

MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: August 30, 2012

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: USE2012 0014

PROPOSAL: A Conditional Use Permit for an accessory apartment not served by city sewer.

GENERAL INFORMATION

Applicant: Constellation Development LLC

Property Owner: Constellation Development LLC

Property Address: Cohen Dr., Lot 13, Block 4, Tee Harbor Subdivision

Legal Description: Tee Harbor Alaska Block 4 Lot 13

Parcel Code Number: 8-B37-0-104-013-0

Site Size: 52,272 square feet

Zoning: D1

Utilities: CBJ Water, on-site septic

Access: Cohen Drive

Existing Land Use: vacant residential lot

Surrounding Land Use:

North	-	D-1 Residential; single-family dwelling
South	-	D-1 Residential; single-family dwelling
East	-	D-1 Residential; Cohen Drive
West	-	Tee Harbor



CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

ATTACHMENTS

Attachment 1	Vicinity Map
Attachment 2	Development Permit Application
Attachment 3	Conditional Use Permit Application
Attachment 4	Site Plans
Attachment 5	DEC Letter of Approval for Septic System

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 600-square foot apartment on the second floor of a single-family dwelling. A Conditional Use Permit is required because the lot is not served by public sewer, in accordance with CBJ Code 49.25.510(d)(2)(G)(ii).

The lot is currently vacant. Proposed construction of a single-family dwelling is currently under review as BLD2012 0044. The applicant proposes a two-story, two-bedroom home. The accessory apartment would be located on the second floor of the dwelling. The applicant has provided a letter of approval from the Alaska Department of Environmental Conservation (ADEC) for a septic system that would accommodate a four-bedroom home, so the proposed septic system is twice the size needed for the current use.

ANALYSIS

Project Site and Design

The site is located in D-1 residential zoning on a vacant waterfront lot adjacent to Tee Harbor, accessible from Cohen Drive. The lot size of 52,272 square feet substantially exceeds the 36,000 square foot minimum lot size for the D-1 zoning district.

The applicant has proposed a two-story, single-family dwelling with one bedroom located on the first floor and a 600 square foot accessory apartment located on the second floor (Attachment 4). The project design meets all other requirements of the Accessory Apartment Ordinance, CBJ Code 49.25.510(D). The applicant has supplied a letter of approval from ADEC regarding a septic system with adequate capacity for a four-bedroom house (Attachment 5). The CBJ Engineering Department has reviewed the proposal and has no comments or concerns.

Traffic, Parking, and Circulation -

The proposed development meets all parking requirements.

Noise -

The proposed development will not generate significant noise. The lot meets all density requirements to accommodate an accessory apartment.

Public Health or Safety -

ADEC has approved the proposed septic system for the development, which has capacity to support a four-bedroom home. The proposed development has only two bedrooms, including the accessory apartment. Therefore public health and safety concerns from a private septic system have been addressed. Staff is unaware of any other public health or safety issues associated with the development.

Habitat –

There are no habitat issues associated with this development.

Property Value or Neighborhood Harmony -

No evidence indicates that the proposed development will have a negative impact on property value or neighborhood harmony. The development meets all requirements for accessory apartments, and the 52,272 square foot lot is substantially larger than the 36,000 square foot minimum lot size in the D-1 zoning district.

Conformity with Adopted Plans -

The project substantially conforms with the 2008 Juneau Comprehensive Plan Policy 4.1 as follows:

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.

The proposed development meets the intent of this policy by providing an accessory apartment on a lot with an approved private septic system.

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 1.130 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 August 31, 2012 and September 7, 2012 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.

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

No. As described in the preceding analysis, no evidence indicates that the proposed development will materially endanger the public health or safety. The proposed septic system has been approved by the Alaska Department of Environmental Conservation.

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

No. As described in the preceding analysis, no evidence indicates that the development will 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. The proposed development meets the intent of the 2008 Juneau Comprehensive Plan, specifically Policy 4.1 regarding provision of affordable housing.

