

Submitted by: Chair of the Assembly at
Request of the Mayor
Prepared by: Planning Department
For reading: May 24, 2022

**ANCHORAGE, ALASKA
AO NO. 2022-62**

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21,
LAND USE PLANNING, TO CREATE A NEW PROCEDURE FOR THE
ASSEMBLY TO APPROVE REINVESTMENT FOCUS AREAS.**

(Planning and Zoning Commission Case No. 2022-0010)

WHEREAS, Section 3 of the 2040 Land Use Plan directs the Assembly to create Reinvestment Focus Areas for the facilitation of financing and taxation policies that incentivize development in certain priority areas; and

WHEREAS, Reinvestment Focus Areas are intended to incentivize important developments that are difficult to finance, such as multifamily housing or industrial “traded sector” businesses; and

WHEREAS, Exhibit E (attached) depicts zones eligible for nomination; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Title 21 is hereby amended by adding a new section 21.03.116 – Reinvestment Focus Area Designation:

21.03.116 Reinvestment Focus Area Designation.

A. *Purpose.* This section describes the administration and procedures for designating a Reinvestment Focus Area (RFA). This section also formalizes the criteria, boundaries, incentives and administrative procedures by which an RFA is implemented, including the actions of any responsible parties. The strategy to create RFAs and the approximate locations of RFAs are adopted in the *Anchorage 2040 Land Use Plan* and other strategic areas. Objectives for designating the RFA include:

1. Focus and coordinate municipal actions including development incentives and infrastructure investments to catalyze private sector reinvestment in support of new infill and redevelopment in strategic areas of Anchorage.
2. Coordinate local investments with state or federal level programs and investments, if applicable.

- 1 3. Focus on areas of significant near-term growth potential which
2 show a demonstrated need, opportunity, and local support.
3
- 4 4. Coordinate infrastructure investments such as streets,
5 walkways, and utilities (as allowed by tariffs) to create a
6 cohesive, integrated, and yet diverse urban place to offer a
7 high quality of life.
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- 9 5. Increase new housing development on vacant infill lots.
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- 11 6. Promote rehabilitation, upgrade, and adaptive reuse of
12 existing buildings for housing or mixed-use residential uses.
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- 14 7. Meet the community's needs for additional housing and
15 employment in areas best positioned to accommodate
16 growth.
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18 B. *Types of Incentives Available Through an RFA.* Potential municipal
19 incentives may include but are not limited to items 1-11 below.
20 Incentives may be approved using administrative procedures or
21 existing tools in municipal code to implement in the RFA:
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- 23 1. Sponsored or targeted area rezonings (Title 21)
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- 25 2. Tax abatement and tax exemptions (Title 12)
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- 27 3. Transportation Improvement Plan funds (TIP and/or Capital
28 Improvement Budget (CIB))
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- 30 4. Alley improvement funding (CIB)
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- 32 5. Utility undergrounding funding (Utility CIB)
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- 34 6. Special assessment districts (Title 19)
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- 36 7. New zoning districts or overlay districts (assembly approval,
37 Title 21)
38
- 39 8. Revenue bonds (assembly approval, citywide election).
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- 41 9. Expedited permit reviews and inspections (building services,
42 assembly)
43
- 44 10. Off-site improvement phasing, partnering agreements, public
45 funding for improvements (project management and
46 engineering, assembly)
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11. Fee waivers, as outlined below:
- a. Fee waivers are subject to eligibility and qualification under this chapter. Partial waiver or total exemption from certain municipal fees listed in this section may be applied to housing and mixed-use residential developments in RFAs. An application for municipal fee relief shall be made on a form approved by the planning department and submitted to the director of the planning department for approval by the Assembly. The request shall be subject to the requirements of this section.
 - b. A partial waiver or total exemption from municipal fees listed in this section shall be approved by ordinance. Municipal fee relief does not authorize work to proceed without permits, inspections and land use authorizations required by code.
 - c. If partial waiver or total exemption of a fee is granted, the applicant may be required to pay the municipal fee, subject to refund only if a certificate of occupancy is issued. Municipal fee relief may be granted by the Building Official or Development Services Director for the following fees:
 - i. Building permit fees under AMC 23.10.104.13.2, set out in AMC 23.10 Table 3-A, 1-5 for new construction (Commercial); New Construction (Residential): Alterations and /or Addition (Residential or Commercial: Change of Use Only: Electrical, Mechanical, Plumbing (Residential or Commercial-No Structural Work).
 - ii. Demolition permit fees under AMC 23.10.104.13.2, set out in AMC 23.10 Table 3-A.6. C.
 - iii. Grading, excavation and fill permit fees under AMC 23.10.1044.12.2, set out in AMC 23.10 Table 3-G.
 - iv. Plan review fees under AMC 23.10.104.13.3, set out in AMC 23.10 Table 3-B, 1. Building Permits Plan Review Fees, except that fees for expedited plan review, commercial out-sourcing plan review, and express permitting shall not be

1 granted municipal fee relief by assembly
2 resolution.

3
4 v. Inspection fees for alteration, additions,
5 remodels, and retrofits under AMC 23.10.106,
6 set out in AMC 23.10 Table 3-C.1., Inspections
7 or re-inspection hourly fee. Fees for inspections
8 or re-inspections that are unscheduled or
9 outside normal business hours, or for code
10 compliance, or a fine, set out in AMC 23.10
11 Table 3-C, 2-6 shall not be granted by assembly
12 resolution.

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14 vi. Electrical Permit fees under AMC
15 23.10.104.13.2, set out in AMC 23.10 Table 3-
16 D.1. B.

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18 vii. Plumbing Permit fees under AMC
19 23.10.104.13.2, set out in AMC 23.10 Table 3-
20 E.1. A.

21
22 viii. Permit and inspection fees under AMC chapter
23 24.30 for temporary uses during construction.

24
25 ix. Waivers for relevant or applicable items from the
26 schedule of land use fees in AMCR 21.20.001,
27 21.20.002, 21.20.003, or 21.20.007.

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29 C. *Relationship to Other Title 21 Provisions*

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31 1. Except as provided specifically otherwise in this section, the
32 designation of an RFA shall be subject to and reviewed
33 pursuant to the generally applicable administrative and review
34 procedures by the Planning and Zoning Commission and
35 Assembly set forth in chapters 21.02, Boards and
36 Commissions, and Municipal administration, and 21.03,
37 Review and Approval Procedures.

38
39 2. All applicable underlying regulations, requirements, and
40 provisions of Title 21 and municipal code apply to
41 development within an RFA, except where specifically stated
42 otherwise. This chapter, like all other Title 21 chapters,
43 remains subject to Section 21.01.060, *Conflicting Provisions*.
44

- 1 D. *Procedure:* The Assembly may designate one or more RFAs using
2 the procedures and approval criteria that follow:
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- 4 1. *Initiation:* An RFA designation may be initiated by the
5 municipality or by petition signed by property owner(s)
6 desiring to be included in an RFA.
7
 - 8 2. *Required Information Submittal:* An RFA proposal shall
9 include the following to support the designation of an RFA per
10 the approval criteria of subsection E. These items shall serve
11 as an existing conditions summary and may be waived or
12 adjusted under the approval of a Small Area Implementation
13 Plan requirements in section 21.03.115D.:
 - 14 a. A completed application form provided by the Planning
15 Department;
 - 16 b. A map delineating the RFA boundary, along with a
17 legal description, acreage of the proposed petition
18 area, a boundary delineation rationale narrative, and a
19 summary of the existing uses found both inside and
20 directly adjacent to the petition area;
 - 21 c. A summary of available utilities or deficiencies (if
22 known), land use and site plan of any existing
23 development, including but not limited to buildings,
24 streets, sidewalks, alleys, public infrastructure, historic
25 properties or local landmarks, natural hazards,
26 drainage systems and existing site drainage, and trails
27 in the proposed area;
 - 28 d. A narrative summary of general conformance with the
29 comprehensive plan and its elements, utility or park
30 master plans, public facility plans and relevant
31 elements, or other applicable planning documents; and
 - 32 e. A letter of sole or group property owner interest or
33 support for inclusion in a proposed RFA.
 - 34 3. *Community Meeting and Public Notice:* A community meeting
35 is required in accordance with subsection 21.03.020C. Public
36 notice shall be provided in accordance with subsection
37 21.03.020H.
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 - 39 4. *Departmental Review:* The planning department shall review
40 each proposed RFA with respect to the approval criteria set
41 forth in subsection E. below and distribute the application to
42 impacted departments or agencies. Based on the results of
43 those reviews, the department shall provide a report in
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- 1 accordance with subsection 21.03.020 with recommendations
2 to the planning and zoning commission.
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- 4 5. *Planning and Zoning Commission Action:* The commission
5 will review and consider the recommendations of the
6 department and other reviewers and, based upon the
7 approval criteria of subsection E. below, shall recommend
8 approval, approval with modifications, or denial. The
9 commission shall include written findings based on each of
10 the approval criteria.
11
- 12 6. *Assembly Action:* Upon receipt of the recommendations from
13 the commission, the assembly may, based on the criteria of
14 subsection E. below and at its discretion, hold a public hearing
15 and take one of the following actions:
16
- 17 a. Approve the RFA as submitted to the planning and
18 zoning commission;
19
- 20 b. Approve the RFA with modifications;
21
- 22 c. Deny the RFA; or
23
- 24 d. Remand the proposed RFA back to the planning and
25 zoning commission or to a committee of the assembly
26 to request additional information or for further review
27 and consideration.
28
- 29 7. *Form and Effect of Assembly Approval:* The assembly
30 approval shall be in form of an assembly ordinance. The
31 ordinance shall include the name, a map, legal description of
32 the RFA boundaries.
33
- 34 E. *Approval Criteria for Establishing RFAs:* The RFA shall meet all the
35 following criteria for a planning and zoning commission
36 recommendation of approval and assembly approval:
37
- 38 1. General conformity with comprehensive plan and its
39 elements, utility or park master plans, public facility plans and
40 relevant elements, or other applicable planning documents;
41
- 42 2. The subject area is located in proximity to a commercial,
43 mixed-use, or employment center designated in the
44 comprehensive plan, and is accessible to nearby jobs, stores,
45 restaurants, and other services, amenities, or attractions;
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- 47 3. The area provides potential to maximize development of
48 additional housing units through infill, re-use, or
49 redevelopment actions;

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4. The area is mostly within a ½-mile walking distance of a transit-supportive development corridor or greenway-supported development corridor, as measured from the centerline designated in the comprehensive plan;
 5. The area is undergoing growth and change, where development and (re)investment are anticipated to continue;
 6. The area has no significant prohibitive constraints to development, area-specific natural or man-made hazards, or sensitive natural features;
 7. Existing zoning or future zoning called for in the comprehensive plan would support greater intensity of development or use than occurs today;
 8. The area has existing infrastructure, such as water, sewer, road capacity, etc., or where cost/feasibility of upgrading capacity is present to support growth, or where reinvestment in infrastructure is planned or anticipated, which will support growth; and
 9. The targeted area is 5 acres or greater in size, unless the Planning director determines a smaller area meets the intent and criteria of this section.

F. *Amendments to Approved RFAs*

1. *Approval Procedure for Major Amendments:* Amendment of an RFA approval shall follow the same process required for the standard approval of the RFA, unless the amendment is determined to be a minor amendment as described in subsection C.2. below.
2. *Approval Procedure for Minor Amendments:* The director may, at any time on their own motion, request an evaluation and approval of a minor amendment to an approved RFA. Minor amendments address items in the original adopting ordinance, and include:
 - a. Adding new property to an RFA, not to exceed 15% of existing RFA acreage;
 - b. Insubstantial changes to the text for clarifications or corrections;

- 1 c. Changes in a street alignment, if the change furthers
2 the intent of the project and this code, and is
3 acceptable to the municipal engineer; and
4
5 d. Other incidental changes to an existing RFA.
6
7 3. *Additional Considerations for Minor Amendments:* Minor
8 amendments cannot affect land use or density in ways that
9 would adversely impact public facilities, utilities, traffic, or
10 other infrastructure or adjacent neighborhoods. The
11 procedure for a minor amendment shall be as follows:
12
13 a. The director shall review the proposed minor
14 amendment and determine if the proposed amendment
15 shall be processed as a minor amendment or major
16 amendment. The applicant may appeal the director's
17 decision in writing to the zoning board of examiners
18 and appeals within 10 days of the decision.
19
20 b. Immediately following the Planning director's
21 determination that a proposed amendment is minor,
22 the director shall:
23
24 i. Issue a minor amendment affidavit, which shall
25 be transmitted to the planning and zoning
26 commission for their information; and
27
28 ii. Attach a form stating the nature of the
29 modification, date of approval, and bearing the
30 signature of the director to the RFA on file in the
31 department.
32
33 iii. Review the proposed amendment and shall
34 provide a memo to the planning and zoning
35 commission and the assembly.
36
37 G. *Designated RFAs:* The formal boundaries of an adopted RFA are
38 described in each adopting ordinance and depicted in the
39 Designated RFA Map, having been approved through the
40 procedures and criteria of this chapter. Properties adjacent to but
41 outside of an RFA boundary are not included in an RFA, subject to
42 its standards, and are not eligible for any of its incentives or other
43 provisions. Except as subject to a minor amendment procedure, an
44 RFA boundary can only be amended by assembly ordinance.
45 Specific incentives are established in the ordinances adopted by the
46 assembly approving an RFA.

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H. *RFA Implementation*

1. *Purpose:* This section provides tools, terms and actions necessary to fulfill and implement terms, conditions, and the goals of the RFA and RFA development agreement. These include, but are not limited to existing Title 21 provisions, including the small area implementation plan, and the use of economic incentives, some of which are promulgated in other sections of the code, and public improvements. Once an RFA is formerly established, the assembly shall indicate which department or division will implement the area.
2. *Administration:* An RFA shall be administered, regulated, and maintained by the planning department with the concurrence of development services, and finance departments.
 - a. Process for administering an RFA:
 - i. Formal establishment and delineation of an RFA by assembly action.
 - ii. RFA language identifies requested financial or regulatory incentives identified in 21.03.116B. above.
 - iii. Maintenance of an RFA Map by the Planning department or equivalent division.

