

MEMORANDUM

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

DATE: October 20, 2011

TO: Planning Commission

FROM: Kelly Keenan, Planner *KK*
Community Development

FILE NO.: AAP2011 0010

PROPOSAL: A Conditional Use permit request to establish an accessory apartment served by an on-site sewer system.

GENERAL INFORMATION

Applicant: Lee Armstrong

Property Owner: Daniel Sargent

Property Address: 1230 Mendenhall Peninsula Rd.

Legal Description: USS 2902 Lot 19B

Parcel Code Number: 4-B19-0-101-005-0

Site Size: 43,585 square feet

Zoning: D-1

Utilities: CBJ Water, On-site sewer

Access: Mendenhall Peninsula Road

Existing Land Use: Single-family residential

Surrounding Land Use:

Northwest	-	D-1; Single-family residential
Southwest	-	RR; Vacant, wooded CBJ-owned land
Northeast	-	D-1; Mendenhall Peninsula Road, Single-family residential
Southeast	-	D-1; Single-family residential

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Zoning Map
Attachment C – Accessory Structure Photo
Attachment D – Site Plan
Attachment E – Original Floor Plan
Attachment F – Modified Floor Plan
Attachment G – Narrative Description
Attachment H – Site Driveway Photo
Attachment I – ADEC Email Correspondence

PROJECT DESCRIPTION

The applicant requests an Accessory Apartment permit to establish a stand-alone accessory apartment on a lot served by an on-site sewer system. Per CBJ§49.25.510(G)(ii), accessory apartments must be reviewed through the Conditional Use permit process if the lot upon which the accessory apartment is proposed is not served by public sewer.

BACKGROUND

The project site is a residential lot located on the upland side of Mendenhall Peninsula Road, just north of the intersection between Mendenhall Peninsula Road and Porter Lane (see Attachment A). The lot is developed with a single-family home constructed in 1968. In September 2011, the property owners were issued a building permit (BLD20110525) to construct a stand-alone structure providing additional living space. The additional living space was designed as a 600 square foot, one-story structure consisting of a bedroom, a living room, and a bathroom. No kitchen facilities were proposed at the time the building permit was applied for. After the building permit was issued, the property owners decided to add kitchen facilities to the new structure, which would create an independent dwelling unit. This modification to the development plans requires that the land use be evaluated as an accessory apartment.

ANALYSIS

Project Site

The subject lot is zoned D-1 and has an area of 43,585 square feet, making it similar in size to many lots that exist along Mendenhall Peninsula Road. Development on the lot includes a single-family home, a driveway, and landscaping. The rear third of the lot is largely undisturbed. The lot is bounded on its southwest side by City-owned land zoned Rural Reserve (RR). All the other

properties adjacent to the subject lot are zoned D-1 and are developed with single-family residences (see Attachment B). The accessory structure, permitted without kitchen facilities through BLD20110525, is currently under construction (See Attachment C).

Project Design

Based on the site plan provided by the applicant (see Attachment D), the proposed accessory apartment structure is located northwest of the existing single family dwelling on the lot, and 18 feet from the northwest property line. The accessory apartment structure is not near any other property lines. The proposed development meets all setback, lot coverage, and vegetative cover requirements for the D-1 zoning district.

As mentioned previously, the property owners originally intended to construct a stand-alone structure on the lot that was to serve as additional living space, but not an independent dwelling unit. The original building plans, provided as Attachment E, show the structure consisting of a bedroom, bathroom, and living room. Under the applicant's current proposal, this floor plan would be modified to include a kitchen (see Attachment F). This modification does not include any changes to the external footprint or elevations shown in the plans originally submitted with the building permit application.

Per CBJ§49.25.510(A), accessory apartments may not exceed 600 square feet in net floor area and are limited to one bedroom. As proposed, the accessory apartment on the subject lot meets these criteria.

The applicant's narrative description of the proposed development is provided as Attachment G.

Traffic

The traffic generated by the proposed one bedroom accessory apartment is expected to be very low and is unlikely to adversely impact traffic on Mendenhall Peninsula Road. As Mendenhall Peninsula Road is a State facility, staff solicited comments on the proposed land use from the Alaska Department of Transportation (ADOT). ADOT did not have any objections to the project.

Parking and Circulation

The subject site is accessed via an existing driveway off of Mendenhall Peninsula Road. A photo of the site access is provided as attachment H. As proposed, the new accessory apartment will utilize the existing driveway.

Per CBJ§49.40.210(a), the Table of Minimum Parking Standards, two off-street spaces are required

for each single-family dwelling unit and one off-street space is required for an accessory apartment. This means that in total the proposed development will require three off-street parking spaces. These three spaces can be provided in the area between the primary dwelling and the accessory structure, and on the southwest side of the accessory structure.