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

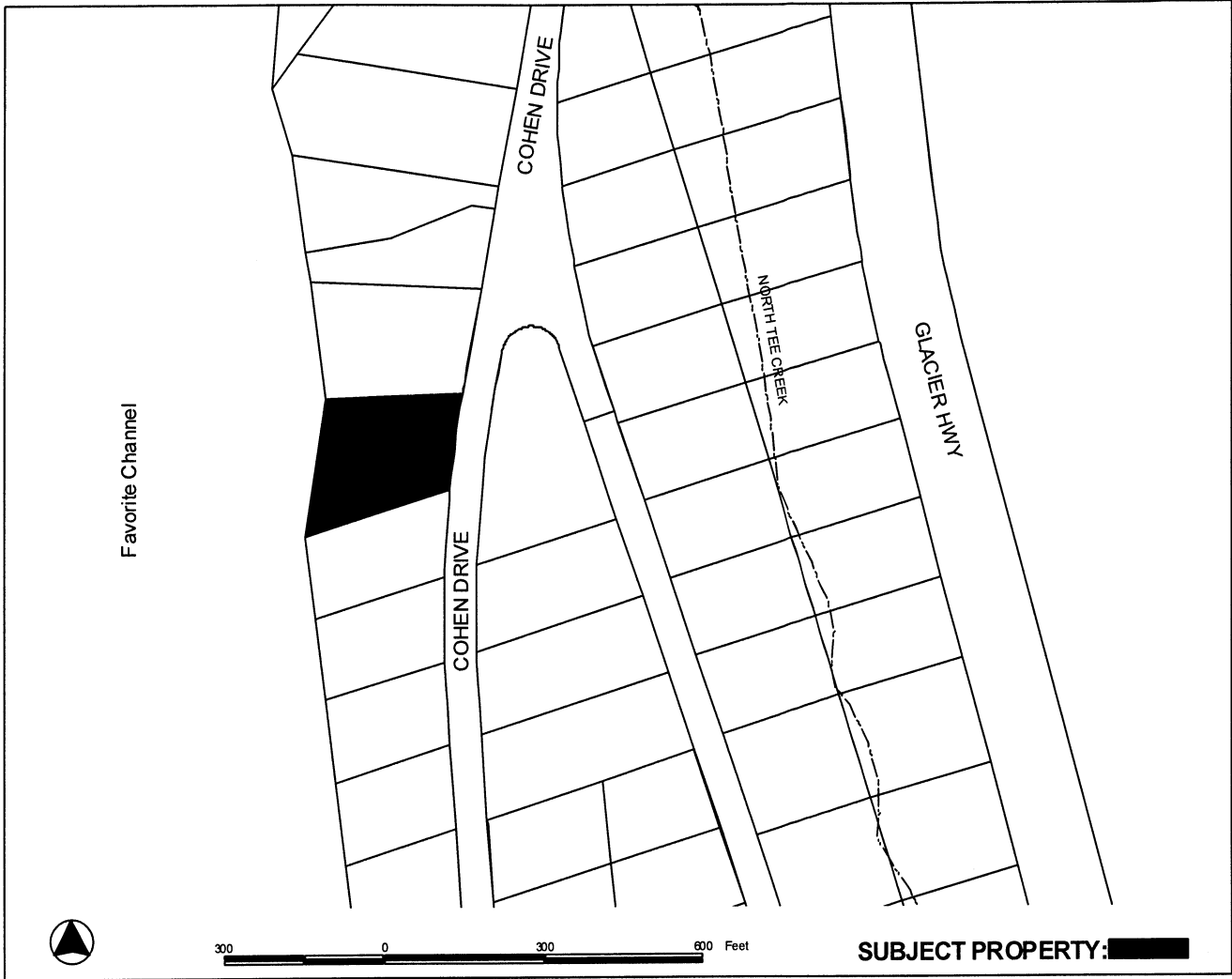
7. Will the proposed development comply with the Juneau Coastal Management Program?