Section 2. Anchorage Municipal Code chapter 21.02 – Table 21.02-1: Summary of major Title 21 decision-making and review responsibilities, is hereby amended to read as follows:

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES								
<p><i>NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.</i></p> <p>A = APPEAL = Authority to Hear and Decide Appeals D = DECISION = Responsible for Review and Final Decision H = HEARING = Public Hearing Required R = REVIEW = Responsible for Review and/or Recommendation Only</p>								
	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Alcohol—Special Land Use Permit	21.03.040	D-H/A1						R/D1
Certificates of Zoning Compliance	21.03.060					A		D
Comprehensive Plan Amendments	21.03.070 C.	D-H2	R-H2					R
Conditional Uses	21.03.080		D-H				A	R
Flood Hazard Permits	21.03.090					A		D

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals
D = DECISION = Responsible for Review and Final Decision
H = HEARING = Public Hearing Required
R = REVIEW = Responsible for Review and/or Recommendation Only

	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Land Use Permits	21.03.100				A3	A3		D
Marijuana—Special Land Use Permit and associated variances	21.03.105	D-H						R
Master Plan, Institutional	21.03.110 A.	D-H	R-H					R
<u>Reinvestment Focus Areas</u>	<u>21.03.116</u>	<u>D-H</u>	<u>R-H</u>					<u>R</u>
Minor Modifications	21.03.120		D4	D4		A5	A5	D4
Neighborhood or District Plans	21.03.130	D-H	R-H					R
Public Facility Site Selection	21.03.140	D-H/ A-H6	R-H/ D-H6					R
Rezoning (Map Amendments)	21.03.160	D-H	R-H					R
Sign Permits	21.03.170					A		D
Site Plan Review, Administrative	21.03.180 C.			A				D
Site Plan Review, Major	21.03.180 D.		D-H7	D-H7			A	R
Street Review	21.03.190 B.		R8/D	R 8/D				R
Small Area Implementation Plans	21.03.115		D-H15	D-H				R
Trail Review	21.03.190 C.			R/D				R
Preliminary Plat	21.03.200 C.5.		D-H9	D-H9	D-H9		A	R
Abbreviated Plat	21.03.200 D.				A-H			D
*** *** ***								

1 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-36, § 1,
 2 5-14-15; AO No. 2016-3(S), § 1, 2-23-16; AO No. 2017-55, § 2, 4-11-17;
 3 AO No. 2018-67(S-1), § 1, 10-9-18; AO No. 2020-38, § 2, 5-28-20; AO
 4 No. 2021-46(S), § 3, 6-8-21)
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6 **Section 3.** Anchorage Municipal Code section 21.02.090 – Assembly is hereby
 7 amended to read as follows (*the remainder of the section is not affected and*
 8 *therefore not set out*):
 9

10 **21.02.090 Assembly.**

11 A. *Decision-Making Authority.* The Assembly has the following
 12 decision-making authority under this title:
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- 1. Special land use permit for alcohol—for beverage dispensary and package store liquor licenses (21.03.040);
- 2. Comprehensive Plan amendments (21.03.070);
- 3. Special land use permits for marijuana and associated variances from AMC section 21.05.055 (21.03.105);
- 4. Institutional master plans (21.03.110);
- 5. Reinvestment focus areas (21.03.116);
- 6[5]. Neighborhood or district plans (21.03.130);
- 7[6]. Public facility site selection for municipal facilities (21.03.140);
- 8[7]. Rezoning (zoning map amendments), to include overlay districts (21.03.160);
- 9[8]. Title 21 text amendments (21.03.210);
- 10[9]. Appeals on public facility site selections for non-municipal facilities (21.03.140); and
- 11[10]. Any other action not delegated to the planning and zoning commission, platting board, zoning board of examiners and appeals, board of adjustment, urban design commission, or municipal staff, as the assembly may deem desirable and necessary to implement the provisions of this title.

*** *** ***

(AO 2012-124(S), 2-26-13; AO No. 2016-3(S), § 2, 2-23-16; AO No. 2017-55, § 4, 4-11-17)

Section 4. Anchorage Municipal Code section 21.03.020, Common procedures, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.03.020 Common Procedures.

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C. Community Meetings.

- 1. *Purpose.* The community meeting is an informal opportunity for the developer to inform the surrounding area residents and property owners of the details of a proposed development and application, how the developer intends to meet the standards

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contained in this title, and to receive public comment and encourage dialogue at an early time in the review process.

2. *Applicability.*

a. *Types of applications.* The applicant shall hold a community meeting for any of the following types of applications.

- i. Rezonings (zoning map amendments);
- ii. Subdivisions, except for abbreviated plats;
- iii. Conditional uses;
- iv. Marijuana—special land use permit;
- v. Institutional master plans;
- vi. Major site plan review;
- vii. Public facility site selection; [AND]
- viii. Small area implementation plans; and
- ix. Reinvestment focus areas.

*** *** ***

H. *Notice.*

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2. *Summary of notice requirements.* The following table 21.03-1 summarizes the notice requirements of the procedures set forth in this chapter. Unless otherwise specified in this title, procedures not listed in this table have no public notice requirements.

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS					
Type of Application or Procedure	Section	Notice Required			Community Council
		Written (Mailed)	Published	Posted	
Alcohol—Special Land Use Permit	21.03.040	✓	✓	✓	✓
Appeals to Board of Adjustment	21.03.050A.	✓	✓	-	-
Appeals to ZBEA	21.03.050B.	✓	✓	-	✓
Comprehensive Plan Amendments, Substantive	21.03.070C.	-	✓	-	✓
Conditional Uses	21.03.080	✓	✓	✓	✓
Marijuana - Special Land Use Permit	21.03.105	✓	✓	✓	✓
Marijuana – Modification of a Special Land Use Permit Requiring Public Hearing	21.03.105C.	✓	✓	✓	✓
Marijuana - Variances	21.03.105C.	✓	✓	✓	✓
Master Plan, Area	21.09.030E.	✓	✓	✓	✓
Master Plan, Development	21.09.030F.	✓	✓	✓	✓
Master Plan, Institutional	21.03.110	✓	✓	✓	✓
<u>Reinvestment Focus Area</u>	<u>21.03.116</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
Neighborhood or District Plans	21.03.130	-	✓	-	✓
Nonconforming Uses of Land or Structures, Replication of	21.12.030C.	✓	✓	✓	✓
Nonconforming Structures, Replication	21.12.040D.	✓	✓	✓	✓
Public Facility Site Selection	21.03.140	✓	✓	✓	✓
Rezoning (Zoning Map Amendments)	21.03.160	✓	✓	✓	✓
Site Plan Review, Administrative	21.03.180C.	✓ ¹	✓	✓ ¹	✓
Site Plan Review, Major	21.03.180C.	✓	✓	✓	✓
Small Area Implementation Plans	21.03.115	✓	✓	✓	✓
Street Name Alterations	21.03.185	✓	✓	-	-
Street and Trail Review	21.03.190	-	✓	-	✓
Subdivisions (with existing physical access)	21.03.200	✓	✓	✓	✓
Subdivisions (without existing physical access)	21.03.200	✓	✓	-	✓
Abbreviated Plats	21.03.200D.	-	✓	-	✓
Modification or Removal of Plat Notes	21.03.200G.	✓	✓	✓	✓
Title 21, Text Amendments	21.03.210	-	✓	-	✓
Vacation of Public and Private Interest in Land	21.03.230	✓	✓	✓	✓
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*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-131, § 1, 1-12-15; AO No. 2015-142(S-1), § 1(Exh. A), 6-21-16; AO No. 2016-3(S), § 3, 2-23-16; AO No. 2017-75, § 1, 5-9-17; AO No. 2017-175(S), § 1, 2-13-18; AO No. 2019-67, § 1, 6-18-19; AO No. 2021-46(S), § 5, 6-8-21; AO No. 2021-69, § 1, 8-10-21)

Section 5. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2022.

Chair of the Assembly

ATTEST:

Municipal Clerk

(Planning and Zoning Commission Case No. 2022-0010)

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MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2022-62

Title: **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21, LAND USE PLANNING, TO CREATE A NEW PROCEDURE FOR THE ASSEMBLY TO APPROVE REINVESTMENT FOCUS AREAS.**

Sponsor: **MAYOR**
 Preparing Agency: Planning Department
 Others Impacted: Any departments involved in land development

CHANGES IN EXPENDITURES AND REVENUES:	(In Thousands of Dollars)				
	FY22	FY23	FY24	FY25	FY26
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

No immediate public-sector economic effects until the creation of an RFA is approved by the Assembly. If the Planning Department is to initiate any RFA in the future as an incentive as part of an RFA, then funding needs to be made available. A designated RFA could require public capital investment, foregoing tax revenue, rezoning or other planning actions, or any other process required for site redevelopment.

PRIVATE SECTOR ECONOMIC EFFECTS:

A Reinvestment Focus Area is a designated area in which the Municipality may exercise a range of subsidies, tax benefits, or other financial or regulatory flexibility within a designated zone. The newly created AMC 21.03.116 is intended to apply redevelopment and infill opportunities throughout the Anchorage Bowl and offer design flexibility and relief to developers from Current Title 21 requirements. As a result, this text amendment provides a new development tool that encourages private-public partnerships and promotes infill and redevelopment. For an RFA initiated by the private sector, initial costs will include those associated with preparing the elements required for RFA submittal, refinements as required through municipal approval, and those costs incurred through the implementation of the approved RFA. An approved RFA will establish parameters of the project and will lay out the details for modification and termination process. RFAs are intended to coordinate public investment with private investment in order to maximize infill development in accordance with the Anchorage 2040 Land Use Plan or other community priorities.

Prepared by: Daniel Mckenna-Foster

Telephone: 907-343-7918



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 299-2022

Meeting Date: May 20, 2022

1 **FROM: MAYOR**

2
3 **SUBJECT: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**
4 **TITLE 21, LAND USE PLANNING, TO CREATE A NEW**
5 **PROCEDURE FOR THE ASSEMBLY TO APPROVE**
6 **REINVESTMENT FOCUS AREAS.**
7
8

9 **INTRODUCTION AND PZC RECOMMENDATION**

10 At its February 7, 2022 work session, the Planning and Zoning Commission (PZC)
11 heard an overview and discussed Case No. 2022-0010, the establishment of a
12 process to create Reinvestment Focus Areas (RFAs). At its March 14, 2022 regular
13 meeting, the PZC held a public hearing, discussed the ordinance, and voted
14 unanimously to recommend it to the Anchorage Assembly. The PZC
15 recommendation is attached as PZC Resolution No. 2022-014 (Exhibit A).
16

17 **OVERVIEW**

18 The *Anchorage 2040 Land Use Plan* (2040 LUP) calls for the creation of a process
19 to establish Reinvestment Focus Areas (RFAs) in priority locations across the
20 Municipality. The proposed ordinance creates a new process in code which allows
21 for the creation and operation of RFAs in areas the Assembly approves.
22

23 **PURPOSE OF REINVESTMENT FOCUS AREAS**

24 Reinvestment Focus Areas allow the Municipality to provide targeted financial,
25 subsidy, or in-kind support to areas which have been specifically identified by the
26 2040 LUP, community groups, or the Assembly. This ordinance does not establish
27 any RFAs but simply establishes the process to create and operate them. The
28 specific boundaries and nature of any RFA that is established will depend on
29 Assembly designation.
30

31 **NOMINATION FORM AND SUBMITTAL**

32 Applications for the creation of an RFA will be submitted to the Planning
33 Department on an application form provided by the Municipality (Exhibit D).
34

35 **SUMMARY OF UPDATES TO TITLE 21**

36 This ordinance creates a new section in Title 21 under 21.03.116, "Reinvestment
37 Focus Area Designation," including rules for designation, types of incentives
38 available, relationship to other provisions, procedures, approval, amendments,
39 boundaries, and implementation. The ordinance also proposes small changes to
40 Chapters 21.02 and 21.03 to provide for Assembly and public process procedures.
41

1 PUBLIC PARTICIPATION SUMMARY

2 The public hearing draft was released for agency and public review and comment
3 on January 3, 2022, for the March 14, 2022 PZC public hearing. The document
4 was posted on the Planning Department website and distributed for review and
5 comment to community councils, agencies, and other interested parties. The
6 public hearing schedule was announced on the municipal Public Notices web
7 page. Comments received are in the PZC staff packet. Staff included or corrected
8 issues identified by the Commission at the February 7, 2022 work session in the
9 final version voted on at the March 14, 2022, regular meeting.

10 RECOMMENDATIONS

11 Staff requests Assembly approval of the public hearing draft ordinance, which
12 reflects the recommendations on March 14, 2022, PZC staff packet (Exhibit B) and
13 as adopted in Planning and Zoning Commission Resolution No. 2022-014 (Exhibit
14 A). Also attached are the Planning and Zoning Commission meeting minutes
15 (Exhibit C) and four maps depicting zones eligible for nomination (Exhibit E).
16

17 THE ADMINISTRATION RECOMMENDS APPROVAL.

18
19
20
21 Prepared by: Daniel Mckenna-Foster, Senior Planner
22 Planning Department
23 Approved by: Craig H. Lyon, Planning Director
24 Concur: Adam Trombley, Community Development Director
25 Concur: Cheryl Frasca, OMB Director
26 Concur: Patrick Bergt, Municipal Attorney
27 Concur: Amy Demboski, Municipal Manager
28 Respectfully submitted: Dave Bronson, Mayor
29

30
31 Attachments: Exhibit A—Planning and Zoning Commission Resolution No. 2022-014
32 Exhibit B—Planning and Zoning Commission Staff Packet
33 Exhibit C—Planning and Zoning Commission Meeting Minutes
34 Exhibit D—RFA Draft Application
35 Exhibit E—Maps of Zones Eligible for Nomination
36

37 (Planning and Zoning Commission Case No. 2022-0010)

**Planning and Zoning Commission
Resolution No. 2022-014**

Reinvestment Focus Area
PZC Case No. 2022-0010

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MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2022-014

A RESOLUTION RECOMMENDING TO THE ANCHORAGE ASSEMBLY APPROVAL OF AN ORDINANCE TO CREATE A NEW PROCEDURE FOR REINVESTMENT FOCUS AREAS.

