

PLANNING DEPARTMENT DESIGN VARIANCE STAFF ANALYSIS

DATE: October 9, 2024

CASE NO: 2024-0089

APPLICANT: Larry Bigelow

REPRESENTATIVE: Agnes Francisco

REQUEST: Variance from AMC 21.05.040A.3.e. to not require L2 buffer landscaping along the east lot line for an adult care facility in the RO (residential office) district

LOCATION: Russian Jack Subdivision, Tract A-1, Lot 2-B

SITE ADDRESS: 3935 Reka Drive, Anchorage, AK 99508

COMMUNITY COUNCIL: Russian Jack

TAX NUMBER: 005-161-76

GRID NUMBERS: SW1436

ATTACHMENTS

1. Application
2. Departmental and Public Comments
3. Affidavit of Posting and Historical Information

SITE

Acres: 0.56 acres

Zoning: RO, residential office district

Topography: Flat

Existing Use: Vacant bank building

Utilities: Public water and sewer

COMPREHENSIVE PLAN

Classification: "Main Street Corridor" and "Transit-Supportive Development" in the 2017 *Anchorage 2040 Land Use Plan*

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	RO	R-3	RO	RO
Land Use:	Religious Assembly	Single-Family Residential	Office	Vacant

REQUEST

The petition site contains 0.56 acres and is zoned RO, residential office district. There is a pending change of use permit to convert the old bank building into an adult care facility. The use-specific standards for adult care facilities requires L2 buffer landscaping along the east lot boundary. A letter dated June 21, 2024, by the Planning Department, established nonconforming rights for the site to include:

- a building setback encroachment,
- lack of site perimeter landscaping and parking lot landscaping,
- lack of pedestrian walkways and curbed end islands, and
- lack of bicycle parking spaces.

The nonconforming rights do not extend to the use-specific standards for an adult care facility. The petitioner is requesting a variance from AMC 21.05.040A.3.e., which states: "A facility in a non-residential district that is adjacent to a residential use or district shall provide L2 buffer landscaping along the lot line dividing the two."

REVIEWING AGENCY AND PUBLIC COMMENTS

None of the State and Municipal reviewing agencies object to the variance. Seven hundred seventy-eight public hearing notices were mailed on October 9, 2024. No public comments were received. The Russian Jack and Airport Heights Community Councils did not provide comments.

FINDINGS

21.03.240G. Approval Criteria.

The application must state with particularity the relief sought and must specify the facts or circumstances that are alleged to show that the application substantially meets the following standards:

- a. **The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard.**

The standard is met.

The intent of the code provision is to buffer residential uses from commercial uses, which have a great intensity of use. In this case, the commercial structure has existed without the L2 buffer landscaping for many years and has established nonconforming rights. However, the change of use permit to convert the building from an office and bank to an adult care facility requires the installation of landscaping because it is a use-specific standard for adult care facilities. The intent of the code is met because the petition site is separated from the neighboring residential uses by a 20-foot-wide alleyway.

- b. **The proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard.**

The standard is met.

The granting of the variance provides more flexibility for reuse of the existing building. Requiring landscaping along the east lot boundary will take away those parking spaces, which the adult care facility will need. In this case, requiring the landscaping to be installed in order to meet the code requirement does not further the intent of the comprehensive plan. This is an existing building with associated parking and the site already has nonconforming rights for current code requirements, such as landscaping, but not for the change of use.

- c. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard.**

The standard is met.

This use-specific standard is particular to adult care facilities, but buffering this use from residential uses is already achieved through the alleyway. This use-specific standard for landscaping does not apply to most other uses in commercial districts. The zoning requirement for landscaping is unnecessary at this site, which is simply the repurposing of a vacant building. The reuse of the existing building provides a larger benefit to the community.

- d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code.**

The standard is met.

This standard assumes the violation will not be injurious to the neighborhood or detrimental to the public welfare if a variance is granted. The granting of the variance will not adversely affect the use of adjacent property. The change of use permit (building permit) will still need to be approved by the Building Safety Division and all other zoning requirements must be met.

- e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies.**

This standard is met.

Adult care facilities are already a permitted use in the RO district. The granting of the variance offers relief from a restrictive use-specific standard for L2 buffer landscaping separating adult care facilities from residential uses. This is an existing building and there is an alleyway providing separation from the adult care facility and the residential neighborhood to the east. The change of use permit will still be required, and the site will comply with the other adult care facility requirements.

- f. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation.**

The standard is met.

The variance is not related to ADA accessibility or reasonable accommodation.

- g. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality.**

The standard is met.

There are no health or safety issues that will be caused by approval of this variance. The owner is seeking the ability to change a vacant bank building into an adult care facility without having to reorient the existing building and parking lot.

- h. In evaluating the request for a variance from the maximum sign height, the urban design commission may consider whether there are special topographic circumstances that would result in a material impairment of visibility of the sign from the adjacent roadway which significantly diminishes the owner's or user's ability to continue to communicate adequately and effectively with the public through the use of the sign.**

The standard is met.

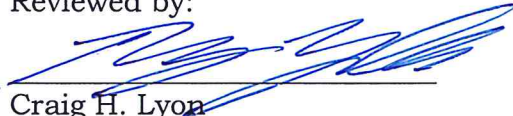
This standard is not applicable because it is not related to signs.

DEPARTMENT RECOMMENDATION

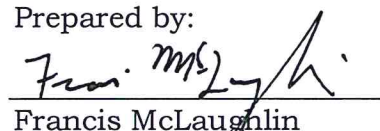
The Department recommends APPROVAL of the variance from AMC 21.05.040A.3.e. to not require L2 buffer landscaping along the east lot boundary for an adult care facility in the RO district, subject to:

1. Within one year, record a notice of zoning action, a drawing, and the resolution of approval with the State of Alaska District Recorder's Office, and provide proof to the Planning Department.

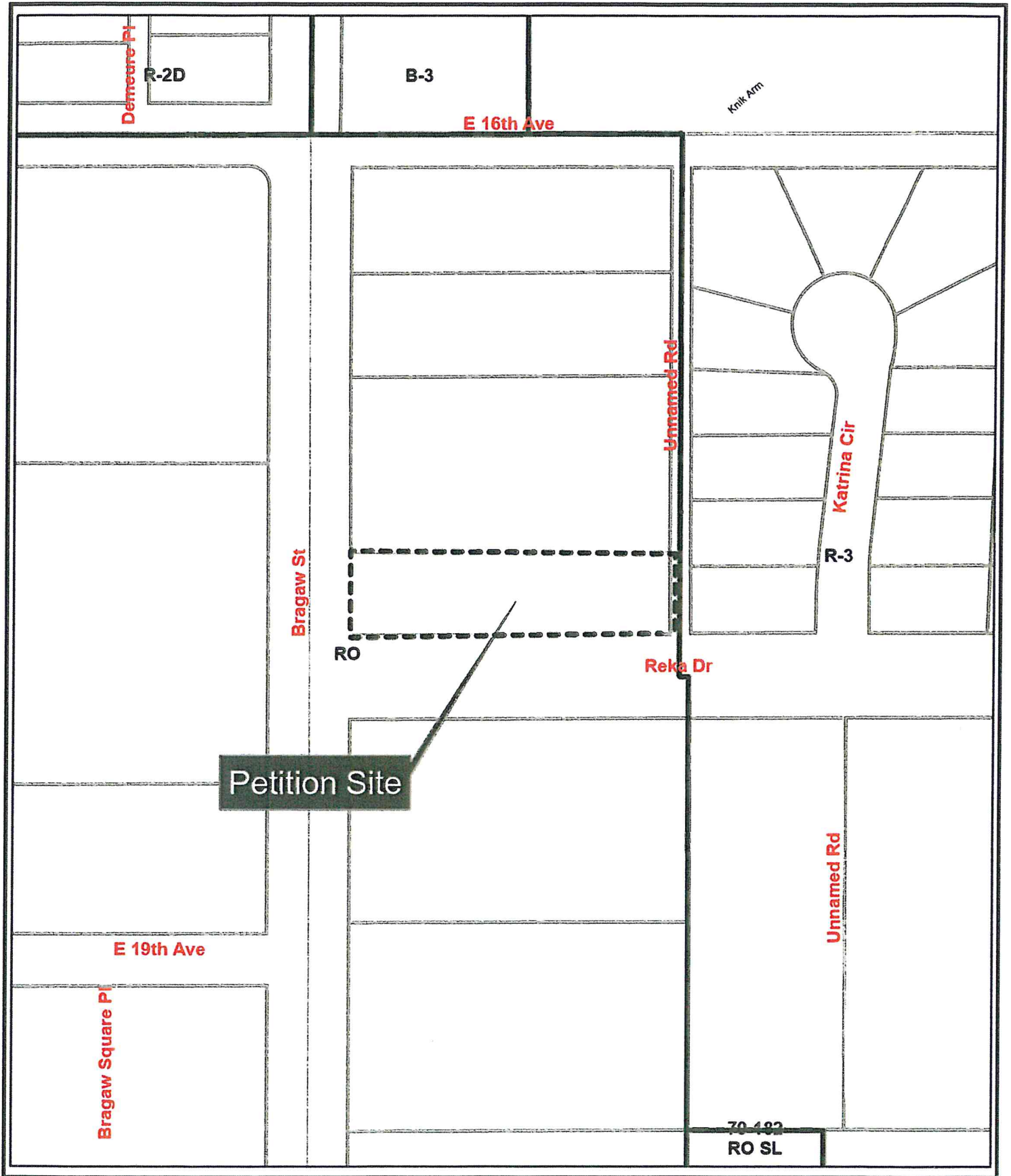
Reviewed by:

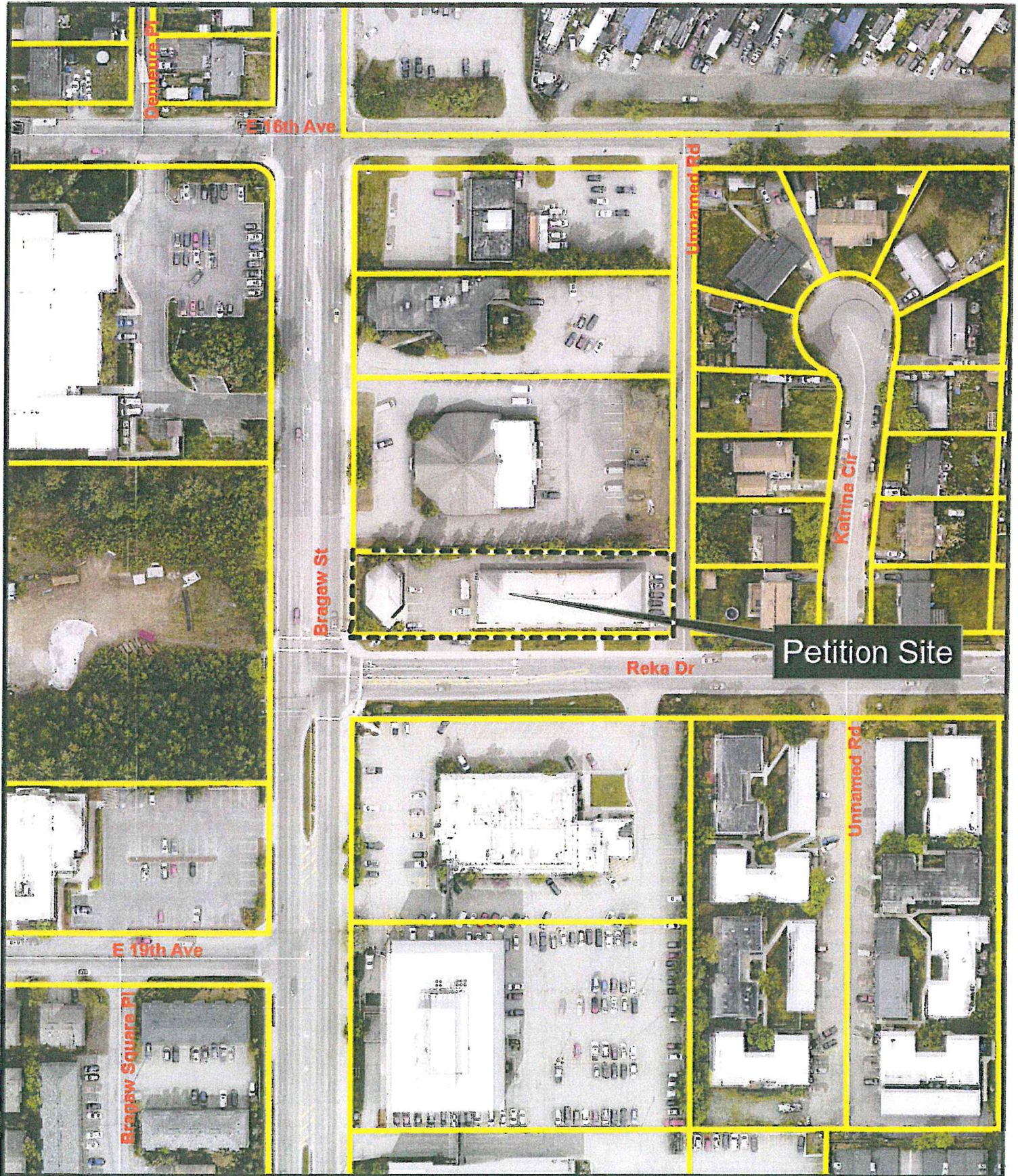

for Craig H. Lyon
Director

Prepared by:


Francis McLaughlin
Senior Planner

(Case 2024-0089; Tax ID Number 005-161-76)





Application

Application for Design Variance

Municipality of Anchorage
Planning Department
PO Box 196650
Anchorage, AK 99519-6650

PETITIONER*		PETITIONER REPRESENTATIVE (if any)	
Name (last name first)	Bigelow, Larry	Name (last name first)	Francisco, Agnes P
Mailing Address	PO Box 141024 , Anchorage , Alaska 99514	Mailing Address	2033 Wesleyan DR. Anchorage, Alaska 99504
Contact Phone - Day	Evening	Contact Phone - Day	Evening
+1907 865 8155		+1907 903 2911	
E-mail	Lbigelow@send.org	E-mail	anchorage.adultdaycare@gmail.com

*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.
Text

PROPERTY INFORMATION		
Property Tax # (000-000-00-000): 005-161-76-000		
Site Street Address: 1731 S. Bragaw street, 3925 Reka Drive and 3935 Reka Drive, Anchorage, Alaska		
Current legal description: (use additional sheet if necessary)		
Lot 2-B, Tract A-1, Russian Jack #1		
Zoning: RO	Acreage: 0.56	Grid #: SW 1436

PETITIONING FOR

A facility in a non-residential district that is adjacent to a residential use or district shall provide L2 buffer landscaping along the lot line dividing the two.

CODE CITATIONS

AMC 21. 21.05.040 A.3.e

AMC 21.

I hereby certify that (I am)/(I have been authorized to act for) owner of the property described above and that I am petitioning for variance in conformance with Title 21 of the Anchorage Municipal Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the variance. I understand that the burden of evidence to show compliance with the variance standards rests with me, the applicant. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff or the Urban Design Commission for administrative reasons.