Habitat

With the recommended conditions of approval discussed below, the proposed development is not expected to impact any sensitive habitat areas.

Public Health and Safety

Staff solicited comments on this application from the CBJ Building, Fire, and General Engineering Departments as well as the Alaska Department of Transportation and the Alaska Department of Environmental Conservation (ADEC). Staff received no objections to the proposed development from any of these agencies. However, The CBJ General Engineering Department indicated that the addition of kitchen facilities to the accessory structure could result in changes to the expected water usage, and would thus require a new evaluation of the water line requirements. This new evaluation would be accomplished through a building permit modification. To ensure that any potential water line issues are addressed, staff recommends a condition of approval requiring that the applicant modify building permit BLD20110525 to include kitchen facilities.

ADEC did not object to the proposed development, but indicated that the existing septic system serving the main dwelling on the site is not adequate to serve the proposed accessory apartment and will need to be replaced. ADEC will require that the applicant go through the ADEC plan review process for design and construction of a new on-site septic system that will serve the main dwelling and the accessory apartment. Staff's email correspondence with ADEC regarding this issue is provided as Attachment I. Staff recommends a condition of approval requiring that the applicant provide documentation of ADEC approval of a new on-site septic system prior to issuance of any occupancy permits. The applicant is aware of the ADEC requirement for replacing the existing septic system and has already initiated the process.

With the recommend conditions of approval, the proposed accessory apartment is not expected to adversely affect public health and safety.

Property Value or Neighborhood Harmony

If the requested permit is approved, adding an accessory apartment will result in a slight increase to the residential density on the subject lot. However, because the accessory apartment is limited to 600 square feet and one bedroom, the increased density is not expected to noticeably impact the intensity

of use on the subject site. Additionally, as of the date of this memorandum, staff has received no objections to the proposed project from surrounding property owners. In consideration of this analysis, staff believes the proposed project will not adversely impact property values or neighborhood harmony.

Conformity with Adopted Plans

The subject site is located within an area designated Rural Low Density Residential (RLDR) by the 2008 Comprehensive Plan (Comp Plan). The Comp Plan describes RLDR lands as:

Rural residential land at densities of one to three dwelling units per acre, based on existing platting and capability of the land to accommodate on-site septic systems and wells or whether the land is served by municipal water and sewer service.

Given that subject site is just over one acre in size and is served by municipal water service, staff believes that the development of a one bedroom, 600 square foot accessory apartment, in addition to the existing dwelling on the lot, fits within the above description. In consideration of this analysis, and with a requirement of an ADEC approved septic system, staff believes the proposed development conforms with the 2008 Comprehensive Plan.

FINDINGS

CBJ §49.15.320 (e), Decision, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the requested permit is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this title.

The Commission shall approve the application and grant the permit unless it finds, by a preponderance of the evidence, that one or more of the criteria have not been met. In either case the Commission shall adopt written findings setting forth the basis for its decision.

Per CBJ §49.15.320 (e)(1 through 4), Decision, the Director makes the following findings on the criteria for granting the requested Accessory Apartment approval:

1. Is the application for the requested Accessory Apartment permit complete?

Yes. We find the application contains the information necessary to conduct a 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 requested permit 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 1.130 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 October 14, 2011 and October 24, 2011 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners 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 (see Attachment H).

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

No. Based on the analysis in this report and with the recommended conditions of approval, adding a one bedroom, 600 square foot apartment to a 43,585 square foot lot 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 noted in the previous analysis, due to the size restrictions on accessory apartments, the impacts to surrounding properties are less than those associated with full dwelling units. Given that the subject lot meets the dimensional standards for a D-1 zoning district, the proposed development will not substantially decrease the value of or be out of harmony with property in the neighboring area.

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

Yes. As stated above, the slight increase in density that is associated with this proposal fits within the Comprehensive Plan's land use designation for the subject site. Furthermore, the design and scale of project meets standards for accessory apartments set forth in the Land Use Code.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

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

Not applicable. No provisions of the Juneau Coastal Management Program apply to this proposal.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Accessory Apartment permit. The permit would allow the development of an accessory apartment on a lot served by an on-site sewer system. Staff recommends the following conditions:

1. Prior to issuance of any occupancy permits, the applicant must modify building permit BLD2011 0525 to include kitchen facilities.
2. Prior to issuance of any occupancy permits, the applicant must submit to the Community Development Department documentation of Alaska Department of Environmental Conservation approval of an on-site sewer system.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 9/29/2011
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description <u>Stand alone accessory apartment</u>		
	PROPERTY LOCATION		
	Street Address <u>1230 Mendenhall Peninsula Rd</u>	City/Zip <u>Juneau 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>USS 2902 Lot 19B</u>		
	Assessor's Parcel Number(s) <u>4B19 01010050</u>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>Daniel Sargent</u>	Contact Person:	Work Phone:
	Mailing Address <u>1230 Mendenhall Penn. Rd. Juneau, AK 99801</u>	Home Phone: <u>907-789-3120</u>	Fax Number:
	E-mail Address <u>Sargent@AK.Net</u>	Other Contact Phone Number(s): <u>907-209-1028 - Laleka</u>	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/Engineering Permits****		
<p>I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>B. 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.</p> <p>X <u>[Signature]</u> <u>8-22-11</u> Landowner/Lessee Signature Date</p> <p>X <u>Laleka E Sargent</u> <u>8-22-11</u> Landowner/Lessee Signature Date</p> <p>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.</p>			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name <u>LEE ARMSTRONG</u>	Contact Person: <u>LEE ARMSTRONG</u>	Work Phone: <u>725-8686</u>	
Mailing Address <u>25020 GLACIER HWY 99A</u>	Home Phone: <u>787-7133</u>	Fax Number: <u>787-4767</u>	
E-mail Address <u>LAROT@FISHK.A.COM</u>	Other Contact Phone Number(s):		
X <u>[Signature]</u> Applicant's Signature	<u>9/29/11</u> Date of Application		

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	✓ Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	✓	9/29/11	AAP11-010
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			
	***Public Notice Sign Form filled out and in the file.			
	Comments: <u>Related to BLD 20110525</u>			Permit Intake Initials <u>NKJ</u>

ACCESSORY APARTMENT APPLICATION

Project Number	Project Name (15 characters)	Case Number AAP 11-010	Date Received 9/29/11
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DESCRIBE THE ACCESSORY APARTMENT:

See plans as part of BLD20110525, only change will be to install a kitchen.

TYPE OF ACCESSORY APARTMENT

- ☐ Attached to or Within a Single-Family Dwelling ☐ Associated With a Detached Garage
☐ Within a Two-Unit Common-Wall Dwelling ☒ Not Affiliated with Another Structure (Stand alone)

AREA OF APARTMENT

Total Area 600 square feet

(Maximum of 600 square feet allowed. Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways are not be included in the computation of net floor area.)

PARKING

Existing Spaces 2 Proposed Total Spaces 3

(Parking dimensions must be a minimum of 8.5' X 17', and each parking space must be drawn to scale on the site plan.)

SITE INFORMATION

ZONING DISTRICT D1

UTILITIES AVAILABLE

MINIMUM LOT SIZE (\$49.25.400) 36,000

WATER: ☒ Public ☐ On Site

ACTUAL LOT SIZE**** 43,585

SEWER: ☐ Public ☒ On Site****

****Applicants please note that if the parcel utilizes an on site septic system OR the Actual Lot Size is less than the Minimum Lot Size required, the Accessory Apartment must be reviewed through the Conditional Use Permitting Process.

Permitting Process: ☐ Departmental Review ☒ Planning Commission Approval

Fees (Departmental Approval)	Fees	Check No.	Receipt No.	Date
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Application Fees	See Building Permit			
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Fees (Conditional Use Permit)

