

# **Attachment 1**

## **Project Description and Background**

### **Title 21 Text Amendment to R-2 Zones Height and Bulk Standards**

#### **Public Hearing Draft**

**PZC Case No. 2021-0111**

# Project Description and Background

## Title 21 Text Amendment to R-2 Zones Height and Bulk Standards

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## SUMMARY

Planning and Zoning Commission (PZC) Case No. 2021-0111 is a proposed amendment to the two-and-one-half-story (2½-story) limit in the R-2A, R-2D, and R-2M residential zoning districts (R-2 zones). It is a text amendment to the regulations in the Anchorage Municipal Code Title 21 Zoning Ordinance (Title 21). The amendment proposes to allow for 3-story buildings on peripherally located sites, large development sites, and other sites most likely to both provide housing opportunities and minimize height and bulk impacts within existing R-2 neighborhoods.

This project is intended to help carry out implementation Action 4-4 of the *Anchorage 2040 Land Use Plan's Goal 4: Neighborhood Housing* and its associated Action 7-2 of 2040 **Goal 7: Compatible Land Use**. It is related to other Title 21 code amendment projects and actions that seek to achieve the goals of the *Anchorage 2040 Land Use Plan*.

The amendment is intended to support more efficient housing development in the R-2 zones while addressing neighborhood compatibility. The current 2½-story limit has led to the following problems:

- Constraining the number of new housing units that can fit on some development sites;
- Increasing the costs of adding third-story living spaces as attic spaces or daylight basements;
- No exceptions or administrative relief or flexibility to respond to site characteristics; and
- Vague and confusing regulatory language.

The amendment also addresses problems with other dimensional standards in the R-2 zones, including:

- An excessive side yard setback when applied to small multi-unit structures;
- Excessive height exceptions for rooftop stairwells and other roof appurtenances; and
- No height exception available for roof dormers that support 2½-story attic living spaces.

Allowing 3-story buildings in certain locations and situations, subject to additional height and bulk compatibility standards or site plan approval procedures, and in combination with adjustments to existing dimensional standards, can support more efficient housing development while minimizing impacts on adjoining properties and the interior of existing R-2 neighborhoods. This purpose is in alignment with the stated intent of the R-2 zones and the *Anchorage 2040 Land Use Plan*. This project proposes to achieve these objectives through the following:

1. **Allowing 3-story Residences on Large and Transitional Sites:** Currently, buildings in the R-2 zones cannot exceed 2½ stories, such that living spaces above the second story must be tucked under a sloping roof as an attic living space. The amendment proposes to allow 3-story buildings in the R-2 zones at transitions to higher-intensity multifamily and commercial zoning districts, on large development sites ½ acre or more in size, and on lots adjoining only non-residential uses or existing 3-story residential uses.
2. **Requiring a Height/Bulk Transition on the Exempted Sites:** Three-story buildings allowed on the sites above would be required to be stepped back in form or set back in footprint further from adjacent properties. The amendment also places limits on the length of 3-story buildings in relation to the lot depth. It provides for exceptions and administrative relief and flexibility.

3. **Approving 3-story Residences on Other R-2 Lots through a Site Plan Review:** The amendment gives applicants an avenue to propose 3-story buildings on other R-2 zoned lots through the Title 21 Administrative Site Plan Review procedure. Such developments would be subject to a set of discretionary site plan approval criteria designed to mitigate 3-story buildings within existing R-2 neighborhoods.
4. **Reducing Side Yard Setbacks for Small Multi-unit Buildings in the R-2M Zone.** The amendment reduces the side setback for small multifamily buildings from 10 feet to 5 feet if the multifamily building's sidewall length facing the side lot line is no greater than that of a new single-family, two-family, or townhouse residence.
5. **Additional Mitigation of Taller Structures.** Lastly, the amendment clarifies height exceptions and definitions, and mitigates for stairwells and parapet walls on buildings taller than two stories.

(The "Description of Amendments" section below outlines these amendments in more detail.)

## PROJECT BACKGROUND AND NEED

This 2021 Public Hearing Draft has been reworked from a previous public hearing draft version of the R-2 zones height and bulk amendment that underwent public review in 2018-2019 and a public hearing at the Planning and Zoning Commission on March 4, 2019 (PZC Case No. 2019-0009). The 2021 Public Hearing Draft responds to public comments received regarding the 2019 draft, subsequent consultations, and further assessment of the 2½-story limit.

