

MEMORANDUM

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

DATE: August 21, 2013

TO: Planning Commission

FROM: Chrissy A. McNally, Planner *CM*
Community Development Department

FILE NO.: USE2013 0025

PROPOSAL: Conditional Use to operate a 4 bedroom bed and breakfast in the D5 zoning district.

GENERAL INFORMATION

Applicant: David Heimbigner

Property Owner: Heimbigner Trust

Property Address: 635 Alder Street

Legal Description: Seater Addition Block 1 Lot 6A

Parcel Code Number: 1-C03-0-D01-008-0

Site Size: 5,801 Square Feet or 0.1332 Acres

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential

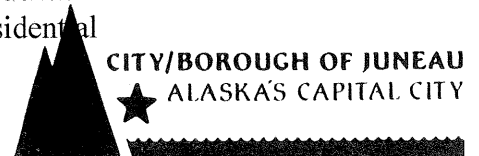
Zoning: D-5

Utilities: City water & sewer

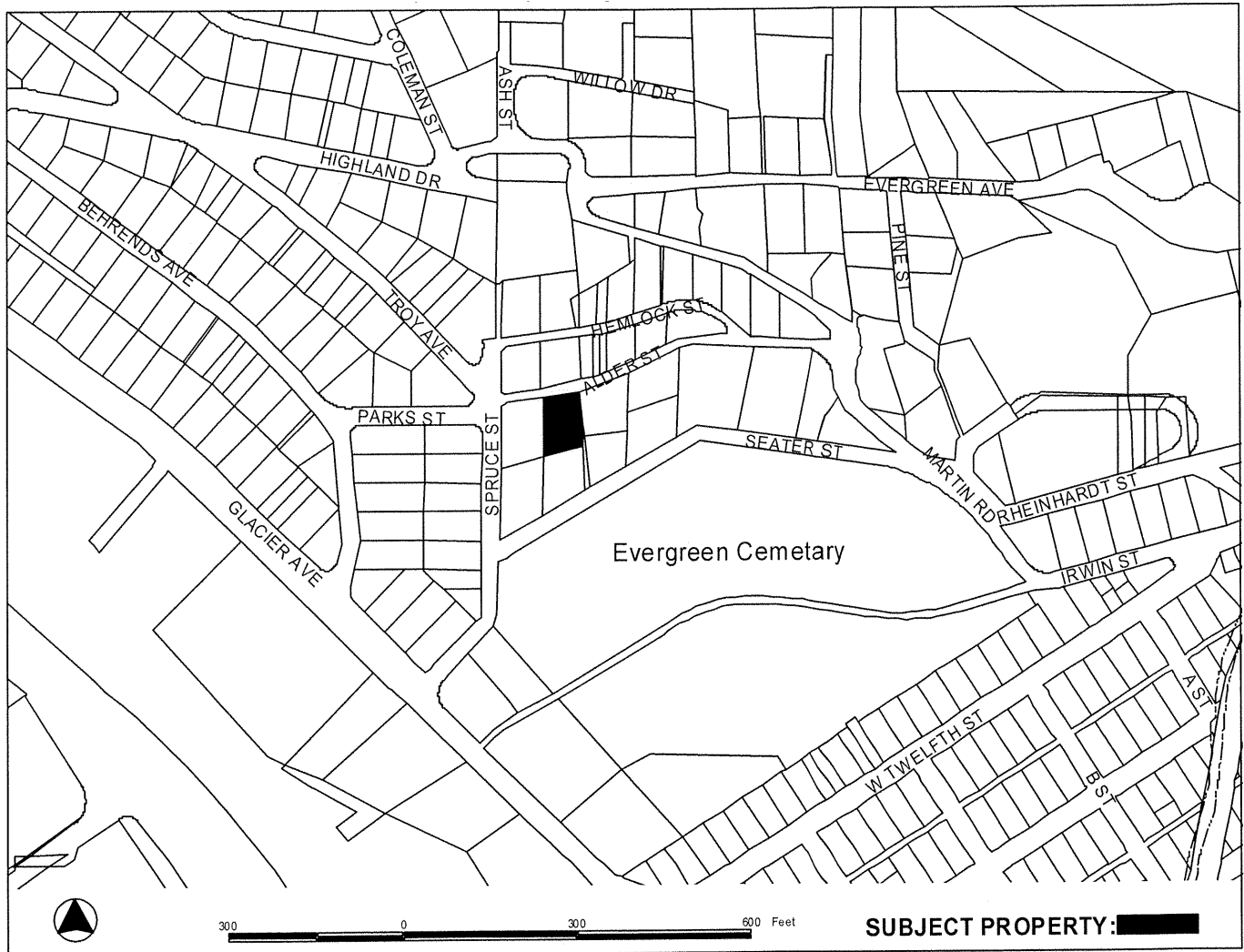
Access: Alder Street

Existing Land Use: 4 bedroom bed & breakfast

Surrounding Land Use: North - D5 – Single Family Residential
South - D5 – Single Family Residential
East - D5 – Single Family Residential
West - D5 – Single Family Residential



Vicinity Map



ATTACHMENTS

- Attachment A: As Built
- Attachment B: Floor Plans
- Attachment C: Letter from Community Development

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the operation of a four bedroom bed and breakfast. There is a basement living area that functions as the caretaker's residence.

BACKGROUND

According to the applicant, the site operated as a bed and breakfast from 2000 to 2002 without a Conditional Use permit. From 2002 to early 2013 the site was leased intermittently as a residential rental unit and for private events with the owner living off-site. In the summer of 2012 a complaint was received by the Community Development Department from a neighboring property owner. The complaint was regarding vehicles associated with the Jorgenson House parking on their property. According to the applicant and neighbor, this complaint was associated with traffic from a film group that rented the Jorgenson House to film a television show.