Application Fee	\$ <u>350</u>
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Public Notice Sign Fee	\$ <u>50</u>
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Public Notice Sign Deposit	\$ <u>100</u>
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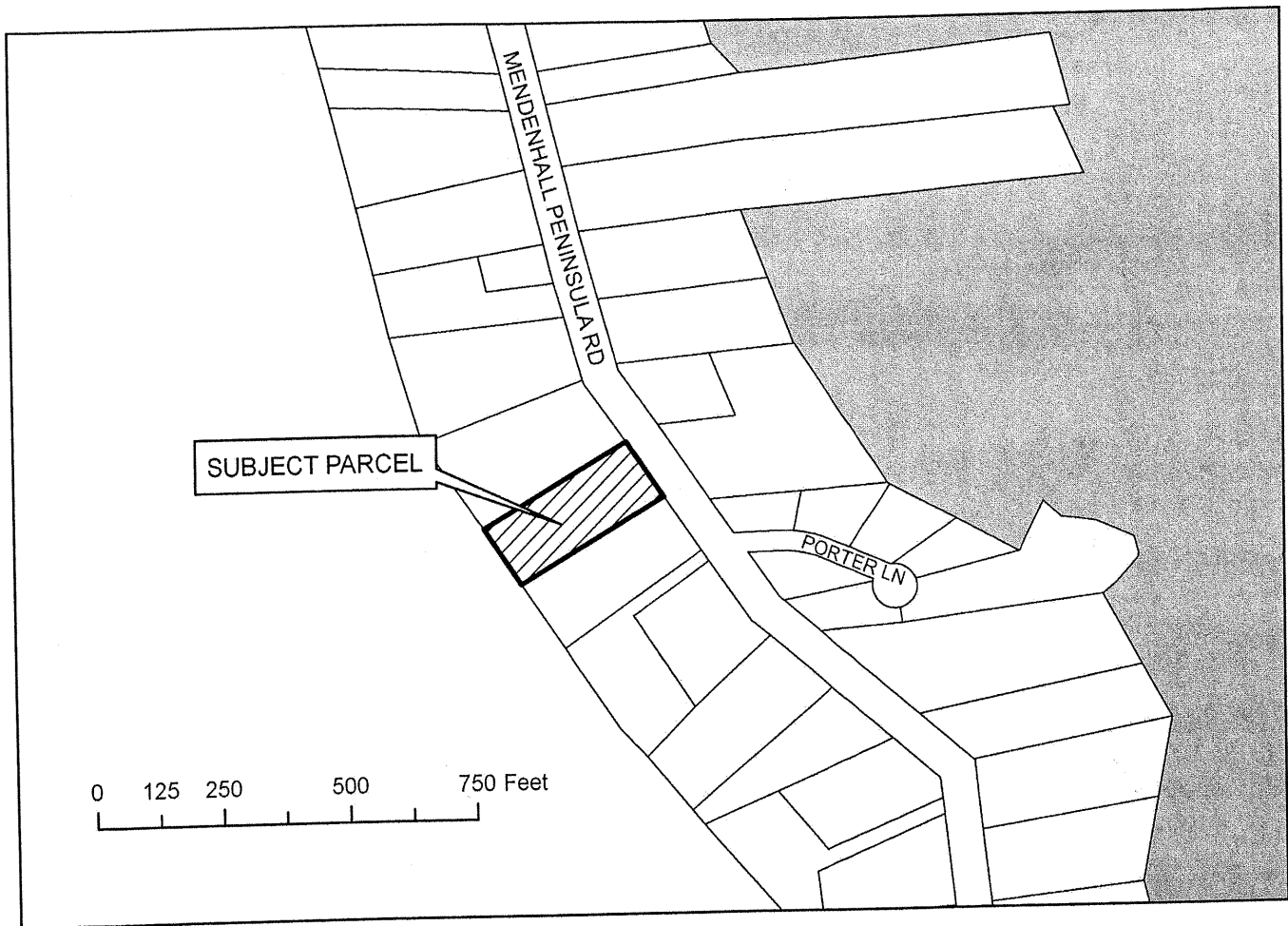
Total	\$ <u>500.00</u>	<u>2529</u>	<u>cd 2072</u>	<u>9/29/11</u>
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For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

NOTICE OF PUBLIC HEARING



PROPOSAL: A Conditional Use permit request to establish an accessory apartment served by an on-site sewer system.

