


MEMORANDUM

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

DATE: August 20, 2013

TO: Planning Commission

FROM: Chrissy A. McNally, Planner 
Community Development Department

FILE NO.: AAP2013 0013

PROPOSAL: Conditional Use permit to build a 599 square foot attached accessory apartment within a single family dwelling on a substandard lot a D5 zoning district.

GENERAL INFORMATION

Applicant: Averyl Veliz

Property Owner: Patricia Nordmark

Property Address: 620 Seater Street

Legal Description: Seater Addition Block 1 Lot 5A

Parcel Code Number: 1-C03-0-D01-007-0

Site Size: 5,412 Square Feet

Comprehensive Plan Future Land Use Designation: General Commercial

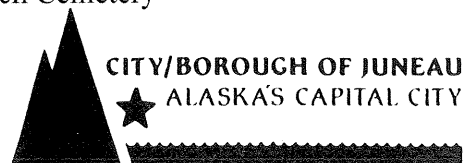
Zoning: D-5

Utilities: City water & sewer

Access: Seater Street

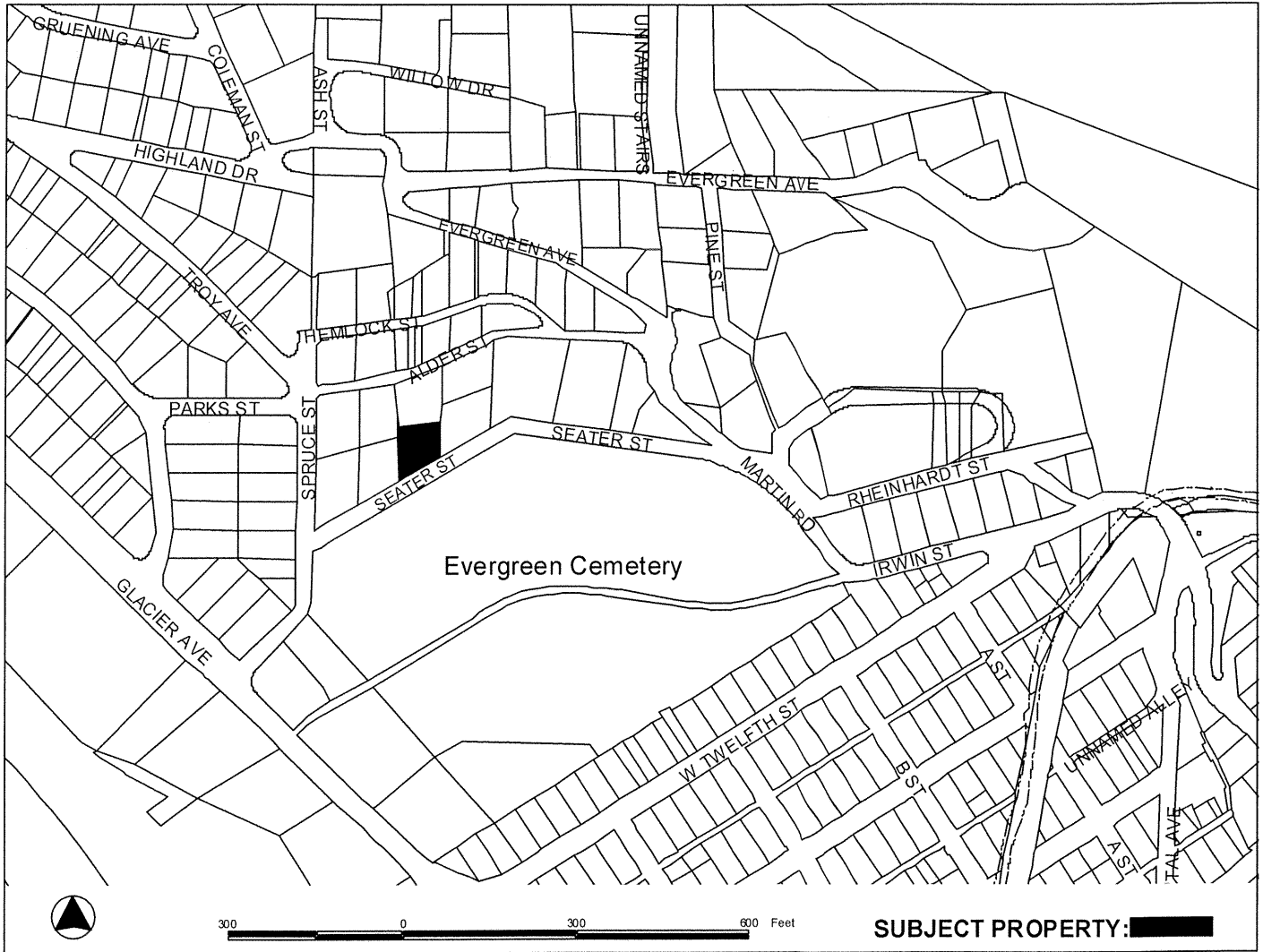
Existing Land Use: Single Family Residential

