



## ASSOCIATED GENERAL CONTRACTORS of ALASKA

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October 11, 2005

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

Re: Title 21 Response Release Chapters 7 - 12  
Dear Mr. Nelson:

The AGC Task Force for the Title 21 Rewrite has completed their analysis of chapters 7 through 12 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. Section 21.07.020 Para B.3.a: Why the desire to implement restrictions in excess of what is required by Federal Law? If the MOA wishes to more stringent restrictions, a case should be made for each exception, but these restricts increase the cost of compliance. In all cases where the MOA wishes to incorporate restrictions in excess of those established by the Federal statutes, a separate cost benefit analysis should be prepared. (Page 336)
2. Section 21.07.020 para B.3b: 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. (Page 336)
3. 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? Also footnote 5 indicates that the setback increased from 25 feet to 50 feet yet, for some unexplained reason, this section requires a 100 foot setback. (Page 336)
4. Section 21.07.020: Revise para B.4.a.i to allow utilities in the set back area or at least within the first ten feet of the setback area. (Page 336)

5. Section 21.07.020 Para B.4.5.c.ii: The MOA should address how mis-mapped wet lands will be addressed. The Corp of Engineers determines wetlands and since they are part of the review process for developments is this section needed? Whether the wetlands are unmapped or mis-mapped is an issue between the developer and the Corp and must be addressed prior to the Corp approving a project. Therefore this section seems unnecessary. (Page 338)
6. Section 21.07.020 Para B.4.9: "Structures and Uses Otherwise Prohibited-What is the purpose of this paragraph. It should be deleted since under this code, anything that is not approved is automatically denied. (Page 339)
7. Section 21.07.020.C.1.a: No matter what laws we pass we cannot prevent soil erosion and landslides. These are natural occurrences of nature. However it is possible to minimize the contribution to such occurrences by development of an area. This section should either be eliminated or revised. (Page 341)
8. Section 21.07.020.C.1.d: This standard suggests a choice. Preserving 2 of 10 significant slope banks and ridge lines would technically classify as preserving the "most visually significant" slope banks. Is this the intent? If not who makes the decision as to which visually significant slope banks and ridge lines" were preserved? Also, who makes the decision as to which are the most significant? (Page 341)
9. Section 21.07.020.C.1.e: In this purpose statement, presumably "all" visually significant rock outcroppings, "all" native plant materials, and "all" natural hydrology must be preserved. The issue is "significant" to whom? And, if "all" native plant materials are to be preserved, has development just been eliminated? (Page 341.)
10. Para 21.07.030 B.2: If existing parkland adjoining the property or near the property already exceeds the suggested standard, why should a new development be forced to develop more? (Page 345)
11. Section 21.07.040 Drainage, Stormwater Runoff, Erosion Control: This section needs to be circulated to assure that sufficient consideration is received prior to adoption. (Page 347)
12. Section 21.07.060 Transportation and Connectivity Para A: The purpose statement sets worth goals for this section, but we must wonder why the Municipality is "promoting walking and bicycling"? (Page 353)
13. 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. AGC would suggest that the MOA revise this section to require TIA's only for very special and specific projects. This draft increased the trip generation threshold from 250 to 500, but even that appears to

be an arbitrary number. AGC would suggest that the MOA meet with the development community to develop a reasonable threshold that meets the needs of this section and is not overly burdensome to the community. (Page 353)

