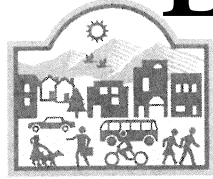




Municipality of Anchorage

Planning Department
Long-Range Planning Division

Memorandum



E.1.

Date: November 6, 2017
To: Planning and Zoning Commission
Thru: Hal H. Hart, AICP, Planning Director *HHH*
From: Long-Range Planning Staff
Subject: Case #2017-0110, Proposed R-3A District
Planning and Zoning Commission Issues from October 9, 2017 Public Hearing

The purpose of this memorandum is to provide responses to eight questions that were raised by the Planning and Zoning Commission at the October 9, 2017 Public Hearing on the Draft R-3A Residential Mixed Use ordinance. Each question has been addressed in this memo and is organized in the following format: 1) identification of issue, 2) staff response, and 3) staff recommendation, if necessary.

ISSUE #1. *Section H.2.h.ii. Northern Climate Weather Protection and Sunlight*

The Planning and Zoning Commission (“Commission”) and public testimony taken on October 9, 2017, identified concerns with the review process, applicability and rigidity of the Neighborhood Protection shadow standards found in the Draft R-3A Residential Mixed Use Zoning ordinance. In an example site, the shadow evaluation of a concept site plan showed that building size and placement on the site would cast a shadow onto an adjacent park space and on nearby residential lots during the time from 9:00 am to 3:00 pm on September 21 when H.2.h.ii. Prohibits the shadowing of these areas. There was concern that even the slightest shadow cast from a proposed R-3A building during the designated timeframe would require changes to the site plan and increase development costs. The Commission asked if there could be a more flexible standard such as a discretionary review process or a variance procedure to address the shadow standard without such a hard and fast standard that may impact projects for minor shadowing. The Commission hoped there could be some leeway from the inflexible “bright-line” boundary between the building shadow and neighboring parcels. Commissioners asked staff to consider if some latitude to this standard could be applied to parks that are not part of an active use area, and to parts of a protected residential lot outside of the building envelope on the lot.

Response:

Given the concept site plan for a new R-3A–type development shown at the public hearing, staff agrees with adjusting Section H.2.h.i., Northern Climate Weather Protection and Sunlight.

At the same time it is imperative that shadowing of adjacent residential lots, schools, and parks by R-3A buildings be mitigated and strongly accounted for in the ordinance’s standards. Shadowing existing residential lots by new, taller, higher density buildings is a primary concern

of the public and community councils. The objective of the solar access standard is to protect the neighboring homeowner. The sunlight access standard applies only to tall buildings that are proposed to exceed 40-feet in height. Only developers who are asking for entitlement to a much taller buildings than allowed in the surrounding neighborhood are subject to this standard.

Any developer of an R-3A lot may seek a variance from the September 21 solar access standard, per AMC 21.03.240. Flexibility and leniency is actually already written into the sunlight access standard itself, because it picks only certain hours of one day in autumn (September 21, 9:00 am to 3:00 pm), to represent an average day and sun angle of the year. It could have picked a longer time period of 8:30 am to 3:30 pm on September 21, or the date of October 21, thus setting even a higher standard. As it is, the current standard allows the buildings to cast shadows that extend into nearby residential properties after 3:00 pm, on September 21. So what might seem like a hard-and-fast standard on September 21 is in fact not really so hard and fast by September 22, because the shadow is allowed to encroach into the nearby lot between 9:00 am and 3:00 pm by the next day.

But why protect all parts of the adjacent residential lot on September 21? Why not limit mid-day sunlight access protection for all of the lot to just one-third of the year, and use August 21 as the date instead? Sunlight access in spring and fall is important to protect most of the residential lot, especially the front and rear of the house, not just the house itself. In our northern climate, the spring and fall equinoxes comprise the “shoulder season” between the summer growing season / outdoor activity period versus the winter. During the shoulder season, solar access becomes the critical factor that tips the balance between either extending, or curtailing the outdoor activity season. Good solar access can extend the season by up to a month or more—i.e., by several weeks in the spring and fall each. The spring/fall equinox is a “sweet spot” for effective solar access standards.