This section provides background regarding the R-2 zones and their requirements for height, identifies problems with the current 2½-story height limit, and summarizes the public comments received regarding the 2019 draft version of this amendment as primary planning considerations for making changes to the 2½-story height limit.

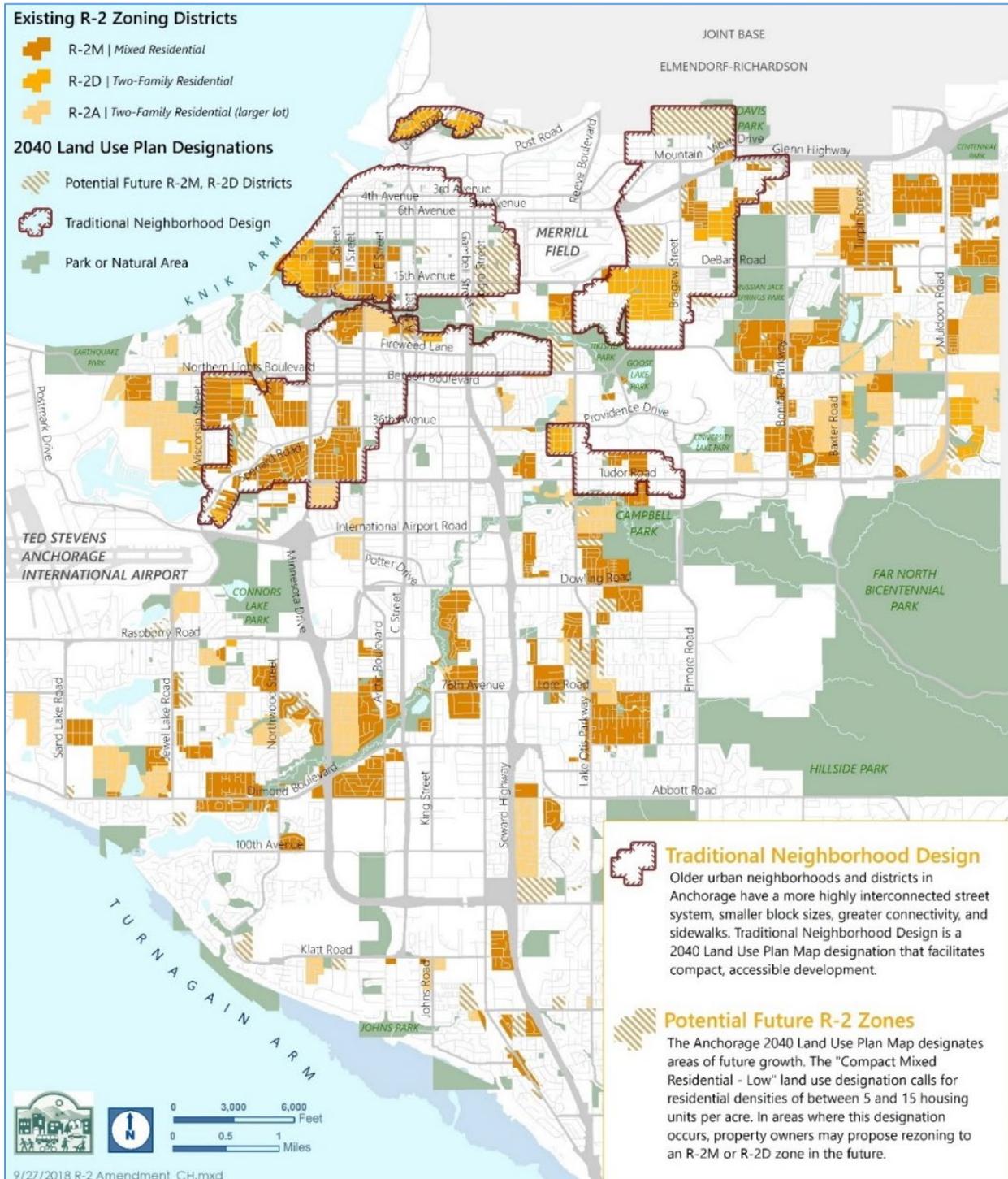
### Where are the R-2 Zones Located?

The R-2A, R-2D, and R-2M zoning districts are distributed across the Anchorage Bowl, as shown on Map 1 on the next page. They comprise approximately one-third of residential-zoned land in Anchorage's urban water and wastewater service area and include more than 30,000 properties. They are primarily built-up neighborhoods with existing homes. Up to half of all Anchorage Bowl residents live in an R-2 zone.

