



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 23-14
Proposal: Request for an accessory dwelling unit (ADU)
Applicants: Alexandra Fish Hackett and Adam Hackett
Owners: Alexandra Fish Hackett and Adam Hackett
Location: 1601 Halibut Point Road
Legal: Lot 1, Block 11, Northwest Addition
Zone: R-1 - Single-Family/Duplex Residential District
Size: 10,058 square feet
Parcel ID: 1-5700-000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Halibut Point Road

KEY POINTS AND CONCERNS

- ADUs are a conditional use in the R-1 zone if the ADU requirements are not met
- Variance requested to increase height, see VAR 23-09 for more information
- Request for the ADU to be used as a short-term rental
- Request for the apartment entrance to be located at the front north side of the building
- Structure currently on property to be demolished

ATTACHMENTS

Attachment A: Aerial
Attachment B: Plat
Attachment C: Conceptual Plans (site, parking, elevation)
Attachment D: Department of Transportation ROW Survey
Attachment E: Photos
Attachment F: Applicant Materials

BACKGROUND

The applicants are constructing a new single-family dwelling and an accessory dwelling unit (ADU) containing a garage, shop, and apartment in the R-1 single-family and duplex residential district at 1601 Halibut Point Road (HPR). These two structures will be attached via breezeway. The property lot size is 10,058 square feet (SF) and currently has a single-family dwelling unit with a footprint of 1,064 SF which is in the process of being demolished. The proposed new two-story single-family home has a 1,224 SF footprint with 9' ceilings and a second floor with vaulted ceilings. The ADU is designed with a daylight basement which serves as a garage, a shop on the first story, and the dwelling unit of the ADU on the second story. The first floor of the ADU will share a roof line and a breezeway with the first floor of the primary dwelling unit. The ADU will have approximately 612 SF of living space with one bedroom and one bathroom.

The easily buildable space on the property is limited due to the Federal Emergency Management Agency (FEMA) identified special flood hazard zones, both AE and VE zones are present as noted on the site plan. AE zones are identified for high water flood hazard and VE zones for high velocity hazard from wave and wind action. Sitka's flood zone map update in 2019 increased the VE zone to encumber approximately a third of this property, construction in a VE zone requires a higher degree of engineering due to the projected higher velocity wave and wind action. With this updated flood zone mapping, the current structure is completely within the AE zone and close to half of the structure within the VE zone which has caused the applicants to creatively design the new structures closer to the front/upland portion of their lot adjacent to HPR. Per FEMA's flood regulations, if any portion of a structure is located in a VE zone the entire structure is considered to be in the VE zone and must be constructed and insured appropriately. To maximize the use of the property outside the VE zone, the applicants intend to fill the majority of the uplands property which would create a level entry to both the primary dwelling and ADU from HPR. The applicants have been in communication with the State of Alaska regarding obtaining permissions for filling the property adjacent to right-of-way.

With this design, the applicants are requesting some deviations from ADU requirements which makes their request a conditional use permit even though ADUs are permitted outright in this district. The applicants are requesting; the placement of the entrance to the apartment to be located on the north side of the building facing HPR rather than a side or rear entrance, the height to be increased by 4.5' as further identified in VAR 23-09, and waive the restriction regarding use as a short-term rental (STR). Applicants are aware that if they do intend to use the ADU as STR they would have to complete an additional CUP prior to use. However, they wish to hear from the Commission at this time whether that would even be an available avenue in the future as it may influence their development decisions.

PROJECT DESCRIPTION

The way the requirements are written in the zoning code is such that if the requirements are not met, a conditional use permit is needed per SGC 22.20.160(D) which states “*Conditional use permits may be sought if the above requirements cannot be met. Conditional use permit must be in conformance with Chapter 22.24.*” Therefore, not meeting the listed requirements is not grounds to automatically deny an ADU proposal but may be used as a factor in determining whether to grant the conditional use permit.