(Case No. 2022-0010)

WHEREAS, the Reinvestment Focus Area (RFA) is intended to provide a framework for designating areas to focus investment and development in the Municipality; and

WHEREAS, Section 3 of the *Anchorage 2040 Land Use Plan* (2040 LUP) directs the Assembly to create RFAs for the facilitation of financing and taxation policies that incentivize development in certain priority areas; and

WHEREAS, these RFAs are intended to incentivize important developments that are difficult to finance, such as multifamily housing or industrial “traded sector” businesses; and

WHEREAS, Figure 3-6 and Map 3.1 of the 2040 LUP indicate zones eligible for these areas; and

WHEREAS, following a five-week review period, a work session was held on February 7, 2022, eight comments were received, and a comment-response summary table was prepared and presented at the public hearing held by the Planning and Zoning Commission on March 14, 2022; and

WHEREAS, the Planning and Zoning Commission concluded its deliberations and finalized its recommendation to the Anchorage Assembly on March 14, 2022.

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

- A. The Commission makes the following findings of fact:
1. The 2040 LUP identifies RFAs to direct infrastructure investments, incentives, and other actions to catalyze infill and redevelopment in strategic areas.
 2. The 2040 LUP identifies certain areas in which RFAs should be prioritized.
 3. Approval of this ordinance implements Goal 2 and Actions 2-2, 2-3, and 2-4 of the 2040 LUP.
 4. The Planning Department worked with stakeholders to gain input into the RFA application and Assembly approval process.
 5. The RFA framework identifies the types of incentives the Municipality can offer to catalyze and support reinvestment in priority areas.


- B. The Commission recommends to the Anchorage Assembly approval of the Title 21 text amendment to create a new Reinvestment Focus Area procedure in Chapter Three as provided in the draft ordinance in the March 14, 2022, staff packet.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission on the 14th day of March 2022.

ADOPTED by the Anchorage Planning and Zoning Commission this 11th day of April 2022.



Craig H. Lyon
Secretary



Jared Gardner
Chair

(Case No. 2022-0010)

dmf

**Staff Packet
March 14, 2022
Planning and Zoning Commission**

***Reinvestment Focus Area*
PZC Case No. 2022-0010**

Attachments:

1. Project Information Summary
2. Draft Ordinance
3. Comment-Response Table
4. Comments Received
5. Supplementary Packet #1: Two Revised Ordinance Pages

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Municipality of Anchorage


Planning Department


Memorandum




Date: March 14, 2022

To: Planning and Zoning Commission

Through:  Craig Lyon, Planning Director

Through:  Kristine Bunnell, Long-Range Planning Manager

From:  Daniel Mckenna-Foster, Senior Planner, Long-Range Planning Division

Subject: PZC Case No. 2022-0010, Adding a Reinvestment Focus Area Procedure to Title 21

REQUEST

The Municipality of Anchorage's Planning Department is requesting recommendations from the Planning and Zoning Commission regarding the creation of a new Reinvestment Focus Area procedure in Chapter 3 of Title 21.

PROJECT NEED AND PURPOSE

The 2040 Land Use Plan (LUP) identified Reinvestment Focus Areas (RFAs) as a key strategy for accomplishing Anchorage's desired land use goals and for directing "...infrastructure investments, incentives, and other actions to catalyze infill and redevelopment in strategic areas" across the city.¹ The 2040 LUP directs the use of RFAs as action items under Goal 2 for infill and redevelopment:

Goal 2: Infill and redevelopment meets the housing and employment needs of residents and businesses in Anchorage.

- **Action 2-2:** Coordinate with agencies and partners to establish criteria, responsibilities, and the public-private partnership framework for the Reinvestment Focus Areas (RFAs). Identify a range of public investments, fiscal incentives, and other tools, and how they may be coordinated. Create a formal RFA selection and approval process that serves as the policy and procedure guide and funding/action directive for RFAs.
- **Action 2-3:** Implement the formal RFA selection and approval process from Action 2-2 and initiate action on the priority RFAs as established in Section 3.2 of this Plan.

¹ Anchorage 2040 LUP, pg. 71

- **Action 2-4:** Identify and implement appropriate ways to modify, simplify, or waive procedural requirements and application fees for certain permit reviews, while maintaining the integrity of those review processes, for projects in Reinvestment Focus Areas and for proposed rezonings that conform to and implement the 2040 LUP.²

Staff worked with a range of stakeholders including developers, institutional partners, agencies, and Planning Department staff to develop the RFA framework intended to meet private development needs and serve the public purpose. This framework will guide the application and agreement process to designate the RFA.

SCOPE OF PROPOSED CODE SECTION

The proposed framework aims to allow for flexibility in the use of a range of processes or incentive programs which can assist in redevelopment in priority areas. These include, but are not limited to:

1. Sponsored or targeted area rezonings (Title 21).
2. Tax abatement and tax exemptions (Title 12).
3. Transportation improvement plan funds (TIP and/or CIB).
4. Alley improvement funding (CIB).
5. Utility undergrounding funding (Utility CIB).
6. Special assessment districts (Title 19).
7. New zoning districts or overlay districts (Assembly approval, Title 21).
8. Revenue bonds (Assembly approval, citywide election).
9. Expedited permit reviews and inspections (Building Services, Assembly).
10. Off-site improvement phasing, partnering agreements, public funding for improvements (Project Management and Engineering, Assembly).
11. Fee waivers.

The specifics of each RFA would depend on local conditions and the priorities of the Assembly.

The 2040 LUP proposes that RFAs be located in areas with proximity to designated commercial, mixed-use, or employment centers, and also within one-half mile of a transit-supportive or greenway-supported development corridor. Applicants would submit proposals to the Planning Department for review, after which they would be checked for completeness and forwarded to the Planning and Zoning Commission and ultimately the Assembly for approval or amendment. The proposed code language will become a new procedure under Review and Approval Procedures in Chapter 3 of Title 21.

² Anchorage 2040 LUP, pgs. 82-83

STAKEHOLDER INPUT

The public hearing draft documents for review and approval include a project information summary (Attachment 1) and draft code language (Attachment 2). During development of this proposal, staff submitted the framework context to agencies, stakeholders, and all community councils. Staff also presented the topic to the Downtown and Spenard community councils. The Comment-Response Table addresses comments received to date (Attachment 3), and all comments are attached (Attachment 4).

At the February 7 work session, the Planning and Zoning Commission made additional comments about the proposed ordinance, including recommendations:

- That RFA districts align with state or federal programs or other entities;
- That overlap with the Small Area Implementation Plan (SAIP) process be reduced; and
- That the process be streamlined where possible.

DEPARTMENT RECOMMENDATIONS

The Planning Department recommends review and approval of the Public Hearing Draft of the Reinvestment Focus Area ordinance.

RECOMMENDED FINDINGS

1. The 2040 LUP identifies Reinvestment Focus Areas as a way to direct infrastructure investments, incentives, and other actions to catalyze infill and redevelopment in strategic areas.
2. The 2040 LUP identifies certain areas in which Reinvestment Focus Areas should be prioritized.
3. Approval of this ordinance implements Goal 2 and Actions 2-2, 2-3, and 2-4 of the 2040 LUP.
4. The Planning Department worked with stakeholders to gain input into the application and approval process.
5. The RFA framework identifies the types of incentives the Municipality can offer to catalyze and support reinvestment in priority areas.

Attachments: 1. Project Information Summary
2. Draft Ordinance
3. Comment-Response Table
4. Comments Received

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Project Summary

PZC Case No. 2022-0010

**Title 21 Text Amendment to Add a
Reinvestment Focus Area Procedure**

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Reinvestment Focus Area (RFA)

What is an RFA ?

An RFA is a specially-designated area, five acres or larger* that allows for target investments and cooperation through public-private partnerships. RFAs may be proposed by property owners but must be approved by the Assembly.

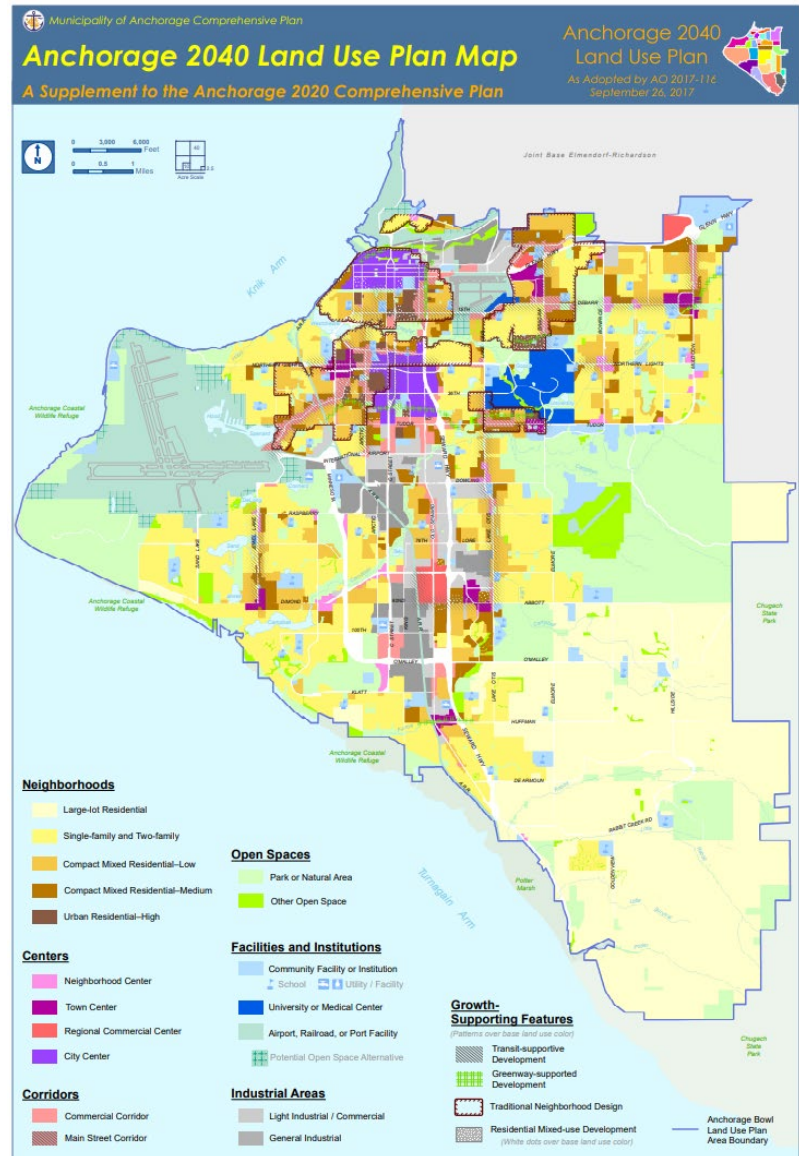
Where can RFAs be located?

RFAs may be designated in locations throughout the Municipality which have been identified in the 2040 LUP as strategic growth areas. Many of these are the areas identified for Transit-Supportive Development and Greenway-Supported Development on the 2040 Land Use Plan map.

What kind of benefits can RFAs enable?

1. Sponsored or targeted area rezonings
2. Tax abatement and tax exemptions
3. Transportation improvement plan funds
4. Alley improvement funding
5. Utility undergrounding funding
6. Special assessment districts
7. New zoning districts or overlay districts
8. Revenue bonds (assembly approval, citywide election)
9. Expedited permit reviews and inspections; (building services, assembly)
10. Off-site improvement phasing, partnering agreements, public funding for improvements (project management and engineering, assembly)
11. Fee waivers

* Smaller areas may be allowed subject to Planning Director and Assembly approval. See proposed ordinance for full details.



For additional information:

Visit: www.muni.org/Planning/2040actions.aspx

Contact: Daniel Mckenna-Foster 907-343-7918 or daniel.mckenna-foster@anchorageak.gov

Email: anchorage2040@muni.org

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Attachment 2

Draft Ordinance

PZC Case No. 2022-0010

**Title 21 Text Amendment to Add a
Reinvestment Focus Area Procedure**

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Submitted by: Chair of the Assembly at
Request of the Mayor
Prepared by: Planning Department
For reading: _____

**ANCHORAGE, ALASKA
AO NO. 2022-___**

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21,
LAND USE PLANNING, TO CREATE A NEW PROCEDURE FOR THE
ASSEMBLY TO APPROVE REINVESTMENT FOCUS AREAS (RFA).**

(Planning and Zoning Commission Case No. 2022-0010)

WHEREAS, section 3 of the 2040 Land Use Plan directs the Assembly to create Reinvestment Focus Areas for the facilitation of financing and taxation policies that incentivize development in certain priority areas; and

WHEREAS, these Reinvestment Focus Areas are intended to incentivize important developments that are difficult to finance, such as multifamily housing or industrial “traded sector” businesses; and

WHEREAS, Figure 3-6 and Map 3.1 of the 2040 Land Use Plan indicate zones eligible for these areas; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code title 21 is hereby amended by adding a new section 21.03.116 – Reinvestment Focus Area Designation:

21.03.116 Reinvestment Focus Area Designation.

A. *Purpose.* This section describes the administration and procedures for designating a Reinvestment Focus Area (RFA). This section also formalizes the criteria, boundaries, incentives and administrative procedures by which an RFA is implemented, including the actions of any responsible parties. The strategy to create RFAs and the approximate locations of RFAs are adopted in the *Anchorage 2040 Land Use Plan* and other strategic areas. Objectives for designating the RFA include:

1. Focus and coordinate municipal actions including development incentives and infrastructure investments to catalyze private sector reinvestment in support of new infill and redevelopment in strategic areas of Anchorage.
2. Coordinate local investments with state or federal level programs and investments, if applicable.

