MEMORANDUM

CITY/BOROUGH OF JUNEAU 155 South Seward Street, Juneau, Alaska 99801

A Samuel

DATE:

July 8, 2011

TO:

Planning Commission

FROM:

Kelly Keenan, Planner

Community Development Department

FILE NO.:

USE2011 0010

PROPOSAL:

A conditional use permit to establish two accessory apartments in two detached single-family dwellings.

GENERAL INFORMATION

Applicant:

Keikkala Family Trust

Property Owner:

James & Linda Keikkala

Property Address:

1970 Hughes Way, Juneau, AK 99081

Legal Description:

USS 1155 Fraction

Parcel Code Number:

4-B18-0-102-007-0

Site Size:

2.57 acres

Zoning:

D-1

Utilities:

CBJ Water, private sewer

Access:

Easement from Hughes Way though parcel 4B1801020051

Existing Land Use:

Single Family Residence with Apartment

Surrounding Land Use:

North

Single Family Residential, D-1

South

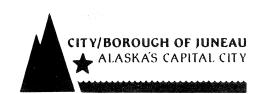
Single Family Residential, D-1

East

Single Family Residential, D-1

West

Auke Bay



Date

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ATTACHMENTS

Attachment A – Vicinity Map

Attachment B - Site Plan

Attachment C - Residence 1 Accessory Apartment Floor Plan

Attachment D - Residence 2 Accessory Apartment Floor Plan

Attachment E - Site Access Photos

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit to establish two accessory apartments in two detached single-family dwellings on 2.57 acre D-1 lot. This use requires a conditional use permit per CBJ§49.25.300 1.135.

BACKGROUND

The primary residence on the subject lot (referred to in this report as "Residence 1") was built in 1992. An apartment has been maintained on the lower level of Residence 1 since construction was completed. The CBJ Community Development has never required that a separate building permit be obtained for the apartment. An accessory structure, a two story garage and storage building, was built on the lot in 1989 (referred to in this report as "Residence 2"). In 2007, the property owner received a building permit (BLD2005-00655) to remodel the garage to include bedrooms and bathrooms, but no kitchens. At that time, Community Development staff alerted the applicant that adding kitchens as part of the remodel would be in violation of D-1 zoning standards, given the existing two dwelling units being maintained in Residence 1. Later that year, a CBJ inspection revealed that the garage building had in fact been developed into two dwelling units, without any modification to building permit BLD2005-00655, resulting in four dwelling units on the site. After renting out the units to tenants for a number of years, the applicant is requesting a conditional use permit to come into compliance with the zoning code. If the conditional use permit is approved, the applicant will need to modify BLD2005-00655 to include development of a second detached dwelling on the site, and two accessory apartments, one in each dwelling.

ANALYSIS

Project Site

The site is located west of Fritz Cove Road and south of Ann Coleman Road, just off of Hughes Way (see Attachment A). The subject property is 2.57 acres and zoned D-1. The site is adjacent to Auke bay on the west side, and single-family residential lots on all other sides. The lot does not front on a CBJ maintained right-of-way, but is accessed via an easement off of Hughes Way that crosses an adjacent lot. The eastern portion of the lot is largely undisturbed and covered in dense vegetation. Development has occurred on the western portion of the lot and includes paved driveways, parking areas, landscaping, and two residential structures (see Attachment B).

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Project Design – The applicant wishes to receive a permit to establish two accessory apartments in two detached single-family dwellings. The primary residential structure (labeled "Residence 1" on the site plan) is located at the west end of the lot. The proposed accessory apartment in Residence 1 is to be located on the lower level (daylight basement) of the structure and has a net floor area of 599 square feet. Parking for Residence 1 and the associated accessory apartment is provided in an attached two-car garage and on a parking pad in front of the garage. The second residential structure (labeled "Residence 2" on the site plan) is located near the center of the lot. The accessory apartment in Residence 2 is located on the ground floor and has a net floor area of 595 square feet. Parking for Residence 2 and the associated accessory apartment is provided through one space in an attached garage, two spaces north of the structure, and a 50' by 60' paved area east of the structure.

