

**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2016-006**

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE (NEW CODE) SECTIONS 21.03.050B., 21.03.240J., 21.05.030B., AND 21.14.040, AND TABLES 21.05-1 AND 21.10-4, TO MODIFY LAND USE REGULATIONS REGARDING ASSISTED LIVING FACILITIES AND HABILITATIVE CARE FACILITIES IN ACCORDANCE WITH THE CONCILIATION AGREEMENT AND VOLUNTARY COMPLIANCE AGREEMENT BETWEEN THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND THE MUNICIPALITY OF ANCHORAGE REGARDING FAIR HOUSING ACT AND OTHER FEDERAL LAWS COMPLIANCE IN TITLE 21.

(Case 2016-0014)

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WHEREAS, AO 2015-133 changes the definitions of “family” and “household” to limit the number unrelated persons to five. The definition of “habilitative care facility” is changed to include the size distinctions for small, medium, and large habilitative care facilities; and

WHEREAS, AO 2015-133 changes Table 21.05-1: *Table of Allowed Uses* (Anchorage Bowl) and 21.10-4: *Table of Allowed Uses* (Chugiak – Eagle River) to increase the districts where assisted living facilities and habilitative care facilities are permitted; and

WHEREAS, AO 2015-133 revises the use-specific standards for assisted living facilities and habilitative care facilities; and

WHEREAS, AO 2015-133 renames “occupancy limits for assisted living facilities” to “reasonable accommodation.” The approval criteria for administrative variances for reasonable accommodation are also revised to more closely reflect the federal Fair Housing Act.

WHEREAS, public hearing notices were published, and a public hearing was held on January 11, 2016.

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

- A. The Commission makes the following findings of fact:
1. Given the extent of the Clarion report and the review of the Legal and Planning Departments, this ordinance is a thorough solution to the problem outlined in the agreement with HUD. The Rabbit Creek Community Council’s concerns were heard, but the Commission finds that there are good safeguards to prevent unwanted consequences, such as these facilities cropping up at inappropriate locations. The Commission is comfortable with this ordinance moving forward as written and believes that it is in the public interest.

2. The ordinance is well written. There is a growing need for this type of housing. While it may seem scary to the public for certain facilities to be a permitted use, the alternative of making them a conditional use can allow discrimination to take place. The ordinance is a good balance of correcting something that has been a problem for a long time, while also being respectful of the residential character of affected residential neighborhoods.
- B. The Commission recommends approval of the amendments proposed in AO 2015-133, subject to the following changes:
1. Delete the "Severe alcohol dependent housing" use type from Exhibit "A."
  2. Add Tables 21.06-2, 21.10-6, and 21.10-7 to the use specific standards in AMC 21.05.030B.1.b.iii. and -B.3.b.iii.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 11<sup>th</sup> day of January, 2016.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 1<sup>st</sup> day of February, 2016.

  
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Hal H. Hart, AICP  
Secretary

  
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Tyler Robinson  
Chair

(Case 2016-0014)

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