The standard would become complicated, inconsistent, and arbitrary from one lot to the next, if the protected area was to be based on the building envelopes, side or rear setbacks, or perceived outdoor activity areas within the lot to be protected. The locations of such areas within the lot vary from one lot to the next, sometimes even within the same zoning district, based on site specific conditions that do not directly relate to where solar access is important. And, as discussed above, September 21 is only one date, and 3:00 pm only one time on that one date—the standard already allows the encroachment into the protected lot’s setbacks by 4:00 pm and September 22.

Recommendations:

1. Retain the bright-line, property line-based solar access standard from 9:00 am to 3:00 pm on September 21 (which already builds in flexibility for greater shadowing at other times and dates), in order to retain the standard’s consistency, clarity, and simplicity of use, and its effectiveness during the critical spring/fall shoulder seasons.
2. Focus the sunlight access protection on only the types of schools and parks that need it, by amending section H.h.ii. (Line 17, page 7 of 20 of the main packet) as follows:

- ii. Northern Climate Weather Protection and Sunlight: Buildings taller than 40' shall not cast shadows on residentially zoned properties, dedicated neighborhood use parks, or school properties between 9:00 AM and 3:00 PM solar time on March/September 21.

ISSUE #2. *Can the 1.75 acre minimum acreage requirement for a rezone site be reduced?*

The Commission asked if the minimum acreage standard for a rezoning of 1.75 acres, per AMC 21.03.160B., could be reduced, where the proposed district has been determined to be consistent with the Comprehensive Plan and helps implement the *Anchorage 2040 Land Use Plan Map*. This would potentially favor more sites with possibly less cost and time to landowners. This recommendation addresses the Commission's interest in permitting more neighborhood commercial and mixed use developments in or near residential areas.

Response: The issue is determining what the smallest lot size should be to allow for rezonings to R-3A in the areas where it is designated. Most residentially-zoned areas designated as potential R-3A locations are larger than 1.75 acres. An exception to the 1.75 minimum size is not necessary in most of the residentially zoned areas.

However there are two exceptions, comprising the existing R-5 zoned areas around Abbott Town Center between Toloff Street and Arlon Street south of 88th Avenue, and south of 92nd Avenue just west of the Seward Highway. The first area is comprised of individually-owned 8,500 sq. ft. parcels, the second area includes some larger parcels along Old Seward Highway but mostly includes lots as small as 7,200 square feet.

Other exceptions include the R-4 zoned Ingra Street corridor in Fairview, B-3 zoned areas of Spenard are less likely to rezone to R-3A, and several RO zoned areas, but these areas are less likely to rezone to R-3A as the existing or potential alternative zoning options generally allow more entitlement.

Lowering the rezoning lot size standard for the R-3A could make the R-3A more available in the areas noted above that have smaller lot patterns. The minimum rezoning area of the B-1A district, which is 11,500 square feet, could provide a comparative example. Both districts introduce mixed-use within residential neighborhoods. However, the scale of development in the R-3A has greater potential impacts and spillover effects due to its intensity of use and building scale. A minimum size of 21,000 square feet, for example, would allow groups as small as three R-5 lots in the Abbott Town Center area to rezone.

Recommendations:

1. Amend the revised subsection H.3., District Location Requirements which appears on page 3 of the October 9, 2017 staff report, by adding a new first sentence under subsection b., Requirements, as follows:

H.3. District Location Requirement

b. Requirements

The minimum contiguous area for a R-3A district shall be 21,000 square feet or greater.
In addition to meeting the general rezoning approval criteria, the new or enlarged R-3A districts shall... *(No further changes)*

2. Amend the draft ordinance by adding a new Section 7, which reads as follows:

Section 7. Anchorage Municipal Code section 21.03.160B. is hereby amended to read as follows:

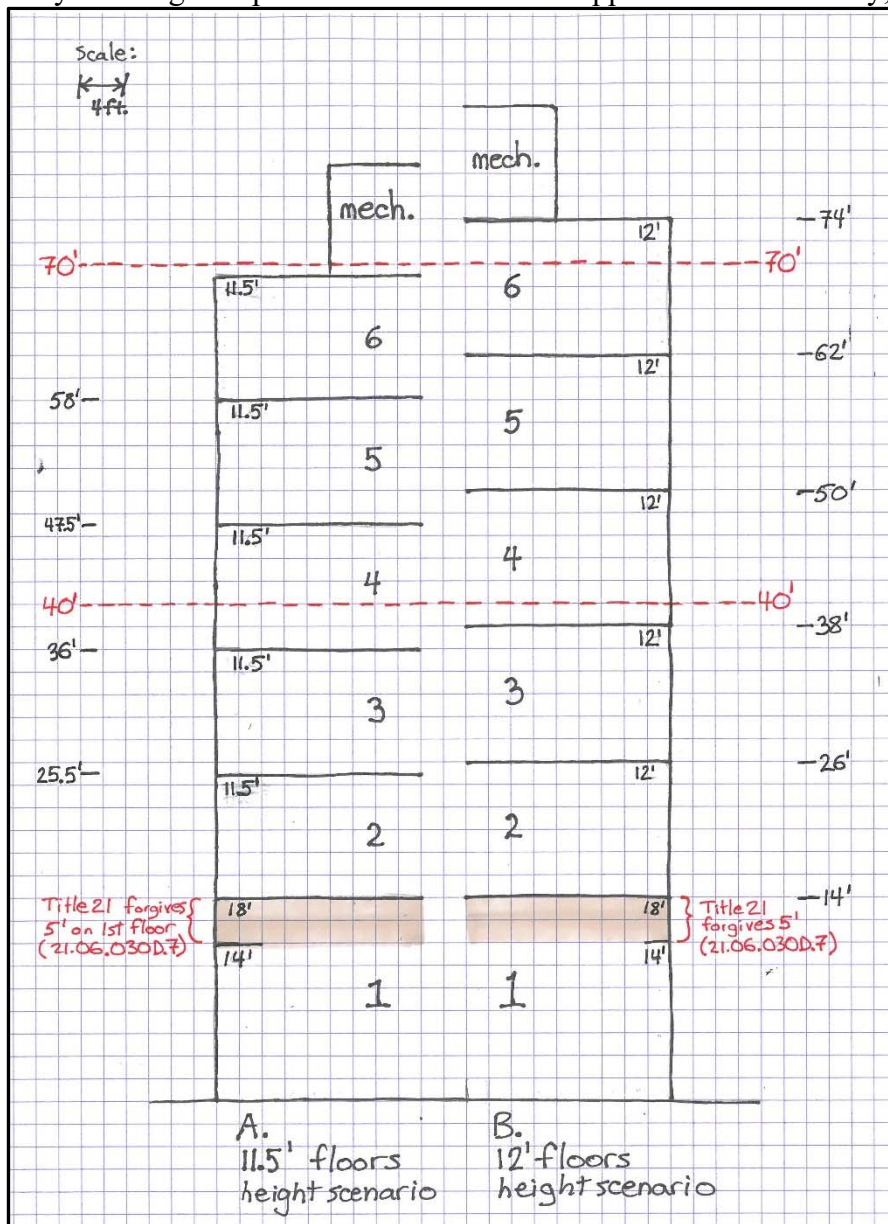
Section 21.03.160 Rezoning (Zoning Map Amendments)

B. Minimum Area Requirements

3. A rezoning in the B-1A or R-3A district.

ISSUE #3. *Is it possible to alter the by-right height standard of the R-3A from 40' in the current draft to 48-50', with the intent to allow by-right four stories with a 14-foot first floor ceiling and 12' floor-to-floor heights on the residential floors, instead of the recommended three stories.*

The Commission noted that the fourth story is the least expensive to build using wood construction without a concrete/steel podium. It will support more R-3A development if four story buildings are practical and easier to be approved. Additionally, some public testimony



considered a three story building to be infeasible under a 40' building height, given current construction costs and construction industry trends for 11'-12' floor heights. The current by-right height of 40', it was argued, will negatively impact the likely use of this district.