Investigation of this complaint revealed that the Jorgenson House was possibly operating a bed and breakfast without a Conditional Use permit. The applicant was contacted by Community Development Department staff in September 2012 to inform the applicant that a Conditional Use permit was required to operate a bed and breakfast in accordance with CBJ 49.25.300 *Table of Permissible Uses* (see Attachment C). According to the applicant, family issues have made the operation of a bed and breakfast impractical for some time. While the website advertising the Jorgenson House as a bed and breakfast has been functional, the owners are just now able to fully operate a bed and breakfast. The applicant is now seeking a Conditional Use permit to continue operation of the bed and breakfast.

ANALYSIS

Project Site – CBJ 49.80.120 defines a bed and breakfast as, “a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site”. The site is located in a D5 zoning district one block north of Evergreen Cemetery in a low density residential neighborhood. According to CBJ 49.25.300 *Table of Permissible Uses* bed and breakfasts are allowed in the D5 zoning district with a Conditional Use permit.

The project site is on two adjacent lots. The primary residence and guest driveway are exclusively on the easterly Lot 6A. The garage, second driveway and a portion of the deck are on the westerly Lot 7A on the corner of Alder and Spruce Streets (see vicinity map). Lot 6A is 5,801 square feet and Lot 7A is 8,132 square feet for a total of 13,933 square feet. The residence at 635 Alder Street is a 2,362 square foot home. The site is bordered on the north by Alder Street and single family residences, on the west by Spruce Street and single family residences, and on the south and east by single family residences.

Project Design – According to the assessor’s website, the original house was built in 1915. The second story was demolished and renovated in 1984 to include the three bedrooms and three bathrooms that exist today (BLD16789). There is also a sitting area on the second floor. The first floor contains the fourth bedroom and bathroom as well as a half bathroom, kitchen, dining room and living room. According to the applicant, the first floor bedroom is also used as a spa room for the guests of the bed and breakfast. It is rented as a guest room when demand is high. A 300 square foot

deck was added to the south and west sides of the property in 2004. There is an exit in both directions onto the deck. The caretaker living area is located in the basement (see Attachment B). The applicant plans to operate the bed and breakfast during the peak summer months with the intention of progressing to year-round operation.

Traffic – The bed and breakfast is in a residential neighborhood with most traffic consisting of residents driving to and from home. Narrow two-way streets surround the site. Alder Street does not allow for oncoming vehicles to pass side-by-side. Staff received a call from a neighboring property owner on August 12, 2013 objecting to the use of Jorgenson House as a bed and breakfast because they believe the use will increase traffic and illegal parking. The concern stems from the use of the residence by a film group in 2012, as previously noted. The neighbor stated that the group renting the Jorgenson House used their private off street parking. The owners of the Jorgenson House state that they offered to purchase “No Parking” signs for the neighbor’s parking space parallel to Alder Street and across from the Jorgenson House guest driveway to mitigate any future illegal parking. According to the owners, the neighbor did not accept the offer.

According to the applicant, most bed and breakfast guests do not bring vehicles, but use charter services and taxis for transport. There is no evidence to suggest that the addition of 2 to 4 vehicles or minimal guest pick-up and drop-off would cause congestion or traffic delays for residents of the neighborhood. The owner has posted a speed limit sign on the garage facing west indicating the 15 mph speed limit (see Figure 2).

Parking and Circulation - The parking requirement for a bed and breakfast is 1 space per 2 bedrooms (CBJ 49.20.210). There are four quest bedrooms and a caretaker bedroom. Therefore, a total of 3 parking spaces are the required for this development. The site has two driveways to accommodate guests and residents (See Figures 1 & 2). If all four bedrooms were rented by parties each driving their own vehicle there would be sufficient parking to accommodate all vehicles. The availability of off-street parking ensures guests and caretakers will not park or unload on the street filling space needed by residents. To avoid any future conflicts over parking staff recommends that the applicant place parking signs at the entrance to the driveways to discourage any use of the neighbor’s parking space. The applicant is amenable to this solution.



Figure 1: Guest Driveway



Figure 2: Owner & Overflow Driveway

Noise –The bed and breakfast operates on two lots. There is a vegetative buffer on the west side of the property along Spruce Street. There is additional vegetation around much of the property which provides privacy for guests as well as neighbors. There is no evidence to suggest that the rental of four bedrooms as a bed and breakfast would create noise that would disturb the neighboring property owners.

Public Health or Safety – There is no evidence to suggest that the proposed operation would endanger public health or safety. The applicant has taken measures to provide sufficient off street parking and posted a speed limit sign on the garage facing west for oncoming traffic. Neither the Fire Department nor the Juneau Police Department has any issues with the proposed use.

Habitat - The bed and breakfast is in a residential area that has been developed for many decades. This permit is needed to operate a bed and breakfast in a pre-existing residence. No additional structures are being built that would affect wetlands, eagles' nests or anadromous fish streams. 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 - The surrounding area is primarily single family residential, some with accessory apartments. The owners have renovated the home significantly, increasing the value of the dwelling. There is no expectation that the operation of a bed and breakfast will have a net positive or negative impact on property values.

The complaint received by CDD staff in 2012 indicates that neighborhood harmony has been affected by actions of renters of the Jorgenson House. However, as previously stated, if the complaint was regarding parking and traffic during the rental of the Jorgenson House for the filming of a television show, then that use is not associated with the operation of a bed and breakfast. Neighborhood harmony will be better protected with the owners living on-site.

