

City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: December 2, 2016

To: Planning Commission

From: PCDD Staff

Re: CU 16-36 Conditional Use Permit for STR at 414 Hemlock Street

GENERAL INFORMATION

Applicant: Ali Clayton

Property Owner: Ali Clayton

Property Address: 414 Hemlock Street

Legal Description: Lot 1 Block 24 McGraw Subdivision

Parcel ID Number: 1-3500-000

Size of Existing Lot: 8577 square feet

Zoning: R-2

Existing Land Use: Residential

Utilities: Full city services

Access: Hemlock Street to Halibut Point Road

Surrounding Land Use: Residential, Commercial

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion of Recommendation

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map

Attachment D: Site Plan

Attachment E: Floor Plan

Attachment F: Subdivision Plat

Attachment G: Parcel Pictures

Attachment H: Application

Attachment I: Flood Zone Map

Providing for today...preparing for tomorrow

Attachment J: Mailing List
Attachment K: Proof of Payment
Attachment L: Warranty Deed

BACKGROUND/PROJECT DESCRIPTION

The request is for a conditional use permit for a short-term rental of a single-family home at 414 Hemlock Street in the R-2 multifamily residential district. The owner purchased the house in June 2016 and has recently renovated the house. The owner identified 9 on-site parking spaces. The proposed short-term rental unit has two bedrooms and two baths.

A dental clinic abuts the property to one side, with a residential property on the other side. A short-term rental operates down the road at 402 Hemlock Street.

22.16.050 R-2 multifamily residential district.

The R-2 zoning district may allow short-term rentals as a conditional use subject to the ability to mitigate any adverse effects to nonexistent or minimal and reasonable for the zone and in harmony with surrounding land uses.¹

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.²

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:

The property has a driveway that provides space in excess of the required 2 parking spaces.

b. Amount of noise to be generated and its impacts on surrounding land use: Renters can be known to create more noise due to being on vacation than typical families might. However, the provision of a rental overview and ability to address concerns adequately mitigate this.

c. Odors to be generated by the use and their impacts: No additional odors.

d. Hours of operation: Short-term rental in summer, long-term rental in winter.

e. Location along a major or collector street: Hemlock Street to Halibut Point Road.

¹ Table 22.16.015-1 and Sections 22.24.010(B) and (C) (Bed and Breakfast and Short-term Rental respectively).

² § 22.24.010.E

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: Multiple points of access to the property. No concerns.

g. Effects on vehicular and pedestrian safety: None identified that would be different than existing use or significant in impact.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: The property is near to Halibut Point Road, which provides easy emergency access.

i. Logic of the internal traffic layout: The applicant has indicated more than 2 parking spaces.

j. Effects of signage on nearby uses: No proposed signage.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Yard space provide buffers for neighboring properties.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms to Comprehensive Plan Section 2.6.2, which states, "To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas;" and Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses. In addition, the Comprehensive Plan identifies the goal of providing various housing opportunities and housing options for seasonal, temporary, emergency, and transitional needs.³ This application conforms to the above sections by creating short-term transient housing available.

m. Other criteria that surface through public comments or planning commission review: Short-term rentals may increase long-term rental rates for the overall community.⁴

FINDINGS

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:⁵

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:

³ Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

⁴ Planning: The Magazine of the American Planning Association, February 2016, p. 31

⁵ § 22.30.160.C – Required Findings for Conditional Use Permits

- 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.
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.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
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.
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.
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 city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking

and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conclusion on Findings: The required findings of fact have been met as the conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding transient housing supply.

RECOMMENDATION

It is recommended that the Planning Commission adopt the staff analysis and required findings as found in the staff report and grant the requested conditional use permit subject to attached conditions of approval.

.....

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the conditional use permit application for a short-term rental at 414 Hemlock Street subject to the attached conditions of approval. The property is also known as Lot 1 Block 24 McGraw Subdivision. The request is filed by Ali Clayton. The owner of record is Ali Clayton.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end

of the reporting period.

5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.