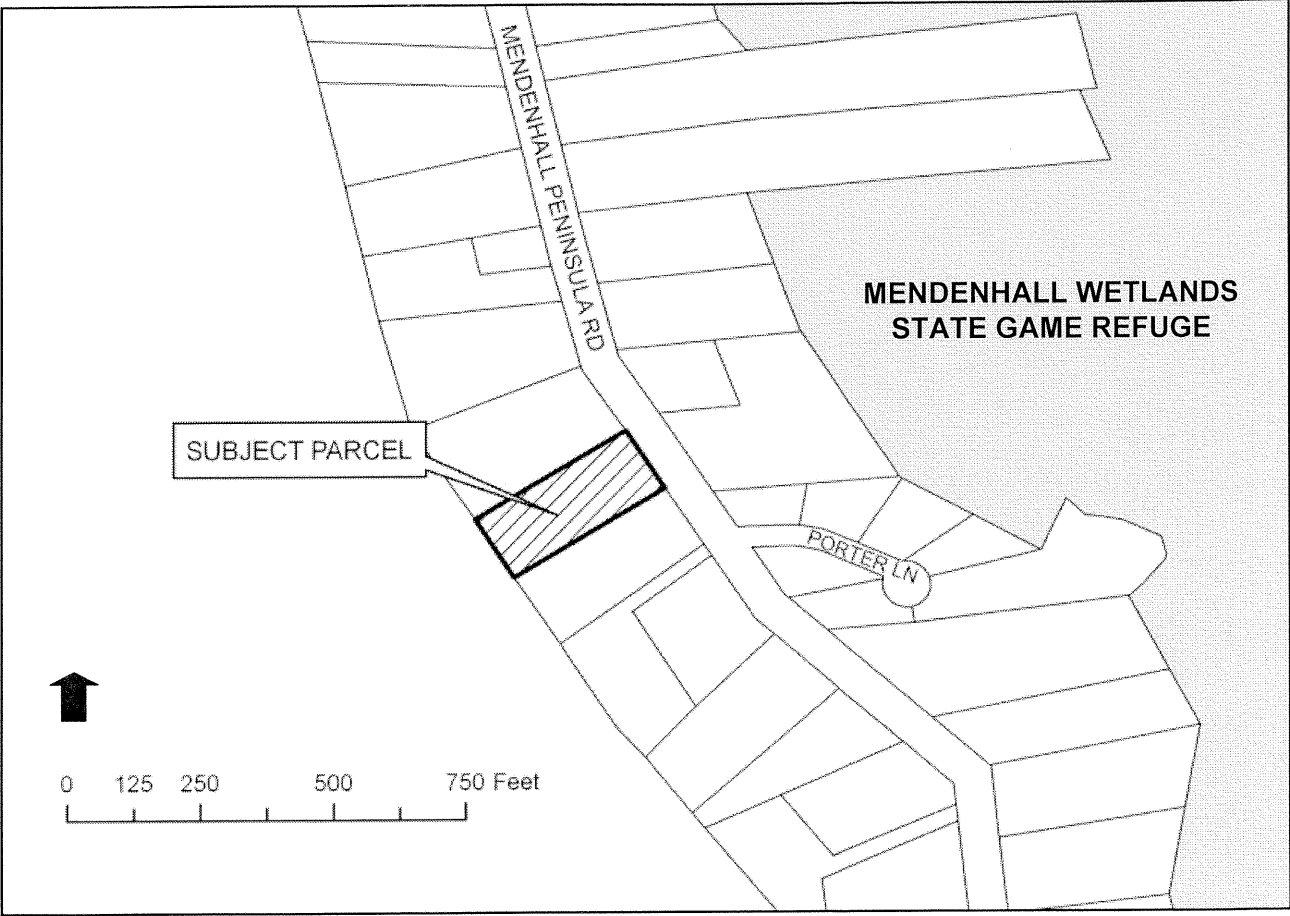
FILE NO.:	AAP2011 0010	APPLICANT:	Lee Armstrong
TO:	All Adjacent Property Owners	PROPERTY OWNER:	Daniel Sargent
HEARING DATE:	October 25, 2011	PROPERTY ADDRESS:	1230 Mendenhall Pen. Rd.
HEARING TIME:	7:00 PM	SITE SIZE:	43,585 sq ft
PLACE:	ASSEMBLY CHAMBERS Municipal Building 155 South Seward Street Juneau, Alaska 99801	ACCESS:	Mendenhall Penn Rd.

PROPERTY OWNERS PLEASE NOTE:

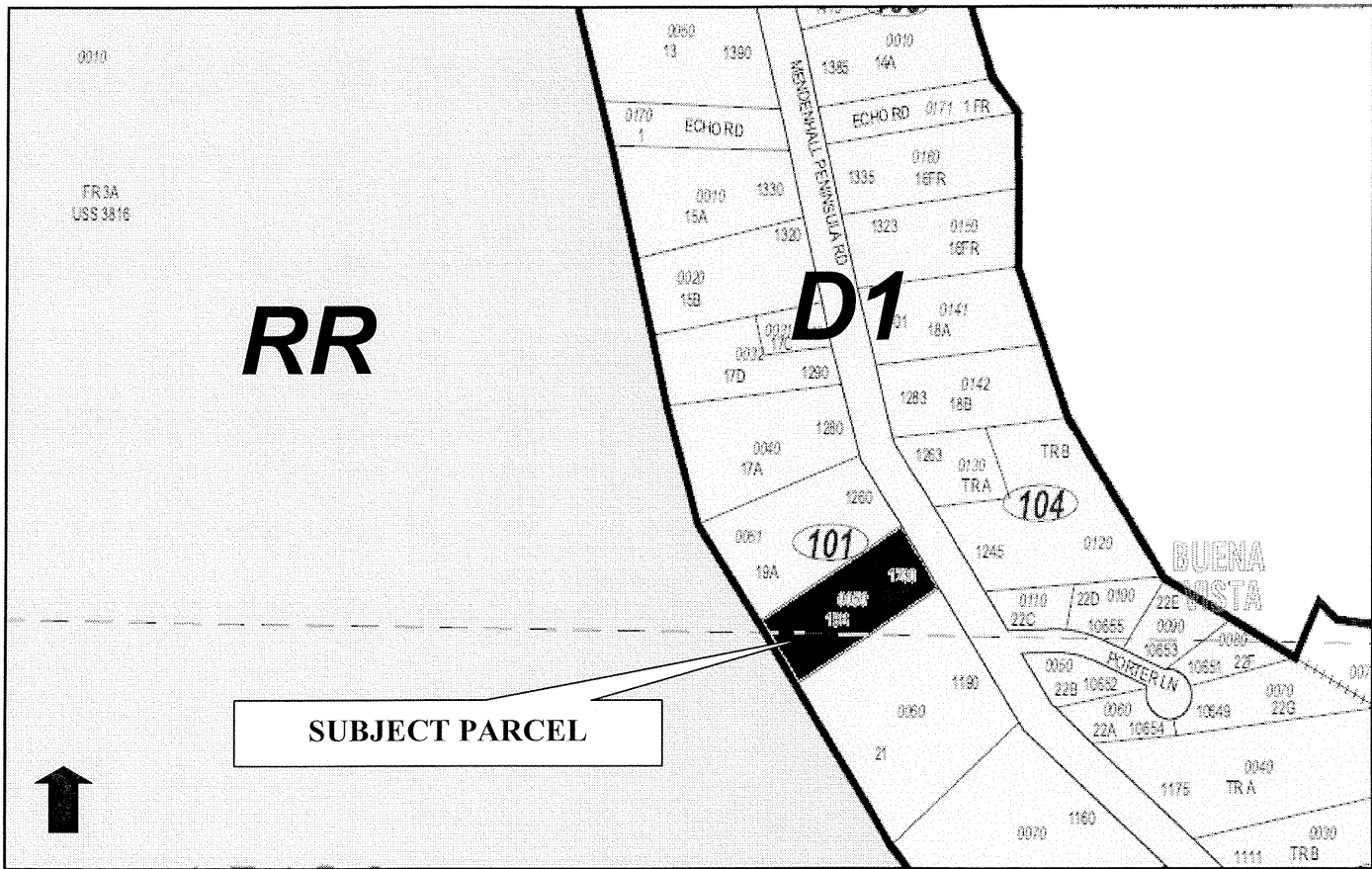
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials 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.