Most Anchorage Bowl community councils have R-2 zoning. Only Downtown and five Hillside community councils do not.

- Community councils with the most R-2 zoned land overall include Northeast, Sand Lake, Abbott Loop, Turnagain, Taku-Campbell, and Spenard. These have more R-2 zoning partly because they are bigger neighborhoods with more zoned land in general.
- Community councils with the most R-2 zoned land per acre include South Addition, North Star, Scenic Foothills, Turnagain, University Area, Northeast, Spenard, Tudor Area, Russian Jack Park, and the residential portions of Government Hill and Airport Heights. Neighborhoods within these community councils are primarily in R-2 zoned areas—i.e., R-2 zones help define the character of much of their core neighborhoods.

Map 1. R-2 Zoning Districts in 2018

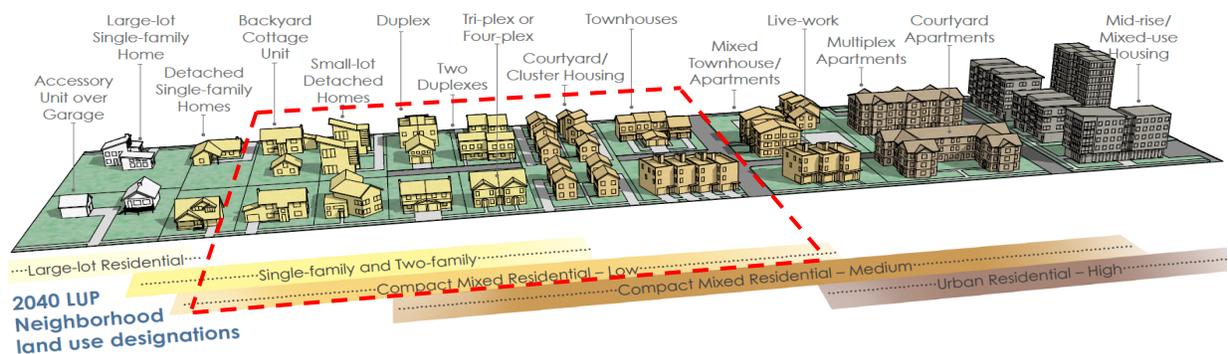


### What is the Function of R-2 Zones?

The R-2 zoning districts play a unique and important role among Anchorage’s residential zones. These key districts provide a moderate neighborhood scale and intensity that is compatible with a single-family neighborhood-type living environment, and yet they also provide a diverse range of compact housing types: attached single-family, duplex, townhouse, and (in the R-2M zone) small multifamily structures. They offer low- to moderate-scale residential living environments desired by most Anchorage residents but also more land-efficient and attainable housing choices for a variety of households, incomes, and age groups. An R-2 zone is more likely to offer a place for people to stay in their neighborhood as their housing needs change from younger to older stages of life.

This distinguishes R-2 zoning from R-1 single-family zoning on the low end of the density spectrum and R-3/R-4 apartment zoning on the high end of the density spectrum. The range of R-2 housing types within the middle of the spectrum of Anchorage housing is shown in the red-dashed box below. The illustration conveys how the scale of the various R-2 housing structures can fit with a low-scale residential living environment that defines R-2.