Signature Agnes P. Francisco ☐ Owner ☒ Representative Date 07 18 - 24
(Representatives must provide written proof of authorization)

Francisco, Agnes P

Print Name

Accepted by:	Poster & Affidavit:	Fee:	Case Number:	Meeting Date:
ARITRA GUPTA	3+1	\$3965.00	2024-0089	10/09/24UDE

RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion of site)

- ☐ Rezoning - Case Number:
- ☐ Preliminary Plat ☐ Final Plat - Case Number(s):
- ☐ Conditional Use - Case Number(s):
- ☐ Zoning variance - Case Number(s):
- ☐ Land Use Enforcement Action for
- ☐ Building or Land Use Permit for
- ☐ Wetland permit: ☐ Army Corps of Engineers ☐ Municipality of Anchorage

APPLICATION REQUIREMENTS

(One of each applicable item is required for initial submittal, additional copies are required after initial submittal)

- 1 copy required: ☒ Signed application (original)
- 14 copies required: ☒ Signed application (copies)
- ☒ Variance narrative, addressing:
- ☒ The need for the variance
 - ☒ The effect of granting the variance
 - ☒ An analysis of how the proposal meets the variance standards below
 - ☒ As-built survey showing existing conditions, to scale (no more than 2 years old)
 - ☒ Proposed plot plan, site plan, or building elevations, to scale (new construction)
 - ☒ Photographs or renderings

(Additional information may be required.)

VARIANCE STANDARDS

The Urban Design Commission may only grant a variance if the Commission finds that all of the following 8 standards are substantially met. Each standard must have a response in as much detail as it takes to explain how your property's condition satisfies the standard. The burden of proof rests with you.

- a. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard;
- b. The proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard;
- c. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard;
- d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;
- e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies;
- f. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation; and
- g. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality.
- h. In evaluating the request for a variance from the maximum sign height, the urban design commission may consider whether there are special topographic circumstances that would result in a material impairment of visibility of the sign from the adjacent roadway which significantly diminishes the owner's or user's ability to continue to communicate adequately and effectively with the public through the use of the sign.

Larry Bigelow
Lbigelow@send.org
July 9, 2024

To the Municipality of Anchorage planning department,

I, Larry Bigelow , hereby authorize Agnes P. Francisco to Apply for the Variance and Commercial permit worksheet for the Building permit of 3935 Reka Dr., Anchorage, AK 99508, on my behalf

This authorization is valid from July 9, 2024, unless revoked
Agnes P. Francisco will present proof of her identification (ID) for verification.

Should you require further information or verification regarding this matter, please do not hesitate to contact me at 9073177272 or via email at Lbigelow@send.org
Thank you for your prompt attention to this matter.

Sincerely,

DocuSigned by:
 7/11/2024
Larry Bigelow



July 23, 2024

Anchorage adult daycare
3935 Reka Drive, Anchorage Alaska

VARIANCE APPLICATION QUESTIONS

The proposed project is a change-of-use from an office/classroom/assembly into an Adult Daycare. The building is a one-story office building on Reka Drive and Bragaw Street on a site with two commercial buildings. The buildings are in the middle of a row of medical, church, office, funeral and university uses along Bragaw street near East High School, with residential along the back side of all of the uses. The building was built in 1974 as a branch bank and office. This building, which is well-built and typical for the office, bank and medical buildings built in the 70's, requires as much flexibility as possible for changes-of-uses, to make it a viable building throughout its useful life, such that it is not a vacant office space.

The building is about 7200 square feet and the adjacent building on the same site is about 1,400 square feet. The work area tenant space that is proposed for the change of use is about 3500 square feet.

The proposed Adult Daycare use falls into the Adult Care section of the title 21 Use Regulations. In the subsection of this use, (21.05.040 A.3.c Adjacent Residential) this section requires,

"...A facility is a non-residential district that is adjacent to a residential use or district shall provide L2 buffer landscaping along the lot line dividing the two."

We are requesting a variance to not be required to install the landscaping along the alley, because we would lose a significant amount of the parking for the site which would impact the functionality of the building.

Some basic information about the existing conditions:

- The subject lot is R0 zoning.
- The lot across the alley to the east is R3 zoning.
- For the Adult Care (adult daycare) use, the subject lot would require L2 buffer landscaping along the east property line (alley side).
- The R3 zoned lot across the alley has a solid 6-foot-high cedar fence/ shed/garage, and natural vegetation along the alley (see attached photo).
- There are two buildings on the subject property, with parking in between, and existing 90-degree parking against the alley. The parking for this "Adult Daycare" tenant would be on the alley-side, with a drop-off at the north side of the building and another drop-off at the west side of the building in the existing parking. Accessible routes would be created on both ends of the building.

Responses to the variance (design) standards:

- a. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard;

Response: The design standard's intent is to not impact the adjacent residential, and if it is, then it needs to buffer the residential. Our proposed use is Adult Daycare, which is significantly different than most Adult Care uses. Most clients to this space will be dropped-off. Care-givers will be using most of the east (alley) parking, just the same as an office space. We are locating the drop-offs on the north and on the west side of the building so we allow the use to be virtually no more, and possibly less impact to the residential property across the alley than the current office space/classroom/assembly meeting room would be.

- b. The proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard;

Response: The subject property is RO. This small, Adult Daycare use is still a low-impact commercial use that would be appropriate in an RO zoning, similar to, and probably less impact than the other uses along Bragaw adjoining the residential properties.

- c. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard;

Response: The proposed alternative results in benefits to the community by having an Adult Daycare near a residential neighborhood--for the use of its nearby residents. But yet, it is still a low-impact and small commercial use to buffer the busy Bragaw Street.

Additional benefits to the community are repurposing older buildings and extending their useful life such that they are not vacant.

- d. The variance, if granted, will not adversely affect the use of the adjacent property as permitted under this code;

Response: The variance, if granted, will have no effect on the use of the adjacent property. The drop-offs are not directly on this alley and that is virtually the only difference. The adjacent properties already have a solid fence and vegetation along the alley, and if the residential property creates a larger garage or ADU at the alley, that will become an additional buffer to the commercial uses across the alley.

Further, the occupant load of the Adult Daycare space will be about the same or less than the office/classroom use of the space with much less parking being used throughout the day.

- e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies;

Response: The use is a permitted use and does not change the character of the RO zoning district.

- f. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation; and

Response: We are proposing to add an Accessible space and accessible route to both units in this structure. This parking space is currently proposed to be in the alley parking row and is the closest adjacent space to our Adult Daycare Use front entry. This parking space will need to be relocated if the

variance is not accepted to the parking lot between buildings, which would cause the property to lose another parking space because of the adjacent "no parking" space.

g. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality.

Response: There is not impact to this as we understand.

h. In evaluating the request for a variance from the maximum sign height, the urban design commission may consider whether there are special topographic circumstances that would result in a material impairment of visibility of the sign from the adjacent roadway which significantly diminishes the owner's or user's ability to continue to communicate adequately and effectively with the public through the use of the sign.

Response: This is not applicable to our proposed application.

In conclusion:

If the L2 landscaping is required along the alley, then the parking would be removed, and result in a reduced functionality of the building.

For the adult daycare area of the building, the occupant load of the original work area space is roughly the same amount of people as the daycare use. Within the space, there is a larger classroom/meeting room with about 25 original occupants and then an office space of 10 occupants. The adult daycare space is

care for 30. The drop-offs for the Adult Daycare are on the north and west sides of the building and don't impact the adjacent residential properties.

Sincerely,
Chris Cole Architect, AIA

61northarchitects
3401 Denali St, suite 102
Anchorage, Alaska 99503
Ph (907)274-4446, Cell (907)830-7991
ccole@61northarchitects.com



Addendum to Nonconforming Status

RUSSIAN JACK #1

Tract A-1 Lot 2B

Plat 72-292

Anchorage Recording District, Anchorage, Alaska

005-161-76-000

1731 Bragaw Street, Anchorage
3925 & 3935 Reka Drive, Anchorage
SW 1436

After recording return to:

Municipality of Anchorage, Planning Department
Land Use Review Section
4700 Elmore Road / P.O. Box 196650
Anchorage, Alaska 99519-6650



MUNICIPALITY OF ANCHORAGE



Planning Department
Current Planning Division

Phone: 907-343-7931

Mayor Dave Bronson

ADDENDUM TO VERIFICATION OF NONCONFORMING STATUS

June 27, 2024

Starr Center, LLC
Larry Bigelow
P.O. Box 141024
Anchorage, Alaska 99514

Dear Mister Bigelow:

This addendum to a Verification of Nonconforming Status pertains to property located at 1731 Bragaw Street & 3925/3935 Reka Drive, Anchorage, Alaska. Grid SW1436; Legal Description **Lot 2-B, Tract A-1, Russian Jack #1**, Parcel No. 005-161-76-000

The Verification of Nonconforming Status dated June 21, 2024, was issued by the Municipality of Anchorage, Land Use Review Section, and filed with the Alaska State Recorder's Office on June 21, 2024 (Document No. 2024-015967-0).

