

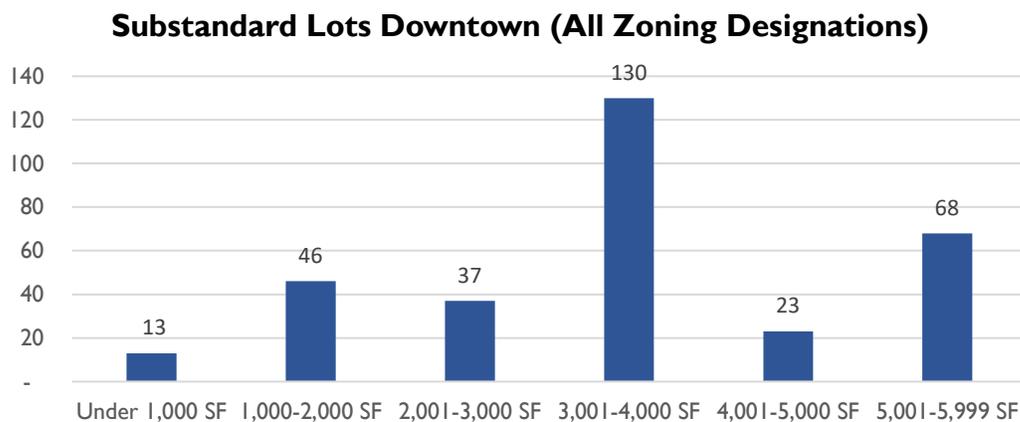
DT Code Update Subcommittee Supplementary Memo on Lot Sizes

Background

- The 1917 Plat map of Anchorage shows the majority of lots platted as 50'x140', or 7,000 square feet.
- The 1946 zoning code did not explicitly require minimum lot sizes. Ordinance No. 192 of 1947 changed the code section to state: "A lot, as defined herein, shall contain a minimum area of 5,000 square feet".¹
- By 1952, the zoning code required that the standard minimum lot size be 6,000 square feet for most lots downtown. One exception was for the B-2 Central Business District zone, which stated: "Lots used in whole or in part for dwelling purposes shall comply with lot area requirement in R-3 Districts, provided that such requirements shall not apply to hotels and rooming houses where no cooking facilities are provided in the individual rooms, suites, or apartments."^{2,3}
- The current minimum lot size for all downtown zones in is 6,000 square feet.
- A Planning Advisory Service report from 1952 suggests that lot size minimums were originally justified as a tool for regulating density.⁴
- Lot size minimums have come other scrutiny in other parts of the country.⁵
- Section 21.08.030 of Title 21 states that all newly subdivided lots in all zones must be at least 80' deep and 1/3rd as wide as their depth (about 27'), for a standard minimum size of about 2,134 square feet.

Existing Conditions

Based on a basic analysis of Muni GIS data, there are currently around 317 lots (5.23 acres of land area) downtown that are smaller than 6,000 square feet. They break down as follows:



¹ 1946 City of Anchorage Zoning Code (ordinance No. 174)

² 1952 City of Anchorage Zoning Code, Pg. 10. (ordinance No. 1030)