**Figure 1. Neighborhood Housing Types**



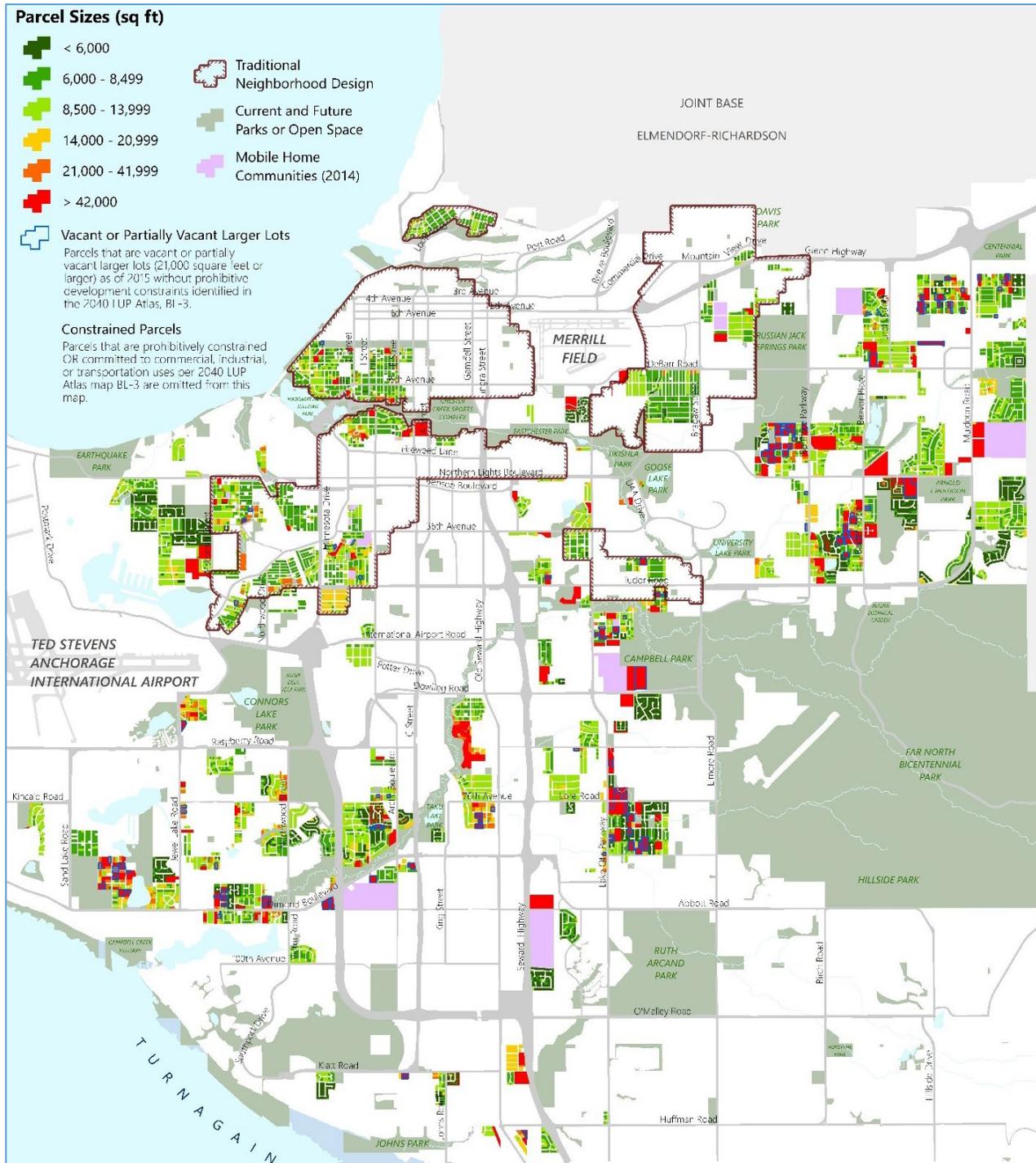
### R-2 Zoned Buildable Lands and Future Housing Capacity

The *Anchorage 2040 Land Use Plan* found that, as of 2016, approximately one-fifth of Anchorage’s forecast additional housing capacity was in the R-2 zones. The R-2 zones’ housing capacity is important because it supplies primarily the “compact” housing types as discussed on the previous pages above. The forecast demand for this range of housing types through 2040 is greater than the forecast land capacity to supply housing in this range.

Map 2 below shows the R-2 zoned properties by lot size. It indicates the prevalence and distribution of larger versus smaller lots. Also, it outlines in blue buildable vacant lots larger than 21,000 square feet (i.e., approximately ½ acre or larger).

The R-2 zones provide “infill” and “redevelopment” lots within established neighborhoods. They also include a smaller number of larger tracts available for “greenfield” development. *Anchorage 2040* analyses found that more than two-thirds of the buildable acres and additional housing capacity remaining in the R-2 zones was identified on larger parcels one-half acre or more in size. Lots smaller than half acre, typically located within the interior blocks of existing neighborhoods, accounted for less than a third of buildable acres and capacity.

Map 2. R-2 Lot Sizes in 2018



### History of R-2 Height & Story Limits

From the 1940s through the early 1980s, R-2 zoning expanded with the growing city across the Anchorage Bowl, and housing built in R-2 zones was subject to a 2½-story height limit. A “story” is defined in Title 21 as “That portion of a building included between the upper surface of a floor and the upper surface of the next floor or roof above.” A 2½-story building consists of two stories plus a third-floor attic living space tucked into a pitched roof form. Title 21 called this attic living space a “half story”: “A story under a gable, hip, gambrel or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story” (Title 21, c. 1983).

