they create rooftop snow drifting conditions, additional flashing, additional roof drainage and maintenance. The one full story requirement seems arbitrary and excessive. At best, this paragraph should be a suggestion, not a requirement.
84. Section 21.07.120. Para E. 5 are not convinced that the Author’s intent to encourage sloped roofs is prudent. Though counterintuitive, flat roof forms generally work well to control snow and roof drainage in our climate. Sloped roofs have performed adequately with proper detailing and proper construction, but tend to be complex compared to flat roofs.
85. Section 21.07.120. Para E. 6 Although requiring “human scale” is a valid design approach, this requirement will preclude the use of monumental scale where appropriate. This should be reworded to suggest human scale treatment is desired, but should also allow other design techniques. There are often entrance conditions where 15’, 25’ and 30’ heights would be more desirable than 10’. The 10’ maximum height will be interpreted by MOA permitting authorities as a fixed maximum, so that should be eliminated entirely. We must also ask, does the MOA have the resources to become the “beauty police”?
86. Section 21.07.120. Para E. 7 This requirement should be eliminated. Many modern building designs would be cluttered if a decorative cornice is required.

87. Section 21.07.120. Para 9 We think this entire paragraph reflects the Author's lack of appreciation for our unique sunlight conditions. The low sun angles cited often provide some of our most beautiful winter light conditions. We APPRECIATE seeing these various colors and shades reflected from buildings and we rarely experience the adverse glare the Author refers to. We think the use of reflective materials should be encouraged to add life and sparkle to often dreary winter days. This paragraph should be deleted.

88. Section 21.07.120. Para 10 Another design approach is to give value that variety can add to a group of multiple buildings. This is opposite of the Author's stated desires, but we feel is as valid an approach as the Author's suggestion for uniformity. This paragraph should be modified to allow a mix of various styles, or should be eliminated.

89. Section 21.07.120. Para G.2 The use of canopies and awnings should be encouraged but not required. Prescribing the size and height will limit creativity where the use of canopies and awnings is desired. This paragraph should be reworded to delete the "shall" which makes it mandatory.

90. Section 21.07.120. Para G.3 This paragraph should be eliminated. Other Building and Life Safety Codes require that pedestrian areas be protected from falling snow and ice.

91. Section 21.07.120. Para E.1.c The use of base, middle, and top is a design technique dating back to at least 450 BC. While we consider this a valid technique, we think that dictating the use of base, middle, and top will eliminate other approaches which may be equally suitable. This paragraph should be eliminated so as to allow a variety of design approaches.

92. Section 21.07.120. Para E.6 .d and e We agree that warm colors are sometimes desirable, but why prohibit high-intensity colors, black and fluorescent? We think our built environment needs MORE color, not less, to enliven those dark days. Black can often be elegant and rich for example. And we see no reason that neon lighting should be prohibited as an outline feature. Both these paragraphs should be entirely eliminated.

93. Section 21.07.120. Para E.7.d This paragraph regarding sign design seems especially vague and open to interpretation by review and enforcement authorities. Unless more specific requirements can be clearly stated, this paragraph should be deleted

94. Section 21.07.130. Para D-This section should be deleted. Why would the MOA require a developer to expend a great deal of time and money for something that