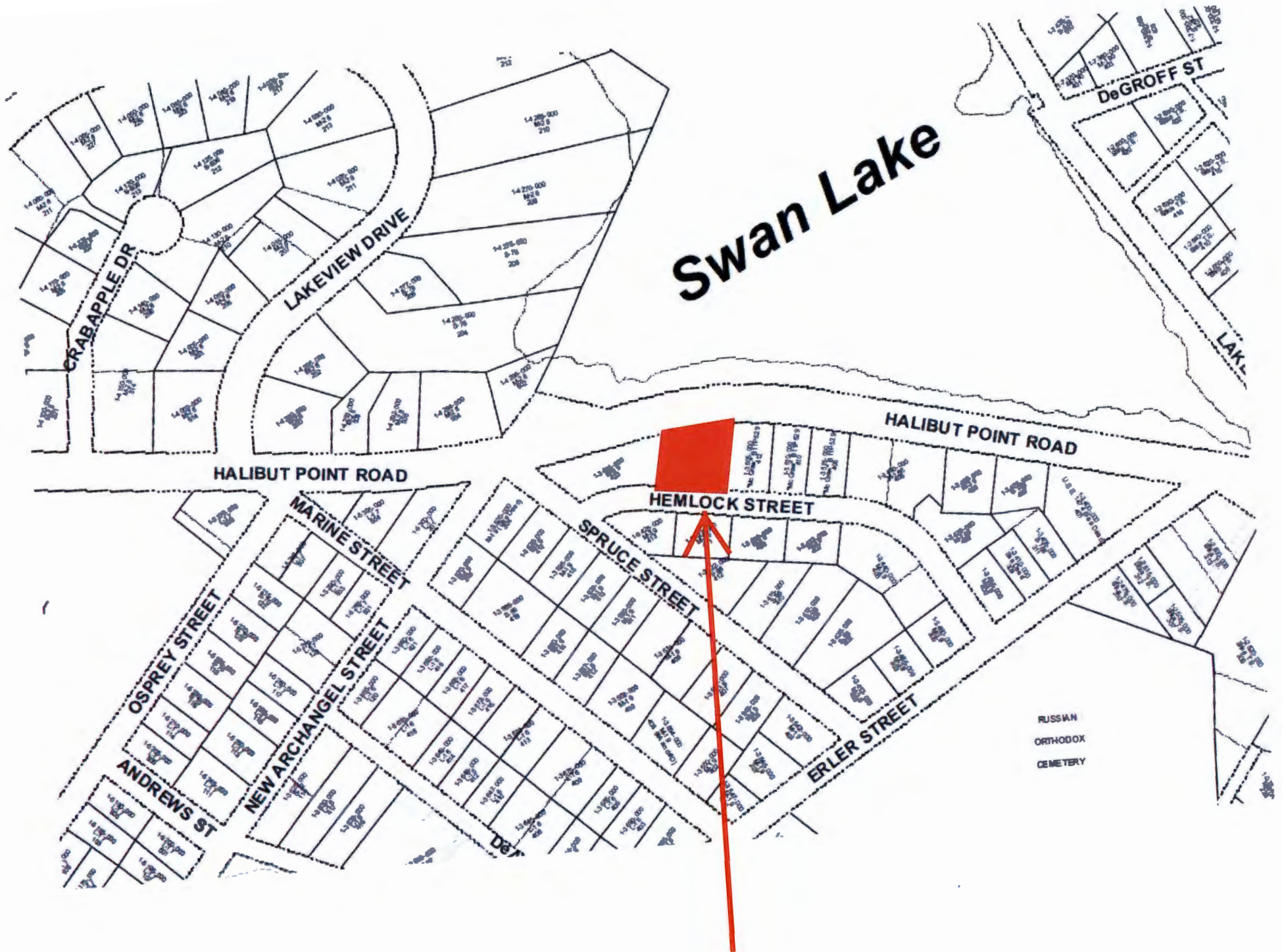
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.

7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

9. Owners shall provide renters with a brief rental overview including respecting the residential neighborhood and regarding directions and traffic circulation patterns to mitigate any potential traffic impacts.