Buildings were also subject to a height limit measured in feet, that accompanied the 2½-story limit. During the 1960s the accompanying height limit of 35 feet was reduced to 25 feet. The 25-foot, 2½-story dual height limit prevailed until nearly the end of Anchorage’s oil boom years in the mid-1980s. As a result, most of the existing housing stock in the R-2 zones was built under the 2½-story limit. Then a series of changes were made to the height limits over time:

- **1985:** The 2½-story limit was deleted, leaving only the 25-foot height limit. In practice, 25 feet still limited most buildings to only 2½ stories. An exception was also created to the 25-foot height limit to allow a 30-foot height if 30% of the development lot was left as open space.
- **1999:** The 25-foot height limit in the R-2 zones was increased to 30 feet to allow new homes to have steeper roof pitches and taller ceilings, allow more diversity in design, and fit more living area within homes on smaller buildable lots. Most residences were still constructed with pitched roofs at that time, and the 1999 case materials do not appear to have anticipated 3-story flat-roof residential construction as a prevalent housing style.
- **2013:** The 2½-story limit was restored in the R-2 zones as part of the Title 21 Rewrite project, to supplement the 30-foot height limit. Since becoming fully effective in 2016, it limits third-story living spaces to only “half-story” attic living spaces having no more than half the floor area of the second floor. The restoration of the 2½-story limit responded to concerns about construction trends toward bigger, taller townhouses with flat roofs, parapets, and stairwell towers.

### Problems with the Current 2½-Story Limit.

The Planning Department has heard several problems with the current 2½-story:

- **Homebuilders report that the 2½-story limit constrains the number of housing units that can fit on some development sites.** As a result, it is a contributor to construction of fewer units than the lot size would allow under R-2 zoning, especially on larger sites and in the R-2M zone. Generally, it is difficult to fit multiple townhouse units on a development property partly because modern townhouse units have more living space and larger garages than older housing constructed when Anchorage’s R-2 district regulations first evolved. A townhouse unit takes up a larger footprint on the property than units did historically. Stacking a third story would reduce the footprint and help fit the allowed number of dwellings anticipated by the R-2 zoning. Three-story residences have become more practical within the 30-foot zoning height limit because of changes in construction techniques and market preferences that make flat roofs more acceptable.
- **Homebuilders report the 2½-story limit increases the cost of third-story living spaces.** Any third-story living space must be only a “half-story” attic living space tucked under a pitched roof and

have only half as much floor area as the second story. Daylight basements do not count toward the 2½-story limit if they are far enough below grade. However, half-story attic and basement living spaces cost thousands of dollars more per unit to construct and can be inefficient.

- **The 2½-story limit may not be providing effective or consistent standard for building height, building bulk, and sunlight access protections.** Floor heights vary and daylight basements may stick up as much as 6 feet above grade. There is no clear ground-rules for the ceiling/roof height of half-story attic living space or its side walls. The maximum allowed floor area of the half-story is half the floor area of the home’s second floor, so bigger homes get to have a bigger half-story.
- **Applicants and zoning staff find the current language confusing.** The current wording of the definition of “half-story” in Title 21 is vague and confusing and is inconsistent with other codes.
- **Inflexibility.** Title 21 currently allows no exceptions or administrative adjustments for relief or design alternatives from the 2½-story limit, regardless of site context or circumstances.

The 2½-story limit appears to be a contributing factor that combines with other engineering, market, and regulatory factors that leads to underutilization of R-2 zoned lots below the number of allowed units that would otherwise be anticipated by the R-2 zoning. Other potential site development requirements that have been identified for potential reform include modern parking requirements, side setbacks, and on-site driveways and vehicle turnarounds.

These problems are in context of Anchorage’s challenges with housing development costs, affordability, quality of aging housing stock, and availability of buildable land. The *Anchorage 2040 Land Use Plan*, adopted in 2017, called for policies and actions to help create more housing opportunities.