Surrounding Land Use: North - D5 - Single Family Residential
South - D5 - Evergreen Cemetery



East - D5 – Single Family Residential
West - D5 – Single Family Residential

Vicinity Map



ATTACHMENTS

- Attachment A: Site Plan
- Attachment B: Floor Plan
- Attachment C: Plat
- Attachment D: 1932 plat
- Attachment E: Email from Patricia Nordmark, property owner

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for an accessory apartment within a new single family residence to be built at 620 Seater Street. Seater Street is located on the northern side of Evergreen Cemetery downtown. See vicinity map. The attached house will be reviewed through a Building permit, separate from the Conditional Use permit. A site plan and floor plan of the apartment and primary residence are provided in Attachments A and B.

The subject property is in a D-5 zoning district which has a 7,000 square feet minimum lot size; the property contains only 5,412 square feet. According to CBJ §49.25.510 (d)(2)(G), if an accessory apartment is proposed on a property that is less than the minimum lot area assigned to the zoning district it shall require an approved Conditional Use permit.

BACKGROUND

Accessory apartments are regulated in the Land Use code under CBJ §49.25.510(d)(2), which establishes a one-bedroom or efficiency restriction and a maximum floor area of 600 square feet. One parking space is required for an accessory apartment. Accessory apartments may be attached or detached from the main house located on the same property. The size restrictions on accessory apartments provide extra housing to the community while having little to no impact on residential neighborhoods.

The subject parcel was most recently surveyed in 2011. See Attachment C. The subject parcel contains an 884 square foot single family residence built in 1936. This structure will be demolished and replaced by a 1,598 square foot two story single family dwelling with attached accessory apartment. Of the twelve properties between the parallel streets of Alder and Seater, five meet or exceed the D-5 minimum lot size. See vicinity map. Therefore, five accessory apartments can be permitted outright, while the remaining seven would require a Conditional Use permit because the lots are smaller than 7,000 square feet. The neighborhood block contains single-family homes and one triplex. The adjacent neighborhoods contain single family homes, some containing accessory apartments.

ANALYSIS

Project Site – The property is located along Seater Street on the northern side of Evergreen Cemetery in a D5 zoning district. The lot is 5, 412 square feet. The neighborhood is primarily low density single family residential. Many lots are less than the minimum lot size of 7,000 for the D5 zoning district. There are eight properties that front Seater Street with four properties sharing rear lot lines of properties that front Alder Street to the north. See vicinity map. A steep slope comprises the rear half of the lot. The front portion of the lot is level. Per CBJ 49.25.430(4)(F) the parcel is subject to a reduced front yard setback. The front yard setback is reduced to ten feet from the standard twenty feet required in the D5 zoning district.

As mentioned earlier, there is a single family residence on the lot that is due to be demolished to clear the area for the new larger dwelling. The property was deeded two small extensions to the east and west lot lines in 1987 from the adjacent lots increasing the size of the lot.

Project Design – Attachments A and B provide a site plan and floor plan. The current 884 square foot single family residence due to be demolished, is outlined on the plans. The applicant has applied for a demolition permit to remove the structure (DMO2013 0021). The applicant has applied for a Building permit to construct a residence with 1,598 square feet of living area in addition to the 599 square foot accessory apartment (see Attachment E). The lot size is 5,412 square feet. The minimum lot size in the D5 zoning district is 7,000 square feet. The lot does meet the minimum width and depth requirements for the D5 zoning district. The minimum front and rear yard setbacks in the D5 zoning district are twenty feet. However, due to the grade of the slope on more than half of the lot, the new residence with accessory apartment is allowed a reduced setback of ten feet. Both side yard setbacks of five feet are met.