The following conclusion shall be added to the original document:

The site lacks required site perimeter L2 buffer landscaping between RO (Residential Office) Districts and R-3 (Mixed Residential) Districts; however, the site's existing landscaping materials and design were installed and established legally in 1973 prior to the landscape ordinance adopted in 1985, and the requirements of current Title 21, effective January 1, 2014; therefore, **the lack of required L2 buffer landscaping along the east side of the building located on the east side of the property is a legal nonconforming characteristic of use and is considered conforming per AMC 21.13.060A.** The property owner must maintain, repair, or replace any existing landscaping if it is damaged or destroyed.

No further amendments are made to the Verification of Nonconforming Status, all other conclusions remain.

Respectfully,

Liz Clifton
Land Use Plan Reviewer
907-343-8380



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Mailing Address: P.O. Box 196650 • Anchorage, Alaska 99519-6650 • <http://www.muni.org>



Verification of Nonconforming Status

RUSSIAN JACK #1

Tract A-1 Lot 2B

Plat 72-292

Anchorage Recording District, Anchorage, Alaska

005-161-76-000

1731 Bragaw Street, Anchorage

3925 & 3935 Reka Drive, Anchorage

SW1436

After recording return to:



Municipality of Anchorage, Planning Department
Land Use Review Section
4700 Elmore Road / P.O. Box 196650
Anchorage, Alaska 99519-6650



MUNICIPALITY OF ANCHORAGE



Planning Department
Zoning and Land Use Review Division

Phone: 907-343-7931

Mayor Dave Bronson

VERIFICATION OF NONCONFORMING STATUS

June 21, 2024
Starr Center, LLC
Larry Bigelow
PO Box 141024
Anchorage, Alaska 99514

Dear Mister Bigelow:

This letter is in response to a request for a determination of the nonconforming status of the properties located at 1731 S. Bragaw Steet, 3925 Reka Drive, and 3935 Reka Drive, Anchorage, Alaska. Grid: SW1436, Parcel: 005-161-76-000, Legal Description: Lot **2-B, Tract A-1, Russian Jack #1**.

This determination is based upon the as-built survey provided with your request, building permit records, tax assessment records, our research, and the applicable Municipal Ordinances in place presently and at the time of construction.

The following facts were established:

March 8, 1954 Area was annexed into The City of Anchorage.

July 13, 1965 Area was zoned D-2 (Development Residential) District by AO 29-65.

December 29, 1972 Lot 2B, Tract A-1, Russian Jack #1 was created by Plat 72-292. Plat Note 2 states, "Lot 2B access – only one access point will be permitted to Bragaw, said access to be no more than 25' in width".

October 24, 1973 Building permit A-1751 was issued for the construction of a new building.

December 18, 1973 Certificate of occupancy #1987 for building permit A-1751 was issued for the new Russian Jack Animal Hospital located at 3925 Reka Drive.

May 2, 1974 Certificate of occupancy #2371 for building permit A-1751 was issued for the new Russian Jack Animal Hospital located at 3925 Reka Drive.

August 22, 1974 Building permit B-3084 was issued for the construction of a 36x25-square-foot storage area addition.

February 26, 1976 Certificate of occupancy #2459 for building permit B-3084 was issued for the new professional building located at 1731 S. Bragaw.

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June 21, 2024

Verification of Nonconforming Status

Lot 2B, Tract A1, Russian Jack #1 Subdivision

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1980's MOA GIS aerial photo shows two finished buildings on the lot. A paved parking area is located between the two buildings and on the eastern property line. Vehicles are parked parallel on the north lot line. The building on the east side of the lot has two paved walkways on the south side going south to the right-of-way at Reka Drive. The south side of the lot has grass. Trees have been planted along the north lot line. The building on the west end of the lot has a lawn and planted shrubs on the west and southwest side of the building.

April 1984 The area is re-zoned RO (Residential Office) District.

1990's MOA GIS aerial photo shows no change from the 1980's aerial photo.

2002 MOA GIS aerial photo shows a telecommunication pedestal has been installed on the northwest corner of the property.

June 14, 2021 Permit C21-1454 was issued for an interior remodel of the existing office space.

2021 MOA GIS aerial photo shows the planted vegetation from 1980s aerial photo has matured. The landscaping layout and buildings remain unchanged.

June 7, 2022 Permit C22-1555 was issued for a reroof for 3925 Reka Drive.

An as-built survey dated **May 20, 2024**, by Gary M. Gervelis, a State of Alaska Registered Land Surveyor, shows two existing buildings on an asphalt corner lot abutting Bragaw Street, Reka Drive, and an alley. A concrete walkway is at the north, south, and east side of the building. Two pedestrian walkways to the right-of-way at Reka Drive extend from the east side of the building. Five bollards are located near the northwest corner of the building on the east side of the lot. The building on the west side of the lot has a concrete walkway at the east and south sides of the building. There is an asphalt driveway providing access to the lot from Reka Drive. The building on the east side of the property is 9.6 feet from the front property line, 28.9 feet from the side property line at the alley, and 20.3 feet from north property line. The building on the west side of the property is 16.6 feet from the front property line at Reka Drive, 10.5 feet from west property line at Bragaw Street, and 8.4 feet from the north property line.

Municipal property appraisal records currently indicate the property is a 24,560-square-foot lot with a 8,641-square-foot structure, built in 1974. Property features include 8,898 square feet of office space, 1,040 square feet of multi-use storage, a 239-square-foot covered porch, and a 75-square-foot covered porch. Asphalt and concrete paving for parking were completed in 1975.

The following conclusions are drawn from the established facts and findings:

Lot 2B, Tract A-1, Russian Jack #1 is 24,560-square-feet and ± 75 feet wide and has more than the minimum lot area and width required by the RO (Residential Office) District; therefore, **Lot 2B is a Legal Conforming Lot of Record**.

The building on the west side of the lot encroaches 1.6-feet into the required 10-foot side setback at the north property line. The building was constructed before the original date of RO zoning in April of 1984; therefore, **the existing building encroaching 1.6-feet in**

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June 21, 2024

Verification of Nonconforming Status

Lot 2B, Tract A1, Russian Jack #1 Subdivision

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the required side setback is a Legal Nonconforming Structure and is considered conforming per AMC 21.13.040.A.

The south lot line lacks the required site perimeter landscaping per AMC 21.07.080.E.1. The requirement for landscaping was established by AO 85-91, adopted on September 10, 1985. The existing landscaping on the lot was established legally prior to the ordinance; therefore, **the lack of site perimeter landscaping is a Legal Nonconforming Characteristic of Use and is considered conforming in accordance with AMC 21.13.060.** The property owner must maintain, repair, or replace any existing landscaping if it is damaged or destroyed.

The parking area on the west end of the lot lacks parking lot perimeter landscaping as required by AMC 21.07.080.E.1. The requirement for landscaping was established by AO 85-91, adopted on September 10, 1985. The lack of parking lot perimeter landscaping was established legally prior to the ordinance; therefore, **the lack of parking lot perimeter landscaping is a Legal Nonconforming Characteristic of Use and is considered conforming in accordance with AMC 21.13.060.** The property owner must maintain, repair, or replace any existing landscaping if it is damaged or destroyed.

