

Correspondence



RABBIT CREEK COMMUNITY COUNCIL (RCCC) A Forum for Respectful Communication & Community Relations



1057 West Fireweed Lane, Suite 100 / Anchorage, AK 99503

July 19, 2023

Dear Anchorage Assembly Members:

The Rabbit Creek Community Council (RCCC) has thoroughly reviewed the proposed Residential Zoning Ordinance, AO 2023-66, through its Land Use and Transportation Committee, and discussed it, as well as a substitution at our June 8, and July 10, 2023, RCCC meetings. By a vote of 17 ayes, 1 nay, and 0 abstentions, RCCC members supported the following comments and recommendations at our June 8 meeting.

In addition, RCCC voted to support the substitute for AO 2023-066(S), drafted by John Weddleton, by a vote of 27 ayes, 0 nays, and 0 abstentions. Instead of overriding long-standing, existing residential zoning districts, Weddleton proposes funding a process for creating Anchorage 2050 – Anchorage Bowl Comprehensive Plan, to engage citizens in developing a new vision and plan for Anchorage. We believe this bottoms up, public involvement approach is greatly preferable to the top down, approach of the original AO 2023-66 which lacks public involvement, research, and detail. Moreover, the original AO 2023-66 overrides numerous 2020 Comprehensive Plan policies that are fully in effect; it similarly ignores the 2040 Land Use Plan, an important sub-component, along with many other local plans under 2020.

The rationale and main points for our position are summarized below and detailed in the Attachment.

Rabbit Creek Community Council agrees with the seriousness of two of the primary reasons highlighted in AO 2023-066:

- An ongoing crisis for houseless people.
- Not enough affordable housing units (including for young people, growing families, retirees on fixed incomes, low-wage earners, and chronically unemployed persons).

Regrettably, RCCC believes that the proposed AO 2023-066 fails to address the housing crisis. There is no data to demonstrate that the proposed simplification of the zoning code could increase our affordable housing stock. In addition, AO 2023-066 subverts both the adopted Comprehensive Plan and the collaborative public process by which land use plans are developed. AO 2023-066 does not “start a conversation,” rather, it provokes distrust and creates uncertainty.

Rabbit Creek Community Council encourages our Assembly to re-imagine our city in 2050 through a new Comprehensive Plan, with new goals and policies to meet the needs of all residents in the coming decades. The 2040 Land Use Plan (LUP) was “a targeted amendment to the land use element of Anchorage 2020” (Section 1.1). The 2040 LUP did not address the overarching vision and goals of the 2020 Comprehensive Plan. A new comprehensive plan is a necessary foundation for major zoning changes and other implementation measures.

Therefore, RCCC asks for rejection of AO 2023-066 and passage instead of the Weddleton proposal, AO 2023-066(S) to fund a new Anchorage 2050 Comprehensive Plan. In addition, the Attachment offers targeted strategies toward affordable housing and creation of the efficient, affordable, walkable city for which you and we have been working. These include:

1. Targeted infill and redevelopment zoning.
2. Public-private partnerships, like Block 96 Flats.
3. Targeted infrastructure incentives.
4. Variable taxation to increase the “weight” of taxes on undeveloped land.
5. Conservation subdivisions to achieve low impact, clustered development of environmentally sensitive parcels.
6. Planned Unit Developments to achieve density with commensurate infrastructure and amenities.

Thank you for the opportunity to comment on AO 2023-066. We again encourage you to table that proposal, and instead, work with the Administration to fund the process for the 2050 Anchorage Comprehensive Plan.

Sincerely,



Ann Rappoport, Co-chair



John Riley, Co-chair

cc: Mayor Dave Bronson
David Whitfield, Planning Department
Elizabeth Appleby, Planning Department
John Weddleton

ATTACHMENT

1. The proposed ordinance is not data driven.

The sponsors of this ordinance assert that it is needed to create affordable housing: yet the sponsors have not provided data that our current zoning is the cause of houselessness, unaffordable housing, or low rates of new construction. The Assembly (and the public) should have supporting data for this ordinance, as well as full details of implementation, and analysis of the impacts, **before**, not after, approval of a radical zoning change. Detailed staff analysis should include the cause-effect of zoning on housing affordability, and the effects on neighborhoods, equity, economic development, watershed and natural resource impacts, and transportation analysis.