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3. Focus on areas of significant near-term growth potential which show a demonstrated need, opportunity, and local support.
4. Coordinate infrastructure investments such as streets, walkways, and utilities (as allowed by tariffs) to create a cohesive, integrated, and yet diverse urban place to offer a high quality of life.
5. Increase new housing development on vacant infill lots.
6. Promote rehabilitation, upgrade, and adaptive reuse of existing buildings for housing or mixed-use residential uses.
7. Meet the community’s needs for additional housing and employment in areas best positioned to accommodate growth.

B. *Types of Incentives Available through an RFA.* Potential municipal incentives may include but are not limited to items 1-11 below. Incentives may be approved using administrative procedures or existing tools in municipal code to implement in the RFA:

1. Sponsored or targeted area rezonings (Title 21)
2. Tax abatement and tax exemptions (Title 12)
3. Transportation Improvement Plan funds (TIP and/or Capital Improvement Budget (CIB))
4. Alley improvement funding (CIB)
5. Utility undergrounding funding (Utility CIB)
6. Special assessment districts (Title 19)
7. New zoning districts or overlay districts (assembly approval, Title 21)
8. Revenue bonds (assembly approval, citywide election).
9. Expedited permit reviews and inspections (building services, assembly)
10. Off-site improvement phasing, partnering agreements, public funding for improvements (project management and engineering, assembly)

11. Fee waivers, as outlined below:
- a. Fee waivers are subject to eligibility and qualification under this chapter. Partial waiver or total exemption from certain municipal fees listed in this section may be applied to housing and mixed-use residential developments in RFAs. An application for municipal fee relief shall be made on a form approved by the planning department and submitted to the director of the planning department for approval by the Assembly. The request shall be subject to the requirements of this section.
 - b. A partial waiver or total exemption from municipal fees listed in this section shall be approved by ordinance. Municipal fee relief does not authorize work to proceed without permits, inspections and land use authorizations required by code.
 - c. If partial waiver or total exemption of a fee is granted, the applicant may be required to pay the municipal fee, subject to refund only if a certificate of occupancy is issued. Municipal fee relief may be granted by the Building Official or Development Services Director for the following fees:
 - i. Building permit fees under AMC 23.10.104.13.2, set out in AMC 23.10 Table 3-A, 1-5 for new construction (Commercial); New Construction (Residential): Alterations and /or Addition (Residential or Commercial: Change of Use Only: Electrical, Mechanical, Plumbing (Residential or Commercial-No Structural Work).
 - ii. Demolition permit fees under AMC 23.10.104.13.2, set out in AMC 23.10 Table 3-A.6. C.
 - iii. Grading, excavation and fill permit fees under AMC 23.10.1044.12.2, set out in AMC 23.10 Table 3-G.
 - iv. Plan review fees under AMC 23.10.104.13.3, set out in AMC 23.10 Table 3-B, 1. Building Permits Plan Review Fees, except that fees for expedited plan review, commercial out-sourcing plan review, and express permitting shall not be

1 granted municipal fee relief by assembly
2 resolution.

3
4 v. Inspection fees for alteration, additions,
5 remodels, and retrofits under AMC 23.10.106,
6 set out in AMC 23.10 Table 3-C.1., Inspections
7 or re-inspection hourly fee. Fees for inspections
8 or re-inspections that are unscheduled or
9 outside normal business hours, or for code
10 compliance, or a fine, set out in AMC 23.10
11 Table 3-C, 2-6 shall not be granted by assembly
12 resolution.

13
14 vi. Electrical Permit fees under AMC
15 23.10.104.13.2, set out in AMC 23.10 Table 3-
16 D.1. B.

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18 vii. Plumbing Permit fees under AMC
19 23.10.104.13.2, set out in AMC 23.10 Table 3-
20 E.1. A.

21
22 viii. Permit and inspection fees under AMC chapter
23 24.30 for temporary uses during construction.

24
25 ix. Waivers for relevant or applicable items from the
26 schedule of land use fees in AMCR 21.20.001,
27 21.20.002, 21.20.003, or 21.20.007.

28
29 C. *Relationship to Other Title 21 Provisions*

30
31 1. Except as provided specifically otherwise in this section, the
32 designation of an RFA shall be subject to and reviewed
33 pursuant to the generally applicable administrative and review
34 procedures by the Planning and Zoning Commission and
35 Assembly set forth in chapters 21.02, Boards and
36 Commissions, and Municipal administration, and 21.03,
37 Review and Approval Procedures.

38
39 2. All applicable underlying regulations, requirements, and
40 provisions of Title 21 and municipal code apply to
41 development within an RFA, except where specifically stated
42 otherwise. This chapter, like all other Title 21 chapters,
43 remains subject to Section 21.01.060, *Conflicting Provisions*.
44

- 1 D. *Procedure:* The Assembly may designate one or more RFAs using
2 the procedures and approval criteria that follow:
3
- 4 1. *Initiation:* An RFA designation may be initiated by the
5 municipality or by petition signed by property owner(s)
6 desiring to be included in an RFA.
7
 - 8 2. *Required Information Submittal:* An RFA proposal shall
9 include the following to support the designation of an RFA per
10 the approval criteria of subsection E. These items shall serve
11 as an existing conditions summary and may be waived or
12 adjusted under the approval of a Small Area Implementation
13 Plan requirements in section 21.03.115D.:
14
 - 15 a. A completed application form provided by the Planning
16 Department;
 - 17
 - 18 b. A map delineating the RFA boundary, along with a
19 legal description, acreage of the proposed petition
20 area, a boundary delineation rationale narrative, and a
21 summary of the existing uses found both inside and
22 directly adjacent to the petition area;
 - 23
 - 24 c. A summary of available utilities or deficiencies (if
25 known), land use and site plan of any existing
26 development, including but not limited to buildings,
27 streets, sidewalks, alleys, public infrastructure, historic
28 properties or local landmarks, natural hazards,
29 drainage systems and existing site drainage, and trails
30 in the proposed area;
 - 31
 - 32 d. A narrative summary of general conformance with the
33 comprehensive plan and its elements, utility or park
34 master plans, public facility plans and relevant
35 elements, or other applicable planning documents; and
36
 - 37 e. A letter of sole or group property owner interest or
38 support for inclusion in a proposed RFA.
39
 - 40 3. *Community Meeting and Public Notice:* A community meeting
41 is required in accordance with subsection 21.03.020C. Public
42 notice shall be provided in accordance with subsection
43 21.03.020H.
44
 - 45 4. *Departmental Review:* The planning department shall review
46 each proposed RFA with respect to the approval criteria set
47 forth in subsection E. below and distribute the application to
48 impacted departments or agencies. Based on the results of

1 those reviews, the department shall provide a report in
2 accordance with subsection 21.03.020 with recommendations
3 to the planning and zoning commission.
4

5 5. *Planning and Zoning Commission Action:* The commission
6 will review and consider the recommendations of the
7 department and other reviewers and, based upon the
8 approval criteria of subsection E. below, shall recommend
9 approval, approval with modifications, or denial. The
10 commission shall include written findings based on each of
11 the approval criteria.
12

13 6. *Assembly Action:* Upon receipt of the recommendations from
14 the commission, the assembly may, based on the criteria of
15 subsection E. below and at its discretion, hold a public hearing
16 and take one of the following actions:
17

18 a. Approve the RFA as submitted to the planning and
19 zoning commission;
20

21 b. Approve the RFA with modifications;
22

23 c. Deny the RFA; or
24

25 d. Remand the proposed RFA back to the planning and
26 zoning commission or to a committee of the assembly
27 to request additional information or for further review
28 and consideration.
29

30 7. *Form and Effect of Assembly Approval:* The assembly
31 approval shall be in form of an assembly ordinance. The
32 ordinance shall include the name, a map, legal description of
33 the RFA boundaries.
34

35 E. *Approval Criteria for Establishing RFAs:* The RFA shall meet all the
36 following criteria for a planning and zoning commission
37 recommendation of approval and assembly approval:
38

39 1. General conformity with comprehensive plan and its
40 elements, utility or park master plans, public facility plans and
41 relevant elements, or other applicable planning documents;
42

43 2. The subject area is located in proximity to a commercial,
44 mixed-use, or employment center designated in the
45 comprehensive plan, and is accessible to nearby jobs, stores,
46 restaurants, and other services, amenities, or attractions;
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3. The area provides potential to maximize development of additional housing units through infill, re-use, or redevelopment actions;
4. The area is mostly within a ½-mile walking distance of a transit-supportive development corridor or greenway-supported development corridor, as measured from the centerline designated in the comprehensive plan;
5. The area is undergoing growth and change, where development and (re)investment are anticipated to continue;
6. The area has no significant prohibitive constraints to development, area-specific natural or man-made hazards, or sensitive natural features;
7. Existing zoning or future zoning called for in the comprehensive plan would support greater intensity of development or use than occurs today;
8. The area has existing infrastructure, such as water, sewer, road capacity, etc., or where cost/feasibility of upgrading capacity is present to support growth, or where reinvestment in infrastructure is planned or anticipated, which will support growth; and
9. The targeted area is 5 acres or greater in size, unless the Planning director determines a smaller area meets the intent and criteria of this section.

F. *Amendments to Approved RFAs*

1. *Approval Procedure for Major Amendments:* Amendment of an RFA approval shall follow the same process required for the standard approval of the RFA, unless the amendment is determined to be a minor amendment as described in subsection C.2 below.
2. *Approval Procedure for Minor Amendments:* The director may, at any time on their own motion, request an evaluation and approval of a minor amendment to an approved RFA. Minor amendments address items in the original adopting ordinance, and include:
 - a. Adding new property to an RFA, not to exceed 15% of existing RFA acreage;

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- b. Insubstantial changes to the text for clarifications or corrections;
 - c. Changes in a street alignment, if the change furthers the intent of the project and this code, and is acceptable to the municipal engineer; and
 - d. Other incidental changes to an existing RFA.
3. *Additional Considerations for Minor Amendments:* Minor amendments cannot affect land use or density in ways that would adversely impact public facilities, utilities, traffic, or other infrastructure or adjacent neighborhoods. The procedure for a minor amendment shall be as follows:
- a. The director shall review the proposed minor amendment and determine if the proposed amendment shall be processed as a minor amendment or major amendment. The applicant may appeal the director's decision in writing to the zoning board of examiners and appeals within 10 days of the decision.
 - b. Immediately following the Planning director's determination that a proposed amendment is minor, the director shall:
 - i. Issue a minor amendment affidavit, which shall be transmitted to the planning and zoning commission for their information; and
 - ii. Attach a form stating the nature of the modification, date of approval, and bearing the signature of the director to the RFA on file in the department.
 - iii. Review the proposed amendment and shall provide a memo to the planning and zoning commission and the assembly.
- G. *Designated RFAs:* The formal boundaries of an adopted RFA are described in each adopting ordinance and depicted in the Designated RFA Map, having been approved through the procedures and criteria of this chapter. Properties adjacent to but outside of an RFA boundary are not included in an RFA, subject to its standards, and are not eligible for any of its incentives or other provisions. Except as subject to a minor amendment procedure, an RFA boundary can only be amended by assembly ordinance.

1 Specific incentives are established in the ordinances adopted by
2 the assembly approving an RFA.

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4 H. *RFA Implementation*

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6 1. *Purpose:* This section provides tools, terms and actions
7 necessary to fulfill and implement terms, conditions, and the
8 goals of the RFA and RFA development agreement. These
9 include, but are not limited to existing Title 21 provisions,
10 including the small area implementation plan, and the use of
11 economic incentives, some of which are promulgated in other
12 sections of the code, and public improvements. Once an RFA
13 is formerly established, the assembly shall indicate which
14 department or division will implement the area.

15
16 2. *Administration:* An RFA shall be administered, regulated,
17 and maintained by the planning department with the
18 concurrence of development services, and finance
19 departments.

20
21 a. Process for administering an RFA:

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23 i. Formal establishment and delineation of an RFA
24 by assembly action.

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26 ii. RFA language identifies requested financial or
27 regulatory incentives identified in 21.03.116.B
28 above.

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30 iii. Maintenance of an RFA Map by the Planning
31 department or equivalent division.

32
33 **Section 2.** Anchorage Municipal Code chapter 21.02 – Table 21.02-1: Summary
34 of major Title 21 decision-making and review responsibilities, is hereby amended
35 to read as follows:
36

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES								
<p>NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.</p> <p>A = APPEAL = Authority to Hear and Decide Appeals D = DECISION = Responsible for Review and Final Decision H = HEARING = Public Hearing Required R = REVIEW = Responsible for Review and/or Recommendation Only</p>								
	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Alcohol—Special Land Use Permit	21.03.040	D-H/A1						R/D1
Certificates of Zoning Compliance	21.03.060					A		D
Comprehensive Plan Amendments	21.03.070 C.	D-H2	R-H2					R
Conditional Uses	21.03.080		D-H				A	R
Flood Hazard Permits	21.03.090					A		D
Land Use Permits	21.03.100				A3	A3		D
Marijuana—Special Land Use Permit and associated variances	21.03.105	D-H						R
Master Plan, Institutional	21.03.110 A.	D-H	R-H					R
Minor Modifications	21.03.120		D4	D4		A5	A5	D4
Neighborhood or District Plans	21.03.130	D-H	R-H					R
Public Facility Site Selection	21.03.140	D-H/A-H6	R-H/D-H6					R
Rezoning (Map Amendments)	21.03.160	D-H	R-H					R
<u>Reinvestment Focus Areas</u>	<u>21.03.116</u>	<u>D-H</u>	<u>R-H</u>					<u>R</u>
Sign Permits	21.03.170					A		D
Site Plan Review, Administrative	21.03.180 C.			A				D
Site Plan Review, Major	21.03.180 D.		D-H7	D-H7			A	R
Street Review	21.03.190 B.		R8/D	R 8/D				R
Small Area Implementation Plans	21.03.115		D-H15	D-H				R
Trail Review	21.03.190 C.			R/D				R
Preliminary Plat	21.03.200 C.5.		D-H9	D-H9	D-H9		A	R
Abbreviated Plat	21.03.200 D.				A-H			D
***	***	***						

1 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-36, § 1,
 2 5-14-15 ; AO No. 2016-3(S), § 1, 2-23-16 ; AO No. 2017-55 , § 2, 4-11-17;
 3 AO No. 2018-67(S-1) , § 1, 10-9-18; AO No. 2020-38 , § 2, 5-28-20; AO
 4 No. 2021-46(S) , § 3, 6-8-21)

Section 3. Anchorage Municipal Code section 21.02.090 – Assembly is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.02.090 Assembly.