The apartment will occupy the western side of the ground floor of the main residence. The apartment will be 599 square feet. There is a covered porch at the entryway to the apartment that does not contribute to the allowable living space. The apartment consists of a living room, dining area, kitchen, bathroom and bedroom. A second driveway will be installed in front of the accessory apartment to allow for off street parking (see Attachment A).

Traffic – Seater Street is located in a developed residential area and extends along the northern side of Evergreen Cemetery. It is a street that can be used to access the Highlands neighborhood from Downtown and vice versa. However, there are several other routes vehicles can take to access areas of downtown. While no other accessory apartments exist on the block between Seater Street and Alder Street, five properties could build an accessory apartment without having to go through the Conditional Use permit process. The traffic generated by the proposed accessory apartment is expected to be very low given its size restrictions and is unlikely to adversely impact traffic in the neighborhood. The site plans show the required three on-site parking spaces; one for the accessory apartment and two for the single family home. This will eliminate any need for on street parking by the residents. Therefore, the two way traffic on Seater Street should not be impacted.

Parking and Circulation – Per CBJ 49.40.210(a), the *Table of Minimum Parking Standards*, a single family dwelling requires two parking spaces. An accessory apartment requires a single parking space. Therefore a total of three parking spaces are required. The site plan for the new two story single family dwelling and attached accessory apartment shows a second driveway in addition to the driveway that currently exists on the property. With the additional driveway, there is parking space for three vehicles. Two parking spaces are accommodated on the current driveway on the eastern side of the property and one on the proposed second driveway in front of the entrance to the accessory apartment.

Noise - There are typically one to two occupants of an accessory apartment. Therefore, the additional noise level from the apartment will be low. The combined resulting noise levels from the apartment and house will be similar to other properties in the neighborhood including the one that currently exists on the property.

Public Health or Safety - Increased traffic volume is expected to be low and will not negatively affect the public's health or safety. The site design has accounted for all three required off street parking spaces to avoid on-street parking.

Habitat - The site is in a developed area of downtown. The site is also already developed with a single family residence. Moreover, no eagle nests, anadromous fish streams, wetlands, or other sensitive areas are known to exist on the subject site.

Property Value or Neighborhood Harmony – If the requested permit is approved, the applicants will be allowed to establish an accessory apartment on the subject site, in addition to the existing single-family dwelling. This will result in a slight increase to the residential density on the lot. The increase in density is notable because the subject lot has an area of 5,412 square feet which is below the minimum lot size for the D-5 zoning district. However, because the proposed accessory apartment is to be located within the existing dwelling and is limited to 600 square feet and one bedroom, the increased density is not expected to noticeably impact neighboring property. Additionally, as of the date of this memorandum, staff has received no objections to the proposed project from surrounding property owners.

Conformity with Adopted Plans – According to the 2008 Comprehensive Plan, the property is located in a General Commercial land designation.

The 2008 Comprehensive Plan states that CBJ residents are suffering from a housing crisis and an inadequate supply of housing sizes, locations and prices. The Plan also speaks to high housing prices, overcrowded living conditions, and unsafe and unsanitary housing units. Though there are many housing policies of the plan, the following are relevant to the proposal:

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.

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.

POLICY 4.8 IT IS THE POLICY OF THE CBJ TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF

EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

The proposed accessory apartment will provide an additional housing type and size that will preserve neighborhood character and quality of life. Due to the restrictions of accessory apartments, the increase in density, noise, and traffic levels will be negligible.

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 Accessory Apartment 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-5 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 16th and August 26th 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. The site plans for the proposed accessory apartment provide for an off street parking space. This will ensure that the residence does not contribute to on street parking congestion on Seater Street.

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

No. The size constraints on accessory apartments allow for minimal impacts to existing residential neighborhoods. There is a triplex located on Seater Street and bed and breakfast on the northern side of the neighborhood. The apartment will not decrease the value 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 accessory apartment is consistent with the policies of the 2008 Comprehensive Plan, and complies with 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.