Per CBJ§49.25.51 (d)(2)(a), accessory apartments can have no more than one bedroom and cannot exceed 600 square feet in net floor area. Both accessory apartments, as shown in the plans submitted with the application, meet these requirements. The floor plans for the accessory apartments are provided as Attachments C and D. To meet the floor area requirement in accessory apartment 2, the applicant has indicated that two sections of the floor plan will be walled in. These sections are each marked with an "X" on Attachment D. If these sections of the apartment are not walled off, the unit does not meet the 600 square foot floor area requirement. To ensure this work is completed, staff recommends a condition of approval requiring a final inspection by the Community Development Department prior to issuance of any certificates of occupancy.

The development meets all setback, lot coverage, and vegetative cover requirements for the D-1 zoning district.

Traffic – If the requested conditional use permit is approved, the applicant will be allowed to maintain four dwelling units on the site. Despite the fact that two of the units on the site are one-bedroom accessory apartments, the development will generate more traffic than is typically expected from a lot in a D-1 zone. Furthermore, because development has occurred on one half of the lot, density and associated traffic are focused into an area smaller than the 2.57 acre lot size would suggest. However, the applicant has indicated that all four units have already been occupied from time to time for a number of years, so it is unlikely that the granting of this permit would result in significant new traffic impact to the neighborhood.

Parking and Circulation – Per CBJ§49.40.210 (a), each single-family dwelling unit must be provided with two off-street parking spaces. Similarly, each accessory apartment must be provided with one off-street space. Given these requirements, the development is required to provide six off-street parking spaces. According to the plans submitted with the application, seven spaces are available for use in the development in addition to large paved areas that can serve as overflow parking. Therefore, the development meets Title 49 parking standards.

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As mentioned previously, the site is accessed via an easement off of Hughes Way that crosses an adjacent lot (see Attachment B). The easement was granted in 1972 for purposes of ingress, egress, and utilities for the subject lot, and is not restricted to any particular intensity of use. While the easement itself is 64 feet wide and 129 feet long, the portion of the easement used to access the subject site ranges from 16 to 20 feet wide and is paved beginning at the applicant's property line. A photo of the site access is provided as Attachment E. The large paved areas at the center of the lot provide ample room for cars or larger vehicles to circulate within the site.

Noise – Adding one additional single family dwelling unit and two accessory apartments at the subject site is not expected to generate a significant amount of adverse noise. The subject lot and other adjacent lots are buffered by stands of dense vegetation, which serves to minimize noise impacts.

Public Health or Safety – Staff solicited comments on the requested permit from several CBJ departments including General Engineering, Building, Fire, and Public Works, as well the Alaska Department of Environmental Conservation (DEC). Staff received no concerns regarding the project from any of these agencies, aside from a Public Works comment requiring the installation of water meters in the new units. Staff recommends a condition of approval that all required water meters be installed an approved by CBJ staff prior to issuance of any certificates of occupancy.

Residence 1 and the associated accessory apartment are currently served by a DEC approved marine outfall system, installed when the structure was built in 1992. Residence 2 is served by a separate onsite wastewater treatment system and leach field. The applicant has provided documentation of DEC approval of the system serving residence 2.

Based on the comments received from external agencies, and the documentation provided by the applicant, staff has determined that the proposed development will have very minimal impact to public health or safety.

Property Value or Neighborhood Harmony – As mentioned previously, the subject lot is large enough to accommodate two detached dwellings in a D-1 zone. While two detached dwellings and two accessory apartments is a higher intensity development than that found on surrounding lots, the arrangement of an accessory apartment located within a single-family dwelling is not completely out of character for the neighborhood. Two of the lots adjacent to the subject site are developed with single-family dwellings and accessory apartments.

Staff has found no evidence to suggest that granting the requested permit will have a negative effect on property values or neighborhood harmony. As of the date of this memorandum, staff has received no comments on the proposed development from members of the public.