1. *An ADU is a permitted use, on lots served by a publicly maintained right-of-way in the following residential zoning districts: R-1 and R-2 and related districts exclusive of MH and MHP. An ADU shall not be constructed on lots accessed by access easements. They are also not allowed on lots served by rights-of-way that have not been accepted by the municipality or state of Alaska for maintenance.* Property is served via a public ROW maintained by the State of Alaska, Halibut Point Road.
2. *ADUs are intended for long-term rental use only. Rental of an ADU for a period of less than ninety consecutive days is prohibited. ADUs shall not be used for short-term vacation rentals and/or bed and breakfast purposes.* The applicants are requesting to waive the requirement of long-term rental only to use the apartment as a short-term rental. Such use would require a separate action (conditional use permit) through this commission.
3. *ADUs shall meet all development, design, zoning and building requirements at the time of construction (e.g., setback requirements and lot coverage standards) applicable to the primary dwelling unit, except as otherwise noted.* Provided plans from the applicant indicate the ADU will exceed the height of the primary dwelling unit by 4’4”, staff have rounded this request up to 4.5’.
4. *The ADU must be located on the same parcel as the primary dwelling unit.* Proposed ADU is on the same parcel.
5. *Only one ADU is allowed per parcel.* Only one ADU proposed.
6. *Mobile homes, travel trailers and recreational vehicles shall not be used as an ADU.* ADU is to be a conventionally built (stick-built) structure. Applicants will be required to obtain a building permit for the structure.
7. *ADUs shall only be located on a parcel in conjunction with a single-family dwelling unit. ADUs shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units.* Applicant materials identify one single-family dwelling unit to be built on the property.
8. *ADUs shall be designed so that the appearance of the structure maintains, to the greatest extent possible, the appearance of a single-family property.* The front view and elevation plan submitted show that the ADU shall be of similar design and appearance as the single-family dwelling unit.

9. *If a separate external entrance for the ADU is necessary, where possible, it shall be located on the side or rear of the structure. On a corner lot, where there are two entrances visible from either street, where possible, solid screening is required to screen at least one of the entrances from the street.* Entrance to the ADU is planned for front of the structure. Given the slope of the property, a front entrance is most practical.

10. *Exterior stairs shall be located in the side or rear yard wherever possible and must comply with setback and building code requirements.* There are no external stairs for access.

11. *The maximum size of an ADU shall be eight hundred square feet.* Floor space for the ADU is anticipated to be 612 square feet.

12. The following parking requirements are applicable for ADUs:

a. *As part of the application submittal process, the applicant shall submit a parking plan delineating parking space(s) for the ADU and the primary dwelling unit.* The applicant will have met the code requirement of four parking spaces.

b. *Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties:* N/A

c. *On-street parking is prohibited.* N/A

d. *If additional parking is necessary, new parking space(s) shall utilize existing curb cuts.* N/A, no curb on the street.

13. *All subdivisions of lots containing ADUs are prohibited unless all minimum lot sizes (exclusive of access easements), setbacks, lot coverage, and other requirements in the zoning and subdivision codes are met.* N/A – subdivision not proposed at this time.

14. *Variances are prohibited on any lot containing an ADU including, but not limited to, variances for setbacks, lot coverage, building height, and off-street parking requirements.* A variance is requested for an increased height by 4' 4" for the ADU, see VAR 23-09 for more information.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.¹

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: Traffic is expected to increase – likely by one to two cars. HPR is designed for heavy use, as it is a

¹ § 22.24.010.E

state highway. The addition of an ADU is not out of line with allowed uses of the R-1 zone (i.e. the ADU does not generate any additional traffic than an allowed duplex would create).

b. Amount of noise to be generated and its impacts on surrounding land use: Noise generated should be in-line with normal residential use.

c. Odors to be generated by the use and their impacts: Odor generated should be in-line with normal residential use. Garbage shall be disposed of in municipal container and in accordance with Sitka General Code requirements. Possible reduction of odors by supplying additional storage space.

d. Hours of operation: Available year-round.

e. Location along a major or collector street: Located on HPR, a major street.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: Cut through traffic unlikely as property only has vehicular access from HPR.

g. Effects on vehicular and pedestrian safety: Minimal impact to existing safety conditions, increase in traffic should be 1 to 2 vehicles.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Site is accessible to emergency services.

i. Logic of the internal traffic layout: Driveway from HPR with proposed parking at top and north side.

j. Effects of signage on nearby uses: No signage proposed. All signs shall comply with Sitka General Code.

k. Presence of existing or proposed buffers on the site or immediately adjacent to the site: Natural buffers of mature vegetation (trees and bushes).