Swan Lake

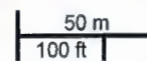




City & Borough of Sitka, Alaska

Selected Parcel: 414 HEMLOCK ID: 13500000

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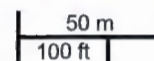
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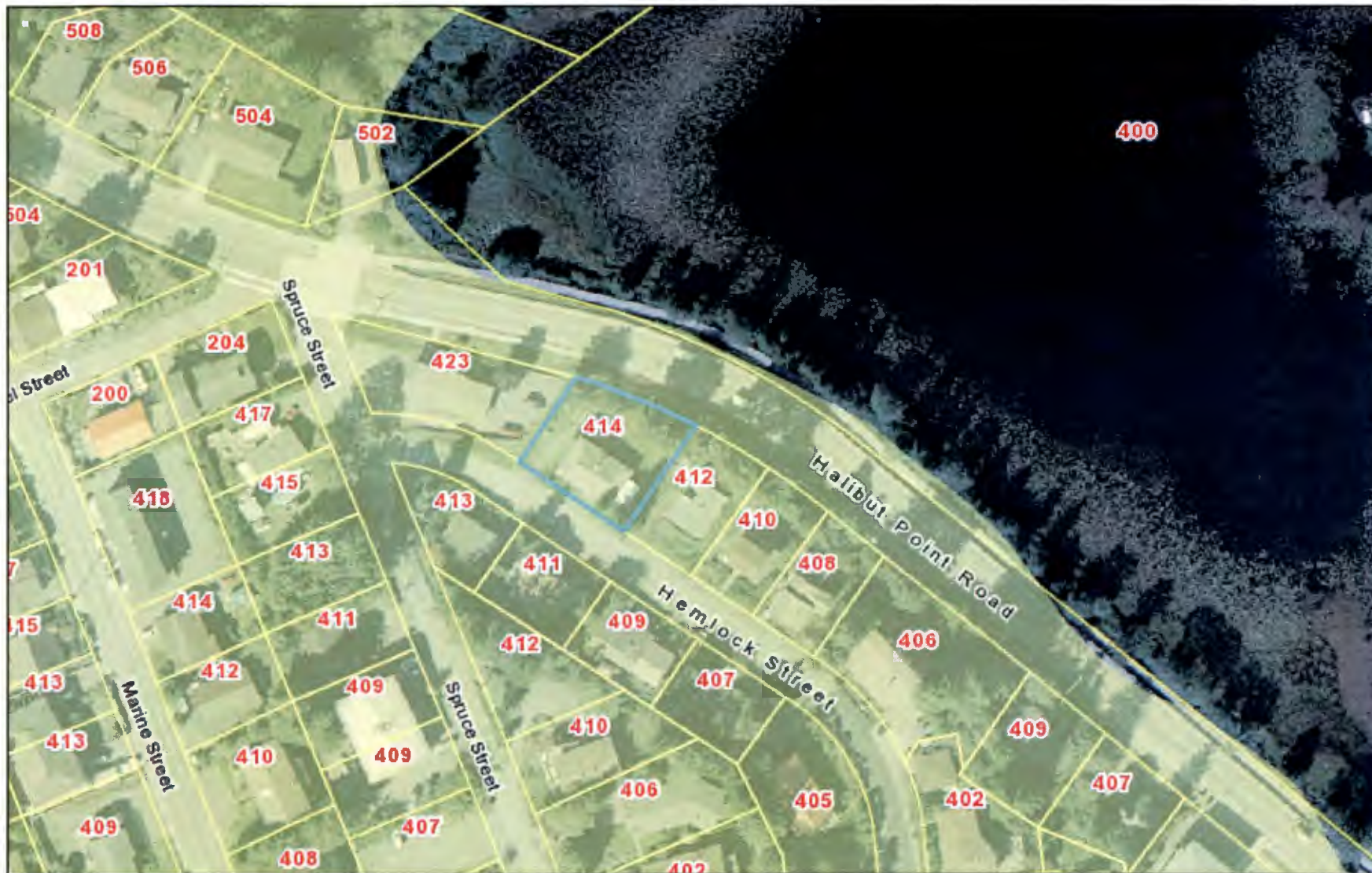
City & Borough of Sitka, Alaska

Selected Parcel: 414 HEMLOCK ID: 13500000

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City & Borough of Sitka, Alaska