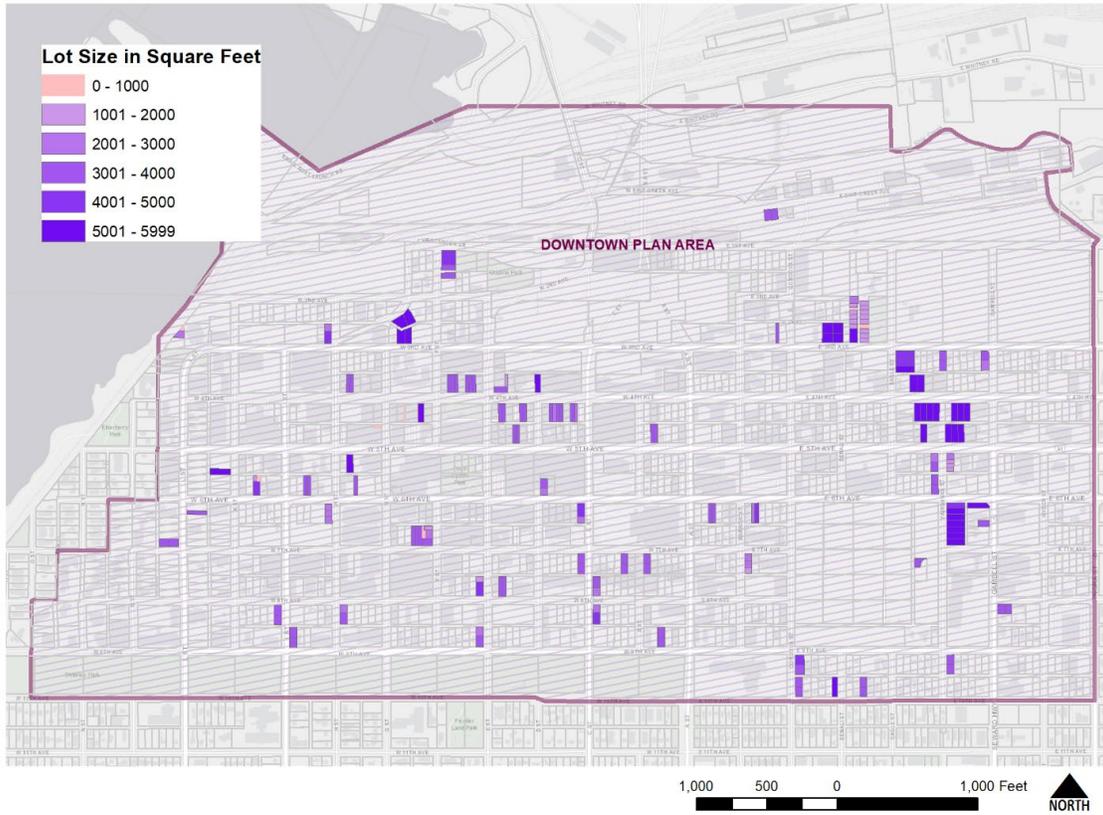
³ For comparison, [Seattle zoning from 1957](#) allowed lot sizes down to 4,000 square feet in some multifamily zones, and no minimum lot area requirement for non-residential buildings (suggesting lot area was a requirement for yards or other activities).

⁴ "MINIMUM LOT SIZE The power of communities to regulate the use, height, coverage, and setback of buildings and the density of residential development is firmly established by law. In recent years, there has been little questioning of the right of municipalities to regulate residential density, with its clear relationship to light and air and fire protection." Minimum Requirements for Lot and Building Size, Planning Advisory Service Information Report No. 37, April 1952. American Society of Planning Officials.

⁵ [SENSIBLE LOT SIZES — Desegregate CT](#)

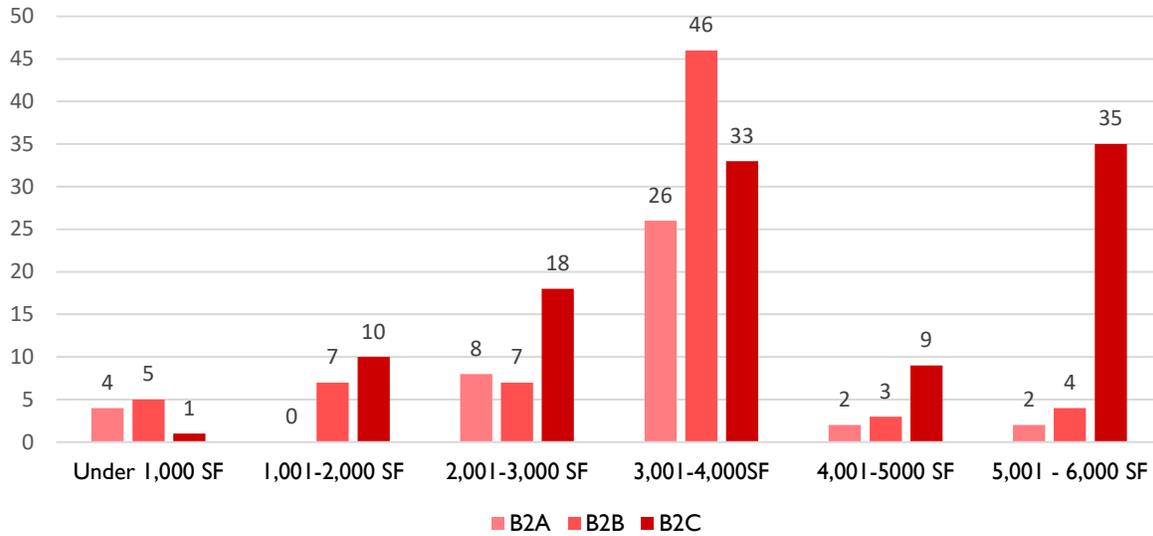
A map showing the location of these lots:

Lots Smaller than 6,000 SF in the Downtown Plan Area

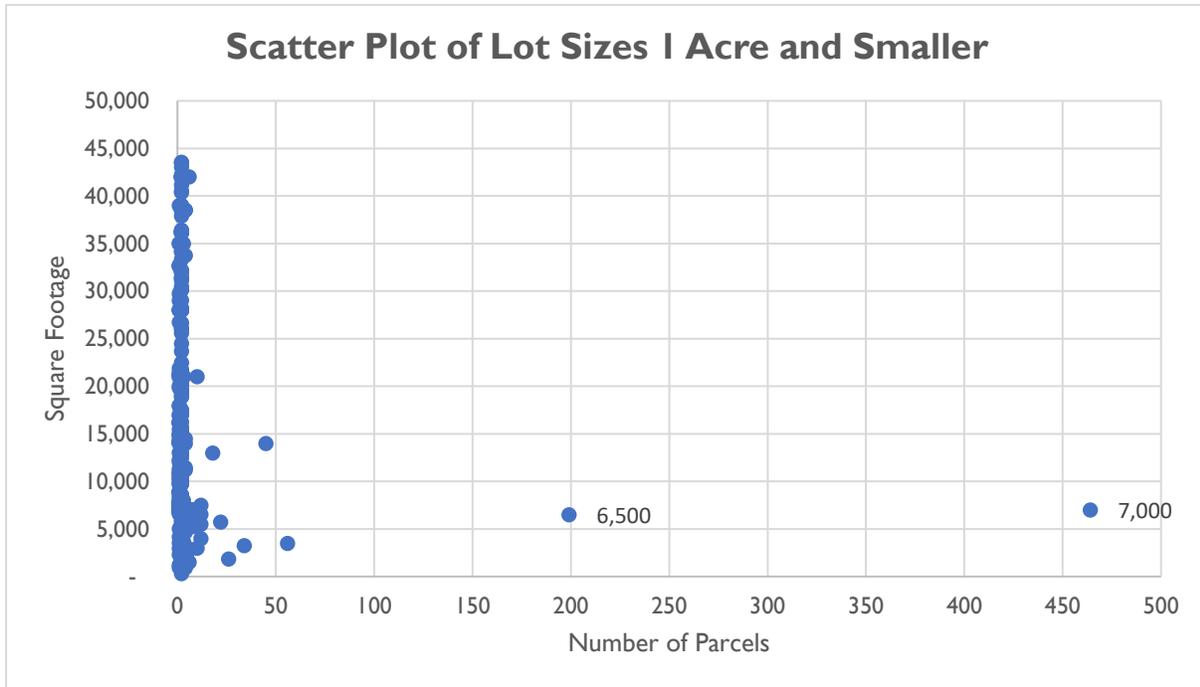


Distribution of lots in the downtown zoning districts:

Distribution of Lot Sizes in B2A, B2B & B2C



Scatter Plot of frequency of lot sizes: 7,000 SF and 6,500 SF lots are the most common.



Do lot sizes regulate density?

If the primary purpose of lot sizes was to regulate the number of dwelling units per acre, we would expect that lot size minimums would decrease as density allocations by zone increase.