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan. Expansion of ADUs in Sitka directly supports two Comprehensive Plan Objectives, H1.1a “allow, encourage, and promote ADUs by right in more zones” and H1.1e “encourage higher density”. This request additionally supports LU 8.2 by reconsidering development standards such as setbacks, height, and parking requirements to promote affordable development.

m. Other criteria that surface through public comments or planning commission review: None.

RECOMMENDATION

Staff recommends approval of the ADU at 1601 HPR subject to the recommended conditions of approval, modifying entrance and height requirements. The proposal is a creative and attractive redevelopment of a challenging lot.

However, staff cannot recommend approval for use of the ADU as a STR, as it would be contrary to the stated intent for ADUs as found in SGC section 22.20.160.A.2 which states that ADUs are intended to, *“Provide additional affordable options for long-term rental housing.”* The applicants wished to have this aspect considered during the permitting for the ADU as it may influence their development decisions moving forward. While any STR use would have to be considered and approved under a separate CUP, the Commission could signal through the conditions of approval for the ADU CUP that future use of the ADU as an STR would be considered (and perhaps under what specific circumstances). Commissioners should discuss with the applicants what their goals are for use of the ADU. If the Commission would like to leave the door open in the future for the applicants to apply for a STR CUP, a condition of approval should be added to that effect. This could be phrased to read, *“The applicants may request in future, but not necessarily receive, a conditional use permit for use of the ADU as a short-term rental subject to all other Sitka General Code provisions for short-term rentals at time of application.”* This could be expanded to include the circumstances or stipulations under which a STR application would be considered.

MOTIONS IN FAVOR OF APPROVAL

1. **“I move to approve the conditional use permit for an accessory dwelling unit at 1601 Halibut Point Road in the R-1 - Single-Family/Duplex Residential District subject to the attached conditions of approval. The property is also known as Lot 1, Block 11, Northwest Addition. The request is filed by Alexandra Fish Hackett and Adam Hackett. The owner of record is Alexandra Fish Hackett and Adam Hackett.”**

Conditions of Approval:

- a. Approval of ADU is specific to the site plan included in this application. Any substantial or significant change to the plans would require a new site plan review and approval from the Planning Commission.
 - b. The applicant shall successfully obtain a variance, VAR 23-09, from the Planning Commission for the height increase as requested in the site plan. If granted, the applicant will comply with all conditions associated with the variance.
 - c. Approval of placement of entry for ADU to allow the external entrance to be located on the north front side of the structure.
2. **“I move to adopt and approve the required findings for conditional use permits as listed in the staff report.”**

The Planning Commission shall not approve a proposed development unless it first makes the

following findings and conclusions:²

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; *because the property will retain its primary use as a residence (primary dwelling unit) and the ADU will be monitored by the owners to ensure that there are no resulting impacts or disturbances that would negatively affect the surrounding vicinity.*
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation; *specifically, Actions H1.1a, H1.1e and LU 8.2.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; *with the applicant living on site, approval and monitoring of building permits pursuant to the standard review and approval process prior to building.*
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard; *no hazardous conditions are expected from development of property with a primary dwelling unit and ADU.*
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services. *The property is located on a State maintained right-of-way and is served by municipally maintained and operated utilities, no adverse impacts on such facilities or services are expected.*
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section. *The applicant has met the burden of proof through information provided in their application packet.*

² §22.30.160(C)—Required Findings for Conditional Use Permits