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50 m
100 ft



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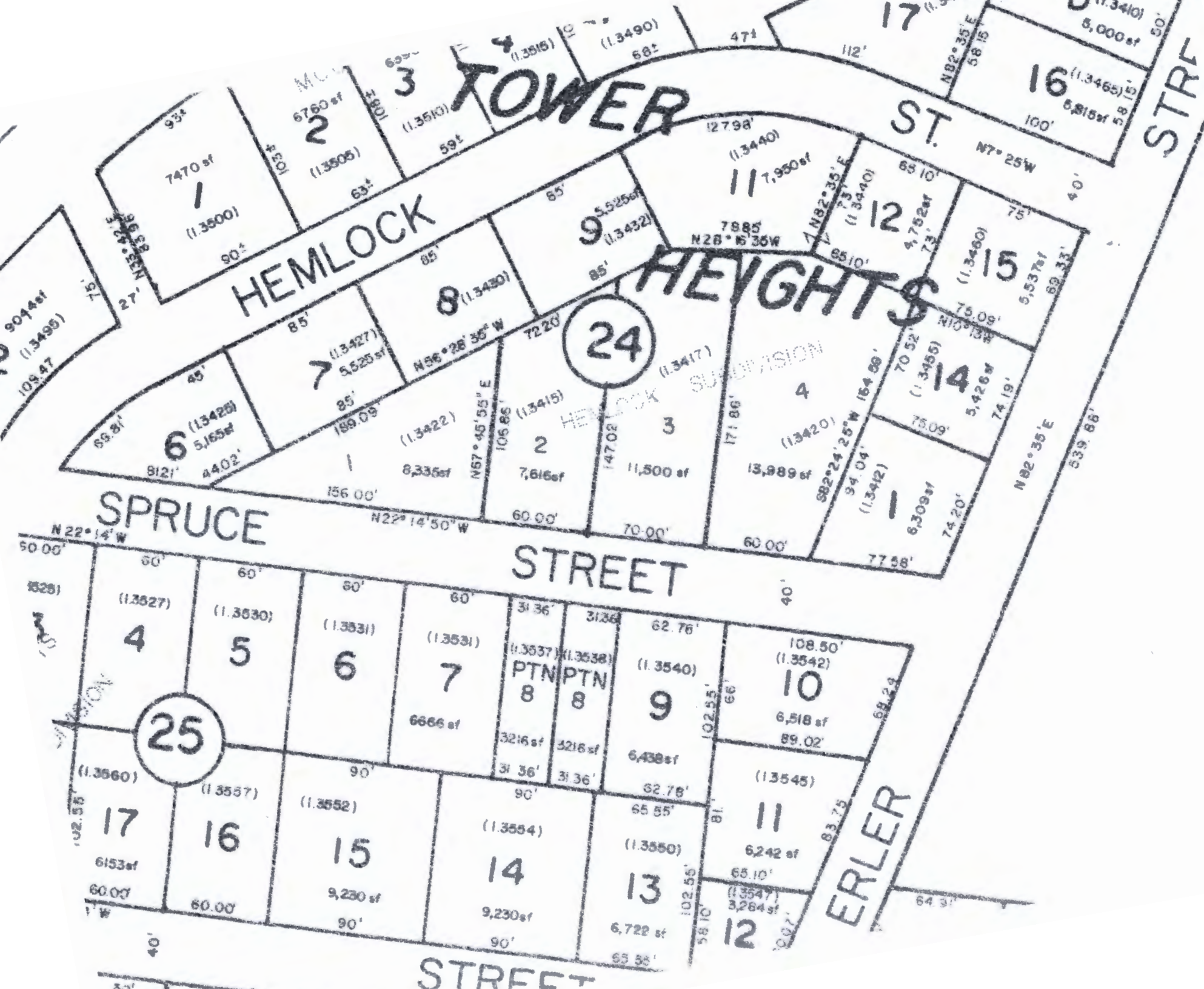