How lot sizes should look if they regulate density by dwellings per acre:

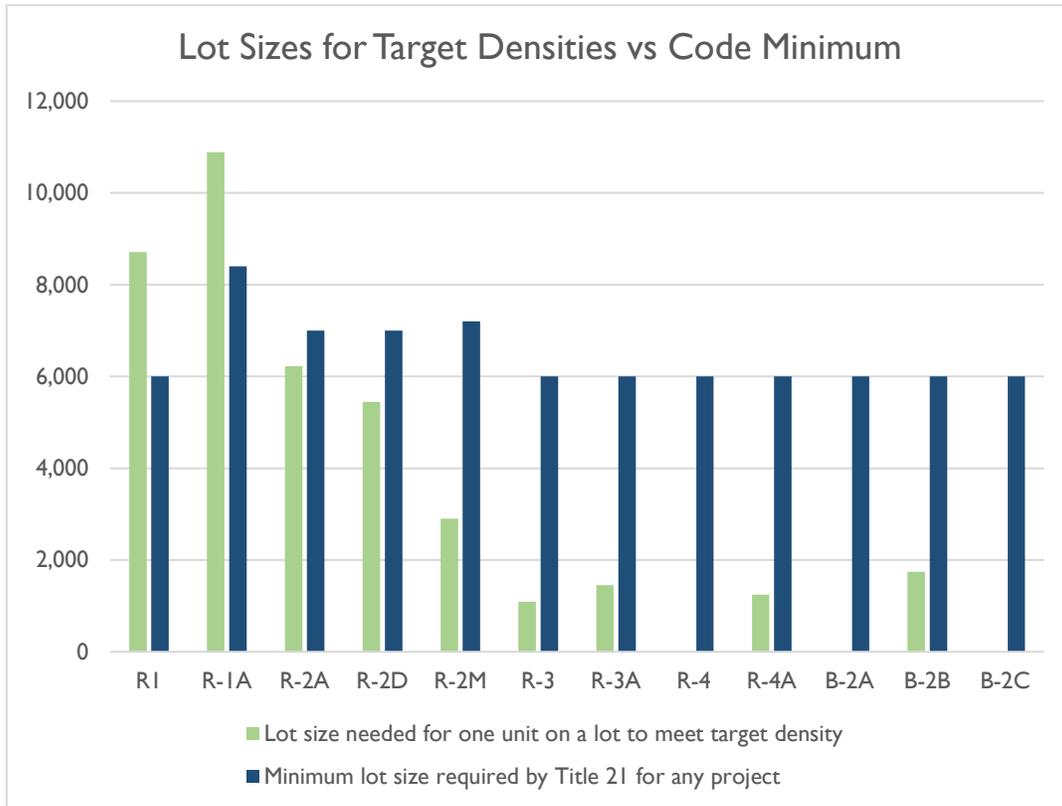
Dwelling units per acre	Land Area for one Unit	Dwelling units per acre	Land Area for one Unit
1	43,560	22	1,980
2	21,780	23	1,894
3	14,520	24	1,815
4	10,890	25	1,742
5	8,712		
6	7,260		
7	6,223		
8	5,445		
9	4,840		
10	4,356	50	871
11	3,960		
12	3,630		
13	3,351		
14	3,111		
15	2,904	80	545
16	2,723		
17	2,562		
18	2,420		
19	2,293		
20	2,178		

21	2,074 (below subdivision code minimum)	2,074 (below subdivision code minimum)
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And here's what that looks like for Muni-specific zones:

Zone	Target Density (du/a) in purpose statement	To accommodate this maximum density for a single unit, lot size minimum should be (SF):	Current Title 21 Minimum Lot size (SF)
RI	<5	8,712	6,000
R-1A	<4	10,890	8,400
R-2A	5-7	6,222	7,000 (3,500x2)-8,400
R-2D	5-8	5,445	7,000 (3,500x2)-6,000
R-2M	5-15	2,904	7,200(2,400 x3)-8,500
R-3	15-40	1,089	6,000 (2,000 x3)
R-3A	12-30	1,452	6,000 (2,000 x3)
R-4	None listed	N/A	6,000 (2,000 x3)
R-4A	>35	1,245	6,000 (2,000 x3)
R-5	<5	8,712	7,000-13,000
R-6	<1	43,560	43,560-87,120
R-7	1-2	21,780	20,000-40,000
R-8	.25	174,240	174,240-261,360
R-9	.5	87,120	87,120-130,680
B-2A			6,000
B-2B	>25	1,742	6,000
B-2C			6,000