The building on the west side of the property lacks on-site pedestrian circulation system connecting commercial developments to the street as required by AMC 21.07.060. Pedestrian facilities were not required at the time of development in 1973; therefore, **the lack of an on-site pedestrian circulation system connecting commercial developments to the street is a Legal Nonconforming Characteristic of Use and is considered conforming per AMC 21.13.060A.**

No curbed end islands are provided in the parking area. AMC 21.07.090.11.g requires curbed end islands within the parking facilities to define circulation patterns. The parking lot was constructed legally prior to the requirements of this title; therefore, **the lack of curbed end islands is a Legal Nonconforming Characteristic of Use and is considered conforming in accordance with AMC 21.13.060.**

The lot does not have two required accessible parking spaces available. AMC 21.07.090.J.1. requires that a portion of the total number of parking spaces provided in each parking facility for commercial, industrial, community, multifamily, and mixed-residential uses shall be accessible parking spaces; therefore, **the lack accessible parking is not a Legal Nonconforming Characteristic of Use and is a violation of AMC 21.07.090.J.1.**

AMC 21.07.090K. requires a minimum of two bicycle parking spaces for this use. The structures were established prior to the requirement for bicycle parking spaces; therefore, **the lack of 2 bicycle parking spaces is a Legal Nonconforming Characteristic of Use and is considered conforming per AMC 21.13.060A.**

The building on the west side of the lot lacks pedestrian frontage standards A and D required by AMC Table 21.07-3: General Pedestrian Frontage Standard for Development. Pedestrian frontage standards were not required at the time of development in 1973; therefore, **the lack of pedestrian frontage standards A and**

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June 21, 2024

Verification of Nonconforming Status

Lot 2B, Tract A1, Russian Jack #1 Subdivision

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D required by AMC Table 21.07-3: General Pedestrian Frontage Standard for Development are Legal Nonconforming Characteristics of Use and are considered conforming, in accordance with AMC 21.13.060A.

Anchorage Municipal Code of Ordinances, Title 21, effective January 1, 2014, as amended, and relevant to this determination are as follows:

AMC 21.06.020A. Table of Dimensional Standards: RO (Residential Office) District: All other Uses:

Minimum lot size and width requirements:

Lot size	6,000 square feet
Lot width	50 feet

Minimum setback requirements:

Front (Bragaw Street)	10 feet
Secondary Front (Reka Drive)	5 feet
Side (north property line)	5 feet
Side (alley)	10 feet

Maximum lot coverage: 50%

AMC 21.07.060 Transportation and Connectivity

E. Standards for Pedestrian Facilities

4. On-Site Pedestrian Walkways

b. On-Site Pedestrian Connections

- i. A walkway shall connect the primary entrance to the abutting primary street frontage, except where a proposed walkway connection to an alternative street frontage is determined by the director to provide equal or better pedestrian access. No walkway need be provided to the primary street frontage if that frontage is a restricted access street or a frontage road, unless there is a pathway or other pedestrian facility to which access can be provided along the restricted access street or frontage road, in which case a walkway shall connect to that pedestrian facility. The walkway route shall be clear and direct, to the extent reasonably feasible.

F. Pedestrian Frontage Standards

1. Purpose

The pedestrian frontage standard requires site planning and building orientation toward neighborhood streets and sidewalks to facilitate pedestrian access and reduce automobile parking congestion. Objectives include to:

- a. Organize and orient buildings around public streets and associated frontages in a way that frames streets as positive public space,

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301-2024-015967-0

- promotes pedestrian activity, and connects to multiple modes of transportation.
- b. Provide clearly defined, safe pedestrian access to building entries that invites people of all abilities and minimizes conflicts with vehicles and parking.
 - c. Place active indoor spaces, entrances, and windows on street-facing building facades to improve the visual connection to the street and promote a safe, secure neighborhood.

Table 21.07-3: General Pedestrian Frontage Standard for Development

Required Site Elements for Pedestrian-Oriented Frontages	Standard
A. Minimum required ground-floor, street-facing building elevation with on-site walkways, pedestrian amenities, or landscaping in front – and no off-street automobile parking or circulation ¹	20% of building elevation width, on one frontage
B. Maximum allowed width of residential garage entrance(s) on ground-floor street-facing building elevation	67% of building elevation width
C. Maximum allowed distance a garage may project out in front of the rest of the street-facing residential building elevation	No more than the width of the non-garage portion of the street-facing building elevation
D. Minimum required visual access windows or primary entrances on non-residential ground-floor street-facing building elevation ^{1,2}	15% on primary frontage 10% on secondary frontage
E. Minimum required windows or primary entrances on residential and upper-floor non-residential street-facing elevations ^{1,2}	10% on primary frontage 5% on secondary frontage
F. Requirement for primary entrance(s) to be visible from a street via an unobstructed line of sight and for residential entrances to be covered ¹	Residential: Meet 21.07.060G.16., Covered, Visible Residential Entrance Other uses: at least one entrance
G. Minimum required number of pedestrian amenities from 21.07.060G. (in addition to G.16)	Developments with greater than 20,000 square feet of gross floor area: 1 pedestrian amenity

¹Exception: Shared parking courtyards that comply with subsection 21.07.060G.22. are exempt from A. above. Non-residential buildings located more than 100 feet from the applicable street rights-of-way are exempt from A., D., E., and F. above.

²Visual access windows shall have a sill height of no more than four feet above finished grade. Rules for measuring window area as a percentage of building wall area are provided in 21.15.0200. Visual access windows ("Window, providing visual access"), primary entrance, and ground-floor wall area are defined in 21.15.040.

AMC 21.07.090 Off Street Parking and Loading**J. Accessible Parking Spaces****1. Required Number of Accessible Parking Spaces**

A portion of the total number of parking spaces provided in each parking facility for commercial, industrial, community, multifamily, and mixed-use residential uses shall be accessible parking spaces. These requirements are intended to reflect current national data on prevalence of mobility disabilities. However, buildings in multifamily or mixed-use developments that are single-family, two-family, or townhouse style structures are not subject to the accessible parking space requirement. The number of accessible parking spaces shall be determined based on the total number

June 21, 2024

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Lot 2B, Tract A1, Russian Jack #1 Subdivision

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of parking spaces provided, in accordance with table 21.07-10, Accessible Parking Spaces, except where otherwise stated in this section.

K. Bicycle Parking Spaces

1. Applicability

This subsection is effective beginning January 1, 2024, and applies to the uses in table 21.07-11. Uses listed in subsection 21.07.090.K.3. are exempt.

2. Bicycle Parking Required

Table 21.07-11 establishes the minimum number of bicycle parking spaces required per principal use, and the percentage of these spaces required to be developed as long-term (employee, resident) bicycle parking, versus short-term (visitor) spaces. The requirements are intended to follow the recommendations in the Anchorage Non-Motorized Plan. The required minimum number of spaces shall be provided for each use in Table 21.07-11.

AMC 21.07.080 Landscaping, Screening, and Fences

E. Types of Landscaping:

1. Site Perimeter Landscaping Requirements

b. Applicability

Site perimeter landscaping shall be provided along the perimeter property line of development sites in accordance with table 21.07-2, except for the following:

- i. At approved points of pedestrian or vehicle access;

2. Parking Lot Landscaping Requirements

b. Parking Lot Perimeter Landscaping

- i. Parking lot perimeter landscaping is required for all parking lots with 10 or more parking spaces that are associated with any multifamily or nonresidential use, and for parking lots that are a principal use on a site.
- ii. Parking lot perimeter landscaping shall be placed on all perimeters of a parking lot, which includes appurtenant driveways, where the parking lot abuts a property line. L2 buffer landscaping shall be used where a nonresidential district abuts a residential district, or is adjacent to a residential district across an alley, and where a multifamily district abuts a single-family residential district. All other sides of the parking lot perimeter shall have L1 visual enhancement landscaping.

AMC 21.13.060 Characteristics of Use:

A. Developments Are Conforming

- 1. Development that was legally established before January 1, 2014 that does not

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Lot 2B, Tract A1, Russian Jack #1 Subdivision

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comply with the district-specific standards of chapters 21.04, 21.09, and 21.10; the use-specific standards of chapters 21.05, 21.09, and 21.10; or the design and development standards of chapter 21.07 (except for section 21.07.020B., Stream, Water Body, and Wetland Protection) shall be considered conforming on January 1, 2014, and subject to this section. The standards for development

that do not conform to section 21.07.020B., Stream, Water Body, and Wetland Protection, are contained in 21.12.045., Nonconforming Encroachments into Watercourse, Water Body, and Wetland Setbacks.