### **R-2 Height and Bulk Amendment Project History.**

In early 2018, homebuilders requested that the Municipality reevaluate the 2½-story limit. Homebuilders proposed removing the 2½-story limit to reduce costs, add design flexibility, and (on larger lots) fit the number of units allowed by the zoning. The Planning Department initiated a public process to amend the R-2 zones height and bulk regulations:

- **Pre-consultations** were held with an initial advisory group of builders and architects, the Planning and Zoning Commission, and community councils in summer and early fall 2018.
- **A Community Discussion Draft** amendment was released for public review in September 2018, was accompanied by public meetings, and received substantial written comments.
- **A Public Hearing Draft** was released in December 2018 (PZC Case No. 2019-0009) for several months of public review.
- **A public hearing at the Planning and Zoning Commission (PZC)** was held on March 4, 2019. After receiving a range of comments, the PZC closed the public hearing, postponed its deliberations indefinitely, and requested the Planning Department hold additional consultations with stakeholders to address the concerns raised.
- **Additional consultations** were held with stakeholder groups in spring 2019 through early 2020.

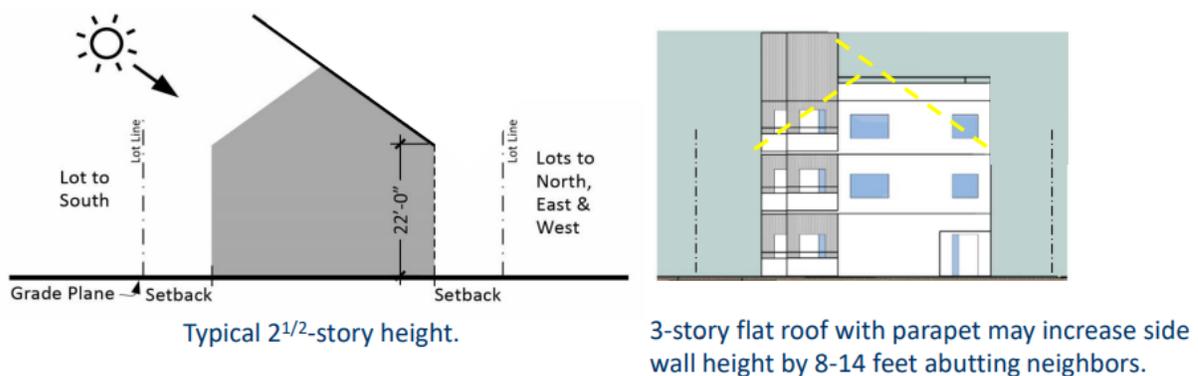
### 2019 Public Comments and Planning Considerations.

Developers, community councils, and multiple residents (primarily residents from South Addition) provided comments. There were concerns that the 2019 draft proposed to replace the 2½-story limit with different bulk standards that were complicated, unfamiliar, too restrictive in certain ways, but inadequate to mitigate the potential impacts of 3-story flat-roofed buildings, parapet walls, and stairwell towers. Following is a summary of key comments and concerns about the 2019 public hearing draft:

- Increase in time, costs, and confusion in the development and approval process.
- Restrictions on building sizes and potentially the number of units on some sites.
- Would not lead to an increase in housing units.
- Incompatible building height and bulk with adjoining homes and the intent of the R-2 zones.
- New buildings with rooftop stairwells and elevator towers already too tall under current code.
- Loss of sunlight access to yards and living spaces on adjoining lots.
- Loss of solar photovoltaic energy value on adjoining lots.
- Loss of neighbors' privacy from third-floor windows and 3-story rooftop patios.
- Loss of affordable/workforce housing opportunities by allowing bigger, more expensive units.
- Need to focus on other, more effective kinds of reforms to support infill housing.
- Third story compounds other concerns: wide front driveways and garages, loss of front yards, loss of space for on-street parking and street snowplowing/storage.
- Need for stronger area-specific bulk/height limits in older neighborhoods with small lots.

Figure 2 below indicates a source of some of the concerns heard with increasing maximum height from 2½ to 3 stories. This half-story increase results in building facades and side walls that can be 8 to 25 feet taller facing the adjacent properties. A new 2½ story building has two-story side walls approximately 20 to 24 feet tall up to the roof eave. By comparison, a 3-story flat-roof building has side walls extending up to the maximum roof height (30 feet) topped with roof parapets, increasing the side wall height to 32 to 34 feet. Rooftop stairwell towers can further increase wall heights to 40 to 45 feet.