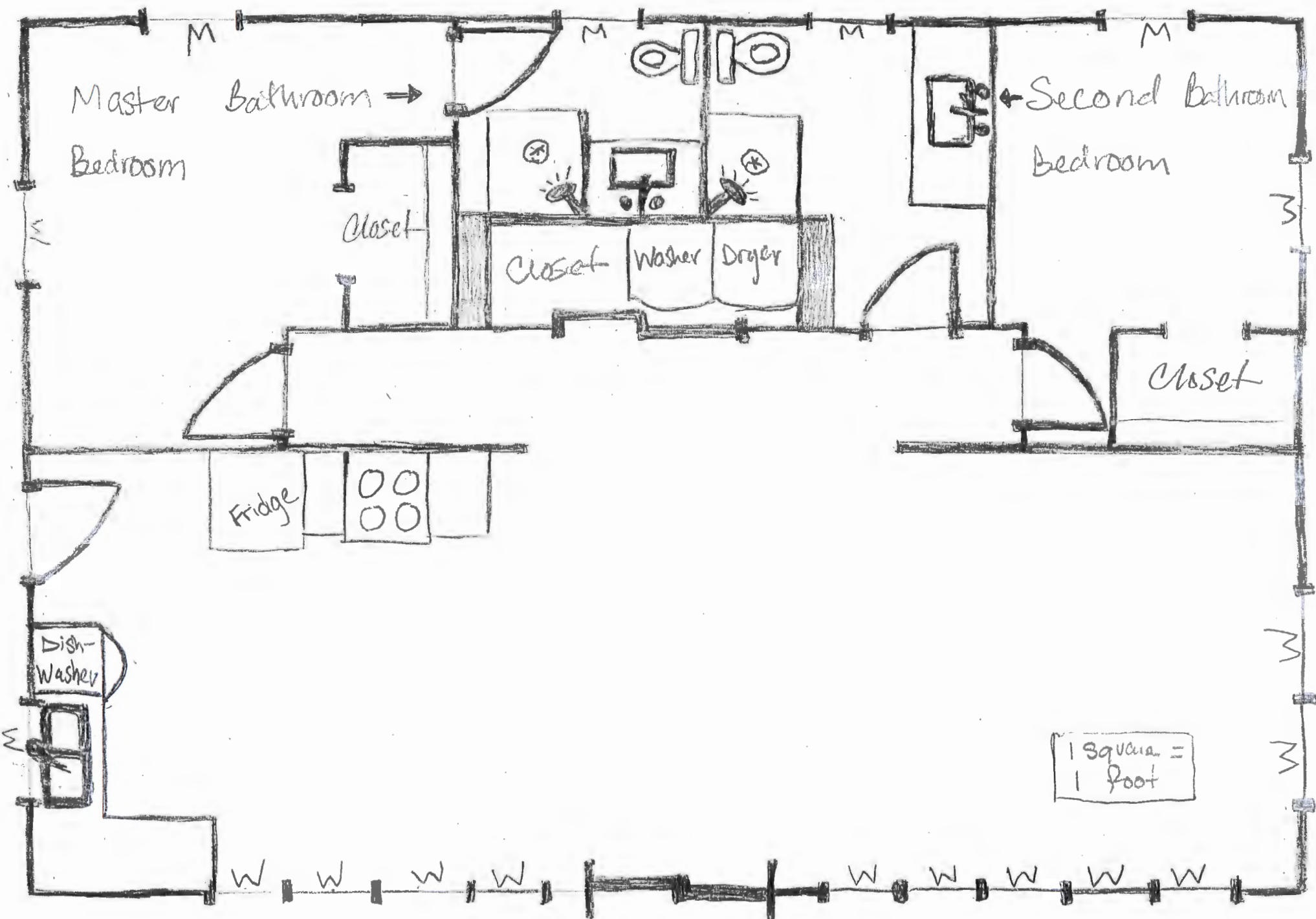


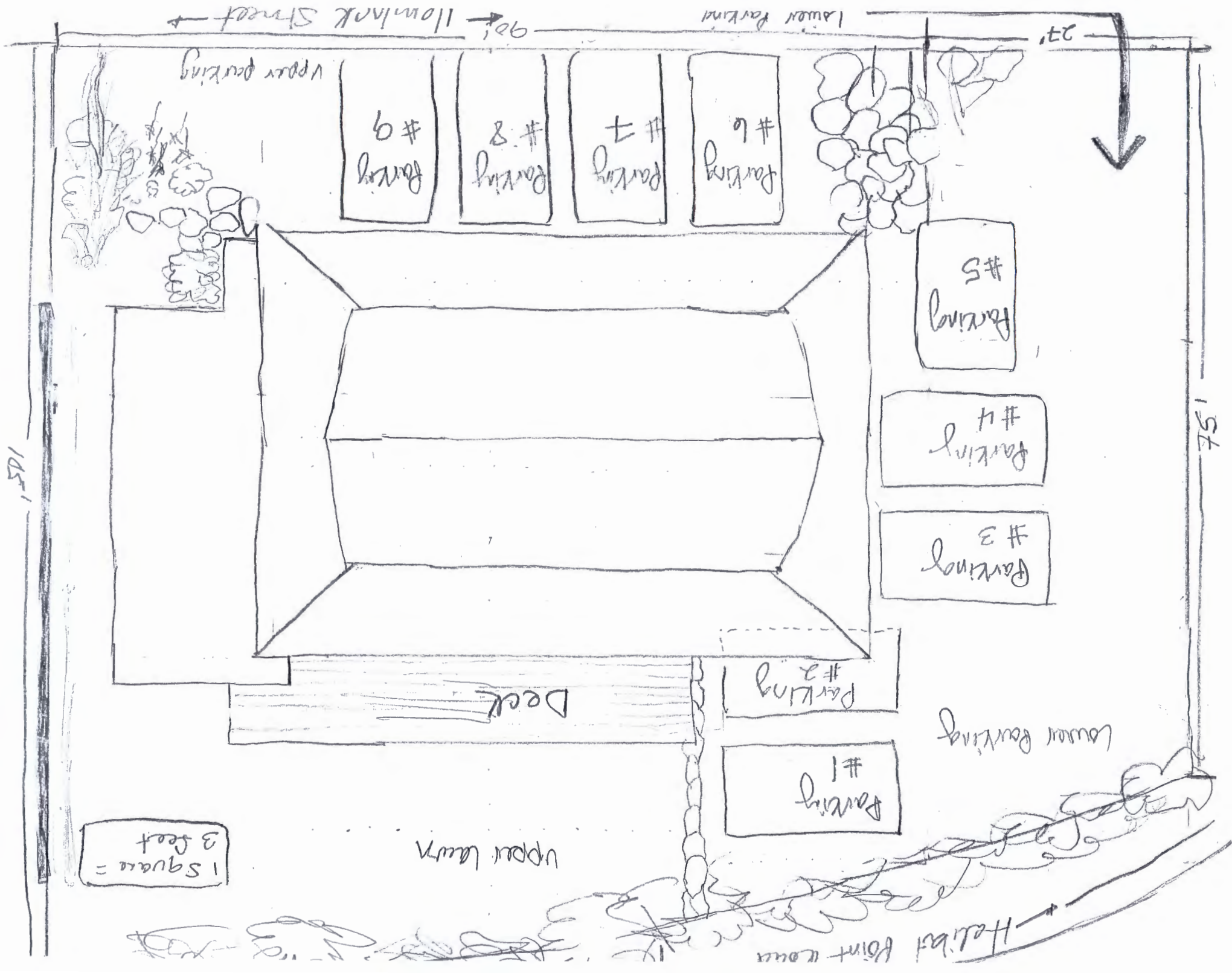












To: The City & Borough of Sitka
Planning Commission Board

I am applying for a conditional use permit for a short term-rental, located at 414 Hemlock Street. The house is a one-story home, with two bedrooms and baths and an unfinished basement. The house totals around 1382 square feet and sits on a lot totaling over 9,000 square feet.