Conformity With Adopted Plans – The CBJ Comprehensive Plan designates the subject site as being within Subarea 3 and carrying the land use designation Rural/Low Density Residential (RLDR). The comprehensive plan describes RLDR land as being characterized by "densities of one

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to three units per acre, based on existing platting and capability of the land to accommodate onsite septic systems and wells." In its current configuration, the site is developed with four units on 2.5 acres, or a density of 1.6 units per acre. Staff finds that the proposed developed fits within the RLDR description, despite that fact that the residential use applied for is more intense than that generally found in D-1 zones.

The CBJ Comprehensive Plan was formulated on eight guiding principles, one of which speaks directly to the need for supporting a diversity of housing options within the community:

• **Neighborhood livability and housing.** Maintain the identity and vitality of our neighborhoods, actively pursuing affordable housing for a diversity of households while promoting compatible livability and high quality design in new buildings (page 3).

As accessory apartments are limited to 600 square feet, they are often less expensive to rent than other types of housing within a given neighborhood. This can provide an affordable housing option and contribute to the diversity of housing available.

The Comprehensive Plan further supports diverse and affordable housing options through Housing Policies 4.1 and 4.2:

POLICY 4.1. It is the policy of the CBJ to facilitate the provision and maintenance of safe, sanitary and affordable housing for its residents (page 36).

POLICY 4.2. It is the policy of the CBJ to facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups (page 37).

The project, which includes accessory apartments established within single-family dwelling structures, serves to implement the above housing policies while preserving the identity of the surrounding neighborhood. Therefore, the proposed development conforms with the CBJ Comprehensive Plan.

49.70.900-49.70.1097 COASTAL DEVELOPMENT, HABITAT, AND WETLANDS

No external construction is proposed with the granting of this permit. CBJ§49.70.900-49.70.1097 are not applicable.

ALASKA COASTAL MANAGEMENT PROGRAM (ACMP)

Not applicable. This project does not require a state-coordinated ACMP review.

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FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

- 1. Whether the application is complete;
- 2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
- 3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

- 1. Materially endanger the public health or safety;
- 2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
- 3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.135 for the D-1 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the July 15, 2011 and July 25, 2011 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners

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within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. Will the proposed development materially endanger the public health or safety?

No. Based on the above analysis, the project will not materially endanger public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. As discussed above, staff finds that locating two accessory apartments within two detached dwellings on a 2.5 acre site will not substantially decrease the value or be out of harmony with the surrounding neighborhood.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. Staff finds that the proposed development serves to implement CBJ housing policies, and is therefore in general conformity with the 2008 Comprehensive Plan.

7. Will the proposed development comply with the Alaska Coastal Management Program?

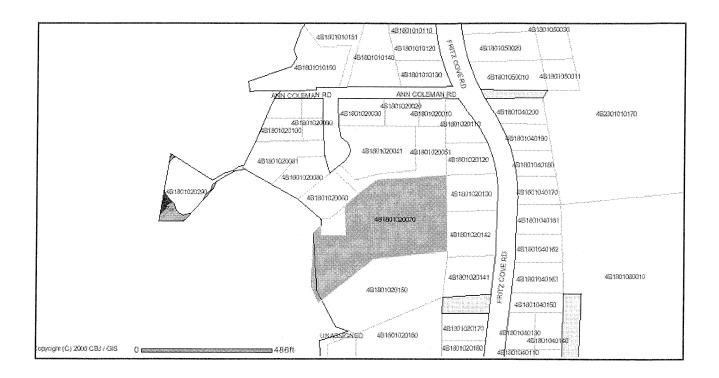
Not applicable. As discussed above, this project does not require a state-coordinated ACMP review.