**Figure 2. Dimensional Effects of Allowing 3-Story Buildings**



## 2021 PUBLIC HEARING DRAFT AMENDMENT

### Amendment Objectives

To respond to previous public comments, the 2021 Public Hearing Draft amendment has been reworked from the 2019 public hearing draft. Project objectives include:

- Help make it more feasible to fit the allowed number of housing units on larger sites that meet the minimum lot size requirements for multiple buildings.
- Support efficient use of buildable R-2 properties located at transitions to higher intensity districts, employment, services, and access to public transportation.
- Provide for exceptions, administrative relief, and design flexibility allowing for 3-story buildings, subject to additional bulk and height standards to mitigate impacts.
- Where 3-story buildings are allowed, ensure that they provide transitions in bulk and height to adjoining residences in the R-2 zones that is equivalent to the level of protection afforded by the 2½-story height limit.
- Mitigate the effects of flat-roof construction generally, by promoting more sensitive placement, size, and design of rooftop appurtenances such as parapet walls and rooftop stairwell towers.
- Provide relief for small multi-unit buildings from 10-foot-wide multifamily setback requirements in the R-2M zone, to treat similar sized buildings consistently, improve site planning outcomes, and support multi-unit infill housing opportunities anticipated by the R-2M zoning.
- Clarify the regulations for 2½-story limits and height exceptions to reduce confusion.

### Description of Amendments

The following description of the proposed amendment elaborates on the summary list of amendment topics on page 1. It also provides cross-references to *Attachment 3: Zoning Code Amendment Language (annotated)*, which provides the draft code amendment language with illustrations and explanation.

- 1. Allowing 3-story Residences on Large or Transitional Sites.** The amendment proposes to retain the 2½-story limit generally, and allow 3-story buildings as exceptions in the following strategic and peripheral locations most likely to provide housing opportunities (and that include most of the buildable land capacity in the R-2 zones) while minimizing height and bulk impacts within existing R-2 neighborhoods:
  - a. **Large development sites** ½ acre (21,780 square feet) or more size. These are large enough to accommodate multiple residential buildings and are the most likely to yield more housing because of the spatial efficiencies afforded by 3-story buildings. They comprise approximately two-thirds of the remaining buildable R-2 zoned land capacity. They are not commonly located within existing R-2 neighborhood blocks, which minimizes impacts.
  - b. **Transitional sites** located adjacent to a multifamily district, or a commercial or industrial district, where abutting at the side lot line or facing across the local or collector street. These

sites can provide a transition in scale to the rest of the R-2 neighborhood. Their peripheral location minimizes impacts to the interior of existing R-2 neighborhoods. Transition sites also support more housing opportunities next to employment, services, and public transit routes.

- c. **Other Low-impact sites**, defined as being adjacent only to non-residential uses such as schools or parks, or to existing 3-story residential uses.

⇒ *See Attachment 3, pages 3 (right-hand table column) and 6, for the code amendment text and more details regarding allowing 3-stories on large or transitional sites.*

2. **Requiring a Height/Bulk Transition.** The amendment proposes that 3-story buildings on the exempted sites above be required to provide the following transitions in height and bulk to adjacent residential properties located in the R-2 zones and other low-density residential zones:

- a. **Step-Back Plane:** Three-story buildings would be required to be stepped back, set back further, or their rooftops sloped away from the adjacent residential lots, by staying under a step-back “plane” measured starting from 20 feet above grade at the lot line of the development site and rising inward over the site at an 8:12 rise-to-run angle. This bulk plane measurement is the approximate height of a 2 ½-story building built to its side setback.

- b. **Maximum Sidewall Length:** There would be a limitation on the length of the 3-story portion of a building extending along the side lot lines, in relation to the total depth of the lot.

- c. **Administrative Relief and Flexibility.** Dormers, gable-end roof forms, and incidental architectural features such as chimneys would be exempt from the step-back plane requirement above. The following administrative adjustments from the height/bulk transition requirements would also be available:

- **Minor Modifications:** Administrative relief allowing small deviations of up to five percent from the step-back plane and maximum length requirements through the Minor Modifications procedure in Title 21 section 21.03.120.
- **Administrative Variances:** Administrative relief allowing larger deviations from the step-back plane and maximum length requirements in cases of hardship due to topography or other challenging site characteristics, by adding an Administrative Variance procedure in Title 21 Section 21.03.240J.
- **Alternative Equivalent Compliance:** Administrative flexibility allowing designers to propose a different way to achieve the intent of the height/bulk transition, through the Alternative Equivalent Compliance procedure in Title 21 Section 21.07.0010D.

⇒ *See Attachment 3, page 7, for the code amendment text and more details regarding the height/bulk transition standard.*

⇒ *See Attachment 3, page 8, for the code amendment text and more details regarding exceptions from the height/bulk transition standard for roof appurtenances, dormers, and gable ends.*

⇒ See Attachment 3, pages 1 (lines 3-12 and 27-44), 8 (lines 19-22), and 10, for the code amendment text and more details regarding administrative relief and flexibility from the height/bulk transition standard.