Conformity with Adopted Plans - Issuance of a conditional use permit for a four bedroom bed and breakfast is allowable based on CBJ 49.25.300 *Table of Permissible Uses*. The Comprehensive Plan identifies the need to promote independent and over-night travelers and promote “development that supports year-round visitor services and activities”. Further, the Comprehensive Plan states:

Policy 5.4 IT IS THE POLICY OF THE CBJ TO ENCOURAGE TOURISM, CONVENTION AND OTHER VISITOR-RELATED SERVICES, WHILE PROTECTING JUNEAU’S NATURAL, CULTURAL AND ECONOMIC ATTRACTIONS FOR LOCAL RESIDENTS AND VISITORS ALIKE, AND TO PARTICIPATE IN THE ACCOMMODATION OF THE FUTURE GROWTH OF TOURISM IN A MANNER THAT ADDRESSES BOTH COMMUNITY AND INDUSTRY CONCERNS.

A small locally owned and operated bed and breakfast is in conformance with this vision as set forth in the Comprehensive Plan.

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 1.610 for the D5 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. Based on the preceding staff analysis, no evidence is found to indicate that the proposed use, with conditions, will materially endanger the 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. Based on the preceding staff analysis, no evidence is found to indicate that the proposed use of 635 Alder Street as a 4 bedroom bed and breakfast 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. Based on the preceding staff analysis, it is found that the proposed development is in general conformity with the Comprehensive Plan of the City and Borough of Juneau.

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

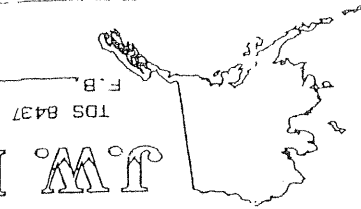
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a four bedroom bed and breakfast in the D5 zoning district. The approval is subject to the following conditions:

1. Parking signs shall be posted at both driveway entrances in a medium designed for such purposes prior to the issuance of a Conditional Use permit.

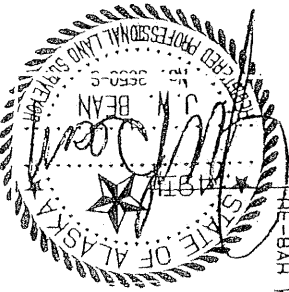
AS-BUILT SURVEY OF
 LOTS 6A & 7A, BLOCK 1
 SEATER ADDITION
 TOWNSITE OF JUNEAU

J.W. BEAN

JOB No 12737
 SCALE AS-SHOWN
 DATE 11-22-03



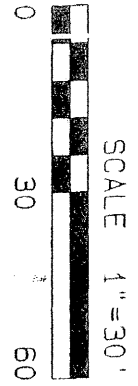
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT. THAT ALL
 WALLS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN
 AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE
 BEST OF MY KNOWLEDGE.