As a chart:



Some zones prohibit single family homes but allow townhouses on lots smaller than 6,000 square feet, but only in groups of three or more. The R-3 district purpose statement calls for “gross densities between 15 and 40 dwelling units per acre” but only allows single family homes to be built on lots of 6,000 square feet or more. If a one-acre R-3 zoned-parcel were filled with townhouse lots at a minimum of 2,000 square foot lot, it would still only reach around 21 dwelling units per acre.

Zone	Current Title 21 Minimum Lot size (SF)	Current Title 21 Maximum Lot Coverage:	Percentage of land unusable for structures	Standard lot: Area of land that property owners pay for but cannot build on:
RI	6,000	30%-40%	60-70%	3,600 SF-4,200 SF
R-1A	8,400	30%	70%	5,880 SF
R-2A	7,000 (3,500x2)- 8,400	40%	60%	4,200 SF-5,040 SF
R-2D	7,000 (3,500x2)- 6,000	40%	60%	3,600 SF-4,200SF
R-2M	7,200(2,400 x3)-8,500	40%	60%	4,320 SF-5,100 SF
R-3	6,000 (2,000 x3)	40-60%	40-60%	2,400 SF-3,600 SF
R-3A	6,000 (2,000 x3)	50-60%	50-60%	2,400 SF-3,000 SF

R-4	6,000 (2,000 x3)	40-60%	40-60%	2,400 SF-3,600 SF
R-4A	6,000 (2,000 x3)	60-75%	25-40%	2,400 SF – 1,500 SF
R-5	7,000-13,000	30%	70%	4,900 SF – 9,100 SF
R-6	43,560-87,120	30%	70%	30,492 SF – 60,984 SF
R-7	20,000-40,000	30%	70%	14,000 SF – 28,00 SF
R-8	174,240-261,360	5%	95%	165,528 SF – 284,292 SF
R-9	87,120-130,680	5%	95%	82,764 SF – 124,146 SF
B-2A	6,000	100%	Unrestricted	Full coverage allowed by zoning code (other restrictions may apply)
B-2B	6,000	100%	Unrestricted	Full coverage allowed by zoning code (other restrictions may apply)
B-2C	6,000	100%	Unrestricted	Full coverage allowed by zoning code (other restrictions may apply)

What Happens If Someone Has a Lot Smaller Than the 6,000 SF Minimum?

- Generally speaking, non-conforming lots of record do not require formal documentation when it is clear that the lot was subdivided before the zoning was implemented. Formal letters indicating non-conforming status are rarely required unless a bank or financial transaction requires it.
- Once written, the rights clarified by a non-conforming determination letter run with the land. The only way those rights would be changed is through a platting action.
- The zoning code allows for non-conforming lots to be combined into a larger, but still-non-conforming lot, and may not require a platting action if both lots are held in common ownership. AMC 21.13.050B states:
 “If two or more abutting lots in single ownership, either of which contains less than 5,500 square feet of area are of record on or after November 27, 1990, and either is nonconforming by virtue of this title or any amendment thereto, the lands involved shall be considered to be an undivided parcel for the purpose of this title, and no portion of such parcel shall be sold or used that does not contain a lot area and lot width equal to or greater than the minimum lot area and width required in the zoning district it is in. If a lot that results from being combined through this provision does not meet the dimensional requirements of the zoning district or of chapter 21.08, the lot shall be considered a legal nonconforming lot at the time of recordation.”

This suggests that the size of a lot does not necessarily create any immediate problems that would warrant immediate compliance, which further casts into doubt the existence of the standard in the first place.