A. *Decision-Making Authority.* The Assembly has the following decision-making authority under this title:

1. Special land use permit for alcohol—for beverage dispensary and package store liquor licenses (21.03.040);
2. Comprehensive Plan amendments (21.03.070);
3. Special land use permits for marijuana and associated variances from AMC section 21.05.055 (21.03.105);
4. Institutional master plans (21.03.110);
5. Neighborhood or district plans (21.03.130);
6. Public facility site selection for municipal facilities (21.03.140);
7. Rezoning (zoning map amendments), to include overlay districts (21.03.160);
8. Reinvestment focus areas (21.03.116);
9. Title 21 text amendments (21.03.210);

*** *** ***

(AO 2012-124(S), 2-26-13; AO No. 2016-3(S), § 2, 2-23-16 ; AO No. 2017-55 , § 4, 4-11-17)

Section 4. Anchorage Municipal Code section 21.03.020, Common procedures, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.03.020 Common Procedures.

*** *** ***

C. *Community Meetings.*

1. *Purpose.* The community meeting is an informal opportunity for the developer to inform the surrounding area residents

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and property owners of the details of a proposed development and application, how the developer intends to meet the standards contained in this title, and to receive public comment and encourage dialogue at an early time in the review process.

2. *Applicability.*

a. *Types of applications.* The applicant shall hold a community meeting for any of the following types of applications.

- i. Rezoning (zoning map amendments);
- ii. Subdivisions, except for abbreviated plats;
- iii. Conditional uses;
- iv. Marijuana—special land use permit;
- v. Institutional master plans;
- vi. Major site plan review;
- vii. Public facility site selection; [AND]
- viii. Small area implementation plans; and
- ix. Reinvestment focus areas.

*** *** ***

H. *Notice.*

*** *** ***

2. *Summary of notice requirements.* The following table 21.03-1 summarizes the notice requirements of the procedures set forth in this chapter. Unless otherwise specified in this title, procedures not listed in this table have no public notice requirements.

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS					
Type of Application or Procedure	Section	Written (Mailed)	Notice Required		Community Council
			Published	Posted	
Alcohol—Special Land Use Permit	21.03.040	✓	✓	✓	✓
Appeals to Board of Adjustment	21.03.050A.	✓	✓	-	-
Appeals to ZBEA	21.03.050B.	✓	✓	-	✓
Comprehensive Plan Amendments, Substantive	21.03.070C.	-	✓	-	✓
Conditional Uses	21.03.080	✓	✓	✓	✓
Marijuana - Special Land Use Permit	21.03.105	✓	✓	✓	✓
Marijuana – Modification of a Special Land Use Permit Requiring Public Hearing	21.03.105C.	✓	✓	✓	✓
Marijuana - Variances	21.03.105C.	✓	✓	✓	✓
Master Plan, Area	21.09.030E.	✓	✓	✓	✓
Master Plan, Development	21.09.030F.	✓	✓	✓	✓
Master Plan, Institutional	21.03.110	✓	✓	✓	✓
<u>Reinvestment Focus Area</u>	<u>21.03.116</u>	✓	✓	✓	✓
Neighborhood or District Plans	21.03.130	-	✓	-	✓
Nonconforming Uses of Land or Structures, Replication of	21.12.030C.	✓	✓	✓	✓
Nonconforming Structures, Replication	21.12.040D.	✓	✓	✓	✓
Public Facility Site Selection	21.03.140	✓	✓	✓	✓
Rezoning (Zoning Map Amendments)	21.03.160	✓	✓	✓	✓
Site Plan Review, Administrative	21.03.180C.	✓ ¹	✓	✓ ¹	✓
Site Plan Review, Major	21.03.180C.	✓	✓	✓	✓
Small Area Implementation Plans	21.03.115	✓	✓	✓	✓
Street Name Alterations	21.03.185	✓	✓	-	-
Street and Trail Review	21.03.190	-	✓	-	✓
Subdivisions (with existing physical access)	21.03.200	✓	✓	✓	✓
Subdivisions (without existing physical access)	21.03.200	✓	✓	-	✓
Abbreviated Plats	21.03.200D.	-	✓	-	✓
Modification or Removal of Plat Notes	21.03.200G.	✓	✓	✓	✓
Title 21, Text Amendments	21.03.210	-	✓	-	✓
Vacation of Public and Private Interest in Land	21.03.230	✓	✓	✓	✓
***	***	***			

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-131, § 1, 1-12-15 ; AO No. 2015-142(S-1), § 1(Exh. A), 6-21-16 ; AO No. 2016-3(S), § 3, 2-23-16 ; AO No. 2017-75 , § 1, 5-9-17; AO No. 2017-175(S) , § 1, 2-13-18; AO No. 2019-67 , § 1, 6-18-19; AO No. 2021-46(S) , § 5, 6-8-21; AO No. 2021-69 , § 1, 8-10-21)

Section 5. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2022.

Chair of the Assembly

ATTEST:

Municipal Clerk

(Planning and Zoning Commission Case No. 2022-0010)

DRAFT

Comment-Response Table

PZC Case No. 2022-0010

**Title 21 Text Amendment to Add a
Reinvestment Focus Area Procedure**

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**Reinvestment Focus Area (RFA)
PZC Case No. 2022-0010**

Comment-Response Table –Public Hearing Draft Ordinance

Commenter	Comment/Questions	Staff Response/Recommendation	PZC Action
<p>CIHA (Cook Inlet Housing Authority)</p>	<p>21.3.116 (B): Types of Incentives Available Through an RFA. General comments: The proposed ordinance lists 11 incentives that “may” be available in an area designed as an RFA. In the case of many of these incentives, there are not explicit processes for a developer to follow in engaging the municipality. Please clarify how you would apply for these more incentives, other than simply indicating an entity or place in code. What level of participation is required on the part of the MOA, and what assurances do property owners who go through this exercise have that it will result in some kind of tangible benefit? For example, it is not clear how likely it is for the MOA to participate in off-site improvements or to create an exemption for an alley upgrade – incentives that could make or break a project. How will the MOA determine whether one RFA results in the use of public funds to repair roads or alleys, and another does not? What are the criteria? We suggest now is the time to establish, address, and/or amend these processes in our codes. As part of CIHA’s Spenard East project, CIHA was required to improve Chugach Way, a sidewalk along Spenard Road, and Dorbrandt Street, including a main line water extension, as part of our overall development. These off-site improvements cost hundreds of thousands of dollars. If this project had been located in a Central Spenard Reinvestment Focus Area, what would have been the process to understand whether (a) we would have been required to make these improvements and (b) how the timing would have worked with our development?</p>	<p>This ordinance is intended to establish a process through which the MOA might engage in a more complex development agreement with a developer or project team. Each project is likely to be specific to that particular area and the capabilities of various partners.</p> <p>This ordinance does not create specific criteria for allowed incentives or abatements with the expectation that each case will be highly specific and unique to each particular setting.</p> <p>How RFA funding gets used will be decided by the Assembly and will presumably take into account both fiscal realities community-wide priorities.</p> <p>To answer the specific questions about the Spenard project, the various roles, responsibilities, and timeline for development would have been included in the development agreement and determined prior to any RFA approval by the assembly.</p>	

PZC Case No. 2022-0010 - Comment-Response Table

Commenter	Comment/Questions	Staff Response/Recommendation	PZC Action
CIHA	<p>21.3.116 (B) (2): Does existing Title 12 code related to municipal tax abatement and exemption need to be amended to include RFAs? Can and should that be done now, with this ordinance, to avoid incongruities?</p>	<p>Title 12 will be updated as part of the downtown code update process (which is running concurrently).</p>	
CIHA	<p>"21.3.116 (D) (2) (c): How extensive need the summary of existing socio-economic conditions be? Is all of this reasonable to ask of private developers or property owners? For example, details of drainage systems and existing site drainage could require surveys and an engineering analysis.</p> <p>21.3.116 (D) (2) (e): Is the support of a single property owner within a potential RFA boundary adequate to initiate an RFA? If so, this should be stated.</p> <p>Overall, it seems much more likely for the MOA to take the lead at identifying RFAs as a way to implement comprehensive plan goals. Has the Planning Department evaluated this cost and the feasibility of advancing RFAs in 2022 and annually or as needed?"</p>	<p>Staff removed the requirement for a summary of socio-economic conditions.</p> <p>Staff added language that allows a sole property owner to apply for the RFA (if they meet the acreage requirements).</p> <p>Currently staff expects guidance for RFA designation to come from the comprehensive plan, or assembly priorities.</p>	
CIHA	<p>21.3.116 (E). Approval Criteria for Establishing RFAs</p> <p>21.3.116 (E) (3): This section states that an RFA will not be approved unless it is specifically identified in a comprehensive, neighborhood and/or district plan. Would the MOA have to amend the comprehensive plan if a proposed RFA is not explicitly identified in an existing plan? This would entail a lengthy process with public notice and approval requirements at the P&ZC and the Assembly. Given the other approval criteria that the MOA and/or property owner must meet to designate an RFA, this requirement seems redundant.</p>	<p>Staff simplified language to allow for the creation of an RFA without it being specifically designated in the local plan. The intent should be that RFAs align with the general vision of the plan.</p> <p>Staff added ""General conformity to the Comprehensive Plan"" to allow for additional flexibility.</p>	

PZC Case No. 2022-0010 - Comment-Response Table

Committer	Comment/Questions	Staff Response/Recommendation	PZC Action
	<p>Relatedly, if the requirement to be identified in a comprehensive or district plan remains, how specific must the RFA shown in the Comp Plan be? We recommend you clearly state in the adopting ordinance that the Comp Plan designation is a general depiction and that specific boundaries will be identified through the RFA designation ordinance. We would want at a minimum to avoid having to amend the Comp Plan to amend some boundaries prior to advancing the RFA designation."</p>		
CIHA	<p>We close by asking: Does the MOA, following the adoption of this ordinance, plan to immediately follow up and take the initiative to designate a reinvestment focus area and work toward the associated suite of development tools and benefits? Pandemic-related price and housing pressures have increased the urgency of these tools. We suggest the MOA produce a sample timeline that identifies, from start to finish, the process for the RFA adoption, if only to understand the ripple effects to other processes and areas of regulation.</p>	<p>The MOA will likely designate an RFA in Downtown following the conclusion of the Our Downtown process. For other areas, the first step would be a meeting with the Municipality to ascertain what projects are possible, what resources are available, and how that might fit within the RFA framework.</p>	
Debenham LLC	<p>"Section A: Purpose Change opening paragraph so that RFAs can be located in areas that might not be necessarily identified in the 2040 comp plan. In my opinion, the 2040 Comp Plan didn't go far enough with "up zoning" areas. So if RFAs are limited to currently identified 2040 Comp plan areas, then this provision will not fully be utilized like it should. A good example of this is an HLB land parcel located just off Northwood Street and Raspberry road. We are in the process of purchasing the property and rezoning it from R-1 to R-3. However, as part of the rezone we have to also amend the 2040 comp plan because it identified the parcel as being a lower density even given its excellent location for higher density.</p>	<p>The 2040 LUP mentions RFAs as a way to focus public investment in strategic areas. The proposed ordinance aims to implement the policy goals and geographic areas as outlined in that document. If strategic areas need to be redefined, that may need to be addressed at the policy level. Page 71 of the 2040 LUP explains: "In particular, RFAs exhibit the following characteristics to a high degree:</p>	

PZC Case No. 2022-0010 - Comment-Response Table

Committer	Comment/Questions	Staff Response/Recommendation	PZC Action
	<p>Bullet 6: Change bullet so that RFA's do not need to be located near "centers" or "transit corridors". This is an example of "good planning practices" being improperly instituted for a given reality. The reality is that housing has been a major problem for 17+ years. In the last 17 years less than 100 market rate units have been constructed. We need to widen the net and allow for housing to be encouraged everywhere not just in certain sectors. I cannot emphasize enough how limiting this provision is.</p> <p>"Section E: Approval Criteria for Establishing RFAs</p> <p>Bullet 2: See narrative above for Bullet 6. This bullet needs to be more inclusive and broaden the ability for RFAs throughout a much larger area.</p> <p>Bullet 5: There are many areas throughout Anchorage that aren't within 1/2 mile of a transit supportive development corridor that would benefit from an RFA. Don't limit yourself. Broaden this provision up to other areas. We already have a tax abatement ordinance in place for transit-support corridors, we don't need another.</p> <p>Bullet 10: Lower number from 5 acres to 1 acre. There isn't a good reason for this not to be lower. Most parcels are smaller than 5 acres. Meet the need not the ideal.</p> <p>Overall, my recommendation is to open the ordinance more so that more potential housing parcels can benefit from the ordinance. The ordinance is a good idea, but it is way too limiting in scope. My estimation is that the ordinance will have a minimal effect on housing if enacted as is.</p>	<ul style="list-style-type: none"> • Close proximity to major employment centers • Walkable to area shopping and attractions • Development-ready sites • Potential for additional housing • Interested land owners • Sufficient infrastructure capacity with cost-effective public investment • Avoids natural hazards or big constraints. <p>By focusing RFAs in defined transit-supported development areas or greenway-supported development areas, the Muni will be focusing public investment with private development in areas with the most potential for stable growth and land use efficiency. This may also help target investment in areas with lower transportation costs.</p> <p>The existing language allows for variation in size below 5 acres with director approval. A minimum size threshold may have been intended to maintain economies of scale for public investments and private developments.</p>	

PZC Case No. 2022-0010 - Comment-Response Table

Committer	Comment/Questions	Staff Response/Recommendation	PZC Action
MOA AWWU	Anchorage Water and Wastewater Utility has no objections to this Title 21 amendment.	N/A	
MOA Development Services-Private Development	Private Development has no comments to the review regarding the creation of a new Reinvestment Focus Area procedure in Chapter 3 of Title 21.	N/A	
MOA ROW	Right of Way has no objections to this title 21 amendment.	N/A	
MOA Traffic	Traffic Department has no objections to this Title 21 amendment.	N/A	
MOA PME-WMS	Watershed Management Services has no objections to this Title 21 Amendment.	N/A	
MOA Addressing	Addressing has no objections to this Title 21 Amendment	N/A	

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Attachment 4

Comments Received

PZC Case No. 2022-0010

**Title 21 Text Amendment to Add a
Reinvestment Focus Area Procedure**

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From: [Shaun Debenham](#)
To: [Mckenna-Foster, Daniel R.](#)
Cc: [Bunnell, Kristine R.](#); [McNulty, Michelle J.](#); [Perry, Susan](#); [Shanna Zuspan \(shanna@agnewbeck.com\)](#); [Trombley, Adam R.](#); [Thompson, Ronald J.](#)
Subject: RE: Your Input Requested: Reinvestment Focus Areas in Municipal Code
Date: Tuesday, November 30, 2021 10:15:34 AM
Attachments: [image001.png](#)

[EXTERNAL EMAIL]

Daniel,

I have reviewed the new RFA code, below are my comments.