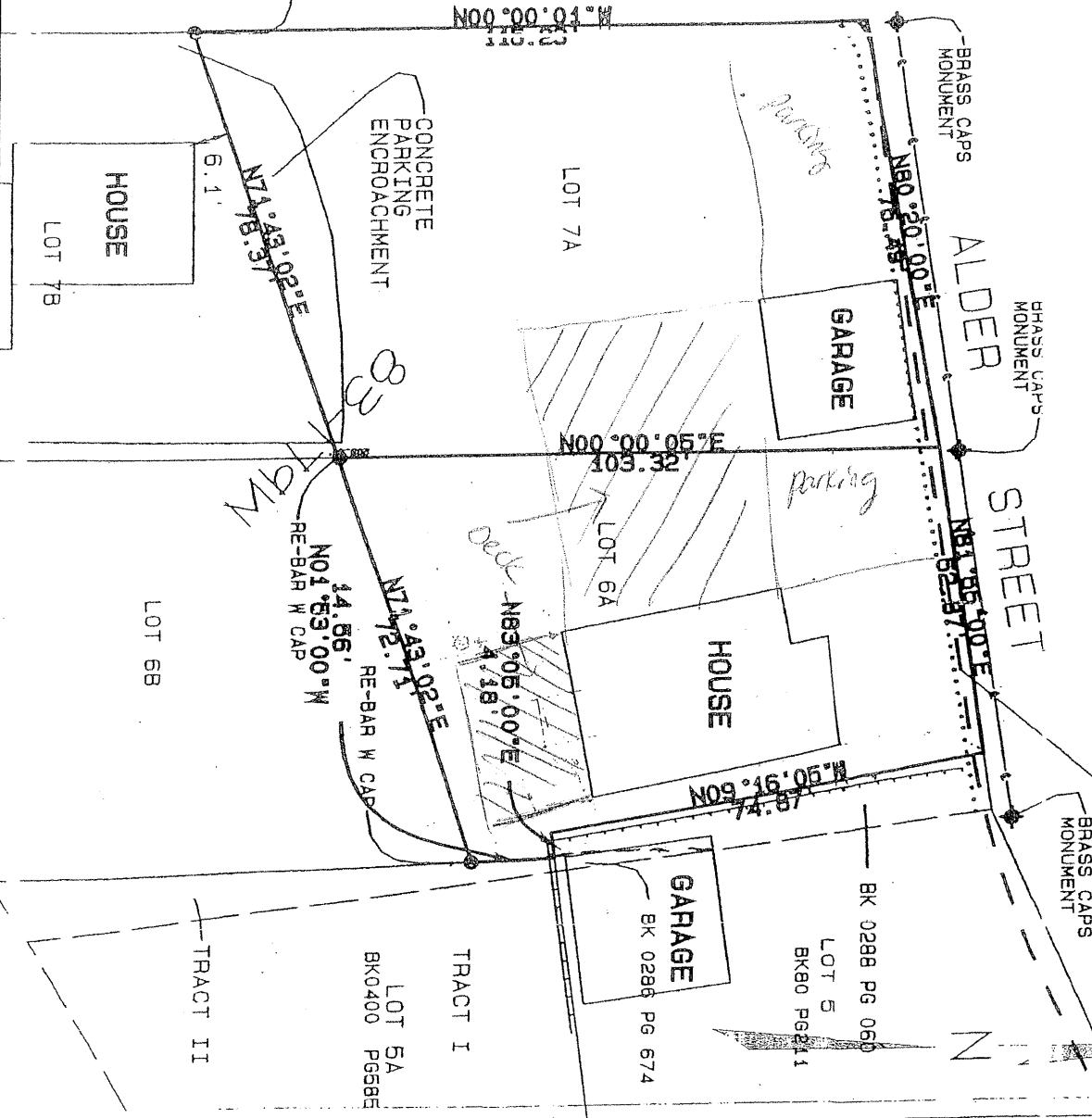
PARKS
 STREET

TRACY AVENUE

SPRUCE STREET



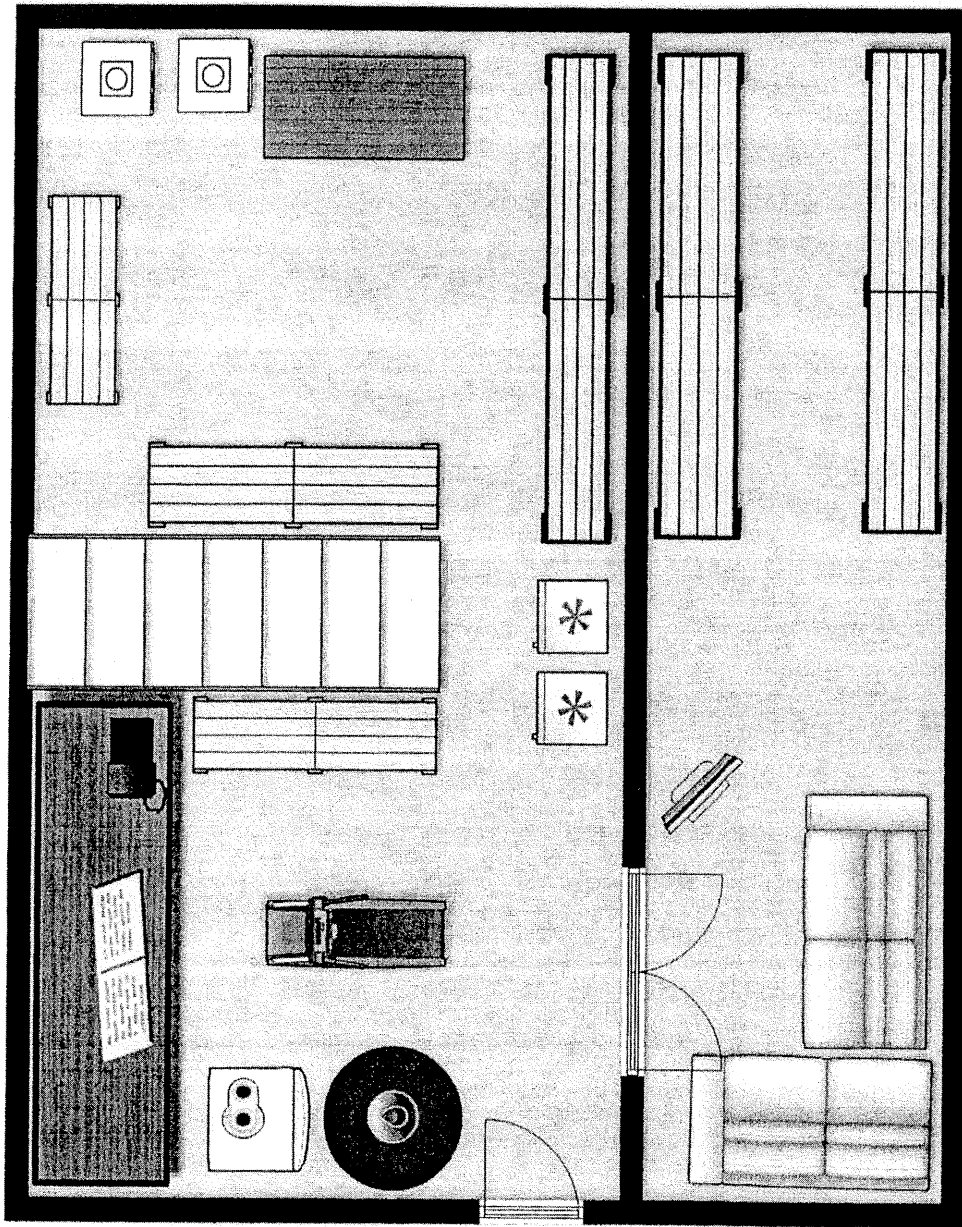
- 2 STREET EASEMENT
- BK 0423 PG 357
- BK 0421 PG 487
- BK 0269 PG 574