2. No change shall be made to any development unless the change is in the direction of conformity to the requirements of this title.

This determination is based on the information listed above, which was provided by the applicant or was in the files of the department. If additional information is obtained, or the information provided above is later determined to be inaccurate or false, and materially changes the conclusion herein, the department may revise or revoke this determination.

Anchorage Municipal Code, Title 21, is available on the internet at www.municode.com.

Respectfully,



Liz Clifton
Land Use Plan Reviewer
(907) 343-8380

Appeal: This determination may be appealed to the Zoning Board of Examiners and Appeals (ZBEA) pursuant to AMC 21.03.050B. The appeal may be brought by any party of interest for the application no later than 20 days after the date of service of the decision. The appeal fee is \$1,130 and is required to be paid at the time the appeal is submitted. If the ZBEA fully overturns the decision of the director, then the fee will be returned. If the ZBEA overturns the decision of the director in part, then half of the fee will be returned. Please contact the Current Planning Division for more information.





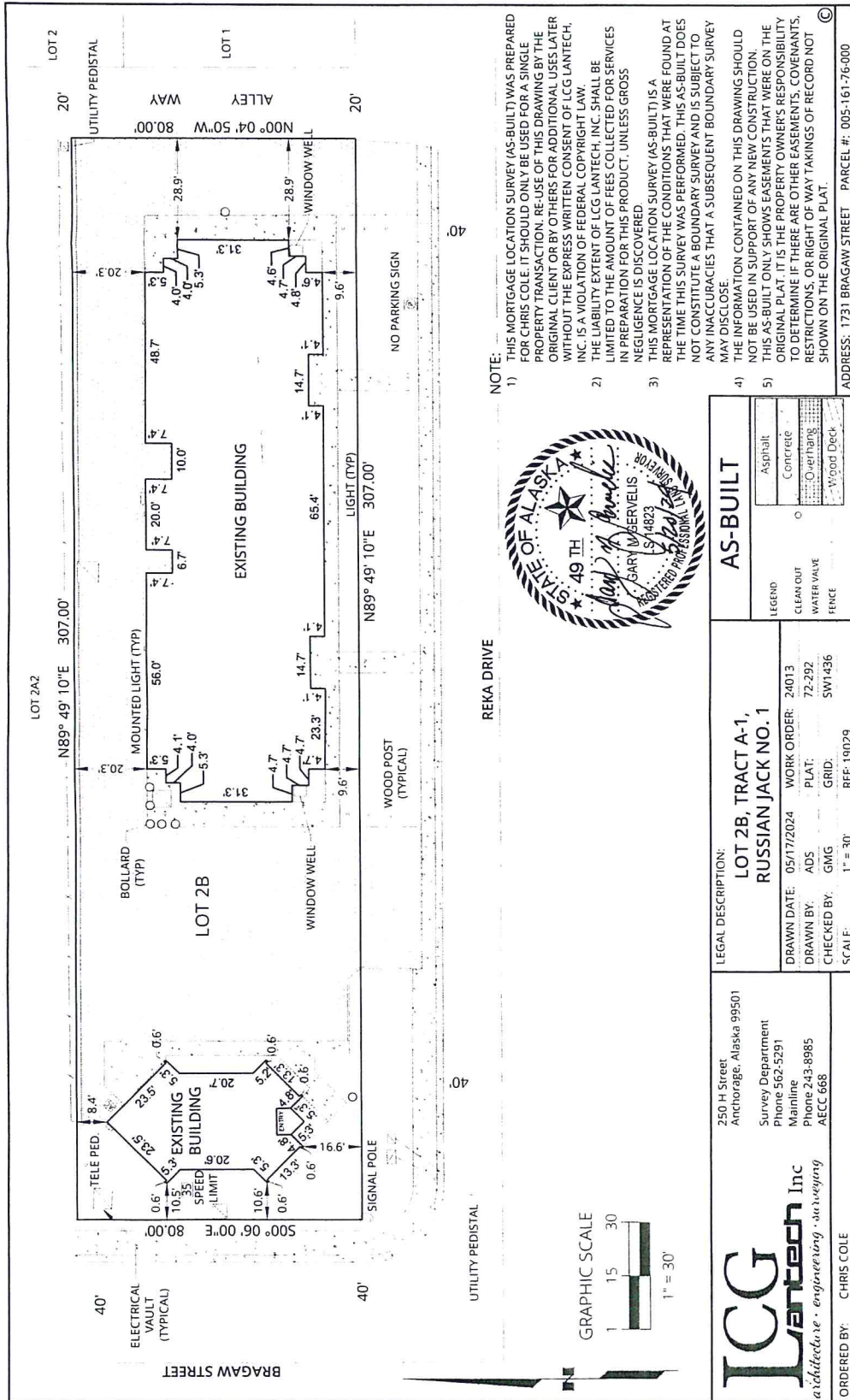










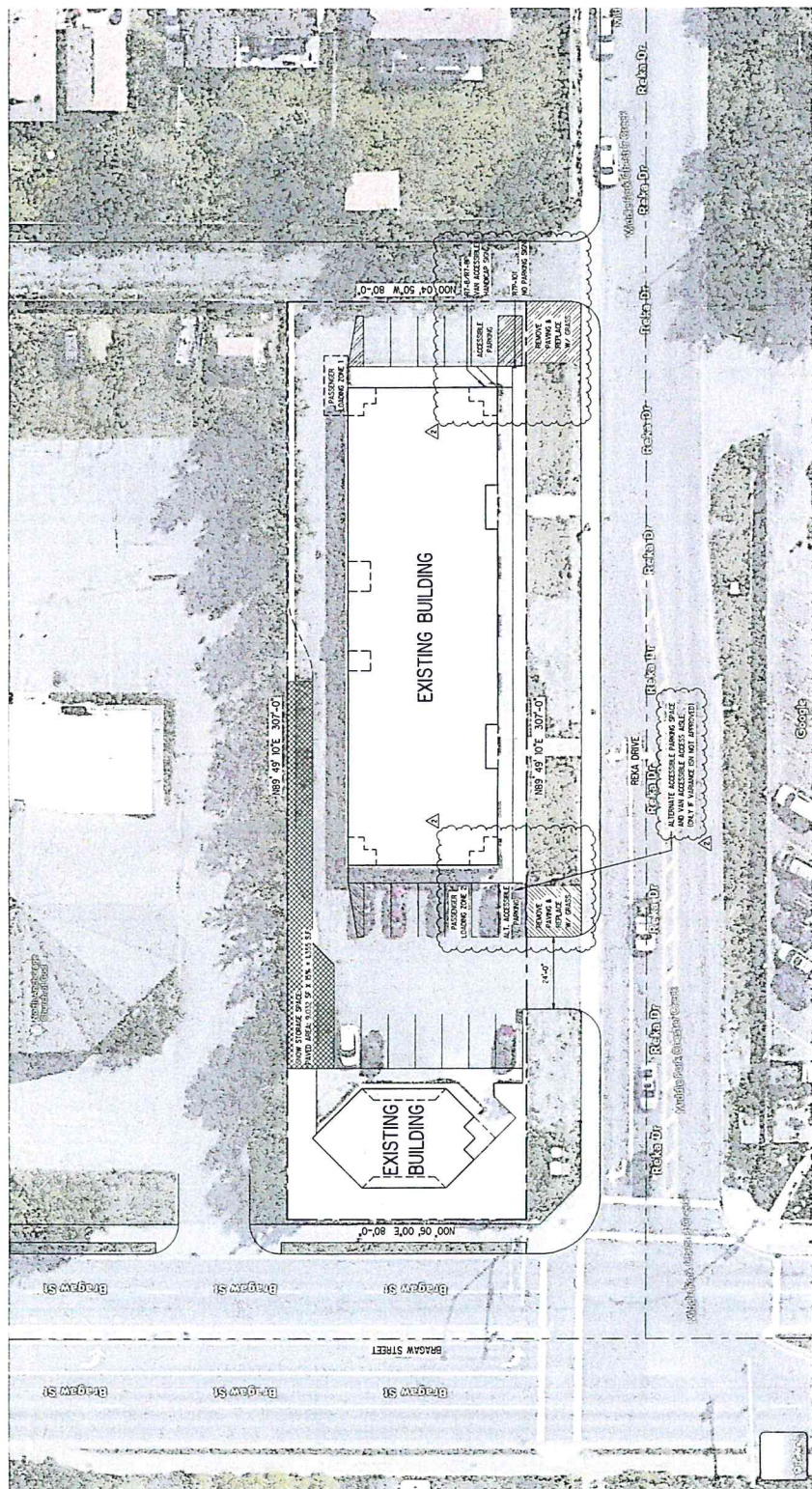


CODE ANALYSIS - TITLE 21

LEGAL DESCRIPTION:
 TR 4-1 LOT 25
 ZONING DISTRICT: PD
 PERMITTED DEVELOPMENT: ADULT DAY CARE (D OR MORE RESIDENTS)
 SETBACK REQUIREMENTS:
 FRONT: 10 FEET
 SIDE: 10 FEET IF ADJACENT TO A RESIDENTIAL DISTRICT;
 REAR: 5 FEET
 MINIMUM HEIGHT: 40 FEET
 MAXIMUM LOT COVERAGE: 50% (50% ACTUAL IMPERVIOUS SURFACE - 24,000 S.F.)
 VEGEATED OPEN SPACE: 25% REQUIRED FOR PD ZONING (AS REQUIRED FOR ALL OTHER ZONING DISTRICTS)
 DISCONTINUING FOOT CAN EXTEND, THAT RETURN OF LESS THAN 25% ALLOWED FOR SATURATED
 RETURN OF ADJACENT USES ADJACENT USES ARE A DASH AND ABOVE THE ALLEY IS A REFERENCE.

LEGEND

- SHOW STORAGE USE PLAN FOR CALCULATION
- VEGETATED OPEN SPACE USE CODE ANALYSIS FOR CALCULATION
- ALL EXISTING MARKING SHALL BE 4" WHITE EXCEPT ACCESSIBLE SPACE TO BE 4" BLUE (TO INCLUDE WHEEL STOPS AND CURBS)



① SITE PLAN
 SCALE: 1" = 20'-0"

DATE: 12.15.2021
 PERMIT SET

61 NORTHARC PROJECTS
 3401 DENALI STREET SUITE 102
 ANCHORAGE, ALASKA 99503
 PH: 907-274-4446



REVISIONS:
 3/27/2024 PERMIT COMMENTS
 5/31/2024 PERMIT COMMENTS

REJA DRIVE ADULT DAY CARE

PROJECT ADDRESS:
 3835 REJA DRIVE
 ANCHORAGE, ALASKA
 61 PROJECT NO: 2023-040

SITE PLAN
 A11.1

Departmental and Public Comments



MUNICIPALITY OF ANCHORAGE

Traffic Engineering Department



MEMORANDUM

DATE: September 12, 2024

TO: Current Planning Division Supervisor,
Planning Department

THRU: Kristen A. Langley, Traffic Safety Section Supervisor,
Traffic Engineering Department

FROM: Randy Ribble PE, Assistant Traffic Engineer

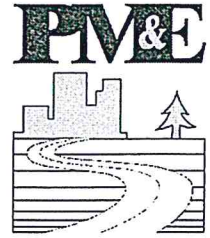
SUBJECT: **2024-0089 Request for Design Variance to allow relief from AMC 21.05
0403.e requiring L2 Buffer Landscaping**

3935 Reka Drive Anchorage, Alaska

Traffic Engineering recommends approval of the design variance for L2 buffer landscaping standards. Location is adjacent to alley and will impact require accessible parking needed to support new adult day care use.



Municipality of Anchorage
Project Management and Engineering
MEMORANDUM



DATE: September 11, 2024

RECEIVED

To: Dave Whitfield

SEP 11 2024

FROM: Kyle Cunningham

SUBJECT: Case 2024-0089 & 2024-0095: Comments from Watershed Management Services.