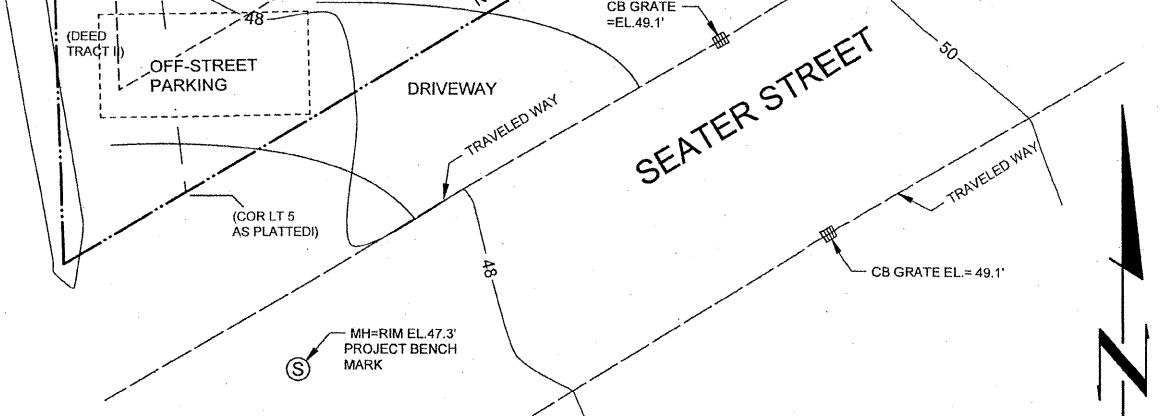
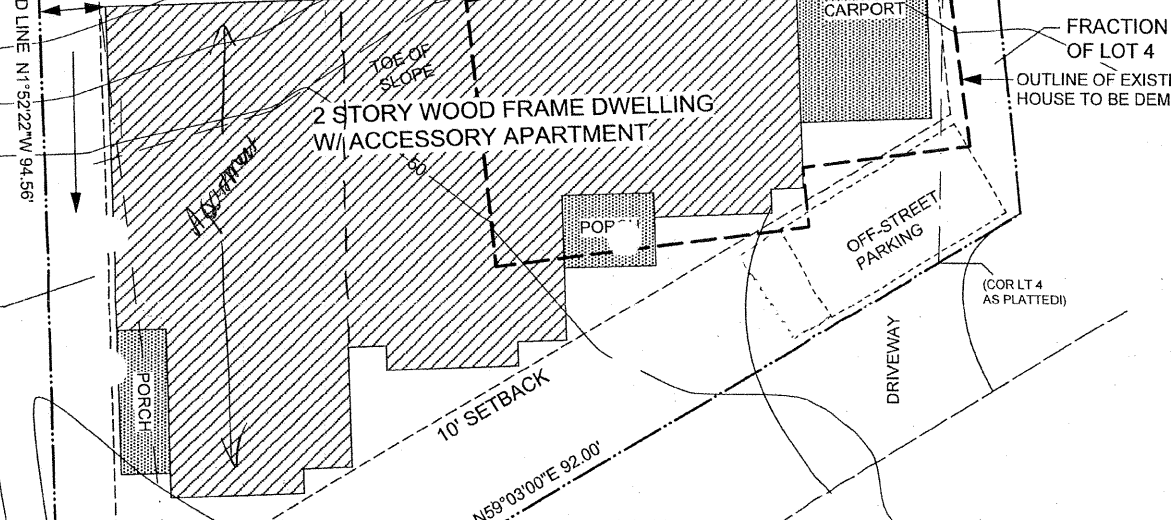
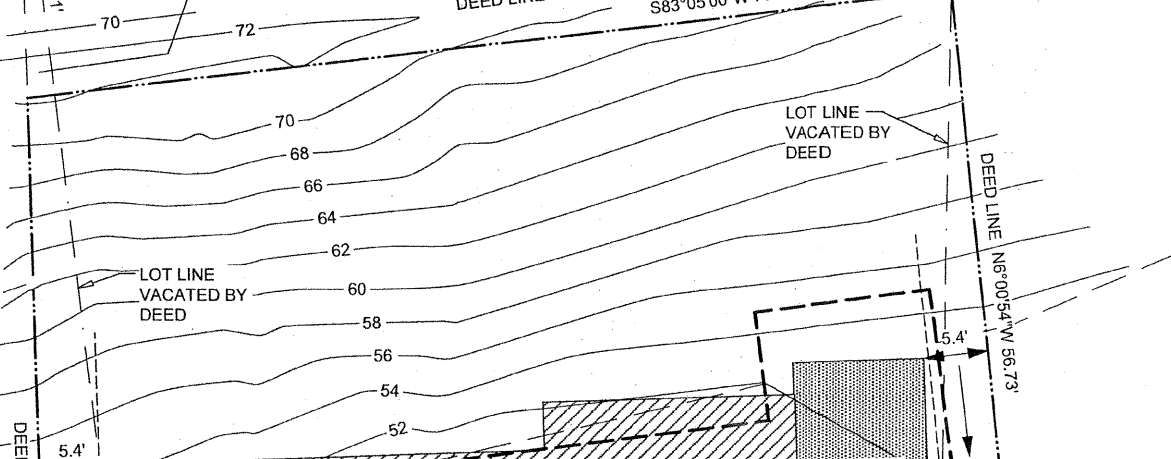
RECOMMENDATION