RECEIVED

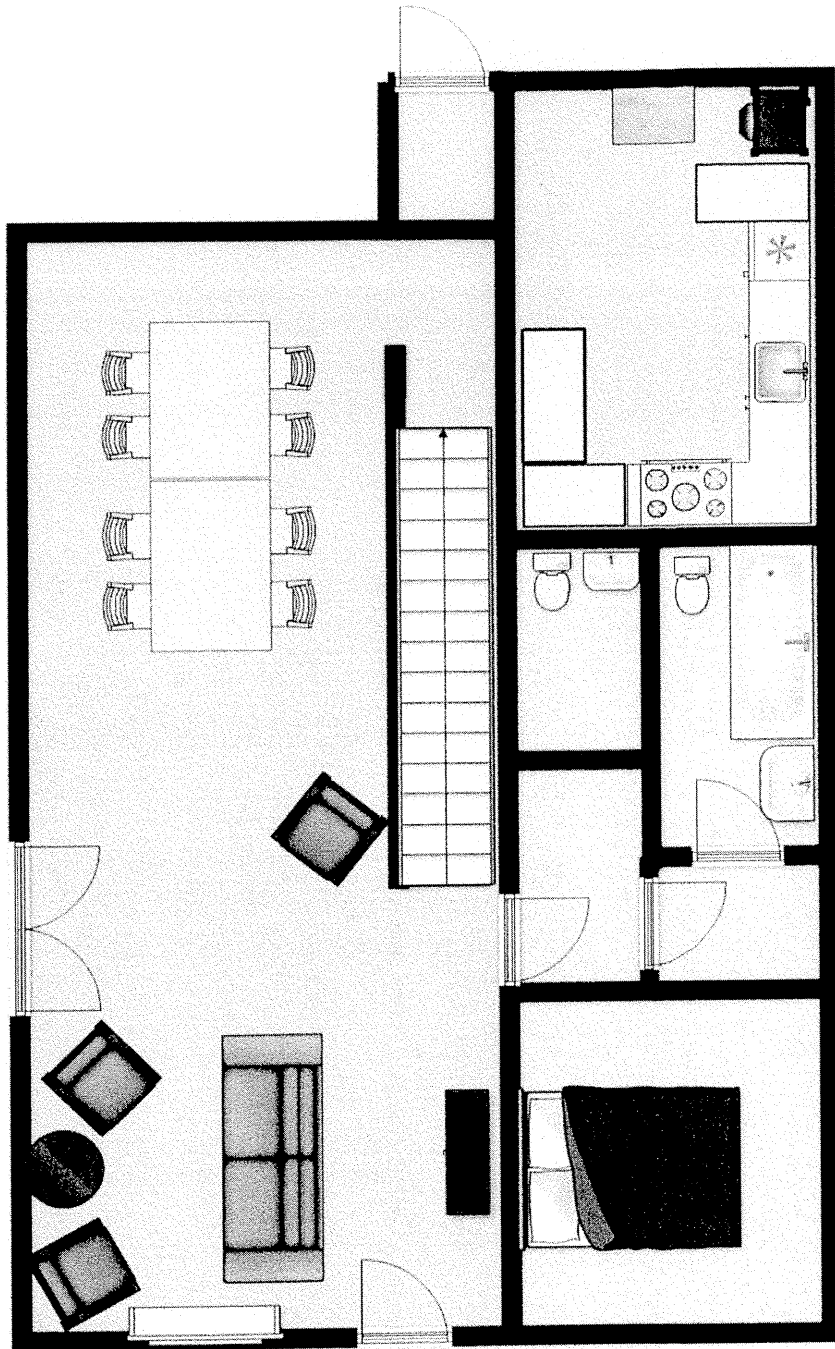
AUG 10 2003

PERMIT CENTER / CDD



basement (car taker)
 Ⓟ





REVIEW
2012-12-12
PER [unclear]