Section A: Purpose

- Change opening paragraph so that RFAs can be located in areas that might not be necessarily identified in the 2040 comp plan. In my opinion, the 2040 Comp Plan didn't go far enough with "up zoning" areas. So if RFAs are limited to currently identified 2040 Comp plan areas, then this provision will not fully be utilized like it should. A good example of this is an HLB land parcel located just off Northwood Street and Raspberry road. We are in the process of purchasing the property and rezoning it from R-1 to R-3. However, as part of the rezone we have to also amend the 2040 comp plan because it identified the parcel as being a lower density even given its excellent location for higher density.
- Bullet 6: Change bullet so that RFA's do not need to be located near "centers" or "transit corridors". This is an example of "good planning practices" being improperly instituted for a given reality. The reality is that housing has been a major problem for 17+ years. In the last 17 years less than 100 market rate units have been constructed. We need to widen the net and allow for housing to be encouraged everywhere not just in certain sectors. I cannot emphasize enough how limiting this provision is.

Section E: Approval Criteria for Establishing RFAs

- Bullet 2: See narrative above for Bullet 6. This bullet needs to be more inclusive and broaden the ability for RFAs throughout a much larger area.
- Bullet 5: There are many areas throughout Anchorage that aren't within ½ mile of a transit-supportive development corridor that would benefit from an RFA. Don't limit yourself. Broaden this provision up to other areas. We already have a tax abatement ordinance in place for transit-support corridors, we don't need another.
- Bullet 10: Lower number from 5 acres to 1 acre. There isn't a good reason for this not to be lower. Most parcels are smaller than 5 acres. Meet the need not the ideal.

Overall, my recommendation is to open the ordinance more so that more potential housing parcels can benefit from the ordinance. The ordinance is a good idea, but it is way too limiting in scope. My estimation is that the ordinance will have a minimal effect on housing if enacted as is.

I give this example a lot, but I repeat it here. We own a two-acre parcel just off the corner of Raspberry Road and Northwood Street in the Sand Lake area. It is a perfect location for multifamily housing. It is located just off Minnesota Blvd with easy access to employment in midtown and

downtown. It is located close to the Dimond Blvd for shopping, restaurants, and groceries. It is literally the ideal location for high density multifamily housing. We even have design drawings ready for 100 units of housing. Yet, our parcel would not qualify for an RFA per the ordinance. Additionally, our parcel doesn't qualify for the Transit-corridor property tax abatement ordinance recently passed. This doesn't make sense. We need housing in Anchorage, but we continue to pass ordinances that are narrow in scope and just are not "moving the needle" for housing.

Thank you for the opportunity to comment. I appreciate all that the Anchorage planning department does. I have always had great experience with them.

Sincerely,
Shaun Debenham

Shaun T. Debenham

DEBENHAM LLC

President

2960 C Street, Suite 202

Anchorage, AK 99503

P: (907) 562-9330

E: shaun@debenham.com

NOTE: Please take note of my new email address and company. Thank you.

From: Mckenna-Foster, Daniel R. <daniel.mckenna-foster@anchorageak.gov>

Sent: Thursday, November 18, 2021 10:14 AM

To: Mckenna-Foster, Daniel R. <daniel.mckenna-foster@anchorageak.gov>

Cc: Bunnell, Kristine R. <kristine.bunnell@anchorageak.gov>; McNulty, Michelle J. <michelle.mcnulty@anchorageak.gov>; Perry, Susan <susan.perry@anchorageak.gov>

Subject: Your Input Requested: Reinvestment Focus Areas in Municipal Code

Good morning,

Over the past several months, the Municipality has been developing a new procedure for the Reinvestment Focus Areas described in [Section 3 of the 2040 Land Use plan](#).

We are now seeking feedback on a draft of the procedure and would be glad to hear your comments on the attached document before December 17th. This item will likely be scheduled to go before the Planning & Zoning Commission in March 2022.

As this is a preliminary draft, please let me know if there is anyone who might be interested in providing comments and I will be glad to send the draft to them directly. Please feel free to contact me with any questions.

Sincerely,
Daniel Mckenna-Foster



Feb. 11, 2022

Re: Reinvestment Focus Area procedure text amendment to Title 21

To the members of the Anchorage Planning and Zoning Commission,

Please accept this letter providing comments on the proposed Reinvestment Focus Area (RFA) procedure amendment to Title 21. Cook Inlet Housing Authority (CIHA) is an Alaska Regional Housing Authority and Tribally Designated Housing Entity in the CIRI region. CIHA owns and manages more than 1,700 housing units in Anchorage and the Mat-Su Valley, as well a number of commercial properties. We support policies and regulations that encourage increased housing affordability and accessibility, balanced with responsible development practices that enhance neighborhoods and community wellbeing.

CIHA owns multiple properties within at least two of what the Municipality of Anchorage has identified as Initial Priority Reinvestment Focus Areas in the Anchorage 2040 Plan (Central Spenard and East Creekside Town Center). We appreciate the MOA's efforts to develop the RFA concept. While the incentives in the proposed ordinance sound potentially useful to housing developers, we had the following observations and questions about the mechanics:

21.3.116 (B): Types of Incentives Available Through an RFA.

General comments: The proposed ordinance lists 11 incentives that “may” be available in an area designed as an RFA. In the case of many of these incentives, there are not explicit processes for a developer to follow in engaging the municipality. Please clarify how you would apply for these more incentives, other than simply indicating an entity or place in code. What level of participation is required on the part of the MOA, and what assurances do property owners who go through this exercise have that it will result in some kind of tangible benefit? For example, it is not clear how likely it is for the MOA to participate in off-site improvements or to create an exemption for an alley upgrade – incentives that could make or break a project. How will the MOA determine whether one RFA results in the use of public funds to repair roads or alleys, and another does not? What are the criteria? We suggest now is the time to establish, address, and/or amend these processes in our codes.





As part of CIHA's Spenard East project, CIHA was required to improve Chugach Way, a sidewalk along Spenard Road, and Dorbrandt Street, including a main line water extension, as part of our overall development. These off-site improvements cost hundreds of thousands of dollars. If this project had been located in a Central Spenard Reinvestment Focus Area, what would have been the process to understand whether a) we would have been required to make these improvements and b) how the timing would have worked with our development?

21.3.116 (B) (2): Does existing Title 12 code related to municipal tax abatement and exemption need to be amended to include RFAs? Can and should that be done now, with this ordinance, to avoid incongruities?

21.3.116 (D): Procedure

21.3.116 (D) (2) (c): How extensive need the summary of existing socio-economic conditions be? Is all of this reasonable to ask of private developers or property owners? For example, details of drainage systems and existing site drainage could require surveys and an engineering analysis.

21.3.116 (D) (2) (e): Is the support of a single property owner within a potential RFA boundary adequate to initiate an RFA? If so, this should be stated.

Overall, it seems much more likely for the MOA to take the lead at identifying RFAs as a way to implement comprehensive plan goals. Has the Planning Department evaluated this cost and the feasibility of advancing RFAs in 2022 and annually or as needed?

21.3.116 (E). Approval Criteria for Establishing RFAs

21.3.116 (E) (3): This section states that an RFA will not be approved unless it is specifically identified in a comprehensive, neighborhood and/or district plan. Would the MOA have to amend the comprehensive plan if a proposed RFA is not explicitly identified in an existing plan? This would entail a lengthy process with public notice and approval requirements at the P&ZC and the Assembly. Given the other approval criteria that the MOA and/or property owner must meet to designate an RFA, this requirement seems redundant.





Relatedly, if the requirement to be identified in a comprehensive or district plan remains, how specific must the RFA shown in the Comp Plan be? We recommend you clearly state in the adopting ordinance that the Comp Plan designation is a general depiction and that specific boundaries will be identified through the RFA designation ordinance. We would want at a minimum to avoid having to amend the Comp Plan to amend some boundaries prior to advancing the RFA designation.

We close by asking: Does the MOA, following the adoption of this ordinance, plan to immediately follow up and take the initiative to designate a reinvestment focus area and work toward the associated suite of development tools and benefits? Pandemic-related price and housing pressures have increased the urgency of these tools. We suggest the MOA produce a sample timeline that identifies, from start to finish, the process for the RFA adoption, if only to understand the ripple effects to other processes and areas of regulation.

Thank you for your time and attention to these important issues.

Sincerely,

Devin Kelly
Community Development Planner
Cook Inlet Housing Authority

CC: Tyler Robinson
V.P., Community Development and Real Estate
Cook Inlet Housing Authority



MEMORANDUM

DATE: February 22, 2022

TO: Kristine Bunnell, Manager, Long-Range Planning Section, Planning Division

FROM: Alex Prosak, P.E., Civil Engineer II, Planning Section, AWWU 

RE: Zoning Case Comments

Hearing date: March 14, 2022

Agency Comments due: February 14, 2021

AWWU has reviewed the materials and has the following comments.

2022-0010 TITLE 21, The Municipality of Anchorage Planning Department is requesting agency review regarding the creation of a new Reinvestment Focus Area procedure in Chapter 3 of Title 21, Grid N/A

1. AWWU has no objections to this Title 21 amendment.

If you have any questions pertaining to public water or sewer, please call 786-5694 or send an e-mail to alex.prosak@awwu.biz



MUNICIPALITY OF ANCHORAGE



Development Services Department

Private Development Section

Mayor Dave Bronson

RECEIVED

FEB 11 2022

MEMORANDUM

Comments to Planning and Zoning Commission Applications/Petitions

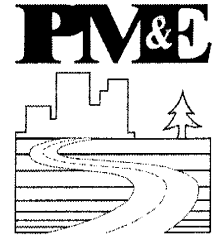
DATE: February 10, 2022
TO: Daniel Mckenna-Foster, Senior Planner, Long Range Planning
FROM: Judy Anunciacion, Private Development Engineer
SUBJECT: PZC Case 2022-0010

Case 2022-0010 – The Municipality of Anchorage Planning Department is requesting agency review regarding the creation of a new Reinvestment Focus Area procedure in Chapter 3 of Title 21.

Department Recommendations: Private Development has no comments to the review regarding the creation of a new Reinvestment Focus Area procedure in Chapter 3 of Title 21.



Municipality of Anchorage
Project Management and Engineering
MEMORANDUM



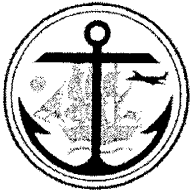
DATE: February 8, 2022
TO: Dave Whitfield
FROM: Steven Ellis
SUBJECT: Comments from Watershed Management Services

RECEIVED

FEB 07 2022

Watershed Management Services (WMS) has the following comments for the March 14, 2022, Planning and Zoning Commission meeting.

2022-0010, A new Reinvestment Focus Area procedure in Chapter 3 of AMC Title 21. WMS has no comment.



MEMORANDUM

RECEIVED

DATE: January 28, 2022

TO: Current Planning Division Supervisor,
Planning Department

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

FROM: Randy Ribble, Assistant Traffic Engineer

SUBJECT: **2022-0010 Creation of a new Reinvestment Focus Area procedures**

JAN 28 2022

Traffic Engineering has no objection to proposed ordinance that creates new Reinvestment Focus Area procedure in AMC 21.03..

Kimmel, Corliss A.

From: Right of Way Requests
Sent: Tuesday, January 25, 2022 1:40 PM
To: Blake, Lori A.; Kimmel, Corliss A.
Cc: Right of Way Requests
Subject: 2022-0010 Request for Reviewing Agency Comments

RECEIVED

All:

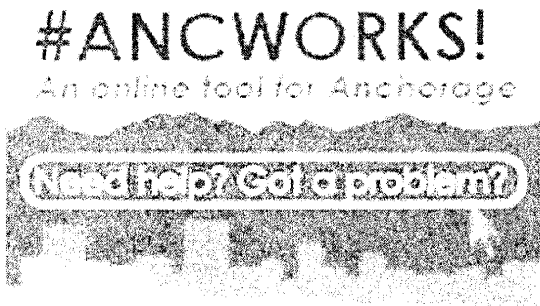
JAN 25 2022

ROW has the following comments by case number:

2022-0010 ROW has no comment or objections on the proposed action.