It is recommended 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 a 599 square foot apartment within a single family residential dwelling.

RECEIVED
 JUL 11 2006
 PERMIT CENTER/CDD

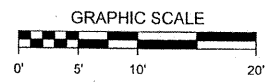
EXCEPTION
 SEE BOOK 286 PAGE 674
 LOT FRACTION DEEDED BY
 POPEJOY TO BEASON 1987

DEED LINE SEE ALSO 2005-002993-0)
 S83°05'00"W 76.60'

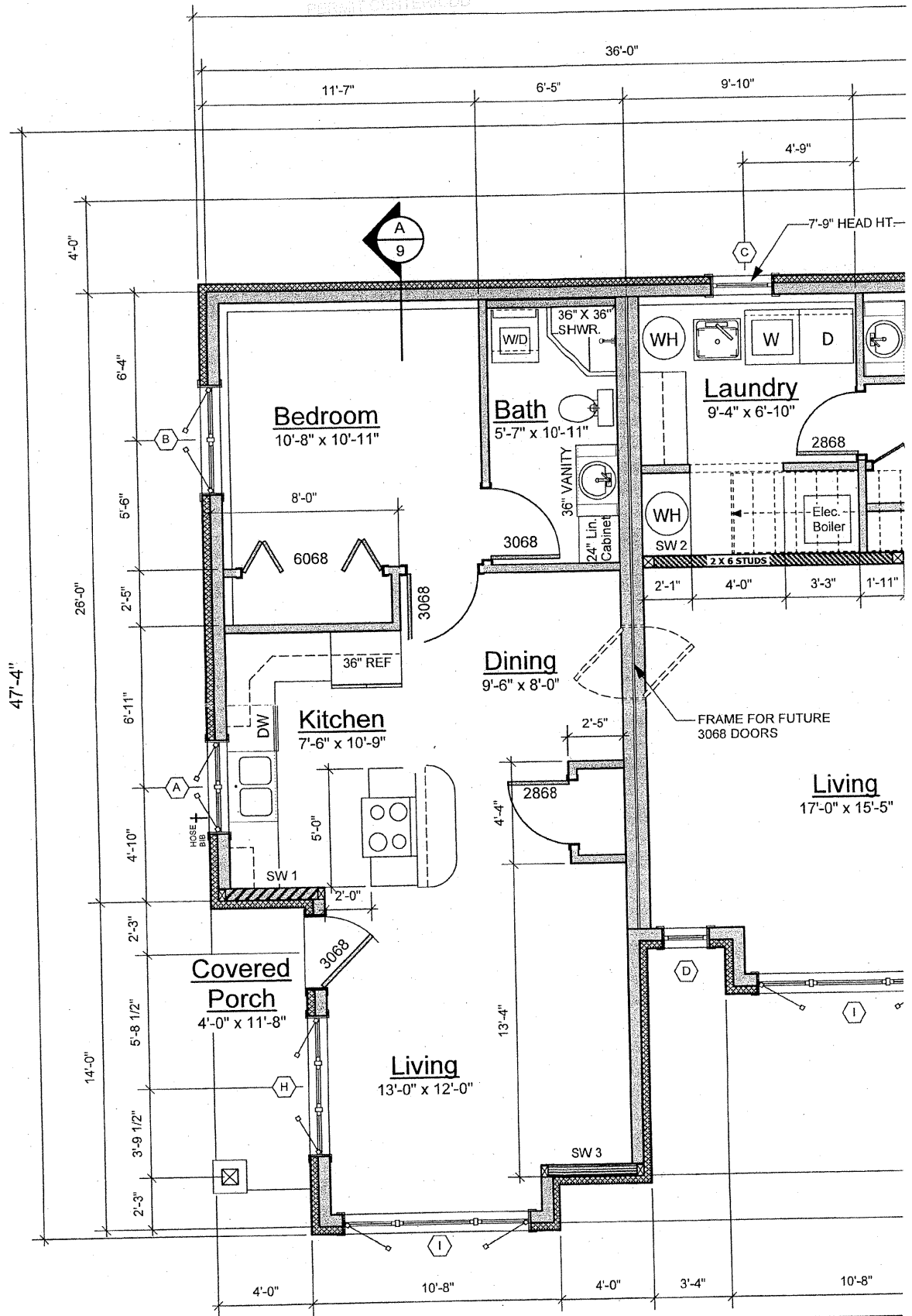


**FRACTIONS OF LOTS 4, 5 & 6 BLOCK 1
 SEATER ADDITION TO THE JUNEAU ALASKA TOWNSITE