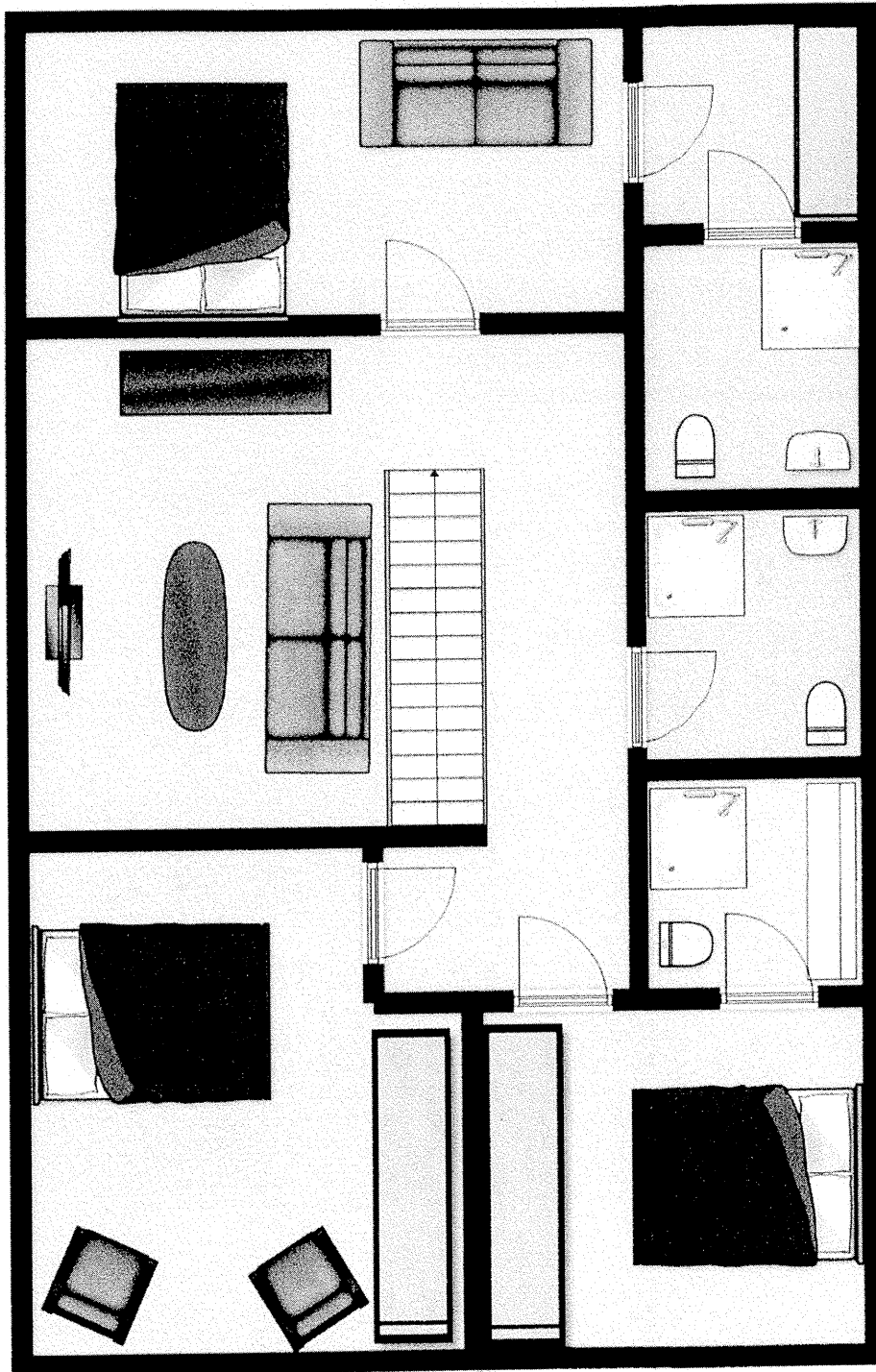
0ft

12ft

24ft

floor planner

2nd Floor (Street level)



REVISION
 10/10/2021
 10/10/2021

0ft

12ft

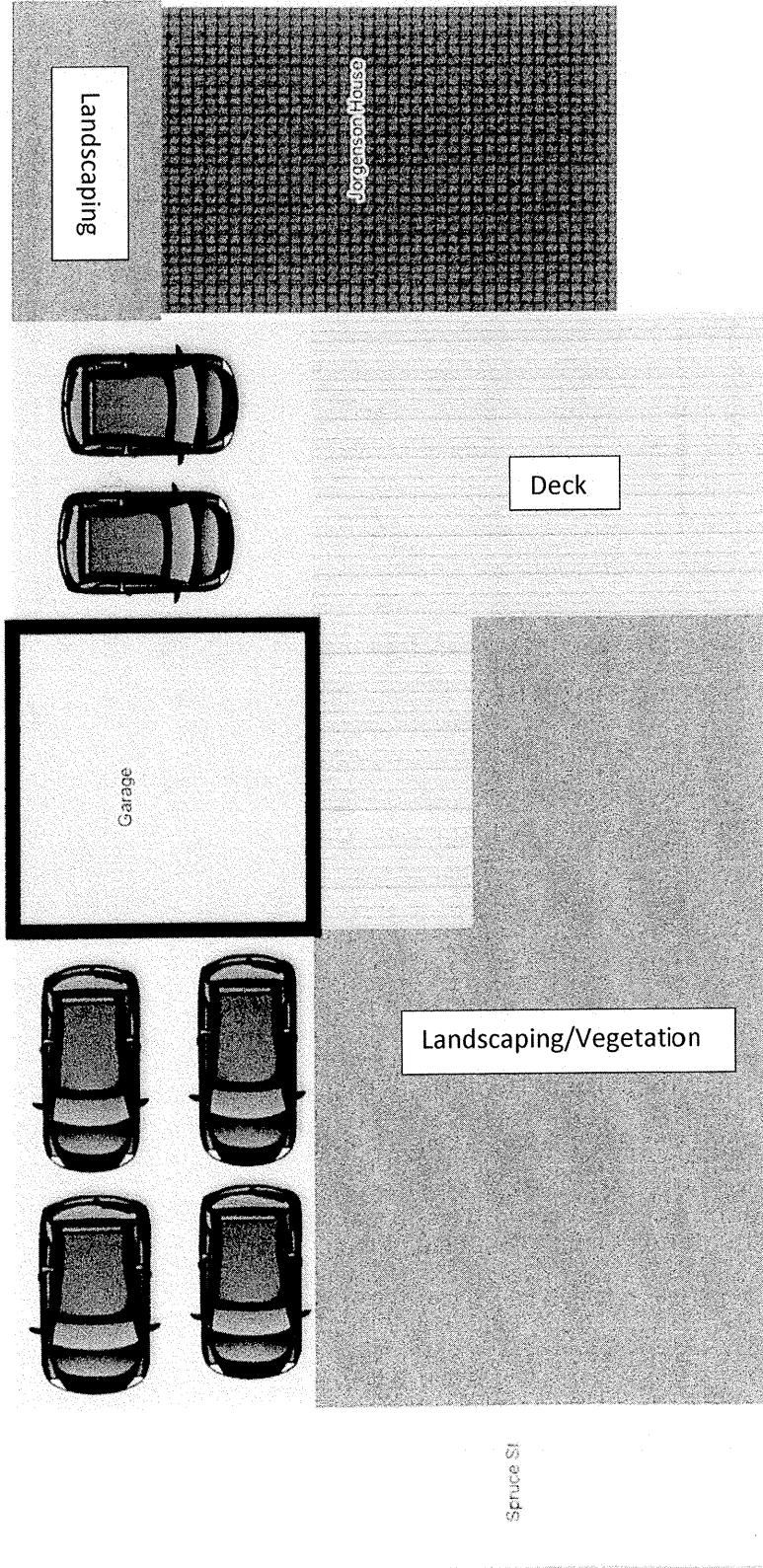
24ft

floor planner

Top Floor (3rd)