Watershed Management Services (WMS) has the following comments for the October 9, 2024 Urban Design Committee hearing:

- 2024-0089 - Lot 2B, Tract A-1, Russian Jack Subd. Unit No. 1 (Plat 72-292);
 - WMS has no comments on or objections to this request.
- 2024-0095 - Block 42, Original Townsite of Anchorage (LEASE #A428.001);
 - WMS has no comments on or objections to this request.

RECEIVED

SEP 11 2024

MEMORANDUM

DATE: September 11, 2024
TO: Dave Whitfield, Planning Manager, Planning Section, Planning Division
FROM: Seth Wise, Engineering Technician III, Planning Section, AWWU
RE: Zoning Case Comments
Decision date: October 09, 2024
Agency Comments due: September 11, 2024

AWWU has reviewed the materials and has the following comments:

2024-0089 LOT 2B, TRACT A-1, RUSSIAN JACK SUBD. UNIT NO. 1 (PLAT 72-292) – Request for Design Variance to allow relief from AMC 21.05.0403.e. requiring L2 Buffer Landscaping, Grid # SW1436.

1. AWWU water and sanitary sewer is available to this parcel.
2. AWWU has no objection to this Request for Design Variance.

If you have any questions pertaining to public water or sewer, please call (907) 564-2757 or send an e-mail to seth.wise@awwu.biz.



Kimmel, Corliss A.

From: Walters, Michael S.
Sent: Wednesday, August 28, 2024 3:39 PM
To: Blake, Lori A.; Kimmel, Corliss A.
Subject: 2024-0089 Request for Reviewing Agency Comments

RECEIVED

AUG 28 2024

ROW has the following comments for case number 2024-0089:

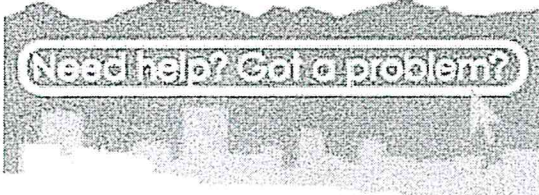
ROW has no comment or objections on the proposed action.

Regards,

Michael S Walters
Senior Plan Reviewer
Right of Way Section
michael.walters@anchorageak.gov
Office: 907-343-8226
Cell: 907-727-7637
Fax: 907-249-7910

#ANCWORKS!

An online tool for Anchorage





THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Transportation and
Public Facilities

Program Development and Statewide Planning
Anchorage Field Office

4111 Aviation Avenue
P.O. Box 196900
Anchorage, AK 99519-6900
Main number: 907-269-0520
Fax number: 907-269-0521
Website: dot.state.ak.us

August 21, 2024

RECEIVED

AUG 21 2024

David Whitfield, Current Planning Manager
MOA, Community Development Department
Planning Division
P.O. Box 196650
Anchorage, Alaska 99519-6650

[Sent Electronically]

Re: MOA Zoning Review

Dear Mr. Whitfield:

The Alaska Department of Transportation and Public Facilities (DOT&PF) has reviewed the following zoning cases and has no comments:

- **2024-0089 – 1731 Bragaw St, 3925 and 2935 Reka Drive – Design Variance**
- **2024-0095 – 4th Ave, Peratrovich Park Site Plan Review**

The Alaska Department of Transportation and Public Facilities (DOT&PF) has reviewed the following zoning cases and has no comments:

- **2024-0097 – 1733 Dowling Rd – Rebuild Nonconforming Use**
 - No objection to the nonconforming use.
 - No direct access to Dowling Road will be allowed from this property. Access must be taken from Dow Place.

We recommend the petitioner verify all section line easements and DOT&PF road rights-of-way adjacent to their property. For assistance, the petitioner may contact the Engineering group within the Right of Way section in DOT&PF at (907) 269-0700. The petitioner is liable to remove any improvements within the easements and rights-of-way that impede the operation and maintenance of those facilities even if they are not shown on the plat, so it is in the petitioner's best interest to identify the exact locations and widths of any such easements or rights-of-way before they improve the property.

