

MEMORANDUM

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

DATE: August 25, 2014

TO: Planning Commission

FROM: Chrissy McNally, Planner *Christy McNally*
Community Development Department

FILE NO: AAP2014 0012

PROPOSAL: A Conditional Use permit for an accessory apartment on a substandard sized lot in the D5 zoning district.

GENERAL INFORMATION

Applicant: Matthew Voelckers & Catherine Hatch

Property Owner: Matthew Voelckers & Catherine Hatch

Property Address: 228 Highland Drive

Legal Description: HIGHLANDS Block G Lot 15

Parcel Code Number: 1-C03-0-J07-015-0

Site Size: 4,616 Square Feet

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential

Zoning: D-5

Utilities: City Water & Sewer

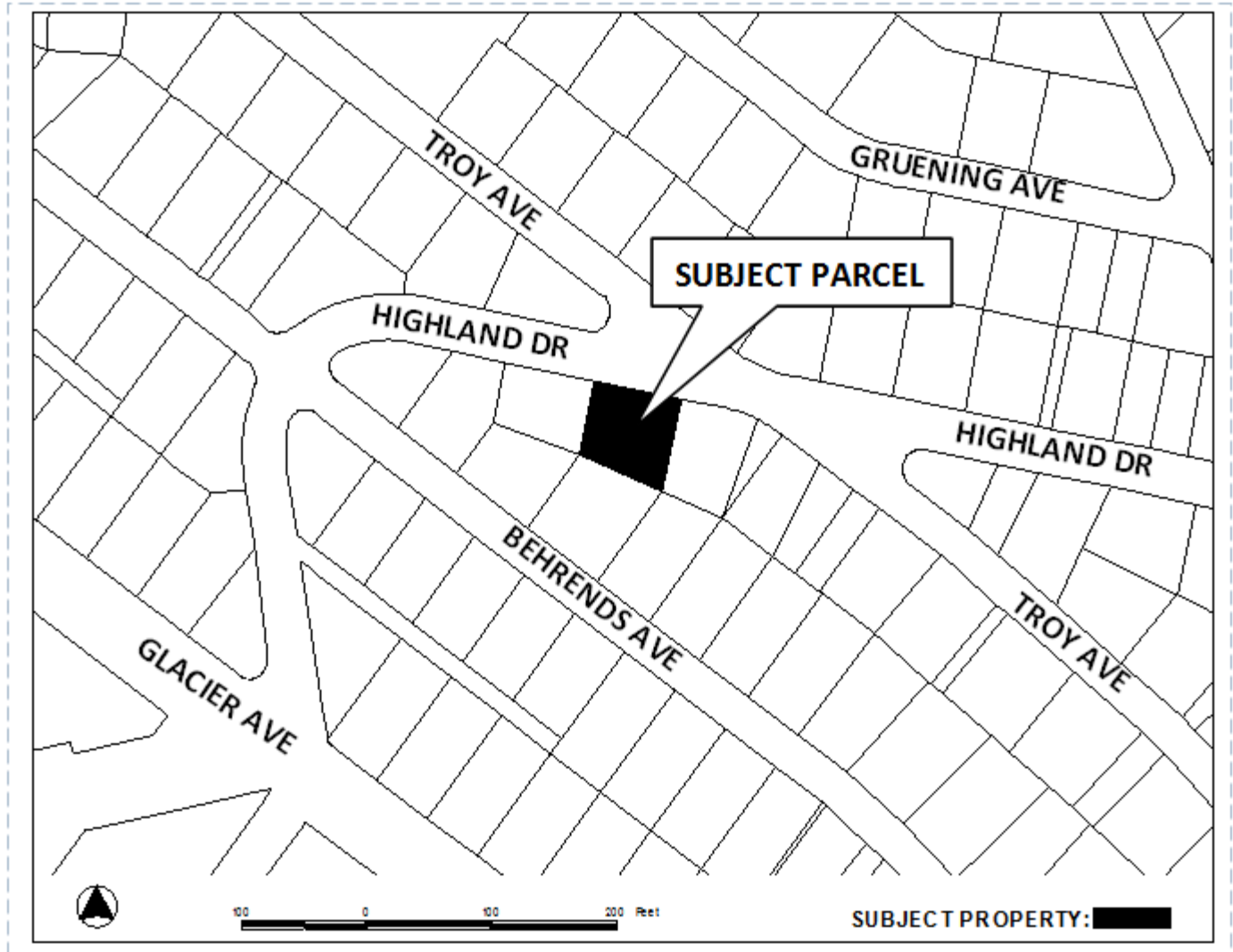
Access: Highland Drive

Existing Land Use: Single Family Home

Surrounding Land Use: North - D5 Single family/duplex
South - D5 Single family/duplex
East - D5 Single family/duplex
West - D5 Single family/duplex