Attachment B

Alder St



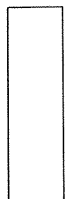
floor plan

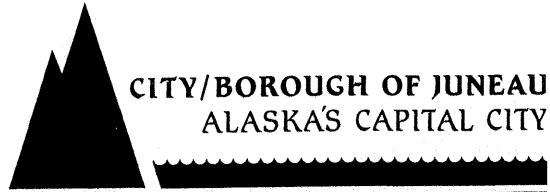
RECEIVED
 JUL 12 2011
 PERMITS DEPT

12m

6m

0m





September 10, 2012

Parcel No: 1-C03-0-D01-008-0

Heimbigner Trust
David & Renda Heimbigner, Trustees
635 Alder St
Juneau, Alaska 99801

Re: Bed and Breakfast Conditional Use Permit

Dear David and Renda;

Community members have brought to the attention of the City and Borough of Juneau that Jorgenson House guests are parking on nearby, private property. Through investigating this issue, it appears that the Jorgenson House Bed and Breakfast is a business that may require a Conditional Use Permit. Review into parcel files for this property show that in 2004, Renda wrote a letter (attached) acknowledging the intent to apply for a conditional use permit, which was apparently not done.

Your property, 635 Alder Street, is located in the D5 single-family and duplex residential zone. In this zone, bed and breakfasts are allowed only through the Conditional Use review process. A Bed and Breakfast means, "A dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site". This definition includes boarding and rooming houses. An internet search showed the Jorgenson house advertised with a capacity of four bedrooms to serve eight people (www.Travel.Juneau.com). Such a business would require a Conditional Use review.

If you believe that your business does not require a Conditional Use permit because it does not provide more than two bedrooms for rent, please submit current advertising materials, a floor plan for both the home and the adjacent outbuilding, or other similar evidence to support your statement.

If your business does fall into the category described above and requires a Conditional Use permit, please contact the CDD at 586-0715 to set up a pre-application conference. A pre-application conference with CDD staff is required prior to submittal of these forms. This conference serves to help you, the applicant, understand the requirements of the process and provides our department the opportunity to discuss potential concerns or questions about the project.


Attachment C

Heimbigner Trust
September 10, 2012
Page 2 of 2

Attached are the application materials for a Conditional Use permit. Please contact me within two weeks of the date of this letter to either begin the application process or submit information showing that your business does not meet the B&B definition.

If you have any questions regarding this letter or the process for making a formal application, please contact me by phone at 586-0757 or e-mail crystal_hitchings@ci.juneau.ak.us.

Sincerely,



Crystal Hitchings, Planner I
Community Development
(tel) 907-586-0756
(fax) 907-586-3365
crystal_hitchings@ci.juneau.ak.us

Enclosures: Conditional Use Permit Application; Development Permit Application; Letter from Renda Heimbigner to Community Development Department, dated 9/14/04.

cc: Greg Chaney; Hal Hart; Ron Schramm

Attachment C

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		USE 2013005	6/27/13

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: Bed and Breakfast

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

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

B & B RENTING OUT 3-4 BDRMS

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

NO YES - Case # _____

CURRENT USE OF LAND OR BUILDING(S): RESIDENTIAL

PROPOSED USE OF LAND OR BUILDING(S): B & B SEASONAL

UTILITIES PROPOSED:

WATER: Public On Site

SEWER: Public On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 5801 square feet Total Area of Existing Structure(s) 3600341 square feet
 Total Area of Proposed Structure(s) N/A 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 type="checkbox"/> Site Plan | <input type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation |
| <input type="checkbox"/> Floor Plan of proposed buildings | <input type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) |
| <input type="checkbox"/> Elevation view of existing and proposed buildings <u>(or photos)</u> | |
| <input 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	\$ 350.00		
Admin. of Guarantee	\$		
Adjustment	\$		
Pub. Not. Sign Fee	\$ 50.00		
Pub. Not. Sign Deposit	\$ 100.00		
Total Fee	\$ 500.00	8207	0003916 6/27/13

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: <u>6/27/13</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <u>BED + BREAKFAST CONDITIONAL USE PERMIT</u>		
	PROPERTY LOCATION		
	Street Address <u>635 ALDER ST.</u>	City/Zip <u>99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)		
	Assessor's Parcel Number(s) <u>1-C03-0-001-008-0</u>		
	LANDOWNER/LESSEE		
Property Owner's Name <u>REDA + HEIMBIGNER TRUST</u>	Contact Person: <u>DAVID</u>	Work Phone: <u>723-7996</u>	
Mailing Address <u>635 ALDER ST.</u>	Home Phone:	Fax Number:	
E-mail Address <u>rendaclave@gmail.com</u>	Other Contact Phone Number(s):		

PROJECT / APPLICANT	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. (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>6/6/13</u> Date
X	<u>[Signature]</u> Landowner/Lessee Signature	<u>6/6/13</u> 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.