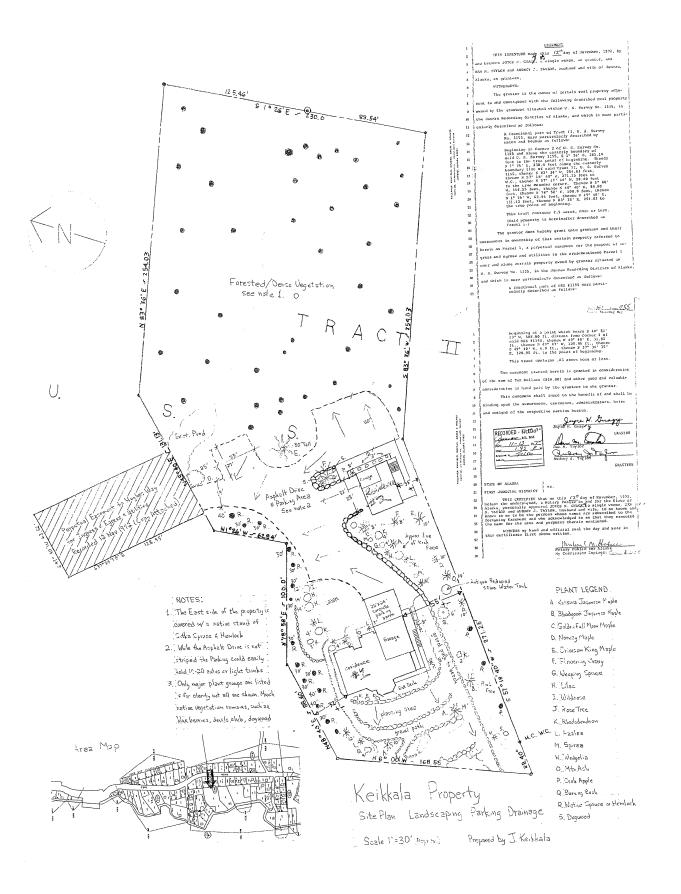
RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the applicant to establish two accessory apartments in two detached single-family dwellings. Staff recommends the following conditions of approval:

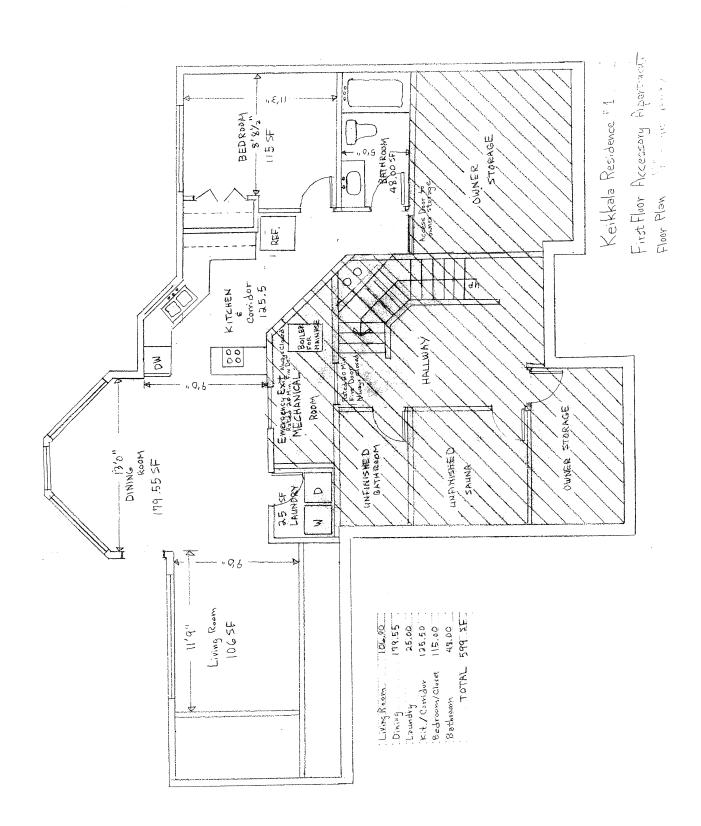
- 1. The applicant shall modify BLD2005-00655 to include development of a second single family dwelling as well as an accessory apartment in each of the two dwellings on the site. The applicant shall submit all required plans and shall pay appropriate fees associated with the building permit modification.
- 2. Prior to issuance of any occupancy permits, the applicant shall install all required water meters, subject to CBJ approval.
- 3. Prior to issuance of any occupancy permits, a final inspection shall be completed by the Community Development Department to ensure that the walls proposed in Accessory Apartment 2 are in place and that maximum net floor area is not exceeded.