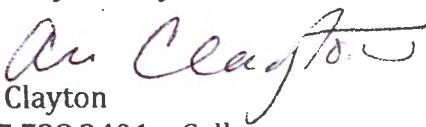
My plan is to use the house as a short-term rental for the summer months as well as a long-term rental in the off-season. I recently purchased the property in June of 2016 and spent the next few months renovating and improve the home as well as the property itself. The inside of the house was completely renovated with new bathrooms, windows, kitchen and flooring throughout. The house passed its building inspection by being completely up to code. Smoke detectors, including one with a carbon monoxide detector, are all functional, all rooms have appropriate egress with a direct way to the outside and handrails are installed on the front porch.

The proposed short-term rental is considered a one unit and by code the City required two parking spots per unit. There will be more than enough parking totaling nine on-site parking spots. The house sits on a two-level property, with a ton of room for parking on the lower level. The high volume of parking shows that the property is large and spacious and will have low impact on the neighborhood. See attachment #1 for reference on parking spaces.

Having a short-term rental at 414 Hemlock Street will not have any impact or burden on the adjacent neighbors. I currently operate another short-term rental in Sitka and have found it to be very successful. I am aware of the rules and regulations and have a complete understanding of collecting and remitting Sales and Bed Tax and will have no difficulty being able to comply to the rules while adding tax revenue into the economy.

Please contact me with any questions or concerns.

Thank you for your time,


Ali Clayton
907.738.3401 – Cell
clayton_7a@hotmail.com



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

1. Request projects at least FOURTEEN (14) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

APPLICATION FOR:

☐

VARIANCE

☒

CONDITIONAL USE

☐

ZONING AMENDMENT

☐

PLAT

BRIEF DESCRIPTION OF REQUEST: Requesting a Conditional use permit for a short-term rental.

PROPERTY INFORMATION:

CURRENT ZONING: R2 PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): _____ PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: Ali Clayton

PROPERTY OWNER ADDRESS: 1601 Davidoff St. Sitka AK 99835

STREET ADDRESS OF PROPERTY: 414 Hemlock St Sitka AK 99835

APPLICANT'S NAME: Ali Clayton

MAILING ADDRESS: 1601 Davidoff St. Sitka AK 99835

EMAIL ADDRESS: clayton-7a@hotmail.com DAYTIME PHONE: 907.747.1842

PROPERTY LEGAL DESCRIPTION:

TAX ID: 13500000 LOT: 1 BLOCK: 24 TRACT: _____

SUBDIVISION: McGraw US SURVEY: 1474

OFFICE USE ONLY

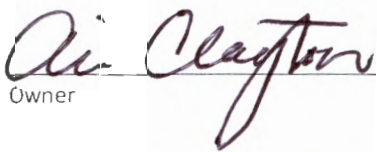
COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

- ☐ Completed application form
- ☐ Narrative
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Proof of filing fee payment
- ☒ Proof of ownership
- ☒ Copy of current plat
- ☒ Topographic information (If Pertinent to Application)
- ☐ Landscape Plan (If Pertinent to Application)
- ☐ Drainage and Utility Plan (If Pertinent to Application)
- ☒ Parking Plan (For Conditional Use Permit) ~
- ☒ Floor Plan (For Conditional Use Permit) ~
- ☐ Three (3) copies of concept plat (For Plat) ~
- ☒ Plat Certificate from a title company (For Plat) ~

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I further authorize municipal staff to access the property to conduct site visits as necessary.