Not applicable.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a 600 square foot accessory apartment on the second floor of a single family dwelling on a lot that is not served by public sewer.

NOTICE OF PUBLIC HEARING



PROPOSAL: A Conditional Use permit for an accessory apartment not served by city sewer.

<p>FILE NO: USE2012 0014</p> <p>TO: Adjacent Property Owners</p> <p>HEARING DATE: September 11, 2012</p> <p>HEARING TIME: 7:00 PM</p> <p>PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p>APPLICANT: CONSTELLATION DEVELOPMENT LLC</p> <p>Property PCN: 8-B37-0-104-013-0</p> <p>Size: 1.20 acres</p> <p>Zoned: D1</p> <p>Owner(s): CONSTELLATION DEVELOPMENT LLC</p> <p>Site Address: COHEN DR</p> <p>Accessed via: COHEN DR</p>
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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 Teri Camery at teri_camery@ci.juneau.ak.us or 586-0755.

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

Date notice was printed: August 14, 2012

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>8/11/12</u>
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description <u>Single Family w/ Acc. Apt</u>		
	PROPERTY LOCATION		
	Street Address <u>Cohen</u>	City/Zip <u>Juneau 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>Lot 13 Block 4 Tee Harbor Subdiv</u>		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>Constellation Development</u>	Contact Person: <u>Travis</u>	Work Phone: <u>321 3118</u>
	Mailing Address <u>10840 Lilac Dr</u>	Home Phone: <u>364 3166</u>	Fax Number:
	E-mail Address <u>constellation_dev@hotmail.com</u>	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (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. 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.			
X	<u>[Signature]</u> Landowner/Lessee Signature	<u>8/1/12</u> Date	
X	_____ Landowner/Lessee Signature	_____ Date	
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			
Applicant's Name <u>SAME</u>	Contact Person:	Work Phone:	
Mailing Address	Home Phone:	Fax Number:	
E-mail Address	Other Contact Phone Number(s):		
X	<u>[Signature]</u> Applicant's Signature	<u>8/1/12</u> Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	<input checked="" type="checkbox"/>	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)			
	X	Use Approval (Allowable Conditional Cottage Housing, Mobile Home Parks, Accessory Apartment)		<u>8/11/12</u>	<u>15212-014</u>
		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:				Permit Intake Initials <u>ESF</u>	

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number <i>Use 12-014</i>	Date Received <i>8/11/12</i>
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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: _____

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

Acc Apt on on-site septic

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

NO YES - Case # _____

CURRENT USE OF LAND OR BUILDING(S): *vacant*

PROPOSED USE OF LAND OR BUILDING(S): *Single Family w/ Acc Apartment*

UTILITIES PROPOSED:

WATER: Public On Site

SEWER: Public On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot *52,200* square feet

Total Area of Existing Structure(s) *0* square feet

Total Area of Proposed Structure(s) *~1800* square feet

EXTERNAL LIGHTING:

- Existing to remain No Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed No Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Site Plan | <input checked="" type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation |
| <input checked="" type="checkbox"/> Floor Plan of proposed buildings | <input checked="" type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) |
| <input checked="" type="checkbox"/> Elevation view of existing and proposed buildings | |
| <input checked="" type="checkbox"/> Proposed Vegetative Cover | |

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.

ALLOWABLE/CONDITIONAL USE FEES

Fees	Check No.	Receipt	Date
Application Fees			
Admin. of Guarantee			
Adjustment			
Pub. Not. Sign Fee			
Pub. Not. Sign Deposit			
Total Fee	<i>08126</i>	<i>cd12902</i>	<i>8/11/12</i>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Allowable/Conditional Use Permit Application Instructions

Pre-Application Conference: A pre-application conference is required prior to submitting an application. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at Permits@ci.juneau.ak.us.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

Forms: A completed Allowable/Conditional Use Permit Application and Development Permit Application form. The "land owner or lessee consent" signature and initials are mandatory on the Development Permit Application form.