Regards,

Lynn McGee
Senior Plan Reviewer
Right of Way Section
lynn.mcgee@anchorageak.gov
Office: 343-8226
Fax: 249-7340



From: Stewart, Gloria I. <gloria.stewart@anchorageak.gov>
Sent: Monday, January 24, 2022 4:34 PM
Cc: Stewart, Gloria I. <gloria.stewart@anchorageak.gov>
Subject: 2022-0010 Request for Reviewing Agency Comments

Hello all. Attached is a Planning Dept. Memorandum to aid in your review of the above referenced Case 2022-0010 (Code Amendment Adding Reinvestment Focus Area Procedure to Title 21) which is scheduled as a Public Hearing for Review and Recommendation by Planning and Zoning Commission on 03/14/2022. Routing materials can be viewed by clicking the link below, scrolling to bottom of page and selecting 2022-0010 Memorandum and Reviewing Agency Routing. Please submit comments as instructed on page 2 of the Memorandum.

MUNICIPALITY OF ANCHORAGE



Development Services Department
Addressing email: addressing@muni.org

Phone: 907 343-8466
Fax: 907 249-7868

RECEIVED

Mayor Dave Bronson

JAN 25 2022

2022-0010, PUBLIC HEARING DRAFT FOR REINVESTMENT FOCUS AREA (RFA).

No comments.

Regards,

Todd Burns
MOA Addressing
907.343.8244

Planning and Zoning Commission

March 14, 2022

Case #: **2022-0010**

Case Title: **RFA – Reinvestment Focus Area**

Agenda Item #: **G.4.** Supplementary Packet #: **1**

- Comments submitted after the packet was finalized
- Additional information
- Other: Revised ordinance pages 10 & 11
(corrected location in a list and in table)

Sent by email: **X** yes no



Municipality of Anchorage
Planning Department
Memorandum



Date: March 14, 2022
To: Planning and Zoning Commission
Subject: PZC Case No. 2022-0010 – Reinvestment Focus Area Ordinance (RFA)
Revision to Pages 10 & 11 of the Draft Ordinance (Attachment 2)

The attached ordinance pages 10 and 11 are revised to correct the location of the RFA section 21.03.116 in a list and table. The RFA now appears in numerical section order in both.

The list also shows required changes to the numbering.

Attachment: Revised Pages 10 and 11

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

**A = APPEAL = Authority to Hear and Decide Appeals
 D = DECISION = Responsible for Review and Final Decision
 H = HEARING = Public Hearing Required
 R = REVIEW = Responsible for Review and/or Recommendation Only**

	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Alcohol—Special Land Use Permit	21.03.040	D-H/A1						R/D1
Certificates of Zoning Compliance	21.03.060					A		D
Comprehensive Plan Amendments	21.03.070 C.	D-H2	R-H2					R
Conditional Uses	21.03.080		D-H				A	R
Flood Hazard Permits	21.03.090					A		D
Land Use Permits	21.03.100				A3	A3		D
Marijuana—Special Land Use Permit and associated variances	21.03.105	D-H						R
Master Plan, Institutional	21.03.110 A.	D-H	R-H					R
<u>Reinvestment Focus Areas</u>	<u>21.03.116</u>	<u>D-H</u>	<u>R-H</u>					<u>R</u>
Minor Modifications	21.03.120		D4	D4		A5	A5	D4
Neighborhood or District Plans	21.03.130	D-H	R-H					R
Public Facility Site Selection	21.03.140	D-H/A-H6	R-H/D-H6					R
Rezoning (Map Amendments)	21.03.160	D-H	R-H					R
Sign Permits	21.03.170					A		D
Site Plan Review, Administrative	21.03.180 C.			A				D
Site Plan Review, Major	21.03.180 D.		D-H7	D-H7			A	R
Street Review	21.03.190 B.		R8/D	R 8/D				R
Small Area Implementation Plans	21.03.115		D-H15	D-H				R
Trail Review	21.03.190 C.			R/D				R
Preliminary Plat	21.03.200 C.5.		D-H9	D-H9	D-H9		A	R
Abbreviated Plat	21.03.200 D.				A-H			D
***	***	***						

1 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-36, § 1,
 2 5-14-15 ; AO No. 2016-3(S), § 1, 2-23-16 ; AO No. 2017-55 , § 2, 4-11-17;
 3 AO No. 2018-67(S-1) , § 1, 10-9-18; AO No. 2020-38 , § 2, 5-28-20; AO
 4 No. 2021-46(S) , § 3, 6-8-21)

1
2 **Section 3.** Anchorage Municipal Code section 21.02.090 – Assembly is hereby
3 amended to read as follows (*the remainder of the section is not affected and*
4 *therefore not set out*):

5
6 **21.02.090 Assembly.**

7
8 A. *Decision-Making Authority.* The Assembly has the following
9 decision-making authority under this title:

- 10
11 1. Special land use permit for alcohol—for beverage dispensary
12 and package store liquor licenses (21.03.040);
13
14 2. Comprehensive Plan amendments (21.03.070);
15
16 3. Special land use permits for marijuana and associated
17 variances from AMC section 21.05.055 (21.03.105);
18
19 4. Institutional master plans (21.03.110);
20
21 5. Reinvestment focus areas (21.03.116);
22
23 6[5]. Neighborhood or district plans (21.03.130);
24
25 7[6]. Public facility site selection for municipal facilities (21.03.140);
26
27 8[7]. Rezoning (zoning map amendments), to include overlay
28 districts (21.03.160);
29
30 9[8]. Title 21 text amendments (21.03.210);
31
32 10[9]. Appeals on public facility site selections for non-municipal
33 facilities (21.03.140); and
34
35 11[10]. Any other action not delegated to the planning and zoning
36 commission, platting board, zoning board of examiners and
37 appeals, board of adjustment, urban design commission, or
38 municipal staff, as the assembly may deem desirable and
39 necessary to implement the provisions of this title.

40 *** **

41
42 (AO 2012-124(S), 2-26-13; AO No. 2016-3(S), § 2, 2-23-16 ; AO No. 2017-
43 55 , § 4, 4-11-17)

44
45 **Section 4.** Anchorage Municipal Code section 21.03.020, Common procedures,
46 is hereby amended to read as follows (*the remainder of the section is not affected*
47 *and therefore not set out*):
48

**Planning and Zoning Commission
March 14, 2022 Minutes**

Reinvestment Focus Area
PZC Case No. 2022-0010

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PLANNING AND ZONING COMMISSION
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska

MINUTES OF
March 14, 2022
6:30 PM

A work session on Title 21 Parking and Site Access Amendments was held prior to the meeting and conducted by Tom Davis with the MOA Long-Range Planning Division and Elizabeth Appleby with the MOA Current Planning Department.

A. ROLL CALL

Present Andre Spinelli, Greg Strike, Brandy Eber, Jared Gardner (Chair),
Jim Winchester, Radhika Krishna (Vice Chair), Jeff Raun, Scott Pulice
Excused None
Staff Elizabeth Appleby, Francis McLaughlin, Daniel Mckenna-Foster, Ryan Yelle

B. MINUTES - None

C. SPECIAL ORDER OF BUSINESS / EXECUTIVE SESSIONS

1. Disclosures - None

D. CONSENT AGENDA - None

1. Resolutions for Approval

2. Introduction for Public Hearings

3. Site / Landscape Plan Approval

4. Time Extensions; Expedited Hearing Requests; Minor Conditional Use Amendments

5. Other

AYE: Spinelli, Strike, Eber, Gardner, Winchester, Krishna, Raun, Pulice
NAY: None

PASSED

4. **CASE: 2022-0010 (DM)**
PETITIONER: Municipality of Anchorage – Planning Department
REQUEST: Review and Recommendation by Planning and Zoning Commission of an ordinance of the Anchorage Assembly amending AMC Code Title 21, Land Use Planning to create a new procedure for the Assembly to approve Reinvestment Focus Areas (RFA).

DANIEL MCKENNA-FOSTER presented the staff report and recommendations on behalf of the Municipality's Planning Department.

CHAIR GARDNER opened the hearing to public testimony. There was no public testimony.

MR. MCKENNA-FOSTER provided brief rebuttal testimony.

CHAIR GARDNER closed the public hearing.

COMMISSIONER RAUN moved in Case 2022-0010 to recommend to the Anchorage Assembly approval of the creation of a new Reinvestment Focus Area procedure in Chapter 3 of Title 21. COMMISSIONER WINCHESTER seconded.

COMMISSIONER RAUN commended staff for building this tool and for coming to this Commission with a work session first and engaging stakeholders to help shape and craft it, then promptly coming back before the Commission with a draft ordinance for our review. He agreed with staff's findings 1 through 5 shown on page 3 of the staff report.

COMMISSIONER WINCHESTER concurred with Commissioner Raun.

AYE: Spinelli, Strike, Eber, Gardner, Winchester, Krishna, Raun, Pulice
NAY: None

PASSED

H. APPEARANCE REQUEST - None

I. REPORTS - None

1. **Chair**
2. **Secretary**

Draft RFA Application

Reinvestment Focus Area
PZC Case No. 2022-0010

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Reinvestment Focus Area Application

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



NOMINATOR(S)/OWNER(S):	NOMINATOR/OWNER REPRESENTATIVE:
CONTACT PHONE:	CONTACT PHONE:
CONTACT EMAIL:	CONTACT EMAIL:
TYPE OF INCENTIVE REQUESTED (check one)	
<ul style="list-style-type: none"> <input type="radio"/> Sponsored or targeted area rezonings (Title 21) <input type="radio"/> Tax abatement and tax exemptions (Title 12) <input type="radio"/> Transportation Improvement Program funds (TIP and/or Capital Improvement Budget (CIB)) <input type="radio"/> Alley improvement funding (CIB) <input type="radio"/> Utility undergrounding funding (Utility CIB) <input type="radio"/> Special assessment districts (Title 19) <input type="radio"/> Fee Waiver 	<ul style="list-style-type: none"> <input type="radio"/> New zoning districts or overlay districts (assembly approval, Title 21) <input type="radio"/> Revenue bonds (assembly approval, citywide election) <input type="radio"/> Expedited permit reviews and inspections (building services, assembly) <input type="radio"/> Off-site improvement phasing, partnering agreements, public funding for improvements (project management and engineering, assembly) <input type="radio"/> Other _____

IN 3-4 LINES, PLEASE BRIEFLY DESCRIBE THE PROPOSAL:

LEGAL DESCRIPTION:	ACREAGE:
PARCEL ID NUMBER(S):	
PLAT NUMBER(S), IF KNOWN:	
CURRENT ZONING:	
2040 LAND USE PLAN DESIGNATION:	

FOR MUNI USE ONLY		
Accepted by:	Fee:	Case Number:
Public Meeting Held/Planned for:		
Other Notes:		

PLEASE INCLUDE WITH THIS APPLICATION:

- A map delineating the RFA boundary, along with a legal description, acreage of the proposed petition area, a boundary delineation rationale narrative, and a summary of the existing uses found both inside and directly adjacent to the petition area.
- Land use and site plan of any existing development, including but not limited to buildings, streets, sidewalks, alleys, public infrastructure, historic properties or local landmarks, natural hazards, drainage systems and existing site drainage, and trails in the proposed area.
- A one-page summary of available utilities or deficiencies (if known).
- A one-page narrative summary of general conformance with the comprehensive plan and its elements, utility or park master plans, public facility plans and relevant elements, or other applicable planning documents.
- A one-page letter of sole or group property owner interest or support for inclusion in a proposed RFA.

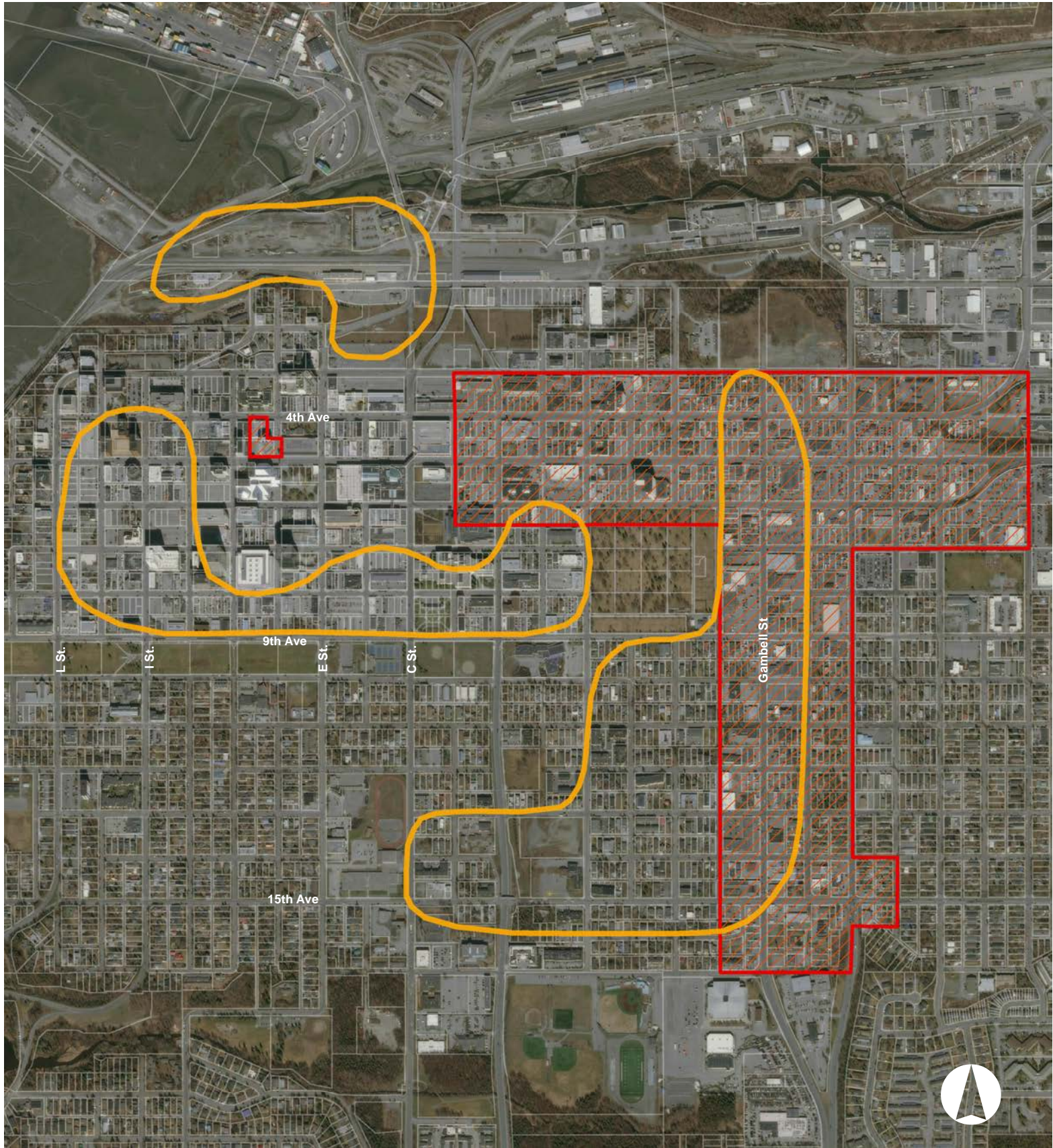
THESE ITEMS MAY BE COMBINED INTO ONE MAP OR NARRATIVE IF NECESSARY.