Response: The recommended height provisions in the current draft already allow a three-story structure by-right, and a four-story structure through administrative site plan review by adding one public benefit bonus feature from the seven menu choices in subsection H.2.g. It already allows for a 14' or taller first floor and up to 12' stories on the residential floors:

As the illustration above indicates, the 40' by-right allowable height

accommodates a three-story building, even if it is mixed-use with a 14-foot tall first floor and has 12' tall upper residential floors, with height to spare. If the developer wishes to increase the height of the commercial first floor, Title 21 forgives an additional 5' of first floor height, as provided in the generally applicable height measurement rules in Section 21.06.030D.7., *Height*

Adjustments. The additional first floor height increase of 5' is not counted against the 40' height limit.

The draft R-3A regulations are structured so that it is not difficult to add a fourth 12' story, and attain 50' in building height. Adding additional stories through the bonus menu feature is designed to be practical and done through administrative review, provided the applicant protects the neighboring parcels from potential impacts from the taller building. The fourth story is the easiest to get, given that the applicant need select only one of seven menu choices from subsection H.2.g. It is also still relatively easy to comply with the neighborhood protections in subsection H.2.h., as compared to a 70' building. Based on staff's analysis the maximum building height of 70' already provides flexibility.

For example, the applicant might select menu choice i., from subsection H.2.g., which allows one additional story of height as long as the development provides a housing density of at least 30 dwelling units per acre (DUA). By comparison, the mixed-use buildings on Mountain View Drive and at 3600 Spenard Road achieve or nearly achieve 30 DUA in only three stories. Menu choice i. is very easy to achieve for a four-story building's bonus feature.

The administrative site plan review process and the neighborhood protections in H.2.g. should be seen as being proportional to the bulk, scale, and height related impacts on the neighbors from a 50' tall building. In most areas identified as potential R-3A sites, a 50' structure is anticipated to remain almost twice as tall as the prevailing heights of the surrounding residences and businesses through the end of the year 2040 planning horizon.

Recommendations:

1. Retain the maximum height allowed by-right of 40' (which already builds in flexibility for 12' residential story heights plus an additional 5' of increased first floor height), and the administrative bonus system allowing a fourth story up to 50' with the addition of one public benefit feature out of seven possible menu choices.
2. Amend the first line of H.2.g. subsections i-vii Building height increases ~~from 40 feet of additional height~~ and replace with one story of additional height.

ISSUE #4. *Could the location and height standards be altered to expand the use of the R-3A district for flexibility?*

The Commission asked if staff would consider using two height classifications with two sets of maximum building height standards for the medium density residential mixed-use zoning tool. This might involve a lower maximum height of 48'-50' or four floors with secondary standards for the lower-height option. The greater-height option would provide another set of standards for when a developer wishes to use the bonus incentives to increase building height to 70'. If possible, the Commission also asked that the version with a maximum height of 48'-50' be allowed in more areas of the Bowl than currently is proposed for the R-3A, if that height is the maximum height permitted for those certain areas. This would essentially create two types of R-3A developments based on building height and locations.

Response: The intent and purpose of the proposed R-3A district as drafted in its current form, is to address a housing/mixed-use need found during the development of the *2040 Land Use Plan*. The *2040 LUP* land use plan map avoids identifying broader areas of the Bowl as potentially appropriate to convert from existing residential zoning to mixed-use. In general, the growth forecast section of the Plan documents that converting more R-2M and R-3 zones to mixed use commercial and apartments worsens the land deficits that exist for single-family and compact housing types. There is not such a gap between supply and demand for commercial uses and multifamily apartments.

The *2040 LUP* includes actions that call for the development of a new zoning tool and master planning process that could be used to selectively identify and rezone neighborhood sites to mixed-use. These include Action 2-11 to create a small area implementation planning procedure, and Action 3-8 to create a process and review criteria for how and where new small scale commercial uses might be permitted within neighborhoods.

The idea of a second version of the R-3A for application within established residential neighborhood needs further analysis and should be vetted with the community councils and the public because of its potential placement within residential neighborhoods. It would also need to be accompanied by an amendment to the *2040 LUP* to provide support for applying this new mixed-use tool in more areas than is currently supported in the plan. This can be a future action item for Title 21.

Recommendations:

1. Amend the first paragraph on H.2.g., Building Height Increases by inserting a new sentence between the last two sentences in the paragraph, as follows, in order to limit the maximum building height possible to 50' on sites less than two acres:

g. Building Height Increases.