Fees: The fee is dependent upon the class of the proposed use. Land Use fees generally range from \$300 to \$1,350. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.

Project Description: A detailed letter or narrative describing the project.

Plans: All plans are to be drawn to scale and clearly show the items listed below:

- A. Site plan, floor plan and elevation views of existing and proposed structures
- B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
- C. Proposed traffic circulation within the site including access/egress points and traffic control devices
- D. Existing and proposed lighting (including cut sheets for each type of lighting)
- E. Existing and proposed vegetation with location, area, height and type of plantings
- F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All information that is submitted as part of an application shall be submitted in either of the following formats:

- A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department.
- B. Paper copies may not be larger than 11" X 17" (Unless a larger paper size is preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: As part of the Allowable/Conditional Use permitting process, all permit requests must be given proper public notice, which consists of the following:

Community Development Department: Will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site.

Applicant: Will post a sign on the site at least 14-days prior to the meeting. The sign shall be visible from a public right-of-way or where determined to be appropriate by the Department. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned by 4:30 p.m. on the Monday following the scheduled hearing date. If the sign is returned later than the Monday after the Planning Commission meeting, but within two weeks of the meeting, \$50.00 may be refunded. The applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

WATER
STD 419
1" DIA.

NORTH ↓

291'-10" N 72 deg E

Inspections will not be performed without CBJ approved plans on site.

60'-0"

CENTERLINE
COHEN DRIVE

25'-0" SETBACK

26'-0"
EXISTING DRIVEWAY

169'-2" CHORD = N 6 deg 51 min 54 sec E

169'-2" R=2894.79'

27'-0"

Ⓑ

Ⓐ

33'-6 1/2"

15'-0" SIDE SETBACK, typ.

230'-0" N 8 deg 6 min E

FAVORITE CHANNEL

RECEIVED

AUG 01 2012

PERMIT CENTER/CDD

RECEIVED

JUL 26 2012

PERMIT CENTER / CDD

INTAKE REVIEW
Gen Eng. <u>ARL</u>
POC <u>MT</u>
IOC <u>EE</u>
Tech. <u>EE</u>

NOTES:

- Ⓐ - Two Story Building
- Ⓑ - 40' x 60' Parking Pad

265'-5" N 83 deg E
SITE PLAN
1/32" = 1'-0"