For questions, please contact Kelly Keenan at 586-0756, or e-mail: kelly_keenan@ci.juneau.ak.us

Vicinity Map



Zoning Map



ATTACHMENT B



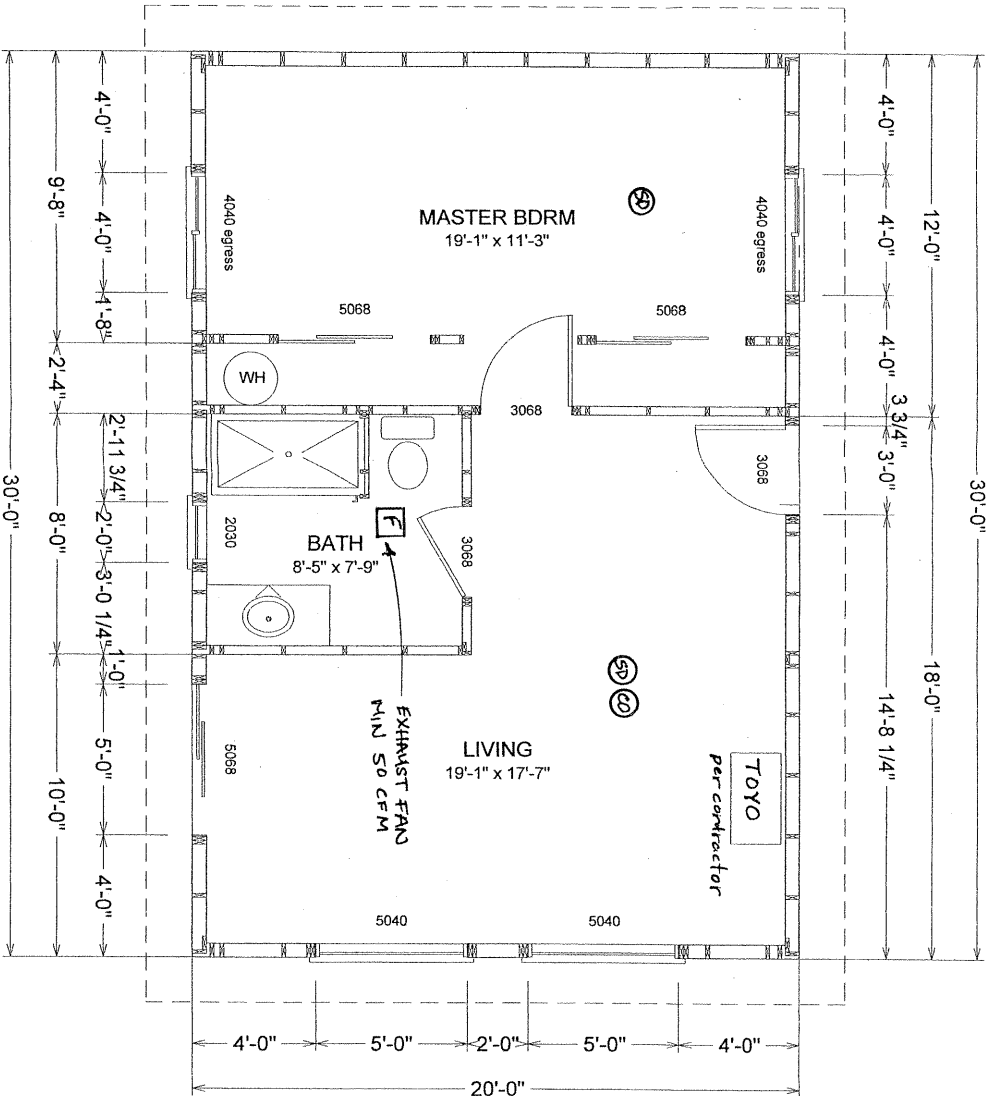
ATTACHMENT D

Accessory Structure Photo



Accessory structure under construction, permitted through BLD2011 0525. Photo taken by staff on 10/14/11.