(...) ...Height increases are subject to the R-3A district building bulk and transition standards of subsection h. [f.] below to mitigate impacts on surrounding properties and support neighborhood compatibility. The maximum building height possible shall be limited to 50' not to exceed 4

stories on sites smaller than two acres. An increase in height may be achieved through the use of one or more of the following choices: ...

2. Staff to conduct research and potentially develop a more clearly defined second, four-story version of the R-3A District that could be appropriate in a wider range of locations than is currently designated for R-3A as an action item for future Title 21 amendments.

ISSUE #5. *A Commissioner requested that consideration for R-3A sites be added to areas of the Bowl adjacent to major trails and greenbelts including the Coastal Trail and Chester or Campbell Creek greenbelts.*

The Commission noted that this zoning district might be appropriate to and could enhance the Bowl's larger greenbelt trail areas, including Chester Creek, Campbell Creek, and the Coastal Trail. Could the district be considered appropriate in these areas?

Response: Staff agrees with this concept. In fact, the majority of the larger sites designated as potential R-3A District sites by the 2040 LUP are located along the greenbelt system. Many of the properties adjacent to the Bowl's larger greenbelts and larger trail corridors already have the capacity for higher residential densities. Many of these trail facilities are next to R-3 districts, which allow existing higher densities. The 2040 LUP designates other areas along greenbelts to higher density residential designations, to allow for potential rezonings to R-3 or R-4.

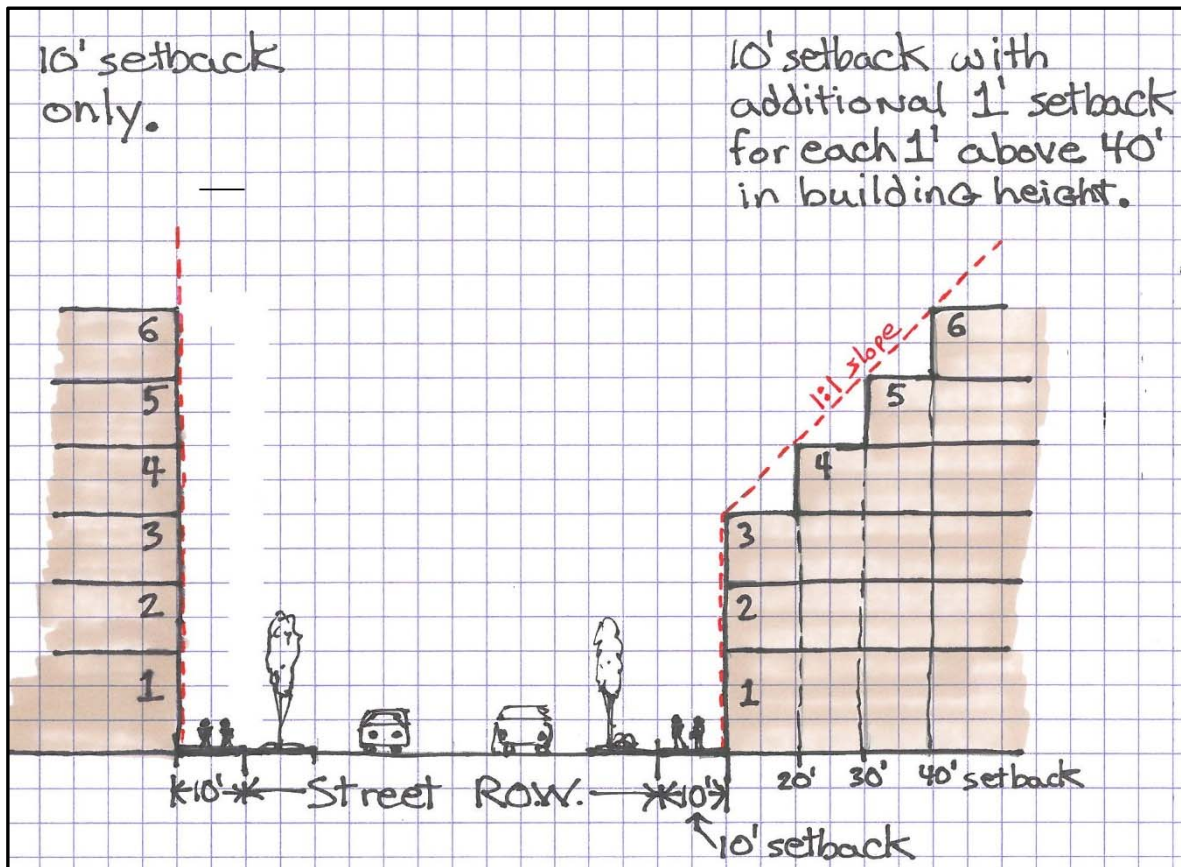
Not all areas along trail corridors that merit higher density are necessarily candidates for mixed-use commercial as well. In order to consider future rezones of R-3A to locations near larger greenbelts and trails, an amendment to the 2040 LUP would be required. Staff recommends adoption of the R-3A as a zoning district first, see how it is working, and include adding appropriate lands near trails and green belts as an amendment to the 2040 LUP after a thorough public process.