 DESCRIBED ON PAGE 585, BOOK 400
 (EXCEPT TRACT DESCRIBED ON PAGE 674, BOOK 286)
 SCALE: 1" = 10'**

NOTE:
 FRONT SETBACK TO BE REDUCED TO 10' PER CBJ LAND USE CODE 49.25.430(4)(F), *Sloping Lots*.



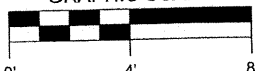
RECORDED
 JUL 11 2002
 PERMIT CENTER/DD



FIRST FLOOR PLAN

1598 SQ. FT. TOTAL LIV. AREA
 ACCESSORY APARTMENT: 599 NET SQ. FT.

GRAPHIC SCALE



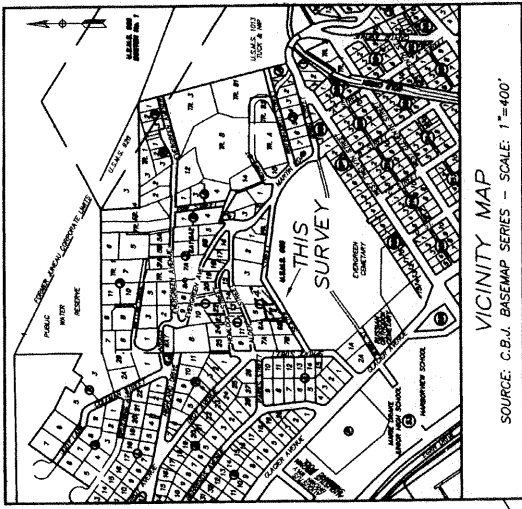
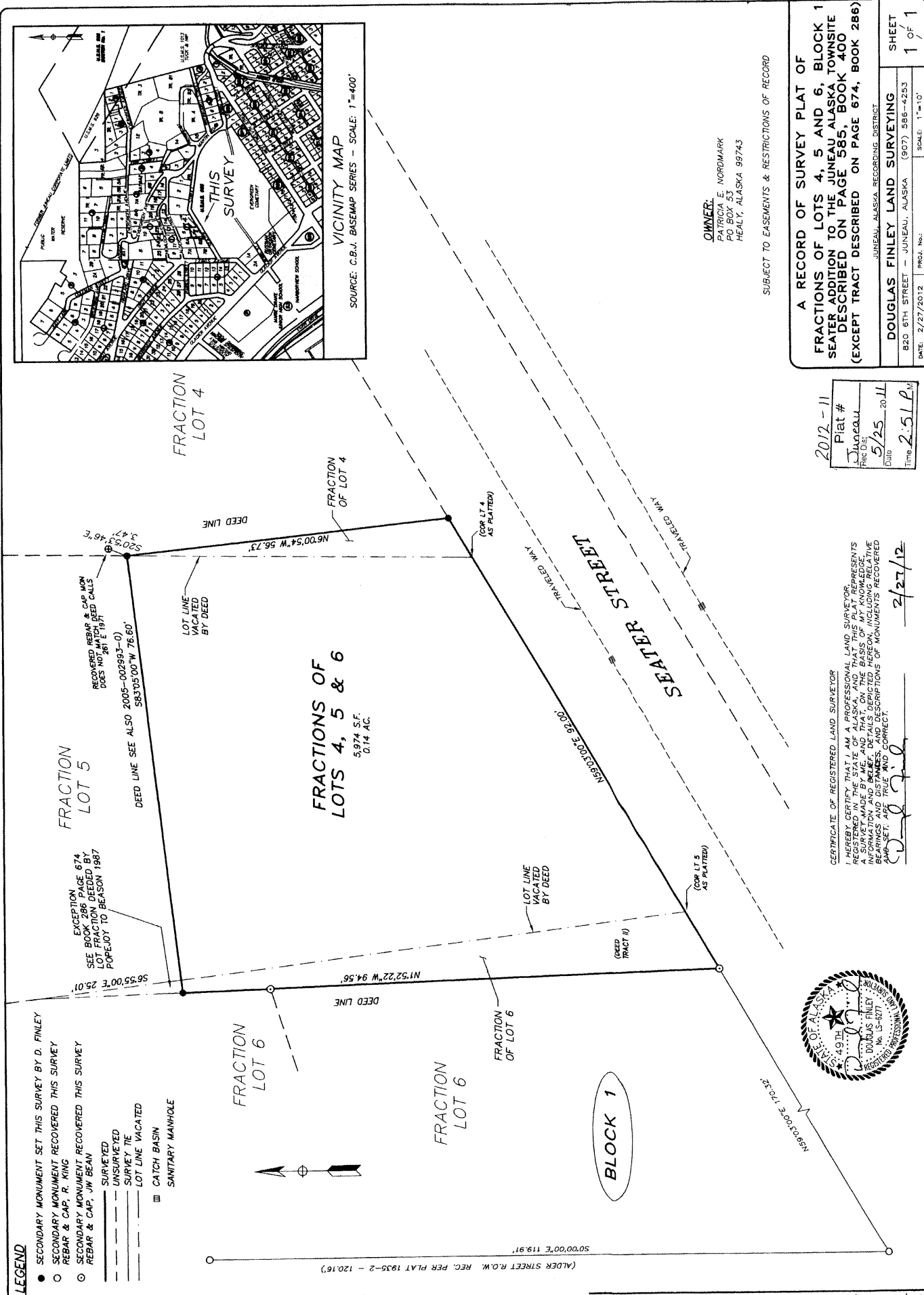
Attachment B