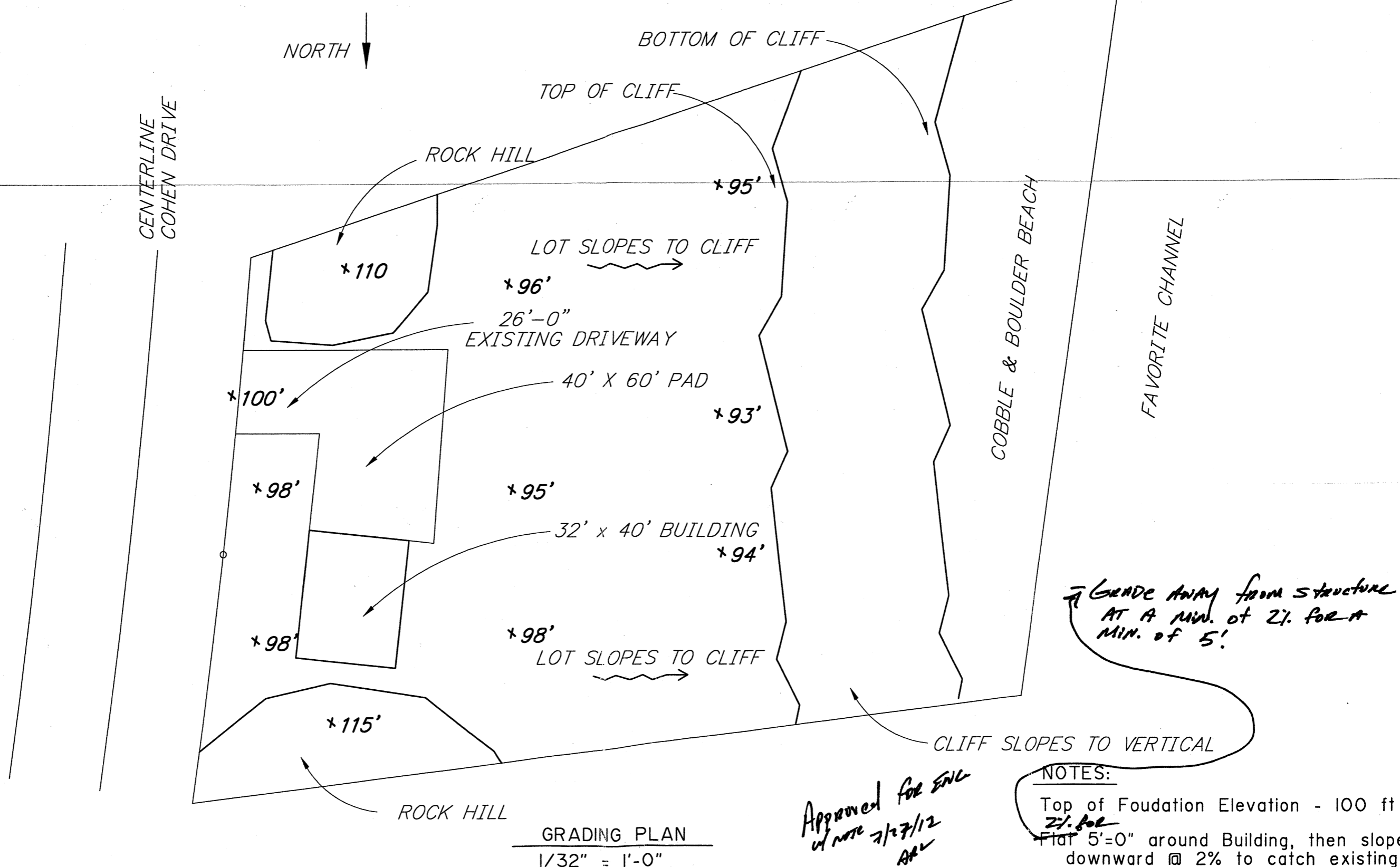
CONSTELLATION DEVELOPMENT

Lot 13 Block 4

Tee Harbor Subdivision

SITE PLAN

ATTACHMENT 4



GRADING PLAN
1/32" = 1'-0"

Approved for ENE
w/ note 7/27/12
RAL

NOTES:
Top of Foudation Elevation - 100 ft
2% for
Flat 5'-0" around Building, then slope
downward @ 2% to catch existing.