Comments from Other Departments or Agencies:

Agency/Department	Comment
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<p>Randy Ribble, Traffic Engineering Wednesday, April 6, 2022 7:58 AM</p>	<p>“If Traffic would have any concern would be width less than 50 feet, Anything smaller than that would make driveways accessing the dwelling units spacing to be come to close for maintain snow storage concerns and paved frontage for off street parking. Other than that, I do not care about the area of the lot. “</p>
<p>Mark Panilo, Anchorage Fire Department Thursday, April 7, 2022 10:24 AM</p>	<p>“The building and fire codes don’t address a minimum or maximum lot size, practically speaking. There will be maximum building sizes that will be dependent on use, construction, and other amenities.</p> <p>Even with no limit on lot coverage, the design professionals will still need to address the building itself, including proximity to lot lines, and access to and around the building.”</p> <p>Q: So as far as the fire/safety perspective is concerned, lot size is not really an important variable (as relevant safety issues are dealt with elsewhere in other codes/regulations)?</p> <p>“Correct. The size of the building will be a function of the size of the lot, but the lot size itself is not regulated.”</p>
<p>Steve Schmidt Municipal Surveyor Thursday, April 14, 2022 8:16 AM</p>	<p>“I do not know the basis of these dimensions – check with Tom Davis or Dave Whitfield...”</p>
<p>Steve Reamer, Historian Thursday, April 14, 2022 2:22 PM</p>	<p>“My addition was to try the few books and memoirs of that era, the newspapers, and the Railroad Record. No luck. I looked at some Sanborn maps to see if this was some sort of standard of the day, but if it was, it certainly wasn't in the places where I looked. To be honest, I'm a bit stumped. I hate to say it, but was it just the whims of the planner? Have you had any additional luck since last email? Thoughts on next steps? If the answer exists, it might be buried in the railroad papers in the state archive in Juneau.”</p>
<p>Bureau of Land Management Tuesday, April 19, 2022 1:41 PM</p> <ul style="list-style-type: none"> • Robert King, BLM-AK State Archaeologist & Paleontology Lead • David Mushovic, BLM Deputy State Director, Lands and Cadastral Survey (Acting) 	<p>“I did a quick check in 5 Anchorage histories that I have, and none specifically address the 50'x140' lot size, though one does give a hint at what could be the answer:</p> <p><u>City History Series: Anchorage--From its Humble Origins as a Railroad Construction Camp</u>, by Elizabeth Tower, Fairbanks: Epicenter Press, 1999, p. 28:</p>

<ul style="list-style-type: none"> • Thomas O'Toole, Chief Cadastral Surveyor. Branch of Cadastral Survey 	<p>In giving the history of surveying of the Anchorage townsite, Tower wrote:</p> <p>"... Andrew Christensen, the Land Office chief of field division in charge of the surveys, arrived from Juneau on May 24 [1916] and quickly completed surveying a 350-acre site on higher ground south of Ship Creek. The Anchorage plan was typical of railroad town planning in the western states and territories ... the only excuse for such lack of imagination was that the town was urgently needed and was hurriedly laid out by engineers whose primary purpose was to build a railroad...."</p> <p>So, perhaps 50'x140' lots were someone standard for railroad town surveys of this time? Otherwise, I looked in Newspapers.com for early references to lots of this size. Attached is an ad for the sale of a lot in Phoenix in 1917 of these dimensions. And while I saw this lot size repeat, there were also some different sizes for lots in various places. Those might have been due to wanting to fit a certain number of lots into a certain area, not sure.</p> <p>In any case, exactly how the early Anchorage townsite lots came to be 50'x140' remains a bit of a mystery, but it seems safe to say that such a dimension was within the ordinary lot size for the time and could indeed have been influenced by Anchorage's origin as a railroad town."</p> <p>"Blocks 18 thru 24 are each 300 ft. square.</p> <p>They broke this up to make each lot 7000 sq. feet, thus 50' by 140'.</p> <p>It was a general rule that min. width would be not less than 50 ft., although it probably varies."</p>
<p>Devin Kelly, CIHA Thursday, April 28, 2022 4:04 PM</p>	<p>"What does the MOA/Planning want? If it's units, in the list below, we document things that seem to make it difficult to build a triplex and fourplex <u>wherever they are allowed</u>. In R2M, we suggest making the trigger for moving from a 5-foot to a 10-foot setback from a triplex to a 5-plex. In other words: Triplex and fourplex buildings would be allowed to have the same setbacks and lot coverage as a giant duplex.</p> <p>The minimum lot size is R2M is currently 8,500 s.f. – which is larger than most standard city lots.</p>