- might never happen? A private developer may choose to provide for “compartmentalization” because it may make his building more attractive to clients but the MOA is totally out of line to dictate the requirement.
95. Section 21.07.130. Para E-This paragraph is one persons or one small group’s opinion of what a building should look like. It does not reflect the total community’s opinion or the opinion of the design and construction community. This was and is a large waste of taxpayer’s money for no benefit.
96. Section 21.07.130. Para E.6.d-With specificity would the author’s please show where in the MOA Charter they have the legal right to dictate colors.
97. Section 21.07.130. Para.E.6.c. Who makes the determination that T-111 siding is unacceptable but metal buildings are acceptable? What criteria are used to make that determination?
- 98.Section 21.07.140. This entire section should be subject to further analysis and design and construction professionals should be consulted to determine reasonable standards. We would suggest that we delete this entire section and defer it consideration until after that study is completed and a consensus reached.
99. Section 21.07.150. Para C.1-this paragraph is completely unattainable for the construction industry and needs to be deleted. How would you drive piles or compact earth?
100. Section 21.07.150.Para C.2-The state and federal government already adequately regulate air pollution and we question why the MOA desires to attempt to regulate it also in Title 21? Delete this paragraph.
101. Section 21.07.150. Para C.3 See prior paragraph.
102. Section 21.07.150. Para C.4-Electromagnetic Radiation is adequately regulated by the federal government. Delete this paragraph.
103. Section 21.07.150. Para C.5 The federal government and various state agencies already regulate blasting and compressed gases. What do the authors hope to gain with this paragraph? Delete this paragraph.
104. Section 21.07.150. Para C.6 This paragraph is absolutely impossible to comply with in the construction industry. This paragraph would require a stack of plywood or 2x4’s to be enclosed as opposed to just sitting on a jobsite. Does anyone ever consider the cost of these regulations? The handling and storage of fuel is adequately regulated by the federal and state governments. Does anyone consider the risk to the MOA of litigation if there is a fuel leak that they knew about and violated this paragraph and they did not do anything? If this paragraph did not exist they probably would have no risk. Delete this paragraph.
105. Section 21.07.170. - This section was not reviewed because we understand that the CBD will have their own Title 21.
106. Section 21.08.030. Para D.-Delete this paragraph the subject is adequately covered in 21.07.060
107. Section 21.08.030. Para H.2 Revise to read as follows: “If any buffer and/or landscaping easement is required it shall not coincide with any overhead utility easement.”

108. Section 21.08.030. Para K.2-This paragraph limits creativity and needs to be deleted or revised.
109. Section 21.08.030. Section 21.08.060 para D.8 thru D.11-These paragraphs should be simplified by reducing to one paragraph titled utilities.
110. Section 21.08.030. Para D.12-Insert Traffic Control, if required or reasonably anticipated, after telephone cable.
111. Section 21.08.030. Para D.13-Delete this paragraph because it badly conflicts with other lighting requirements.
112. Section 21.08.030. Para D.15-Insert "buffer and/or Visual Enhancement" ahead of landscaping. Otherwise the paragraph could be read as requiring the developer to landscape the individual lots.
113. Section 21.08.030. Para E.3.b.i-Insert language that the inspection by the MOA will be within 7-days of the developers request and the money will be released to the developer within 30-days of the inspection if the work was acceptable.
114. Section 21.08.030. Para I.-Add language providing the MOA will release the security with 30-days of the end of the warranty period.
115. Section 21.08.070. Para B-Revise to show 2 acres for R-1 thru R-4 and 10 acres for R-5 thru R-10.
116. Section 21.08.070. Para D.b-Delete what is shown and insert 3200sf for R-1 thru R-4 and 5000sf for R-5 thru R-10.
117. Section 21.08.070. Para E-Delete what is shown and revert to the existing code.
118. Section 21.08.070. Para F-Change 35% to 30% and delete the 2nd sentence. Delete "utility easement" from the last sentence.
119. Section 21.08.070. Section 21.10-Signs-Did not review but we support the positions of the Anchorage Chamber.
120. Section 21.11.050-The MOA must seriously consider the consequences of their actions. They have somewhat arbitrarily, copiously and with little or no input grossly changed the requirements for a considerable number of existing buildings. This paragraph does not provide for any grandfather rights. It requires that if an owner desires the "issuance of the land use permit" the building must be instantly brought into these arbitrary and capricious requirements. For a minute put your self into the shoes of a landowner who in good faith constructed his/her building in compliance with the prior code. Now at the drop of a hat they must make changes to roof, parking, exterior lighting, trash dumpster, and landscaping with no assurances that next week the MOA may make additional arbitrary and capricious changes. Revise this paragraph to provide for a minimum 15-year of grandfather rights. Without this change what incentive does owner have to build in the MOA if they can make this kind of changes?
121. Section 21.11.070 Para A.-Provide that the application of Verification of Legal Nonconforming Status may be applied for and issued by the MOA at no MOA cost to the applicant and will be issued within 14 days of application.
122. Section 21.12. -The Enforcement activities of the MOA will greatly increase with the adoption of the new Title 21 and the MOA should be prepared to greatly

increase the enforcement budget. The best laws poorly or weakly enforced will do no one any good. Historically the cost of Enforcement has been borne by the General Budget and no increased fees charged to the developers. We do not expect to see that changed.