- There is no statistical evidence that zoning regulations are constraining the residential land supply. To the contrary, *the Anchorage Land Use Plan 2040* (Figure 1-10) shows that current zoning allows for 27% more multi-family housing than projected needs. For compact housing, the 2040 Plan showed in 2017 a land capacity to meet 87% of the projected needs for compact units - but this was before Accessory Dwelling Units became universally allowed in all zoning districts. In 2023, there are tens of thousands of opportunities for ADUs, so compact housing opportunity exceeds projected demand.
- There is no evidence that current residential zoning is driving up Anchorage housing prices. In jurisdictions near Anchorage with fewer residential zones, home prices are rising faster than in Anchorage. Wasilla, Palmer, Kenai and Soldotna generally have four to eight residential zoning districts. For the Wasilla/Palmer core commute area, average residential sales prices rose 60% from 2015 to 2023 (from \$260,987 to \$418,800: <https://www.alaskarealestate.com/>); for the greater Soldotna area, 64%; and for the greater Kenai area there was a 48% increase. That compares to a 29% increase for Anchorage's average residential sale price in that period (from \$366,848 to \$473,331: <https://www.alaskarealestate.com/>). In Alaska, zoning simplicity doesn't correlate to recent residential price increases.
- The drop in the number of residential building permits in recent years is being used to alarm residents. Anchorage is experiencing a complex economic and population downturn. It is deceptive to scapegoat the zoning code while ignoring other deterrents to real estate investment. These include supply issues, major cost increases in building supplies, rising mortgage interest rates, loss of jobs in Alaska, funding challenges of the education system, and numerous other economic pressures.
- Re-zoning won't solve affordability. There is no evidence for jumpstarting an affordable housing building boom through this zoning proposal. The Assembly has not presented models nor any success stories from other municipalities to indicate that a single residential/commercial mixed-use zone would create affordable housing on the scale and timeframe needed (immediately, thousands of affordable units). Cities without traditional zoning, such as Houston, Texas, still struggle with affordability. In 2015, 46.7 percent of renter households in Houston were cost burdened (paying more than 30% of their income for housing). And a household earning the median income could not afford the median home sale price in Houston. (The State of Housing Affordability and Vulnerability in Houston, <https://houstontx.gov/>).

- Who would benefit? Who would lose? Regarding houseless and low-income residents, there is no evidence the market would produce affordable housing in response to a zoning change. There is a long-term, accelerating decline in low-rent residential units across the U.S, even in states that are expanding their housing stocks. Texas lost half of its low-rent stock from 2011 to 2021 (512,000 units) while adding 742,000 high end units renting at over \$1,400. California, North Carolina, Ohio, Georgia, and Tennessee had similar trends (Joint Center for Housing Studies, <https://jchs.harvard.edu/>). The time, money, and civic engagement expended to re-write Anchorage's zoning code have considerable opportunity cost, without predictable effects. The Assembly and the public cannot assume that the default result will be affordable housing.

2. Failure to follow due process.

- Proposing an omnibus zoning change with no details creates suspicion and uncertainty. The Assembly can signal its intent with a Resolution. It is irresponsible to delete a major section of the zoning code without replacement details.
- An 18-month timeline to backfill the details of this ordinance is unrealistic. The ordinance presents conflicts with numerous approved land use plans. At the July 11 work session, Assembly members suggested that an 18-month deadline safeguards the rezoning effort against election turn-over. If the Assembly wants to achieve solid and lasting support for new zoning, the strategy should include solid data and public involvement, not a rushed timeframe.

3. Subversion of our adopted Comprehensive Plan.

- State law and court decisions have established that the zoning code should implement our comprehensive land use plan, not override it. Alaska Statute 29.40.040 Land Use Regulation requires our land use rules to be in accordance with our Comprehensive Plan.
- This proposed zoning change subverts existing land use plans without due process.
- The approach would effectively override all neighborhood and district plans that guide residential density and scale; and would abandon goals and infrastructure strategies and numerous other elements of the Comprehensive Plan.
- The ordinance would scatter an unknown mix of commercial land uses throughout all residential areas, which is a total reversal of the comprehensive plan's goals of promoting walkable neighborhood commercial centers and transit-supported corridors.
- This approach does not address the obligation, nor the time and resources, to amend numerous land use plans. Numerous court cases have found that our Title 21 takes direction from, and must be consistent with, our Comprehensive Plan.
- Comprehensive plans engage the public to develop a range of intertwined goals, and that's what should drive changes to the land use code - not a bureaucratic ideal described as, "simplify the code."

4. This proposed ordinance subverts numerous Anchorage 2040 Land Use Plan (LUP) features that support targeted - not random - infill and redevelopment; and protect valued characteristics of neighborhoods as documented below. The following excerpts are from Section 1 of the 2040 LUP. These policies support **targeted** infill, supported by infrastructure, and respectful of neighborhood character and diversity.
 - Map 1-2 of the LUP shows areas of significant growth, moderate growth, and little growth. Follow this map to set new guidelines for infill, redevelopment, and infrastructure investment, rather than encourage unplanned, scattered pockets of density and commercial activity.
 - LUP 1.1. “Use the Anchorage 2040 Land Use Plan in concert with area-specific plans as a framework to guide decisions on future development patterns, land uses, and allocation of growth.”
 - LUP 1.4. “Use the 2040 LUP and area-specific plans in conjunction with other elements of the 2020 Comprehensive Plan to determine appropriate zoning in the Bowl.”
This proposed re-zone overrides area-specific plans. For example, the Hillside District Plan specifies low density residential development appropriate to onsite water and septic systems, steep slopes, and water recharge areas.
 - LUP 3.1. “Target and coordinate investment in the built environment and green infrastructure, in and around centers and corridors that are most able to absorb housing and employment growth.”
 - LUP 3.2. “Promote the development of main-street, transit-oriented and mixed-use corridors”
 - LUP 4.1. “Provide sufficient land to meet the diverse housing needs of Anchorage’s citizens, where the integrity of the residential neighborhood is protected from expanding commercial corridors or non-neighborhood employment activities.”
 - LUP 7.1. “Preserve, accommodate, and contribute to the character scale and identity of established neighborhoods as new infill housing and mixed-use development occurs. Protect and restore the natural environment as development occurs in these neighborhoods.”
 - Goal 7. “Infill development is compatible with the valued characteristics of surrounding properties and neighborhoods.”
 - Other LUP policies that appear subverted or ignored by this proposed zoning change include: LUP 1.5, 1.6, 1.8, 2.3, 4.3, 5.3, 5.5 and 6.3.
5. Lack of predictability hampers private and public investment. The proposed ordinance appears to decrease predictability about land use, to the detriment of both public and private investment.
 - This zoning change creates broad uncertainty about future land use, making investment of both private and public funds more of a gamble.