	<p>From my quick review (I would also look at this on your end), about two-thirds of R2M lots are smaller than 8,500 sf. There appears to be just 375 triplexes in R2M, period, mostly between built between 1970-1985. It doesn't look like a single triplex – or call it a three-unit building -- has been built in R2M since 2013, at least according to property records, despite being technically allowed in R2M.</p> <p>We don't know all the potential negative implications of these changes. We do encourage you all to look at and study this, and make a policy decision aligned with the city's priorities.”</p>
<p>Current Planning Wednesday, March 9, 2022 8:09 AM</p>	<p>“...that it is the way code has existed and the standards that subdivisions have always been required to be met. I'm not convinced we've done enough research to eliminate minimum standards rather than re-evaluate or reduce them.”</p> <p>““Removing the dimensional standards for the R-4A would create a code inconsistency when compared to all other zoning districts that may result in unforeseen negative consequences. However, if resources are available in the future, the Planning Department may conduct a more thorough analysis of the dimensional standards for all zoning districts to determine where further flexibility should be given.”</p>

Our Downtown Guidance on DUA

Area	Zoning	DUA Mentioned in Plan (pg 64-68)	Minimum Lot Size for a duplex to achieve maximum:
Downtown Core	B-2A, B-2B, B-2C	30-80 du/a	1,089 SF
Mushing District	B-2A, B-2B, PLI	15-30 du/a	2,904 SF
East avenues, Fairview, Denali View	B-2A, B-2B, R-4	20-60 du/a	1,452 SF
Park Strip North	B-2B, B-2C	20-50 du/a	1,743 SF
Barrow St	B-2B, B-2C	15-50 du/a	1,743 SF
Pioneer Slope	B-2B, I-2, PLI	15-30 du/a	2,904 SF
Ship Creek District		Proposes no lot requirements	N/A

Variance Cases related to Lot Sizes:

ZBEA Resolution Number	Description	Comments from the resolution	Outcome
2012-009	Allow a 15 unit apartment building on a 10,672 SF lot in the R3 District at 1336 West 6 th Avenue.	"The need for the variance is a result of the actions of the applicant. There is currently a conforming single family home on the site, if the owner wishes to remove the house and construct an apartment building, that is a self-imposed hardship. The submittal notes that a minimum of 15 units are required to make the project financially feasible; therefore, this constitutes pecuniary hardship or inconvenience" "The variance, if granted, would result in a hardship for the neighborhood". "The higher density that would result if the request is approved is not in keeping with the code and would change the character of the neighborhood." "Health, safety, and welfare would be affected if approved. Fire truck access would be difficult given that the property fronts on an alley and is often congested. The R-3 zoning district was not envisioned as a district suitable for a multi-family development fronting on an alley that experiences heavy traffic."	Denied
2013-009	<u>B-2A</u> : Allow a reduced lot size in the B-2A district	"The granting of the variance does not appear to adversely affect the use of adjacent property"	Denied
93-087	<u>B-2B</u> : Subdivide to create 3 lots, one which would be smaller than the minimum width of 50' (45.04')	"Hence, there is no justification to create a substandard lot when a conforming lot can be created" "The request was not found to be in harmony with the applicable zoning ordinance which requires a minimum lot width of 50 feet"	Denied

Questions for the Group

1. Have you had any issues with a developer that stopped development due to lot size? Yes/No ___
2. If minimum lot sizes are needed downtown, what size should they be?
3. If this is not an issue, should the Department publish guidance on how to develop these smaller lots?

Examples from Other Contexts

Location: [Seattle](#)
Lot Size: [2,631 SF lot](#)
Additional Info: [News story](#)



Location: [Philadelphia](#)
Lot Size: [1,023 SF lot](#)



Location: Honolulu
Lot Size: 5,000 SF
Additional Info: [Story](#)



Location: [Seattle](#)
Lot Size: 3,380 SF



