

**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2014-020**

A RESOLUTION RECOMMENDING APPROVAL OF AN AMENDMENT TO ANCHORAGE MUNICIPAL CODE TITLE 21, LAND USE PLANNING (BOTH OLD CODE AND NEW CODE), TO DELETE THE SEVERE ALCOHOL DEPENDENT HOUSING USE.

(Case 2014-029)

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WHEREAS, the Severe Alcohol Dependent Housing (SADH) use was adopted into municipal code in 2010 by AO 2010-3; and

WHEREAS, only one Severe Alcohol Dependent Housing use has been developed since that time; and

WHEREAS, in 2012 the Municipality was sued (Gesulga et al. v. MOA) alleging the SADH ordinance is discriminatory, and the state law claims in the lawsuit have been stayed pending appropriate code amendments, but the stay expires in late May 2014; and

WHEREAS, staff from the municipal Departments of Law and Community Development are working on a provision to replace the SADH use; and

WHEREAS, the Planning and Zoning Commission held public hearings on April 14, 2014, and May 5, 2014, and considered this matter on May 5, 2014.

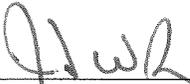
NOW, THEREFORE, BE IT RESOLVED by the Anchorage Planning and Zoning Commission that:

- A. The Commission makes the following findings of fact:
1. This is a thorny and difficult issue. The Commission respects the comments and concerns of members of the public and community organizations who testified regarding this ordinance.
  2. The Municipality must comply with the Fair Housing Act and the Americans with Disabilities Act. Discrimination based on disability is prohibited. Disability is defined as a person who has a physical or mental impairment that substantially limits a major life activity. As the custodian of federal housing and community development funds, the Municipality has the responsibility to go beyond simple compliance with those laws and should affirmatively further fair housing. It could be construed that the SADH ordinance is a barrier to fair housing and repeal of the SADH use would be consistent with the Municipality's responsibility.
  3. Maintaining the SADH use as it is currently in code represents an ongoing legal liability to the Municipality.

4. This ordinance is not about supporting or not supporting Karluk Manor and the Long House, although concerns about those facilities and their management are important. Some concerns can be regulated, but some regulations can be onerous on organizations with good management. There needs to be careful thought about what can be done to protect neighborhoods without overreaching and negatively impacting the good work of many organizations.
  5. A replacement provision is needed as soon as possible, and staff should make this a high priority. Staff should involve the community and help them understand what can and cannot be regulated.
  6. The public hearing was continued from April 14 to May 5 in order to give more community councils an opportunity to testify. The councils have another opportunity to testify at the Assembly. Community councils should be kept informed of new proposals.
- B. The Commission recommends APPROVAL of the proposed ordinance to delete the "Severe Alcohol Dependent Housing" use from both "old" and "new" Title 21.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission on the 5<sup>th</sup> day of May, 2014.

ADOPTED by the Anchorage Planning and Zoning Commission this 12<sup>th</sup> day of May, 2014.

  
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Jerry T. Weaver, Jr.  
Secretary

  
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J.A. Fergusson  
Chair

(Case No. 2014-029)