123. Section 21.12.040. Para 7.B-We truly wonder if criminal penalties are necessary or if they are being recommended to bring leverage to poorly and weakly enforced civil penalties. What is the purpose of suggestions that “a person is guilty of a misdemeanor upon conviction in any case where a violation of this Title exists?” Can we also anticipate that future rewrites will suggest a version of the “three strikes and you’re out” standard?

124. Section 21.12.060.Delete this requirement. The MOA has the authority and this appears to be a legal attempt at vigilante government.

125. Section 21.12.060.Para F-Delete the limit of \$1,000. A frivolous complaint on a multi-million dollar project could cost the developer hundreds of thousands of dollars.

126. Definitions in General-There does not appear that much effort was made to insure all words needing definitions were included, or that a consistent terminology was used, i.e. MOA vs. Municipality vs. Municipality of Anchorage. It is obvious that a very limited “cut and paste” approach was used. The definitions need a lot of work. Also the definitions used in national standards are preferred over definitions extracted from the existing code.

127. Section 21.13 Definitions-“Land-Disturbing Activity” Definition needs to be re-worked because it is overly broad. At a minimum the definition should include a minimum threshold size of 3 acres and exclude hand clearing. The EPA has a much cleaner definition. As written this would require a permit to remove 1 tree from a lot.

128. Landowner-The “register of deeds of the county” does not exist. Insert “Recorder”. Did anyone read the definitions before they were published?

129. Landscaping Maintenance-insert the word “weeding” after pruning and replace the word bring with “keep”, and delete the words “vigorous” and “growing”.

130. “Legal nonconforming Status”-Definition needs to be re-worked to address a currently conforming use that because of a code change becomes nonconforming.

131. Light, Obtrusive-delete because it is repetitive.

132. Light, Spill-delete because it is repetitive and redundant.

133. Light Trespass-Delete the 1st word “spill”, insert unreasonable after the work causes, and insert at the end of the sentence “that falls outside the boundaries of the property on which the installation is sited”.

134. Lighting, Temporary-Revise 60days to 6 months.

135. Line, Front Property-Delete it is redundant.

136. Lot-Insert the word “proper” after the word recent.

137. Lot, nonconforming-2nd line deletes the words “lot area or minimum lot width”.

138. Lot of Record-Delete it is redundant.

139. Lot, Townhouse-Inconsistent with the definition of a “Townhouse Unit”.

140. Major Street-Either includes a complete definition for this word or delete the definition because it is limited to Mobile Home Parks only.

141. Manufactured Home-Re-write the definition to differentiate between Manufactured Homes and Mobile Homes. Also need definitions for Manufactured and/or Pre-fabled Buildings.
142. Mean Sea level-Is the 1972 survey still the current and best datum?
143. Maximum Extent Feasible-Delete “feasible and prudent” and insert reasonable. Address economic factors and how they will be analyzed.
144. Minor Modification-How does this vary from a variance?
145. Modular Building- Modular Buildings- Temporary:
Factory built structures with or without axles, placed on site temporarily, limited to 1 story, Structural Engineer stamp required on plans.
146. Modular Building-Permanent Factory built structures placed on approved foundation.
147. Mounting Height-Either provide a complete description i.e. signs, fire extinguishers, handicap parking signs all have mounting heights but are not addressed by this definition or delete.
148. New Structures-revise heading to New Structures, non-conforming and revise the 2nd sentence to be consistent with the definition for “start of construction”.
149. Nonconformities-Delete “legally approved” and insert Lawful, delete “use of land”.
150. On-site Remediation-Delete definition or use the “EPA” definition. Do we need a definition for Off-site Remediation?
151. Open Space, Usable-We agree with footnote #5.
152. Other Agricultural Activities-Delete the work “other” insert between including and plowing the phrase “but not limited to” and address livestock and horses.
153. Overlay District-Delete the last sentence because it conflicts with the 2nd to last sentence.
154. Parking, Public-Insert the word Lot after Parking. Definitions for Handicap Parking and Van-Accessible Parking are needed.
155. Permit, Building-Delete “this title” and insert the Municipal Code
156. Permit, Land Use-Delete “this Title” and insert Title 21. Between the and erection insert “Fill and Excavation” and after structure insert “or land”.
157. Permit, Sign-Are there other Permits that should be listed here?
158. Person-Delete “lessee” as it is redundant and add LLC, Company and Co-ops.
159. Pharmacy-delete or list all types or retail commercial etc.
167. M.A.S.S.-Needs a better definition.