Original Floor Plan



All Electrical work must comply with the requirements of the, 2008 NEC Code as modified by CBJ Title 19

All Plumbing work must comply with the requirements of the, 2006 UPC Code as modified by CBJ Title 19.

This floor plan modified to include a kitchen. See ATTACHMENT C

RECEIVED

SEP 01 2011

PERMIT CENTER/CDD



ARECON, LLC

25020 Glacier Highway
Juneau, Alaska 99801

phone 789-7133
fax 789-4767
email la907@alaska.com

Evelyn Reeves

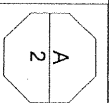
1230 Mendenhall Penn. Rd
Juneau, AK 99801

Additional Living Space

Scale - 1/4"=1ft

Page Floor Plan

9/1/2011



Modified Floor Plan



ARECON, LLC
25020 Glacier Highway
Juneau, Alaska 99801

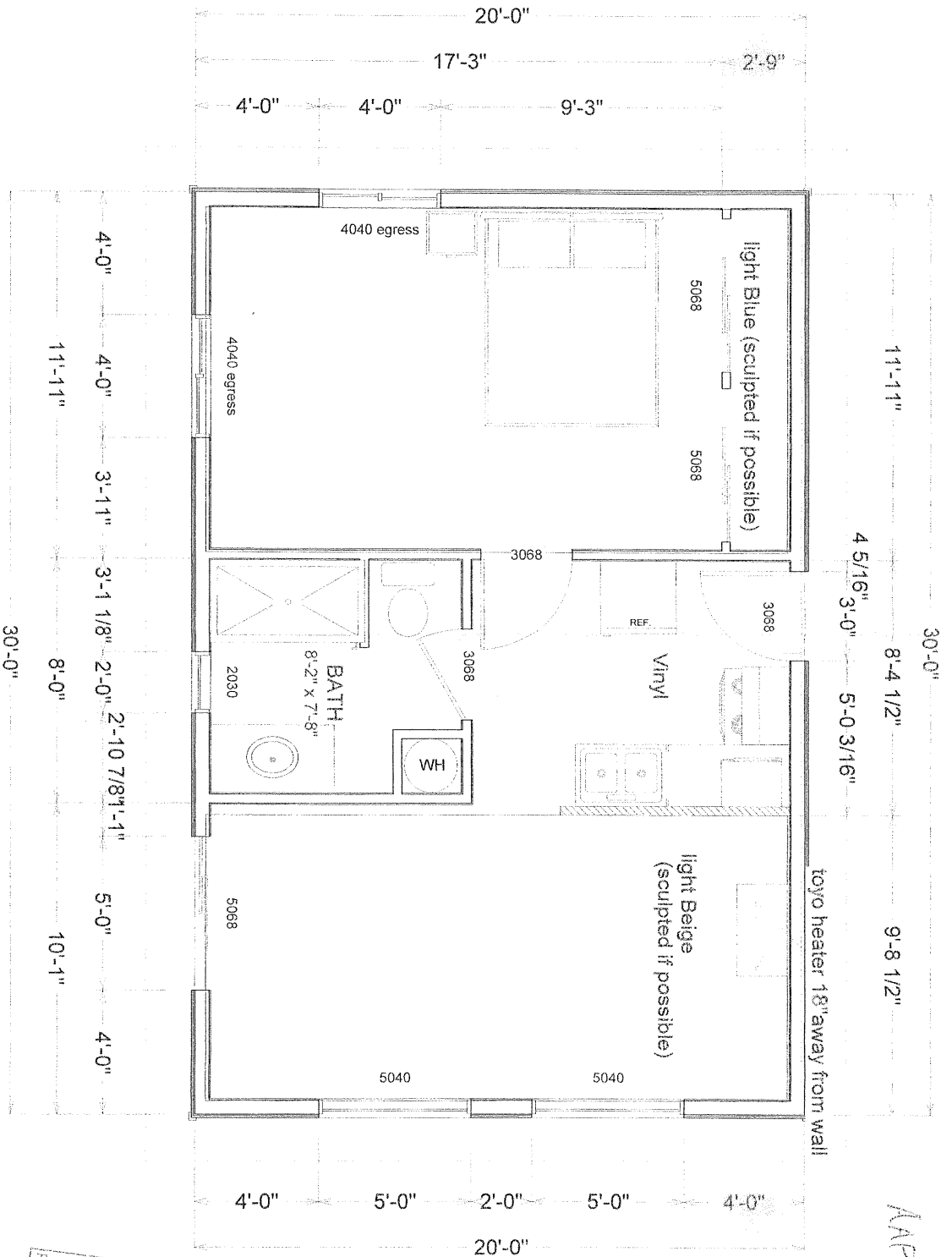
phone 789-7133
fax 789-4767
email la807@alaska.com