CONSTELLATION DEVELOPMENT

Lot 13 Block 4

Tee Harbor Subdivision

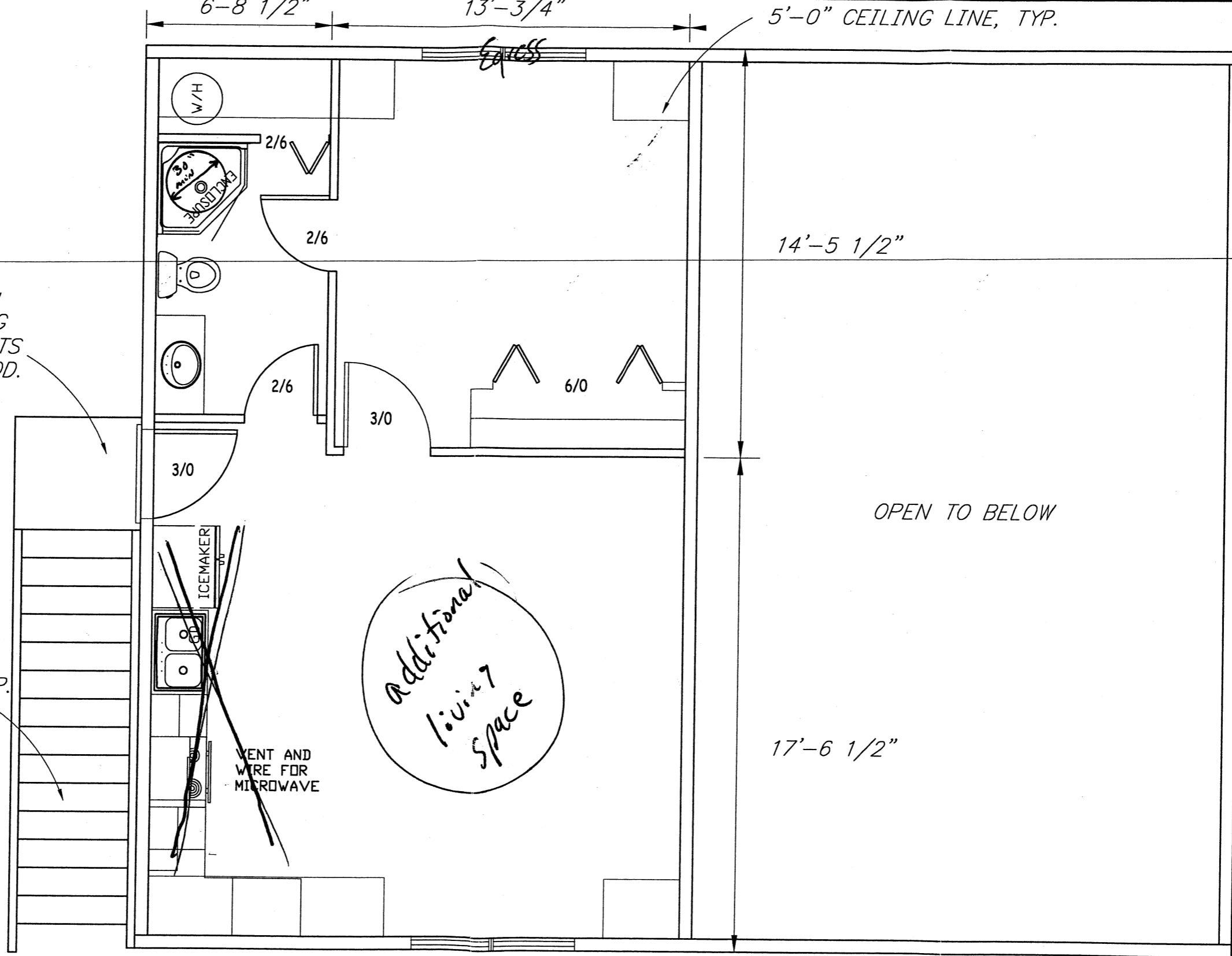
GRADING PLAN

Accessory
Apartment

4'-0" X 4'-0" PLATFORM
4 X 12 TREATED FRAMING
2 @ 4 X 4 TREATED POSTS
SIMPSON HANGERS AS RQD.
3'-6" TREATED RAILING

Fasteners, hangers and brackets used on the exterior of a building and or used with pressure-preservative or fire retardant-treated woods shall be listed and approved products for such use,

4'-0" STEEL GRID TREADS, TYP.
4 X 12 TREATED STRINGERS



2nd FLOOR PLAN
1/4" = 1'-0"

CONSTELLATION DEVELOPMENT

Lot 13 Block 4

Tee Harbor Subdivision

2ND FLOOR PLAN



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Environmental
Conservation

DIVISION OF WATER
Wastewater Discharge Permit Program

410 Willoughby Avenue, Suite 303
P.O. Box 111800
Juneau, Alaska 99811-1800
Phone: 907.465.5300
Fax: 907.465.5274
www.dec.alaska.gov/water

August 1, 2012

RECEIVED

AUG 01 2012

PERMIT CENTER/CDD

Travis Arndt, P.E.
10840 Lilac Drive
Juneau, AK 99801

Re: Approval to Construct Authorization. Advanced Onsite Treatment System with Absorption Field: Tee Harbor Subdivision, Block 4, Lot 13, Juneau, Alaska. ADEC Plan Tracking Number **90XX**.

