

MEMORANDUM

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

DATE: May 13, 2014

TO: Planning Commission

FROM: Ben Lyman, Senior Planner
Community Development Department 

FILE No.: AME2014 0006

SUBJECT: Potential Revisions to Accessory Apartment Provisions of CBJ 49, the Land Use Code

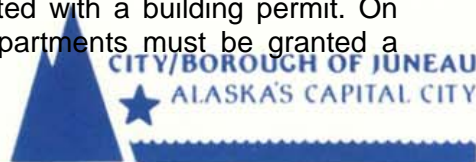
One of the items suggested to the Ad Hoc Housing Committee to help address housing affordability within the City and Borough of Juneau was to “allow higher square footage and two bedrooms for Accessory Apartments” (#7). Staff has been investigating this proposal, reviewing existing ordinances in other communities, and drafting and evaluating the repercussions of revised ordinances; this memorandum describes staff’s findings and poses questions which must be answered by the community before progress can be made on finalizing a draft ordinance for review.

Although Accessory Apartments appear in CBJ 49 in several locations, including CBJ 49.25.300, the *Table of Permissible Uses*, and CBJ 49.40.210, *Minimum space and dimensional standards for parking and loading*, the primary ordinance controlling this type of development is CBJ 25.510(d)(2), *Special density considerations/Two-unit dwellings/Accessory apartments*. In short, this section limits accessory apartments to one-bedroom or studio apartment style dwellings no larger than 600 square feet net (interior) floor area. The suggestion made to the Ad Hoc Housing Committee is to increase this floor area limit and to allow accessory apartments to be configured as two-bedroom, one-bedroom, or studio apartments.

This proposal has several notable ramifications which merit discussion:

- 1) Increased household capacity (number of bedrooms and floor area) accommodate increased household size (number of residents);
- 2) Increase in household size increases potential:
 - a. Traffic;
 - b. Noise;
 - c. Storage (bikes, kayaks, boats, BBQs, etc.); and,
 - d. Parking; and,
- 3) Increased impacts may not be in harmony with some neighborhoods, but may be in harmony with others.

Under CBJ 49.25.400, the *Table of Dimensional Standards*, duplexes may be constructed on RR and single-family/duplex (D-1, D-3, and D-5) zoned-lots that are at least 150% of the minimum lot area for that zone. On lots between 100-150% of the minimum lot area (and on public sewer systems), accessory apartments may be constructed with a building permit. On lots smaller than 100% of the minimum lot area, accessory apartments must be granted a



Conditional Use permit before a building permit can be issued for the structure. This hierarchy is designed to allow more intense use (i.e. more residents) of larger lots, and also allows for public input when additional dwellings are proposed on smaller lots where neighbors may be more impacted by adjacent uses.

Although it was contentious when first adopted, the accessory apartment ordinance has been used to permit over 663 (2012 data) accessory apartments, and has for the most part been received positively. When the ordinance was amended in 2009 (Serial No. 2009-22(b)), it was to clarify the review process and eliminate some design restrictions that had been found unnecessary, not to tighten or restrict the development of accessory apartments. Overall, the ordinance can be considered a success at resulting in new dwelling unit construction.

CDD staff requested that the American Planning Association’s Planner’s Advisory Service assist in comparing various community’s restrictions on “Accessory Dwelling Units” (ADU), with the following results:

Jurisdiction	State	Pop.	Min. Attached ADU Size	Max. Attached ADU Size	Max. % of Primary DU Size	Max. Bedrooms	Varies by District or by Lot or Primary DU Size
Anchorage	AK	291,826	300 sf	**	35%	2	no
Blaine	WA	4,684	**	1,500 sf	50%	**	yes
Bloomington	MN	82,893	300 sf	960 sf	33%	2	no
Bozeman	MT	37,280	**	600 sf	33%	1	yes
Calxico	CA	38,572	**	640 sf	**	**	no
Clallam County	WA	71,404	**	**	35%	**	no
Costa Mesa	CA	109,960	**	**	30%	**	no
Eagle Mountain	UT	21,415	**	800 sf	50%	**	no
Edmonds	WA	39,709	**	800 sf	50%	2	no
Kitsap County	WA	251,133	**	**	50%	**	no
Marysville	WA	60,020	300 sf	**	35%	2	no
Mat-Su Borough	AK	88,995	**	**	50%	**	no
Midvale	UT	27,964	**	**	25%	**	no
Minnnetonka	MN	49,734	**	950 sf	35%	**	no
Richland	WA	48,058	200 sf	800 sf	40%	2	no
Sandpoint	ID	7,365	**	650 sf	90%	**	no
Santa Clara County	CA	1,781,642	**	1,200 sf	**	**	yes
Sedona	AZ	10,031	350 sf	800 sf	33%	2	yes
Selah	WA	7,147	**	800 sf	**	**	no
Sitka	AK	8,881	**	800 sf	**	**	no

Juneau’s limit of 600 square feet is equal to that of Bozeman, Montana, and the smallest limit of any community on the list. Similarly, Bozeman is the only community on the list with a one-bedroom limit on accessory apartment size; 30% of communities listed limit accessory apartments at two bedrooms, and 65% do not have any limit on the number of bedrooms in an accessory apartment.