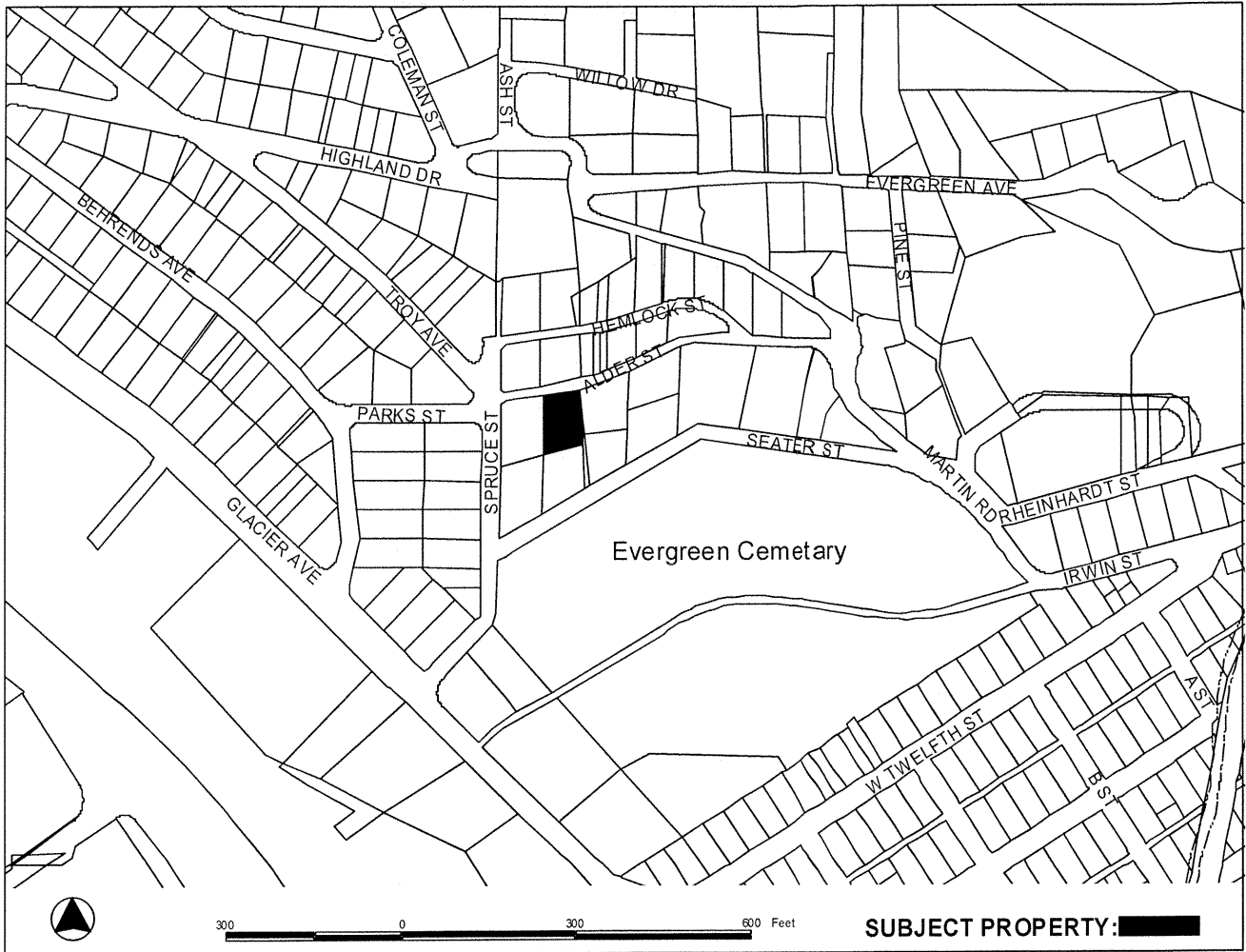
PROJECT / APPLICANT	APPLICANT (If the same as OWNER, wife, SAME, and sign and date at X below)		
	Applicant's Name <u>David Heimbigner</u>	Contact Person: <u>David</u>	Work Phone: <u>723-7996</u>
	Mailing Address <u>635 Alder Street</u>	Home Phone: <u>463-1249</u>	Fax Number:
	E-mail Address <u>rendaclave@gmail.com</u>	Other Contact Phone Number(s): <u>Renda 723-4202</u>	
	X <u>[Signature]</u> Applicant's Signature	<u>6/19/2013</u> Date of Application	

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)			
	<input checked="" type="checkbox"/>	Use Approval (Allowable Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			<u>USE 20130025</u>
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	Zone Change Application				
	Other (Describe) <u>CONDITIONAL USE</u>				

***Public Notice Sign Form filled out and in the file.

Comments:	Permit Intake Initials <u>JKL</u>
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NOTICE OF PUBLIC HEARING



PROPOSAL: Conditional Use to operate a 4 bedroom B&B in a D5 zoning district.

<p>FILE NO: USE20130025</p> <p>TO: Adjacent Property Owners</p> <p>HEARING DATE: Aug 27, 2013</p> <p>HEARING TIME: 7:00 PM</p> <p>PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p>APPLICANT: Heimbigner Trust; David W. Heimbigner; Renda L Heimbigner Trustees</p> <hr/> <p>Property PCN: 1-C03-0-D01-008-0</p> <p>Owners: HEIMBIGNER TRUST & DAVID W HEIMBIGNER & RENDA L HEIMBIGNER TRUSTEES</p> <p>Size: 5801 sqft</p> <p>Zoned: D5</p> <p>Site Address: 635 ALDER ST Accessed via: ALDER ST</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 Chrissy McNally at christine_mcnally@ci.juneau.ak.us or at 586-0761.

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

Date notice was printed: August 13, 2013