Dear Mr. Arndt:

The department has reviewed the engineering plans submitted for the referenced project. Approval is hereby given to construct the proposed engineered system on the referenced property. The system consists of a 600 GPD Bluewater NSF approved secondary treatment plant, and a 450 square foot sand-lined drainfield, as per the latest plans submitted to ADEC, and supplemental emails. The system serves a four (4) bedroom house with an estimated maximum wastewater generation of 600 gallons per day.

Advisories and Recommendations:

1. This construction approval is valid for two years. If the project is not constructed within two years, new plans and associated fees must be submitted to ADEC for review and approval.
2. This approval is contingent upon compliance with the conditions of Wastewater Disposal Regulations, 18 AAC 72.235, *Construction Certification*. The noted section of the regulations requires that a "*Certification of Construction*" be completed and submitted to the Department within ninety (90) days of completion of construction. Record drawings, submitted by your engineer, must indicate any changes or deviations from the approved plans to facilitate final review. A "*Certification of Construction*" form is enclosed for your use.
3. This approval is contingent upon your receipt of any other state, federal or local authorizations which are required for your project. You are required to obtain all other necessary authorizations before proceeding with your project.
4. You are advised that if this development will require placing fill in wetlands or working in a stream, river, or lake, permits from the U.S. Army Corps of Engineers and the Alaska Department of Fish and Game may be required. A Coastal Projects Questionnaire will help you identify other permits and approvals that may be required for your project.

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185.

ATTACHMENT 5

August 1, 2012

Informal review requests must be delivered to the Division Director, 555 Cordova Street, Anchorage, Alaska 99501, within 15 days of receipt of the plan review decision. **Adjudicatory hearing requests** must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days of the decision. If a hearing is not requested within 30 days, the right to appeal is waived.

Please call me at 907-465-5167 if you have comments or questions.

Sincerely,



Joran Freeman
Environmental Engineer Associate

Attachments:

- (1) *Certifications of Construction for Domestic Wastewater Systems* to be completed
- (2) *Construction and Operation form*



STATE OF ALASKA
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CONSTRUCTION AND OPERATION CERTIFICATE
 FOR
DOMESTIC WASTEWATER DISPOSAL SYSTEMS

ADEC PTN#: 90XX

A. APPROVAL TO CONSTRUCT

Plans for the construction or modification of the following domestic wastewater disposal system:

600 GPD Bluewater secondary treatment plant, and a 450 square foot sand-lined drainfield

located at Tee Harbor Subdivision, Block 4, Lot 13, Juneau, Alaska,

submitted in accordance with 18 AAC 72.210 by Travis Arndt, P.E. have been reviewed and are

- approved.
- conditionally approved (see attached conditions).

Joran Freeman Environmental Engineer Associate 8/1/2012
 BY TITLE DATE
 Joran Freeman

If construction has not started within two years of the approval date, this certificate is void and new plans and specifications must be submitted for review and approval before construction.

B. APPROVED CHANGE ORDERS

Change (contract order number or descriptive reference)	Approved by:	Date:

C. APPROVAL TO OPERATE

The "APPROVAL TO OPERATE" section must be completed and signed by the Department before this system is made available for use.

The construction of the _____ domestic wastewater disposal system was completed

on _____ (date). The system is hereby granted **interim** approval to operate for 90 days following the completion date.

_____ Environmental Engineer Associate _____
 BY TITLE DATE

As-built/record drawings, submitted to the Department, or an inspection by the Department, has confirmed that the domestic wastewater disposal system was constructed in substantial conformance with the approved plans. **The system is hereby granted final approval to operate.**

_____ TITLE _____ DATE

- Distribution:
1. Retain original for project file
 2. Make copies for distribution