Owner

Applicant (If different than owner)

11.28.14

Date

Date

Parcel ID: 13415000
GARY SMITH
SMITH, GARY
105 SAND DOLLAR DR
SITKA AK 99835

Parcel ID: 13417000
JAMES FLOOD
FLOOD, JAMES, II.
1720 LARCH ST, #2
KODIAK AK 99615-7602

Parcel ID: 13420000
MARIE MCGRAW
MCGRAW, MARIE
P.O. BOX 718
SITKA AK 99835-0718

Parcel ID: 13422000
GARY SMITH
SMITH, GARY
105 SAND DOLLAR DR
SITKA AK 99835

Parcel ID: 13425000
ALTON/JOELLIN CROPLEY
CROPLEY, ALTON & JOELLIN
406 HEMLOCK ST
SITKA AK 99835

Parcel ID: 13427000
JUDITH LEHMAN
LEHMAN, JUDITH, J.
411 HEMLOCK ST.
SITKA AK 99835

Parcel ID: 13430000
STEVEN/AMELIA GAGE
GAGE, STEVEN, J./AMELIA, J.
409 HEMLOCK ST
SITKA AK 99835

Parcel ID: 13432000
MICHAEL SULLIVAN
SULLIVAN, MICHAEL, D.
407 HEMLOCK ST, APT B
SITKA AK 99835

Parcel ID: 13440000
RICHARD/MARJORI PARMELEE
PARMELEE, RICHARD/MARJORIE
405 HEMLOCK ST
SITKA AK 99835

Parcel ID: 13490000
ALTON/JOELLIN CROPLEY
CROPLEY, ALTON & JOELLIN
406 HEMLOCK ST
SITKA AK 99835

Parcel ID: 13495000
BELLEREED, LLC
ROSS A. MARLEY, DMD
BELLEREED, LLC
423 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 13500000
ALI CLAYTON
CLAYTON, ALI
1601 DAVIDOFF ST
SITKA AK 99835

Parcel ID: 13505000
WADE/LAURIE PORTER
PORTER, LAWRENCE/WADE/LAURIE
271 SUMAC DR
WAPATO WA 98951

Parcel ID: 13510000
STEVEN/AMELIA GAGE
GAGE, STEVEN & AMELIA
409 HEMLOCK ST
SITKA AK 99835

Parcel ID: 13515000
LARRY/JULIANA FITZSIMMONS
FITZSIMMONS, LARRY/JULIANA
408 HEMLOCK ST
SITKA AK 99835

Parcel ID: 13520000
MICHAEL/MICHELLE MAHONEY
MAHONEY, MICHAEL, K./MICHELLE,
M.
204-A NEW ARCHANGEL ST.
SITKA AK 99835

Parcel ID: 13522000
TIMOTHY AINSLIE
AINSLIE, TIMOTHY, E.
415 SPRUCE ST
SITKA AK 99835

Parcel ID: 13525000
TIMOTHY AINSLIE
AINSLIE, TIMOTHY, E.
415 SPRUCE ST
SITKA AK 99835

Parcel ID: 13527000
LORETTA NESS
NESS, LORETTA, J.
102 WINCHESTER WAY
SITKA AK 99835

Parcel ID: 13530000
J.L. RENTALS, LLC
J. L. RENTALS, LLC
112 SAND DOLLAR DR
SITKA AK 99835

Parcel ID: 13531000
MARTY/ELIZABETH MARTIN
REVOCABLE TRUST
MARTIN TRUST, MARTY & ELIZABETH
P.O. BOX 2752
SITKA AK 99835-2752

Parcel ID: 13537000
UNITARIAN UNIVERSALIST
ASSOCIATION
UNITARIAN UNIVERSALIST
ASSOCIATION
408-A MARINE ST.
SITKA AK 99835

Parcel ID: 13540000
MARY ANN MUSEWSKI
MUSEWSKI, MARY, ANN
403 SPRUCE ST
SITKA AK 99835

Parcel ID: 13552000
F.& D./S. & S. REEDER/LINCOLN PLACE,
LLC
R & B RENTALS
REEDER, F&D S&S/LINCOLN PLACE,
LLC
410 MARINE ST, #2
SITKA AK 99835

Parcel ID: 13557000
SANDI RIGGS
RIGGS, SANDI, L.
412 MARINE ST
SITKA AK 99835

Parcel ID: 13560000
ARSENIO/MARIVIC CARBONEL
CARBONEL, ARSENIO, V./MARIVIC, M.
P.O. BOX 1271
SITKA AK 99835-1271

Parcel ID: 13565000
JD RENTALS, LLC
JD RENTALS, LLC
2826 10TH AVE E.
SEATTLE WA 98102

Parcel ID: 13570000
RYAN/SUZANNE WILSON
WILSON, RYAN & SUZANNE
P.O. BOX 414
SITKA AK 99835-0414

Parcel ID: 14275000
JUSTIN/PATRICIA FAGER
C/O DARCIA JENNER
FAGER, JUSTIN & PATRICIA
601 PLAMER AVE
LAGRANDE OR 97850

Parcel ID: 14280000
ALAIN/TERESSA SAAIMAN
SAAIMAN, ALAIN/TERESSA
4617 RIVER RD
JUNEAU AK 99801

Parcel ID: 14294000
MARY FERGUSON
FERGUSON, MARY
504 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 14296000
STEVEN/MARY PAUSTIAN/NELSON
PAUSTIAN, STEVEN, J./NELSON, MARY,
R.
502 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 17374000
CITY & BOROUGH OF SITKA
SWAN LAKE
C/B OF SITKA
~~100 LINCOLN ST~~
SITKA AK 99835

REEDER, F&D S&S/LINGOLN PLACE, LLC
410 MARINE ST, #2

SITKA

AK 99835

JD RENTALS, LLC
2826 10TH AVE E.