Recommendation: No changes to the ordinance at this time.

ISSUE #6. *The Commission asked that staff revisit the ordinance's front yard setback dimensions in light of the intent for new R-3A developments to be more pedestrian oriented.*

There was concern that the proposed district's front yard setback standard of 30' when an R-3A building is greater than three stories, is counter-productive to the goal of having pedestrian oriented developments.

Response: Having an additional setback when the upper floors of the building exceed a building height of 40' is important to avoid an "urban canyon" effect of creating a dark and cold environment which conflicts with the desired scale and character for most parts of the Anchorage Bowl outside of Downtown and Midtown. As experienced on the sidewalk, a 10' setback is not very much distance. Even in a typical very tight, urban "main street" downtown commercial setting, the minimum adequate size of a sidewalk cross-section from curb to building façade is 12' to 16' in width. In more relaxed, semi-urban settings such as in Midtown or in the designated town centers, setbacks of up to 20' or even 40' can actually be quite consistent with a built environment that engages the pedestrian. These distances may seem large but they are not very much when experienced in actual settings.



However, it does seem an excessive jump from a 10' to a 30' setback between the third and fourth stories. The standard regulates a 50' tall building as if it had the same impact as a 70' tall building. In fact, the 50' tall building needs only moderately greater setback than a 40' tall

building, and the 70' tall building is the one that should have the greatest setback (or a step-back in the upper floors) to avoid the urban canyon effect (see graphic above).

Most codes apply a bulk plane or daylight plane in these situations that calls for an extra amount of setback (or step-back in upper floors) for each amount of extra building height. A daylight plane that applies only to the upper floors above the 40' by-right allowable height is a flexible way to allow the podium (base) of the building to be within 10' of the street ROW while ensuring the upper floors are an appropriate distance away from the street corridor to maintain an appropriately-scaled street canyon. The figure above is a comparison of the effects of a potential 1:1 daylight plane versus the current draft 30' upper floor setback. Staff agrees an adjustment should be made on how to determine the appropriate setback for buildings that exceed the base allowed height.

Recommendations:

1. Insert the following new item iv. under subsection H.2.h., Neighborhood Protections, which will replace the 30' upper floor setback with a 1:1 bulk/daylight plane that is more accommodating but still preserves the appropriate scale of street canyon. Renumber existing subsequent items iv. through vi.
 - iv. Scale, Proportion, and Daylighting of Street Canyon: Upper floor portions of the structures shall be set back an additional foot from the street beyond the minimum 10' setback of the district, for each foot in building height above 40'.
 - ~~iv.~~ v. Upper Story Size/Width Limits: Portions of structures gained through an increase in allowed height above a height of 40 feet are limited to a maximum façade width of 130 feet. The average gross floor area of all stories above 40 feet in height shall be limited to 12,000 square feet. For each story above 40 feet in building height, the total gross floor area of the floor plates of the building(s) on the site is limited to a maximum of 50 percent of the maximum lot coverage for the R-3A district.
 - ~~v.~~ vi. Maximum Building Length: The maximum length of a townhouse-style building elevation shall be 250 feet.
 - ~~vi.~~ vii. Commercial Gross Floor Area Limitations: The gross floor area of each allowed use in the commercial use category, except for grocery or food store, is limited to 10,000 square feet per use, without any review beyond that required by table 21.05-1. Gross floor area of more than 10,000 square feet for allowed commercial uses excepting grocery or food stores may be requested through the conditional use procedure. The maximum gross floor area of a grocery or food store is 20,000 square feet, without any review beyond that required by table 21.05-1.