Be that as it may, the potential impacts of increasing the maximum accessory apartment size warrant discussion, and it may be that larger accessory apartments are not appropriate in some parts of the CBJ.

Staff suggests that a new land use classification be created for larger accessory apartments, potentially with a maximum size in the range of 800 to 1,000 square feet and two (or potentially more) bedrooms; this land use would be allowed on lots of at least 125% of the minimum area for the zoning district, and would require Conditional Use permit approval on lots not served by public sewer. Additionally, parking requirements for this use would be increased to two spaces per apartment, the same requirement that is adopted for single-family residences and each dwelling in a duplex.

In addition to the considerations above, staff has identified other inconsistencies and opportunities in the various ordinances which control accessory apartments. Namely, although accessory apartments can be permitted with common-wall dwellings (zero-lot-line or townhouse-style development, where each unit is on its own fee-simple piece of property), they cannot be permitted with duplexes regardless of the size of the lot or the zoning district, as this would result in three dwellings on a lot, which exceeds the clear limit set at CBJ 25.510(d)(2), *Two-unit dwellings*. In some instances, such as where lot configuration or the presence of natural hazards or habitat (e.g. setbacks from anadromous fish streams) precludes subdivision, a duplex with an accessory apartment would be consistent with the overall density and development pattern of the neighborhood and zoning district. Staff proposes that the threshold for allowing accessory apartments on lots with duplexes be set at 175% of the minimum lot area for the zone, if it is determined that this combination of uses is appropriate at all in single-family and duplex zones.

Finally, accessory apartments are listed at CBJ 49.25.300 as permissible in multi-family (D-10, D-15, and D-18), commercial (LC, GC, and WC), and mixed-use (MU and MU2) zones, all of which have allowable density based on lot area. Listing accessory apartments as permissible in these zones creates confusion, as CBJ 25.510(d)(2), *Two-unit dwellings* precludes development of accessory apartments as components of multi-family (three or more unit) developments. Although this provision does result in the permissibility of constructing accessory apartments on lots which are less than the minimum for two dwellings in the zone, this is not readily apparent and could be made much more transparent in the Land Use Code.

Staff requests that the Planning Commission discuss the points in this memorandum and provide guidance on the following questions:

- 1) Should the size limits on accessory apartments be increased outright? Or,
- 2) Should a new larger accessory apartment land use be created, with its own permitting requirements, in order to address neighborhood harmony issues?
- 3) If either 1 or 2, what should the "larger" size limit be? A net floor area limit, a bedroom limit, a percentage of the area of the primary dwelling limit, or a combination of those limits?
- 4) Should accessory apartments of any size ever be allowed in conjunction with duplexes?
And,
- 5) Should the provisions regarding accessory apartments and multi-family, commercial, and mixed-use zones be amended to clarify when they are allowed, or to disallow them entirely in these zones?

Benjamin Lyman

From: Brad Fluetsch <bjf@gci.net>
Sent: Tuesday, May 20, 2014 10:20 AM
To: Benjamin Lyman
Subject: Re: Accessory Apartment code changes

Thanks Ben,

I reviewed the document with my situation in mind. I don't understand why size of lot, in my case it would require 1.75 acres is your determining factor? Other possible factors could be:

- Can it be done within the existing footprint of the existing duplex?
- Is it on city water? Sewer? On grid?
- On bus system?
- Is there sufficient parking? On street? Off Street?
- What is the actual impact on the neighborhood?

This was in this mornings Seattle PI

<http://www.seattlepi.com/local/article/Ready-for-tiny-2-400-micro-apartments-coming-to-5486211.php>

What are the real factors that impact the community? Utilities, traffic, Parking... not the size of lot.

Just my thoughts

Brad

From: Benjamin Lyman <Ben_Lyman@ci.juneau.ak.us>
Date: Tuesday, May 20, 2014 at 9:51 AM
To: Brad Fluetsch <bjf@gci.net>
Subject: Accessory Apartment code changes

Good morning, Brad-

I wanted to let you know that the Planning Commission will be discussing and providing direction to staff on potential changes to the accessory apartment provisions of the Land Use Code during their May 27, 2014 regular meeting. I know that this is a topic that you are very interested in, and wanted to invite you to attend the meeting, or submit written comments if you prefer. The memorandum that the commission will be reviewing is attached.

Please let me know if you have any comments or questions.

Thank you for your interest in this matter,
Ben

Ben Lyman
Senior Planner
Community Development Department
City and Borough of Juneau
907.586.0758