SEATTLE

WA 98102

P&Z. Mailing
December 9, 2016

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: _____

To: *Ali Clayton*

ACCOUNT # 100-300-320-3201.002
PLANNING & ZONING

Variance.....	
Conditional Use Permit.....	<i>100.00</i>
Minor Subdivision.....	
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	<i>5.00</i>
TOTAL.....	<i>105.00</i>

Thank you

PAID

NOV 22 2016

CITY & BOROUGH OF SITKA



AFTER RECORDING, RETURN TO:

Ali Clayton
1601 Davidoff St.
Sitka, AK 99835

AETIA 52673

WARRANTY DEED
A.S. 34.15.030

The Grantors, **FRANK SCIGLIANO and GLORIA SCIGLIANO, husband and wife,** who took title as **FRANK SCIGLIANO and GLORIA BIAS, husband and wife,** whose address is 109 Sand Dollar Dr., Sitka, AK 99835, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, as part of an IRC Section 1031 Tax Deferred Exchange on behalf of Grantors, convey and warrant to **ALI CLAYTON,** Grantee, whose mailing address is 1601 Davidoff St., Sitka, AK 99835, the following-described real estate:

PARCEL #1 - A fractional part in Block 24, Sitka Townsite according to the official plat thereof, now known as Lot 1, McGRAW SUBDIVISION in Block 24 Sitka Townsite and more fully described as follows: Starting at the Northerly corner of said Block 24; thence S 56 degrees 18 minutes East as distance of 176.00 feet; thence meandering along the Southwesterly boundary of Halibut Point Road right-of-way (approximately S 75 degrees 23 minutes E) a distance of 28.00 feet, more or less, to a point known as Corner 1, the point of beginning herein, said Corner No. 1 lying on a bearing of North 33 degrees 42 minutes East of a point 203.00 feet South 56 degrees 18 minutes East of the Northerly corner of said Block 24; thence South 33 degrees 42 minutes West a distance of 85.00 feet to Corner No. 2; thence South 56 degrees 18 minutes East as distance of 90.00 feet to Corner No. 3; thence North 33 degrees 42 minutes East a distance of 105.00 feet to Corner No. 4; thence meandering Northwesterly along the Southwesterly boundary of Halibut Point Road right-of-way as distance of 94.00 feet, more or less to Corner No. 1, the point of beginning, Sitka Recording District, State of Alaska.

PARCEL #2 - The Easterly half of a parcel of land lying Westerly of Lot 1, McGraw Subdivision and more particularly described as follows: Beginning at the most Westerly corner of Lot 1 and the true point of beginning of the description; thence North 56 degrees 18 minutes West 13.50 feet to the centerline of an unnamed right-of-way; thence along the centerline of said unnamed right-of-way North 33 degrees 42 minutes East 79.67 feet, but in any case to the Southerly right-of-way line of Halibut Point Road; thence in an Easterly direction along the Southerly right-of-way line of Halibut Point Road through an arc whose chord bearing and distance is South 75 degrees 23 minutes East 14.29 feet, but in any case to the most Northerly corner of said Lot 1; thence along the Westerly boundary of Lot 1 South 33 degrees 42 minutes W 84.34 feet, but in any event to the true point of beginning, Sitka Recording District, First Judicial District, State of Alaska.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

DATED this 24 day of MAY, 2016.

GRANTORS:

Frank Scigliano by Gloria Scigliano
FRANK SCIGLIANO by GLORIA SCIGLIANO his
Attorney in Fact his attorney in fact

Gloria Scigliano
GLORIA SCIGLIANO

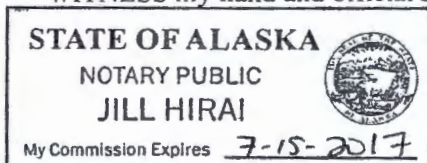
STATE OF ALASKA)

) ss.

FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 24th day of May, 2016, by GLORIA SCIGLIANO as herself and also as Attorney in Fact for FRANK SCIGLIANO.

WITNESS my hand and official seal on the day and year in this certificate first above written.



Jill Hirai
Notary Public in and for Alaska
My Commission Expires: 7-15-2017

WARRANTY DEED
A-4350\4625\Warranty Deed

Page 2