2. Amend the R-3A minimum front setbacks in Table 21.06-1 in Section 3 of the ordinance, by deleting the 30' minimum setback requirement for upper floors exceeding three stories:

Min. 10' ~~30 when upper floors exceed 3 stories~~

ISSUE #7. *Several Commissioners asked that staff consider clarifying the gross density (DUA) range listed in the Purpose Statement.*

There appeared to be some confusion about the role of the gross density range in the Purpose Statement at the beginning of the proposed R-3A section. It lists a gross density for the R-3A district of 12 to 30 DUA, while the dimensional standards table lists the maximum DUA of 43 and the ordinance requires a minimum density of 15 DUA.

Response: The reference to a gross DUA in the R-3A Purpose Statement for the district is a typical intent statement and is parallel construction with Title 21 purpose statements in most residential districts. This introductory paragraph provides legislative intent for the R-3A district. This statement refers to gross densities, which is typical for planning level purpose statements. As the annotated version of the draft ordinance attempts to make clear, Title 21 establishes in its rules of interpretation in AMC 21.14.020B. that purpose statements are not to be used as regulatory standards.

Both gross and net densities are defined in Title 21 Chapter 21.14. Additional clarification of the difference between them is also now in the *Comprehensive Plan*, with the adopted version of the *2040 LUP* to be published soon equipped with an illustration comparing gross and net densities.

Recommendation: Amend the first sentence of the Purpose paragraph in H.1. (Lines 29 and 30 on page 2 of 20 of the main packet) as follows:

The R-3A district is a medium density, mixed-use multi-family district with gross densities between 12 and 30 dwelling units per gross acre.

ISSUE #8. *A Commissioner in a follow-up consultation meeting recommended allowing single-family and two-family dwellings in the R-3A District, to provide flexibility in the event that a property rezoned to R-3A but the mixed-use development concept does not work out.*

Commissioner Spinelli pointed out that single-family and two-family housing is a needed housing type. The ordinance should avoid the situation in which a property that has been rezoned to R-3A does not get developed if mixed-use development does not end up being feasible on the site. Both the R-3 and R-4 Districts permit single-family and two-family residences.

Response: Staff has reviewed the suggestion and sees no harm in including single-family and two-family dwellings in the list of allowed residential uses. Including these dwelling types in the district adds flexibility in site planning of large sites to allow a variety of housing types for more complete neighborhood environment or provide transitions in building scale and type to adjacent lower density neighborhoods. For example, a mixed-use development could include small-lot single-family housing, attached single-family, or two-family dwellings, in addition to townhouses, apartments, and mixed-use dwellings, creating a complete neighborhood.

The minimum required density of 15 DUA would still apply, so the addition of single-family homes does not take away any of the minimum amount of housing expected in a mixed-use development that introduces commercial businesses on site.

As the Commissioner suggests, allowing for the site to develop with single-family or two-family structures is a safety valve in the event a mixed-use development becomes infeasible. The 2040 LUP documents that, in fact, there is a gap between the need and land capacity for single-family and compact housing types.

Recommendations: Amend Table 21.05-1 in Section 2 of the ordinance, by adding a “P” under the R-3A district for the following uses:

- Dwelling, Single-family Attached,
- Dwelling, Single-family Detached, and
- Dwelling, Two-family

Use Category	Use Type	Residential					
		R-2D	R-2M	R-3	R-3A	R-4	R-4A
RESIDENTIAL USES							
Household Living	Dwelling, mixed-use				P	P	P
	Dwelling, Multi-family		P/S	P	P	P	P
	Dwelling, Single Family Attached	P	P	P	P	P	
	Dwelling, Single Family Detached	P	P	P	P	P	
	Dwelling, Townhouse		S	S	S	S	S
	Dwelling, Two-Family	P	P	P	P	P	
	Manufactured Home Community		C	C		C	