Maps
Zones Eligible for Nomination

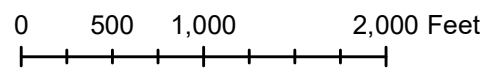
Reinvestment Focus Area
PZC Case No. 2022-0010

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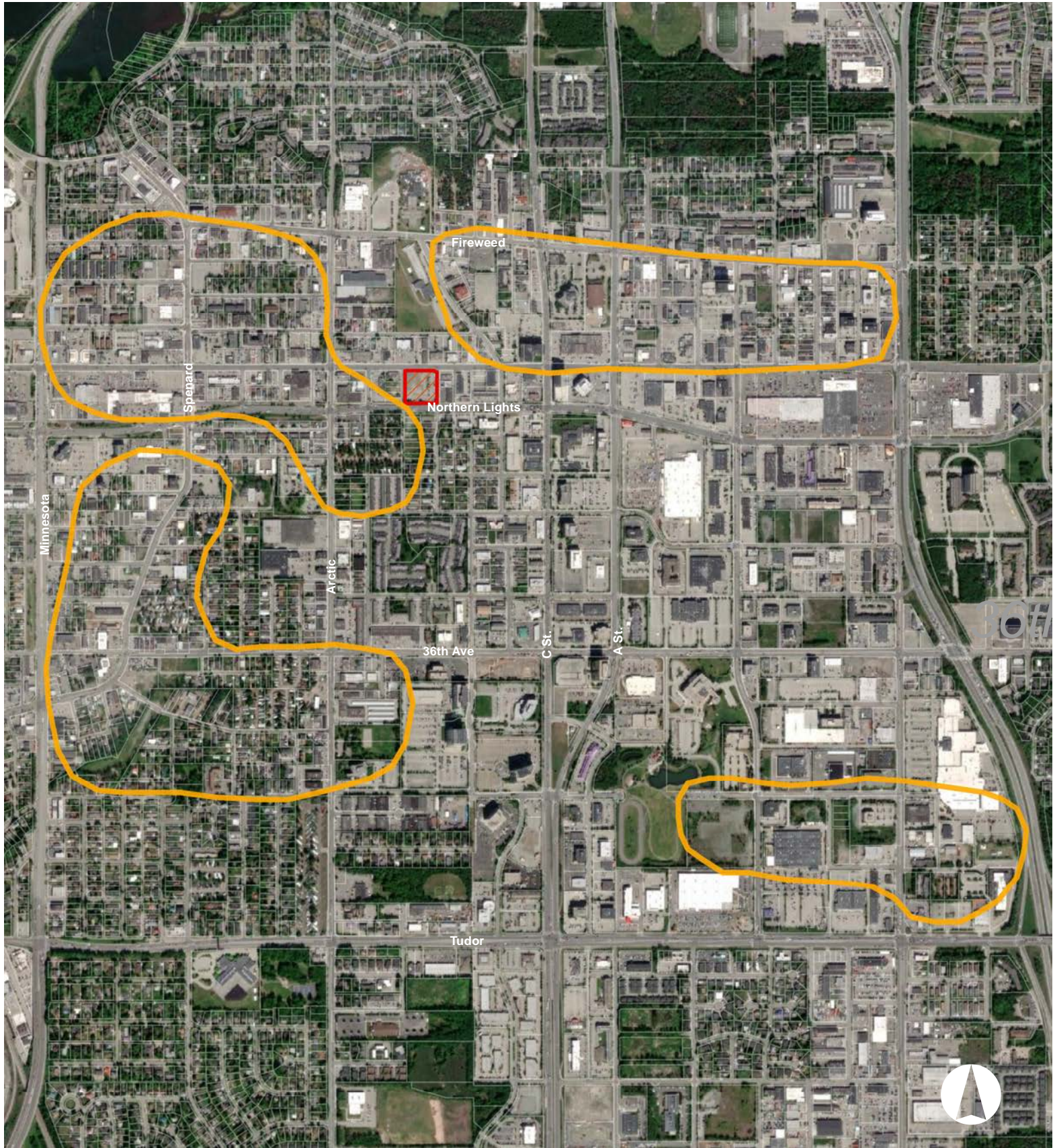
Reinvestment Focus Areas Identified in the 2040 LUP





-  Potential Reinvestment Focus Areas
-  Deteriorated Properties Tax Abatement




Reinvestment Focus Areas Identified in the 2040 LUP

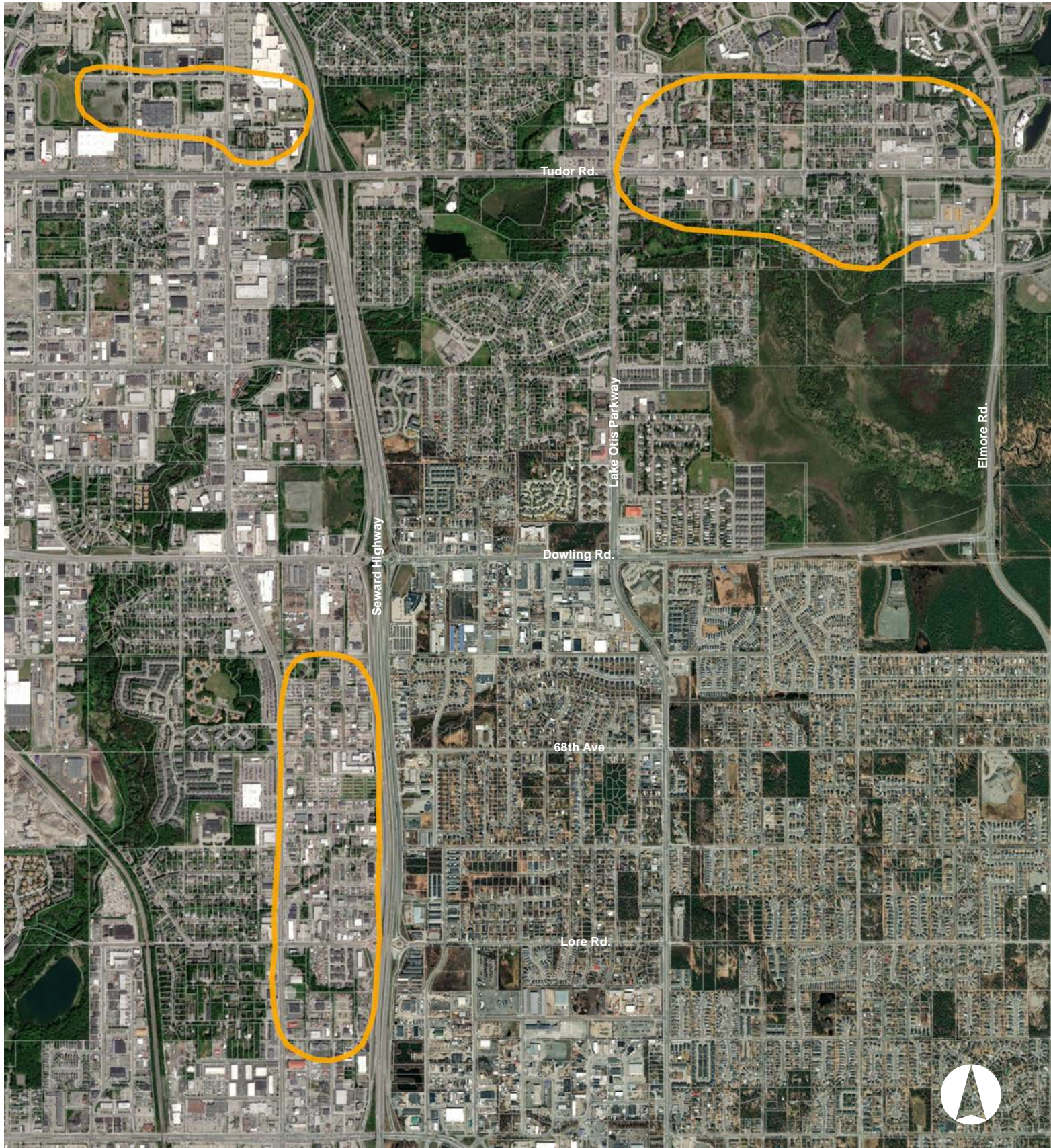


-  Potential Reinvestment Focus Areas
-  Deteriorated Properties Tax Abatement

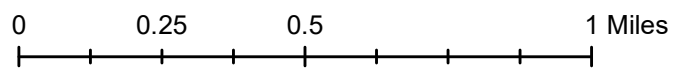
0 500 1,000 2,000 Feet



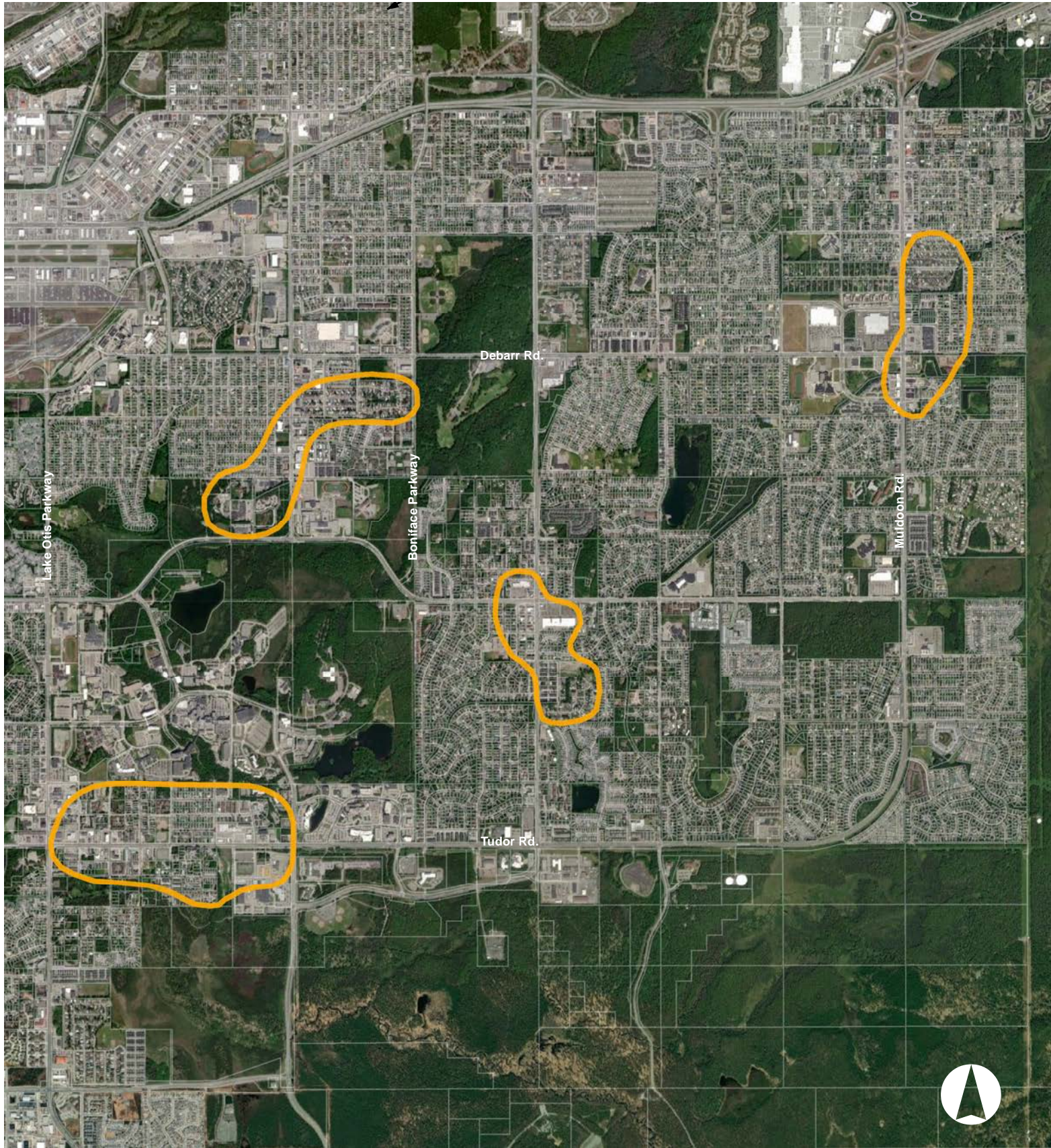
Reinvestment Focus Areas Identified in the 2040 LUP



 Potential Reinvestment Focus Areas



Reinvestment Focus Areas Identified in the 2040 LUP



0 1,250 2,500 5,000 Feet

 Potential Reinvestment Focus Areas