If any section line easements or road rights-of-way exist within the bounds of their plat, we recommend the petitioner dedicate them. If there is an existing right-of-way or easement, the petitioner is unable to

develop that portion of the property yet continues to pay property taxes on it; dedicating will remove that cost to the petitioner.

If there are any questions regarding these comments, please feel free to contact me at (907) 269-0522 or mark.eisenman@alaska.gov.

Sincerely,



Mark Eisenman
Anchorage Area Planner, DOT&PF

cc: Sean Baski, P.E., Highway Design Group Chief, DOT&PF
Matt Walsh, Property Management Supervisor, Right of Way, DOT&PF
Corliss Kimmel, Office Associate, Current Planning, MOA
Lori Black, Office Associate, Current Planning, MOA
Devki Rearden, Engineering Associate, DOT&PF
Orion LeCroy, P.E. Acting Highway Safety Engineer, DOT&PF

Affidavit of Posting and Historical Information



AFFIDAVIT OF POSTING

CASE NUMBER: 2021-0089.

I, AGNES P. FRANCIS (U) hereby certify that I have posted a Notice as prescribed by Anchorage Municipal Code 21.03.020H.5. on the property that I have petitioned for DESIGN VARIANCE. The notice was posted on 07-23-24 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 23 day of JULY, 20 24.

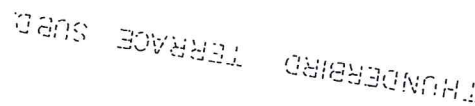
Agnes P. Francis
Signature

LEGAL DESCRIPTION

Tract or Lot: LOT 2-B TRACT A-1.

Block:

Subdivision: RUSSIAN JACK #1.



1. LOT 2A ACCESS - NO MORE THAN TWO ACCESS POINTS WILL BE PERMITTED FROM LOT 2A TO BRAGWAG, EACH NO MORE THAN 25' IN WIDTH AND A MINIMUM OF 150' APART.
2. LOT 2B ACCESS - ONLY ONE ACCESS POINT WILL BE PERMITTED TO BRAGWAG, SAID ACCESS TO BE NO MORE THAN 25' IN WIDTH.

- ④ DICKINSON & OSWALD B.C. MON. RECOVERED
- ④ R.L. THIEL B.C. MON. RECOVERED
- × P.K. NAIL RECOVERED
- 5/8" REBAR SET

72-292

ANCHORAGE
12-29 1972
2:56 P.M.
G.A.A.B.

We hereby certify that we are the owners of the property shown and described herein. We hereby request approval of this plat, showing such easements for public utilities, roadways and alleys dedicated by us for public use. There shall be reserved adjacent to the dedicated rights-of-way shown herein, a slope reservation sufficient to contain a right-of-way of 12 feet horizontally for each foot vertically (1:12) of slopes of 12% left horizontally for providing and maintaining lateral support of the adjacent property.

We, the undersigned, the grantors, their heirs, successors, the right to be reserved to slopes at any time upon subdividing and maintaining other adequate lateral support, as approved by the City

DATE: Dec 3 1972

DICK FISCHER, FOR
FOURTH AVENUE INVESTMENT CO. INC.
406 G STREET, ANCHORAGE, ALASKA
RECORDED IN BOOK P/4 15, PAGE 368.

NOTARY'S ACKNOWLEDGEMENT:

ENGINEER'S CERTIFICATE:

Dec. 26, 1972

PLAT APPROVAL

Arlio Stengulski
Authorized Official



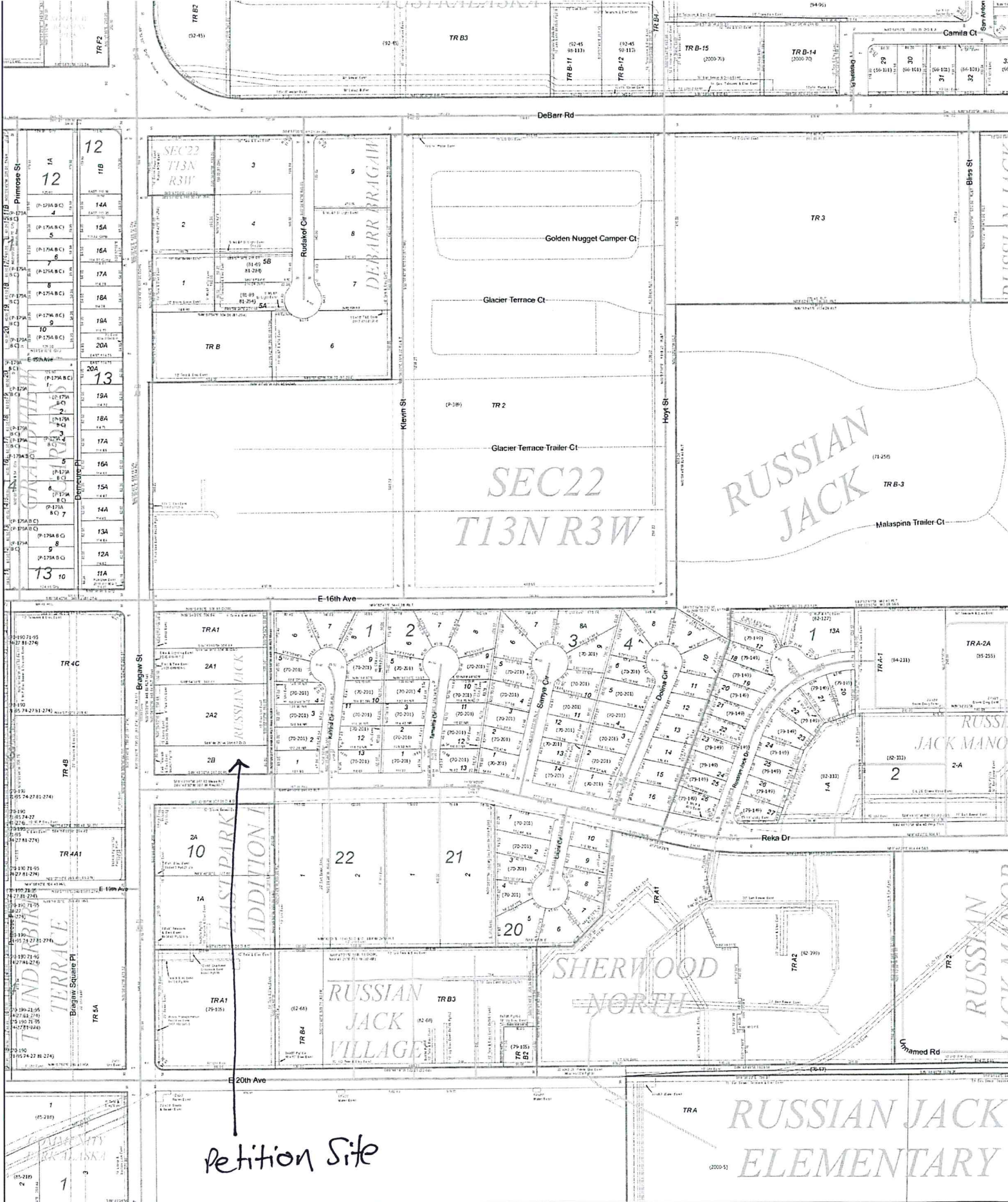
LOT 24 82B, TRACT A-1
 RUSSIAN JACK SUBD UNIT NO 1
 A RESUBDIVISION OF LOT 2, TRACT A-1 RUSSIAN JACK SUBD UNIT NO 1
 COMPRISING 2.45 ACRES MORE OR LESS

THIEL & ASSOCIATES
 ENGINEERS & SURVEYORS
 519 W. EIGHTH AVE., ANCHORAGE, ALASKA 99501

SCALE: 1" = 100'
 DATE: OCT. 6, 1972

DRAWN: RLT
 GRID 14356

SHEET NO. 1 OF 1



Petition Site

GRID SW1436