3. **Approving 3-story Residences on Other R-2 Lots through Administrative Site Plan Review.** The amendment provides an avenue for applicants to propose to 3-story buildings on other R-2 zoned properties, that do not meet the locational criteria for being exempted in 1. above, through the Administrative Site Plan Review procedure in Title 21 Section 21.03.180. Such development would be subject to a new set of discretionary site plan approval criteria designed to mitigate 3-story building massing impacts within existing R-2 neighborhoods.

⇒ See Attachment 3, pages 9 (all) and 1 (lines 16-23), for the code amendment text and more details regarding the three-story entitlement through administrative site plan review.

4. **Reducing Side Yard Setbacks for Small Multifamily Buildings.** Currently the R-2M zone requires a 5-foot side yard setback for single-family, two-family, and townhouse uses, and 10-foot side setback for multifamily uses (3 or more units on a lot). The amendment proposes to reduce the side yard setback for small multifamily structures from 10 to 5 feet, if the multifamily building's sidewall length facing the side lot line is similar in scale to the sidewall length of a typical new single-family or two-family (duplex) residence. This change would result in more consistent treatment of same-sized buildings and avoid discouraging small, multi-unit infill developments.

⇒ See Attachment 3, pages 2 and 3 (middle table column), for the code amendment text and more details regarding reducing side yard setbacks for small multifamily buildings.

5. **Additional Mitigation of Taller Structures.** Finally, the amendment proposes to improve the height measurement regulations to clarify the regulations and mitigate the effects of structures taller than two stories:

- a. **Reducing height exceptions for rooftop access enclosures.** Title 21 allows rooftop stairwell and elevator access towers to exceed the 30-foot height limit. The amendment reduces the height exception for stairwells from 15 to 12 feet and elevator enclosures from 25 to 18 feet in the R-2 zones.
- b. **Requiring rooftop enclosures to be set back from the front building facade.** The amendment proposes to require rooftop stairwell and elevator access enclosures that exceed the 30-foot height limit in the R-2 zones to be set back at least four feet from the front street-facing building façade wall.
- c. **Reducing height exceptions for rooftop parapet walls.** The amendment proposes to reduce the height exception for rooftop parapet walls in the R-2 zones from 4 feet to a maximum of 2 feet above the 30-foot height limit. The proposed two-foot limit is the lowest exception that still accommodates roof drainage needs and the mounting of safety railings on the parapet wall. The proposed amendment allows open and transparent railings to exceed the two-foot limit.

- d. **Clarifying the height exceptions for dormers that serve attic living spaces.** The amendment would give a height exception for dormers that stay within specified dimensional thresholds.
- e. **Clarifying the definition of 2½ stories.** The amendment would clarify the definition of the term “one-half story” in the Title 21 definitions chapter in 21.15.040.
  - ⇒ *See Attachment 3, pages 4 and 11, for the code amendment text and more details regarding changing height exceptions for rooftop parapets, railings, and access enclosures.*
  - ⇒ *See Attachment 3, page 5, for the code amendment text and more details regarding height exception for dormers.*
  - ⇒ *See Attachment 3, page 12, for the code amendment text and more details regarding clarifications to the Title 21 definition of half story and 2½ story in 21.15.040.*

### **What this Amendment Does Not Do.**

In response to questions received from the public in 2019, following is a list of things the Public Hearing Draft amendment does NOT include:

- Does not change the 30-foot height limit.
- Does not change the maximum 40 percent lot coverage (i.e., the percentage of a lot allowed to be covered by buildings).
- Does not change the minimum lot size required per housing unit or per type of housing unit. In other words, it does not increase the number of dwelling units, or change what kinds of housing types are allowed on a given lot. For example, a 6,000 square foot lot in the R-2D zone currently allowed to have only one single-family home or duplex will continue to be allowed only one single-family home or duplex. For example, an 8,500 square foot lot in the R-2M zone currently allowed to have only up to a triplex will continue to be allowed to have only up to a triplex.
- Does not propose rezonings or changes to neighborhood zoning boundaries on the Zoning Map. Does not propose any new development project for any property.
- Does not change height limits or setbacks in the Chugiak-Eagle River R-2 zones, which comprise the CE-R-2A, CE-R-2D, or CE-R-2M zoning districts and have their own regulations specific to Chugiak-Eagle River.