14. Para 21.07.060 D.3.b: The connectivity index is a new concept which should be discussed with the development community prior to adoption. (Page 355, footnote 22)
15. Para 20.07.060.E.2.a: AGC would suggest that the MOA provide a sketch indicating how pedestrian access and an on-site vehicle circulation, including fire trucks, should be handled? (Page 358)
16. Para 20.07.060.E.2.b: While this section is laudable, it appears to be creating a conflict with the number of parking spaces required and the mandated items such as on-site pedestrian connections. Every time a pedestrian connection crosses a parking lane it takes valuable required parking spaces. If both the parking requirements and the pedestrian connections remain as proposed, the net result will be to require larger parcels of land or smaller buildings. In either case, the cost to the owner and ultimately the consumer will increase. (Page 358)
17. 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? AGC would suggest that the MOA delete this paragraph in its entirety or modify it to reflect that the trees in a sidewalk enhance the visual experience of Anchorage but they do require space which interferes with pedestrian flow. Similarly road signs impede pedestrian flow but are invaluable to drivers looking for directions. (Page 369)
18. Section 21.07.070 Para B: AGC would suggest that the MOA 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. (Page 359 and 360)
19. Section 21.07.080.D: The MOA is to be commended for encouraging development that is economically viable and recognizing that at times these standards can have a negative impact of the economic viability of a project. (Page 361)
20. Section 21.07.080.F.6.c: AGC believes that this section goes beyond the intent of the drafter. This section deals with parking lot perimeter parking for lots have five or more spaces. Since the perimeter surrounds the lot, it would seem impossible to have a parking space that isn’t adjacent to landscaping unless the

parking space is only adjacent to other parking spaces. This section should probably be rewritten to clearly communicate the intention of the authors. (Page 368-369)

21. Section 21.07.080.F.6.d: The footnote suggests a need to bring non-conforming lots into conformity with this new standard. Since most lots are utilized from lot line to lot line, the creation for more interior landscaping can only come from the conversion of current parking to landscaping. This may very well make buildings nonconforming since they fail to meet the minimum parking requirements. This argument says nothing about the inconvenience the loss of parking may cause customers, tenants, or other users. (Page 369)
22. Section 21.07.080.H.3: Why are trash recycling receptacles for pedestrians exempt? Wouldn't their compliance with this section "improve the image of Anchorage's streets and neighborhoods, . . ." (Page 376)
23. Section 21.07.080.H.3.c: A literal reading of this section would lead to an interpretation that the receptacle can only be opened at pick-up. Therefore janitors could not use it for trash bags at other times. This should be rewritten. (Page 377)
24. Para 21.07.080.H.3.d: While a lawful permanent collection receptacle "erected" prior to the adoption of this section will have five years to come into compliance, what about those that are simply dumpsters located on a lot? Are they considered permanent? Are they erected? Do they have five years to comply? (Page 377)
25. Section 21.07.080.H.4: 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. Since many of these loading docks are used to unload large trailers, they require considerable room for the truck to maneuver. If this entire area is intended to be screened, the building owner will incur a considerable addition cost that adds no useful function to the facility. This provision should be discussed with property owners and truckers. (Page 377)
26. Section 21.07.080.H.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. (Page 378)

27. Section 21.07.080.H.6: The proposed solutions create serious problems with security, access for maintenance, solar access and other issues. Interestingly the footnote in the first draft indicated that this provision was submitted by staff but the authors were unsure of its intent. Please delete as unnecessary. (Page 378)
28. Section 21.07.090.Table 21.07-5: Have quasi-institutional houses in the previous drafts now become residential care units in this draft? (Page 383) Also, all other uses of cultural facilities require one space per 300 sf gfa while all other uses have a lower requirement. Why? (Page 384) The parking requirements for a bar or tavern were increased but not for a brew pub. What is the distinction and why does a brew pub only need half as many parking spaces? (Page 386)
29. Section 21.07.090.E.1.c: As stated previously, AGC recommends that this last sentence be deleted since it is impossible to demonstrate. Shared parking should reduce offsite parking requirements unless something happens to dissolve the agreement. (Page 393)
30. Section 21.07.090.E.1.d: Delete the requirement to record the shared parking agreement prior to the issuance of the Building Permit, but require the recording prior to issuing an occupancy permit. Requiring the first will delay development while inserting the latter will tend to motivate the developer and their lender. (Page 393)
31. Section 21.07.090.E.7.iv: Apply this paragraph to all areas of the city, not just a MU District.(Page 395)
32. Section 21.07.090.G.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. The parking requirements are best estimates not precise scientific calculations. The MOA is concerned with controlling the maximum number of parking spaces, yet this section recommends rounding up all fractions. (Page 399)
33. Section 21.07.090.H.2.d: Is there a study that shows that two percent of the workers in a large retail or office complex either car pool or are interested in car pooling? It would seem better to offer such a parking space as an incentive instead of requiring more parking spaces that normally will not be used. (Page 403)
34. Section 21.07.090.H.5.a.ii: The reference to 21.05.060 is incorrect should be (5) not (4). How was the height limit of 15 feet determined? (Page 406)
35. Section 21.07.090.J.1. Table 21.07.11: Total vehicle spaces should start above 1 since if only one is required this chart would dedicate the total required parking to a handicapped van. (Page 409)