Vicinity Map



ATTACHMENTS

- Attachment A: Conditional Use permit application
- Attachment B: As-built
- Attachment C: Existing first floor plan
- Attachment D: Proposed apartment floor plan
- Attachment E: 3D image of residence
- Attachment F: Parking photo

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for an accessory apartment on Highland Drive, located in the Highlands neighborhood of Downtown Juneau (see Vicinity Map). This apartment will be accessory to an existing house on the property. The applicant plans on constructing the apartment on the first floor of the two story single family dwelling. A site plan and floor plan of the apartment and primary residence are provided in Attachments B, C, and D.

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 property is in a D-5 zoning district which has a 7,000 square foot minimum lot size; the property contains only 4,616 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.

The subject parcel and adjacent properties along Highland Drive were platted in 1913. The subject parcel contains a 960 square foot single family residence built in 1954. The applicant proposes to remodel the first story into an accessory apartment. An unenclosed space under the second story street level garage will be enclosed to provide additional living space creating a 546 square foot apartment.

Of the seventeen properties along Highland Drive, only three exceed the D-5 minimum lot size. Therefore, three accessory apartments can be permitted outright, while the remaining fourteen would require a Conditional Use permit because the lots are smaller than 7,000 square feet. The property across the street and the property to the southeast of the subject lot contain an apartment and the rest of the neighborhood contains single-family homes. Both lots with accessory apartments are substandard in size.

ANALYSIS

Project Site - The lot size is 4,616 square feet which is below the 7,000 square foot minimum lot size for a lot in the D-5 zone, per the Table of Dimensional Standards, CBJ §49.25.400. According to the City and Borough of Juneau's Land Use Code Title 49 section CBJ §49.25.510 (d)(2)(G)(i), the Accessory Apartment permit requires Planning Commission approval under the Conditional Use Permit process due to the lot being smaller than the Minimum Lot Size for Permissible Uses listed in the Table of Dimensional Standards, CBJ 49.25.400.

The property is located along Highland Drive in the D5 zoning district. The neighborhood is primarily low density single family residential. Many lots are less than the minimum lot size of 7,000 square feet for the D5 zoning district (see Vicinity map). The lot slopes steeply from the front lot line down to the rear lot line (see Attachment E).

Project Design - Attachments A and B provide a site plan and floor plan of the existing residence and the proposed apartment. The single family residence at 228 Highland Drive is currently two floors. The applicant proposes to remodel the first floor into the accessory apartment and close in the area under the second story garage. This space will be remodeled into the bedroom. Therefore, the existing footprint of the residence would not change.

The apartment will be 546 square feet. The apartment consists of a living room, kitchen, bathroom and bedroom. The residence currently provides three off street parking spaces (see Attachment F). One space is provided in the attached garage and two in the driveway. The single family residence requires two parking spaces and the accessory apartment requires one parking space.

Traffic – Highland Drive is located in a developed residential area. Given its location, the street likely experiences mostly local traffic and little through traffic. There are two other accessory apartments near the subject property. Three properties on Highland Drive 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; 1 for the accessory apartment and 2 for the single family home. This will eliminate any need for on street parking by the residents. Therefore, the two way traffic on Highland Drive 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 single family dwelling and attached accessory apartment indicates a driveway with two parking spaces in addition to the space inside the garage.

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 4,616 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 which is already less than 1,000 square feet and the apartment is limited to 600 square feet, 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 2013 Comprehensive Plan, the property is located in an Urban Low Density Residential land designation.

The 2013 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. TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR ITS RESIDENTS.

POLICY 4.2 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. Staff finds 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 31, 2014 and September 8, 2014 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 Highland Drive.

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 are two accessory apartments in close proximity to the subject lot. 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 2013 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 an accessory apartment on a substandard sized lot in the D5 zoning district.