Attachment A – Vicinity Map





Attachment C - Residence 1 Accessory Apartment Floor Plan

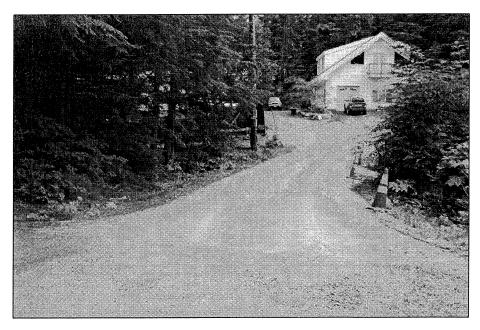


Keikkala Fr. proposed nouces Apt. Attachment D - Residence 1 Accessory Apartment Floor Plan Junean, A Flumace to heat for but radient tubi slab & betw on undersid Existing 210" 210" Fixed juinbow 3'10" x 3'1' operable vi 30,0% DISHIMASHER furace Hot water heater Deristing 38x3/10" _ Operable unyl Window # b 01,6 Existing line of soffit above 11/10/4" 5,8/2 (Hot HTR) Existing 3°64 Insulated Ext door Living / Dining Room Kitchen 13.315F G O O 3.0x 6.8" Entry Dom REF. ⊗ Water meter capinet Existing 12x 45 operable Tinyl clad window Laundry 32SF . 4'10'4. The last door 36,0" 1,5,8 -3'43/4 -Hallman 38,32 A-3'43/4" A One hour wall between garage & Living Space Exist, 3, x68 [Insulated ext. door Reted 70,7 Exist, 3"x68 HC Int. Dur Pr. 20 x 64 594.63 339,00 138,33 108,30 14,00 32,00 44,34 Existing Insulated Garage Door Garage W 11'0" high deiling Total Square Footage First Floor Living/Dining.Room. Kitchen 108.3 SF ,01,0;1 Hallway -swicky Closet ,3,9,81 .01 Existing 5'5"X 4'0" operable vingl clad window Existing Ext. Wall Zx6 exts 2xt, ic. w/ /2" ext. plywood Tywe chase wrep. Viny sicing e. Rzl insulation Typical all exterior Wells Ex.sting 4.0" x3'10" -operable Vinyl Window

Attachment E – Site Access Photos



Access easement from the end of Hughes Way. Subject property driveway noted with arrow. Photo taken by staff on 7/7/11.



Site Driveway. Photo taken by staff on 7/7/11.