36. Section 21.07.100F.6ii: Why is the municipality eliminating CMU as a primary exterior finish in residential buildings? (Page 418)
37. Section 21.07.120.G.3.d- Is it the intent of the MOA to require that all entries, steps, balconies and pedestrian paths be roofed and enclosed to protect from precipitation shedding off roofs? Or is the true intent of this section not communicated? (Page 419) (Also 21.07.120.D.1 Page 426)
38. Section 21.07.110. 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. (Page 423)
39. Section 21.07.110.G.2.b: This requirement should be eliminated. Many modern building designs would be cluttered if a decorative cornice is required. (Page 423)
40. Section 21.07.110.G.3.c: 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. (Page 424)
41. Section 21.07.110.G.3.b.vii: 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. (Page 424)
42. Section 21.07.120: This section was developed by staff. It would be helpful to understand what problems they were trying to eliminate and what goals they were hoping to achieve in this section. (Page 425)
43. Section 21.07.120 D.1: Does the MOA really intend to require buildings that do not allow precipitation to fall on sidewalks, walkways or entrances? Given the winds in Alaska, this is a near impossible standard. (Page 426)
44. Section 21.07.120.D.3.c: Who makes the determination that T-111 siding is unacceptable but metal buildings are acceptable? What criteria are used to make that determination? (Page 426)
45. Section 21.07.120.D.3.d: Why is CMU restricted? The explanation given by the MOA actually referred to a building constructed of tilt-up concrete. A serious

analysis of appropriate building materials should be undertaken before imposing such severe restrictions. (Page 426)

46. Section 21.07.130.I.d Existing light technology cannot provide this level of cutoff. Revise to 1.0 foot-candles. (Page 438)
47. Section 21.07.140 C.1: Given the soils prevalent in the Anchorage area, eliminating vibrations beyond a lot line will curtail most construction activities and road work. This requirement is unrealistic and unworkable. (Page 440)
48. Section 21.07.140.C.2: It is the understanding of AGC that the American Conference of Governmental Industrial Hygienists is not the industry standard. If such a standard is to be adopted, it should be based on accepted science and industry standards. Also, prohibiting visible emissions of any kind will basically eliminate all types of heating except for electrical. This entire section should be reconsidered. (Page 440)
49. Section 21.07.140.C.4-Electromagnetic Radiation is adequately regulated by the federal government. Delete this paragraph. (Page 440)
50. Section 21.07.140.C.5: The federal government and various state agencies already regulate blasting and compressed gases. Delete this paragraph. (Page 440)
51. Section 21.07.140.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. 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. (Page 440)
52. Section 21.11.050: 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 conformity with these requirements. AGC would suggest that a more reasoned approach be proposed. A simple project costing \$20,000 could easily result in requirements that could cost hundreds of thousands. Revise this paragraph to provide for a minimum 15-year of grandfather rights and don't tie compliance to the application for land use permits. Without this change what incentive does owner have to build in the MOA if they can make this kind of changes? (Page 519)
53. Section 21.12.060: Once again AGC would recommend that the MOA delete this requirement. The MOA has the authority and this appears to be an attempt

to establish a vigilante government. How does this section protect the developer from frivolous charges? (Page 531)

The AGC Taskforce that reviewed the draft would like to thank the MOA for allowing them to submit their comments after the deadline. The fact that the planned document was a month late and that month was taken from the public comment period to keep the project on time, combined with the comment period falling during the busy construction period, made our adherence to the shortened timeframe almost impossible. Your leniency in allowing comments is very much appreciated.

The AGC Taskforce on Title 21 took their assignment very seriously and submitted only those comments that they believed would have a significant impact on development in the Municipality. We would be happy to answer any questions you might have or clarify any comments made in any of the letters.

Sincerely,



Richard Cattanach for  
J.A. Fergusson, Chairman  
MOA Taskforce on Title 21