WALL	SHEA
SW 1	15/3:
SW 2	15/3:
SW 3	15/3:
AT SW1 & SW3	

LEGEND

- SECONDARY MONUMENT SET THIS SURVEY BY D. FINLEY
- SECONDARY MONUMENT RECOVERED THIS SURVEY
- REBAR & CAP, R. KING
- SECONDARY MONUMENT RECOVERED THIS SURVEY
- REBAR & CAP, J.W. BEAN
- SURVEYED
- UNSURVEYED
- SURVEY TIE
- LOT LINE VACATED
- CATCH BASIN
- SANITARY MANHOLE

50°00'00"E 119.91'
 (ALDER STREET R.O.W. REC. PER PLAT 1935-2 - 120.16')



OWNER:
 PATRICIA E. NORDMARK
 PO BOX 53
 HEALY, ALASKA 99743

SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD

**A RECORD OF SURVEY PLAT OF
 FRACTIONS OF LOTS 4, 5 AND 6, BLOCK 1
 SEATER ADDITION TO THE JUNEAU ALASKA TOWNSITE
 DESCRIBED ON PAGE 585, BOOK 400
 (EXCEPT TRACT DESCRIBED ON PAGE 674, BOOK 286)**

JUNEAU, ALASKA RECORDING DISTRICT	
DOUGLAS FINLEY LAND SURVEYING	SHEET 1 OF 1
820 6TH STREET - JUNEAU, ALASKA (907) 586-4253	1 OF 1
DATE: 2/27/2012	PROJ. No.: SCALE: 1"=10'

2012-11
 Plat #
 JUNEAU
 Rec. Dist.
 5/25-20.11
 Date
 Time 2:51 P.M.

CERTIFICATE OF REGISTERED LAND SURVEYOR
 I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR
 REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS
 A SURVEY MADE BY ME, AND THAT, ON THE BASIS OF MY KNOWLEDGE,
 BEARINGS AND DISTANCES, AND DESCRIPTIONS OF MONUMENTS RECOVERED
 AND SET, ARE TRUE AND CORRECT.

2/27/12



From: Patsy Nordmark <patsy@mtaonline.net>
Sent: Sunday, August 18, 2013 8:59 PM
To: Christine McNally
Subject: testimony for August 27

August 18, 2013

Ms. McNally,

Please include the following statement in the packet for the Planning Commission meeting for August 27.