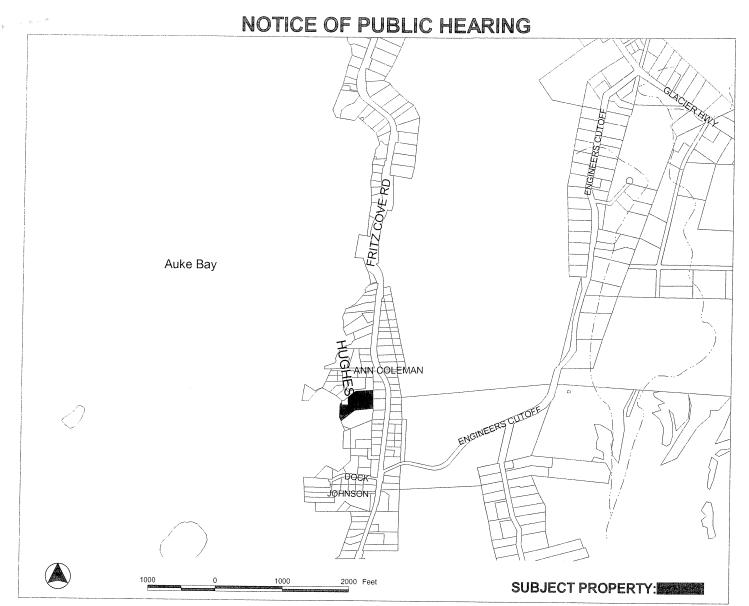
DEVELOPMENT PERMIT APPLICATION

	CITY and BOROUGH of JUNEAU Date Received: 5/25 ///
	t Name Iff to Assign Name)
	Project Description 2, Detached Single Family Duckings with Accessory Apt
ECT / APPLICANT INFORMATION	PROPERTY LOCATION Street Address City/Zip Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 1155 F C Assessor's Parcel Number(s)
	LANDOWNER/ LESSEE Property Owner's Name Mailing Address Home Phone: Fax Number:
	E-mail Address LANDOWNER/ LESSEE CONSENT Lam (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:
	A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. X Landowner/Lessee Signature Date
	Landowner/Lessee Signature NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.
	APPLICANT If the same as OWNER, write "SAME" and sign and date at X below
0	Applicant's Name Contact Person: Work Phone: Howe Phone: Fax Number:
<u>a</u>	E-mail Address Other Contact Phone Number(s):
	X V brunson 26 May 25 2011 Applicant's Signature Date of Application OFFICE USE ONLY BELOW THIS LINE-
	Permit Type Building/Grading Permit Type Application Number(s)
40	Permit City/State Project Review and City Land Action Inquiry Case
ALS	(Fee In Lieu, Letter of ZC, Use Not Listed) Mining Case (Small, Large, Rural, Extraction, Exploration)
ROV	Sign Approval (If more than one, fill in all applicable permit #'s) Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)
Q Q	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment) Variance Case (De Minimis and all other Variance case types)
A H H	Wetlands Permits Zone Change Application
S	Other (Describe)
	***Public Notice Sign Form filled out and in the file. Comments: Permit Intake Initials.

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

	Project Number	Project Name (15 characters)	·	Case Number	Date Received			
					USEZOILOGIO	5/25/11			
	TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED Accessory Apartment*** (AAP) Driveway in Right-of-Way (ADW)								
	Use Listed in §49.25.300 (USE) (Table of Permissible Uses)								
	Please list the Table of Permissible Uses Category: 1.135								
	***An Accessory Apartment Application will also be required.								
S234263: 2	DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. Approval for 2 single-family residences and 2 accessory apartments								
	IS THIS A MODIFICATION OF AN EXISTING APPROVAL? NO YES - Case #								
	CURRENT USE OF LAND OR BUILDING(S): Residentia								
-									
F	PROPOSED USE OF LAND OR BUILDING(S): Residentia								
-									
+	UTILITIES PROPOSED: WATER: Public On Site SEWER: Public On Site								
-	SITE AND BUILDING SPECIFICS:								
	Total Area of Lot 11,947 square feet Total Area of Existing Structure(s) 5,902 square feet								
	Total Area of Proposed Structure(s) 5902 square feet								
E	EXTERNAL LIGHTING:								
	Existing to remain								
	Proposed No Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures								
Pρ	PROJECT NARRATIVE AND SUBMITTAL CHECKLIST: Site Plan Existing and proposed parking areas (including								
	Floor Plan of proposed buildings dimensions) and proposed traffic circulation								
	Elevation view of existing and proposed buildings Proposed Vegetative Cover Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)								
EO	r more information i	Charle Na Daniel	0 - 4 -						
pe	mitting process and t	Check No. Receipt	Date						
	uired for a complete ase see the reverse si		Application Fees Admin, of Guarantee	\$					
·			Adjustment	\$					
	ou need any assistance filling out form, please contact the Permit		Pub. Not. Sign Fee	5 JOO 00					
	nter at 586-0770.	a me remil	Pub. Not. Sign Deposit Total Fee	500.00	1497	5/25/11			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



PROPOSAL:

A Conditional Use permit to establish two accessory apartments in two detached

single-family dwellings.

FILE NO:

USE20110010

TO:

Adjacent Property Owners

HEARING DATE: Jul 26, 2011

HEARING TIME: 7:00 PM

PLACE:

ASSEMBLY CHAMBERS

Municipal Building 155 South Seward St Juneau, Alaska 99801 **APPLICANT: KEIKKALA LIVING TRUST**

Property PCN: 4-B18-0-102-007-0

Owner(s): KEIKKALA LIVING TRUST

Size: 2.57 acres

Zoned: D1

Site Address: 1970 HUGHES WAY

Accessed via: HUGHES WAY

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Laura Boyce 586-0753 LAURA_BOYCE@CI.JUNEAU.AK.US

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.