- LUP Goal 6 is ignored: “Anchorage coordinates transportation and land use to provide safe, efficient, and affordable travel choices.”
- By scattering commercial use and denser housing into many low-density neighborhoods, the proposed zoning will increase - not decrease - urban sprawl, vehicle miles traveled, and auto dependency.
- This proposed zoning change will aggravate inequity, by allowing private zoning through covenants and civil enforcement to neighborhoods that can privately afford it.

6. Additional concerns and unaddressed issues regarding the variety of residential districts.

Elimination of residential zonings districts works against diversity, equity, and community cohesion at the neighborhood scale. Following are some of our concerns:

- Works against homeownership and neighborhood tenure.
Predictability of neighborhood conditions is important for both homeowners and financiers to commit to long-term mortgages.
- Works against planning at the neighborhood scale.
The neighborhood scale is important for improving the physical environment, building social capital, improving the capacity of residents to work together to address complex problems, and advocating for public space investment <https://www.thenatureofcities.com/> Neighborhood Planning for Resilient and Livable Cities, Jayne Engle and Nik Luka, 2014). “The path to inclusivity is through neighborhood scale planning, combined with deliberative community-development strategies” (*The Nature of Cities*, Jayne).
- Less physical diversity and distinctiveness of neighborhoods.
The physical character of neighborhoods is an under-rated form of diversity. Neighborhoods with distinct physical character are highly valued by residents and visitors. Key elements of physical character include density, building forms, landscaping features, and patterns of open space. All of these elements are achieved collectively and are eroded when there is no zoning. Just as a neighborhood is enriched by diverse demographics and socioeconomics, so is a city enriched by physical variety in its neighborhoods.
- Potentially less equity: zoning will become a private right.
The abnegation of public zoning will result in more private zoning, through private covenants. Planned development will become yet another privilege reserved for the wealthy and well-lawyered.
- Potentially more sprawl, more vehicle miles traveled, more traffic impacts.
- Increased traffic impacts on neighborhoods and increased overall vehicle miles traveled with dispersal of high-traffic commercial enterprises. In an urban area as large as Anchorage, some degree of planning and zoning is important to create commercial and institutional clusters.

- More impact to natural setting.
Some of the residential zones, such as R6, R8, R9, and R10, are intended to limit or guide development on steep slopes, sensitive habitats, natural hazard areas, and areas reliant on groundwater and septic fields.
- The purpose statements are wishful but deceptive.
Abandoning zoning will create an unpredictable hodgepodge of development. It will not preserve natural open spaces, reduce the need for extensive new infrastructure, reduce sprawl, support transit, reduce driving, foster local and community activities, add or retain jobs. Infill and redevelopment housing in neighborhood centers would achieve those aims. Abandoning zoning is the OPPOSITE of infill and redevelopment in neighborhood centers.

Best practices to provide affordable housing and mixed use neighborhoods.

RCCC believes there are proven solutions to create compact urban centers, walkable neighborhoods, and affordable housing. Therefore, we encourage the Assembly, and the Administration, to accelerate housing and commercial development in redevelopment zones, neighborhood centers, and transit corridors, as intended in Anchorage 2020 and the 2040 Land Use Plan.

In Anchorage, there are several centrally located neighborhoods or areas with vacated housing or commercial businesses, empty lots, and decrepit structures. These areas are ripe for targeted infill and redevelopment, and can achieve the density for walkable 15-minute neighborhoods.

Proven practices for efficient, affordable, walkable residential development include:

1. Targeted infill and redevelopment zoning.
2. Public-private partnerships, like Block 96 Flats.
3. Targeted infrastructure incentives.
4. Variable taxation to increase the “weight” of taxes on undeveloped land.
5. Conservation subdivisions to achieve low impact, clustered development of environmentally sensitive parcels.
6. Planned Unit Developments to achieve density with commensurate infrastructure and amenities.