Thank you for your consideration of a "Conditional Use Permit for an Accessory Apartment" for a dwelling I plan to construct at 620 Seater Street. This property borders Evergreen Cemetery on the north side and has been in our family since 1950. I grew up in the existing house, built in 1940, and my parents, Ruth and Jack Popejoy, continued to live in the house until their deaths in 1992 and 1993. My plan is to demolish the existing house and to construct a new 3-bedroom house with an attached accessory apartment on the property. The house and apartment are designed to take up most of the flat part of the lot so that we will not have to cut into the steep hill at the rear of the property. My daughter, Averyl Veliz, the applicant for the building permit, will move her family into the main house upon completion. The rental income from the accessory apartment will make this project affordable for me, and will add a mid-priced unit to the Juneau rental market. I am motivated to proceed with demolition and new construction to provide a place for myself and my husband to live in our old age when we can no longer maintain our rural life style in our present home in Healy, in interior Alaska. The accessory ground floor apartment gives me an additional option for myself if I should need assisted living in the same building with one of our children's family.

I have talked in person with our nearest neighbors on Seater and Alder Streets, and they voiced support for my plans. Thank you for listening to me speak at your August 13 meeting. I have returned to Healy, and will not be able to be present on August 27. My daughter had a baby on August 14, and will not be able to be present, either.

I urge you to give your approval for the "Conditional Use Permit for an Accessory Apartment" for 620 Seater Street.

Best regards,
Patricia Nordmark
P.O. Box 53
Healy, Alaska 99743
Phone 907 683 2411
patsy@mtaonline.net

Attachment E

ACCESSORY APARTMENT APPLICATION

Project Number	Project Name (15 characters)	Case Number AAP 2013 0013	Date Received 7/11/13
----------------	------------------------------	-------------------------------------	---------------------------------

DESCRIBE THE ACCESSORY APARTMENT:

599 sq ft. 1 bedroom attached to main house

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 599 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 _____ Proposed Total Spaces 1

(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 D-5

UTILITIES AVAILABLE

MINIMUM LOT SIZE (\$49.25.400) 7000

WATER: Public On Site

ACTUAL LOT SIZE**** 5412

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
Application Fees	See Building Permit			
Fees (Conditional Use Permit)				
Application Fee	\$ <u>350.00</u>			
Public Notice Sign Fee	\$ <u>50.00</u>			
Public Notice Sign Deposit	\$ <u>100.00</u>			
Total	\$ <u>500.00</u>	<u>015795</u>	<u>CD3989</u>	<u>7/11/13</u>

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

TO BE COMPLETED BY THE APPLICANT

DEVELOPMENT PERMIT APPLICATION

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

INFORMATION	Project Description <i>New single family dwelling with an attached accessory apartment.</i>		
	PROPERTY LOCATION		
	Street Address	<i>620 Seater St</i>	City/Zip <i>Juneau, AK 99801</i>
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <i>Lot 5A Block I Seater Addition</i>		
	Assessor's Parcel Number(s) <i>1C030D010070</i>		
	Property Owner's Name	Contact Person:	Work Phone:
	<i>Patricia Nordmark</i>	<i>Patricia</i>	<i>608.4500</i>
	Mailing Address	Home Phone:	Fax Number:
	<i>PO Box 53 Hedy, AK 99743</i>	<i>608.3.2411</i>	
	E-mail Address	Other Contact Phone Number(s):	
<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>			
<input checked="" type="checkbox"/> <i>Patricia E Nordmark</i> Landowner/Lessee Signature		<i>7.11.2013</i> Date	
<input checked="" type="checkbox"/> Landowner/Lessee Signature		Date	
<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 INFORMATION			
Applicant's Name	Contact Person:	Work Phone:	
<i>Avery Veliz</i>	<i>Avery</i>		
Mailing Address	Home Phone:	Fax Number:	
<i>428 East St. Juneau, AK 99801</i>			
E-mail Address	Other Contact Phone Number(s):		
<i>averyveliz@gmail.com</i>	<i>Cell: 310.962.8492</i>		
<input checked="" type="checkbox"/> <i>Avery Veliz</i> Applicant's Signature		<i>7.10.2013</i> Date of Application	

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	<input checked="" type="checkbox"/>	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)	<i>7/11/13</i>	<i>AAP 13-0013</i>
		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:				ESF