Evelyn Reeves
1230 Mendenhall Penn. Rd
Juneau, AK 99801

Additional Living Space

Scale - not to scale
Page
9/1/2011

design
call outs



APP 2011 0010



ARECON, LLC

LEE ARMSTRONG - OWNER

25020 GLACIER HIGHWAY, JUNEAU, ALASKA 99801
907-789-7113 CELL-907-723-8086 FAX-907-789-4767 LA907@ALASKA.COM

Project Site:

1230 Mendenhall Peninsula Rd.
Juneau, AK 99801

USS 2902 19B
4B1901010050

Project Design:

A building permit has already been issued BLD20110525 for a new additional living space (600 sqft.), no kitchen.

Evelyn Reeves has requested a small kitchen to be built inside her new dwelling.

Traffic:

Since Evelyn does not drive and is transported around by her daughter and son in law, Daniel & Lavena Sargent who own the property there should not be any impact.

Parking and Circulation:

If a new parking space is required the ^{Southwest} ~~East~~ side of the new dwelling can be designated as such.

Landscaping:

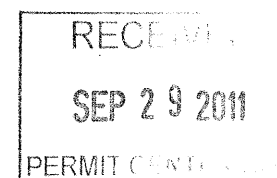
Note: State clarified with the applicant that a parking space can be provided on the Southwest side of the accessory structure.
This is on an existing lot with lawns & gardens already in place. Over one half of the lot is undeveloped, besides a small garden there will not be any changes.
-KK

Exterior Lighting:

The Residence already has a large sodium light which lights most of the developed area of the lot. There will be two new exterior lights, one for the front door facing south towards Dan & Lavena's house. The back door light which faces north will shine onto Evelyn's existing home.

Habitat:

There should not be any impact on the surrounding habitat, as the deer that live on the property already come down and are watching us build her dwelling, then after we leave browse the existing garden.



ATTACHMENT G

Site Driveway Photo



Site driveway as viewed from Mendenhall Peninsula Road. Photo taken by staff on 10/14/11.

Kelly Keenan

From: Parks, Jessica L (DEC) [jessica.parks@alaska.gov]
Sent: Monday, October 17, 2011 11:29 AM
To: Kelly Keenan
Subject: RE: Accessory Apartment - Request for comments

Hi Kelly,

Your understanding is correct - DEC has determined that the existing septic system at USS 2902, Lot 19B is not sufficient to serve the new accessory apartment. The existing system is not even sufficient to serve the existing residence; it absolutely needs to be replaced.

The homeowners will need to hire a professional engineer (licensed in Alaska) and go through ADEC's plan review process for the new/upgraded onsite septic system. They are required to obtain Approval to Construct from ADEC before any construction on the new septic system takes place.

The process is described on our website: http://dec.alaska.gov/water/wwdp/onsite/ww_planreview-cklist.htm

Feel free to contact me if you have any questions or need additional info.

Thanks,

Jess Parks
Environmental Program Specialist I
ADEC Wastewater - On-site disposal
Juneau, AK
(907) 465-5306

From: Kelly Keenan [mailto:Kelly_Keenan@ci.juneau.ak.us]
Sent: Monday, October 17, 2011 11:05 AM
To: Parks, Jessica L (DEC)
Subject: Accessory Apartment - Request for comments

Hi Jess,

Please see attached for your review an application to establish a stand-alone accessory apartment at 1230 Mendenhall Peninsula Road (legal description: USS 2902 LT 19B). This land use requires a Conditional Use permit from CBJ, as the site is not served by public sewer. The property owner originally intended to build an accessory structure that was just additional living space, but has now decided to add a kitchen. After speaking with Autumn Lowry about this case, it is my understanding that DEC has determined that the existing septic system on the property is not sufficient to serve the new accessory apartment, and will need to be replaced. Is that your understanding of the situation at the subject site? Do you see any other issues? Feel free to contact me if you need additional info. Thanks!

Sincerely,

Kelly Keenan, Planner I
Community Development Dept.
City and Borough of Juneau
Ph: 907.586.0756
Fax: 907.586.3365

10/19/2011

ATTACHMENT I