



# City and Borough of Sitka

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*Coast Guard City, USA*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: CUP 22-01  
Proposal: Request for short-term rental at Crescent Harbor F3-02  
Applicant: Cameo Padilla and Brooks Areson  
Owner: Cameo Padilla and Brooks Areson  
Location: Crescent Harbor, Float 3, Slip #2  
Legal: A Portion of ATS 15  
Zone: P- Public Lands District  
Size: Vessel/stall  
Parcel ID: 1-0258-000  
Existing Use: Commercial/Marine  
Adjacent Use: Commercial/Marine/Liveaboard  
Utilities: Public utilities available from dock  
Access: Dock- Crescent Harbor Parking Lot

### **KEY POINTS AND CONCERNS**

- Conditional use permits run with the location and the boat. Any change to either and the permit is void. The owners/applicants held a conditional use permit (CUP 20-01) for their vessel M/V Equinox at Eliason Harbor Stall T3-08 and are now seeking a new permit given the change in slip. The owners have a demonstrated history of STR operation on vessels, with a prior permit for another vessel, the F/V Morning Glass (CUP 18-09). Further, to clarify, should the M/V Equinox be sold, the CUP will expire since the boat will have to be moved per harbor policy.
- Ports and Harbors Commission recommended approval at their meeting on 11/10/21
- Currently there are no STRs in Crescent Harbor. STRs in harbors are capped at 2 per harbor.

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the short-term rental on the M/V Equinox at Crescent Harbor Float 3, Slip #2 given that the applicants have shown to be responsible permit holders in the past, the proposal has been recommended for approval by the Ports & Harbors Commission, and the proposal is consistent with the joint Harbor & Planning STR Plan.

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for a short-term rental on a boat at slip 3-02 in Crescent Harbor on the M/V Equinox. This is a commercial vessel that could accommodate up to 6 people for STR purposes. Per the provided vessel layout, the vessel is 53' long with a living space, kitchen/cooking facilities, and three guest rooms, and two heads.

The owners run a long-range tour and site-seeing business from the vessel. The use of the vessel for short-term rentals is to fill in vacancies during tours and for the shoulder seasons. The owners previously had a conditional use permit for the F/V Morning Glass in Eliason Harbor under CUP 18-09. The owners were up to date on their conditions of approval and reporting requirements.

Per the Joint Harbors and Planning “Short-Term Rentals on Boats” plan (2017), there are restrictions and procedures around short-term rentals in the harbor system. First, there is a cap on the number of STR’s in the harbors – 2 in each harbor and 10 total in the system. This request does not exceed the total of 2 STRs operating in Crescent Harbor. Second, requests must be reviewed by Ports & Harbors prior to Planning Commission consideration. The Ports & Harbors Commission reviewed this request at their 11/10/21 meeting and approved it by a unanimous vote of 6-0. Third, the permit is specific to both the vessel and the slip; if either changes, a new permit must be sought. This effectively means that the permit does not run with the vessel if it changes hands or location. Per harbor policy, transfer in ownership requires the vessel be moved/the slip re-applied for. The applicants have followed this restriction in seeking a new permit for their newly acquired vessel.

### ***22.16.020 Public Lands District***

The P zoning district may allow short-term rentals in harbors 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.<sup>1</sup>

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>2</sup>**

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

The vessel can accommodate up to 6 people. The location is in the middle of the harbor and requires a moderate walk. Public parking could be taken up, impacting residents and commercial uses. However, given the harbor’s proximity to town and shopping centers, the applicant’s have found that many guests do not rent a vehicle.

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<sup>1</sup> Table 22.16.015-1

<sup>2</sup> § 22.24.010.E

**b. Amount of noise to be generated and its impacts on surrounding land use:** Short term rentals have the potential to create noise from transient guests. However, disturbance from noise is expected to be comparable to that of a live-aboard and is addressed in the rental agreement.

**c. Odors to be generated by the use and their impacts:** Potential odor impacts are minimal and in line with similar harbor uses.

**d. Hours of operation:** The proposal is to book rentals year-round.

**e. Location along a major or collector street:** Accessed at Crescent Harbor.

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

**g. Effects on vehicular and pedestrian safety:** Renters may be unfamiliar with the harbor/boating environment. Potential impacts can be mitigated by the owners providing safety orientation and walk-through.

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

**i. Logic of the internal traffic layout** Deck space, living/dining space, kitchen/cooking facilities, 3 berths, 2 heads.

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

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** No buffers. Adjacent uses could be impacted.

**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 Economic Development Action ED 6.5 which aims to “Support growth of Sitka’s independent, cruise-related, and heritage tourism work and enterprises,” by allowing the applicant’s to make their long-range tour business more sustainable, and provide a unique lodging experience to visitors.

**m. Other criteria that surface through public comments or planning commission review:** Harbormaster has indicated that waste disposal and noise/disturbance could impact other harbor users. However, the applicants have so far proven to be responsive stewards of their permit and have managed the impacts accordingly.

## **RECOMMENDATION**

The Planning Department recommends that the Planning Commission approve the conditional use permit application for a short-term rental subject to the recommended conditions of approval.

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## **ATTACHMENTS**

Attachment A: Aerial  
Attachment B: Crescent Harbor Map  
Attachment C: Photos  
Attachment D: Vessel Layout  
Attachment E: Coast Guard Check  
Attachment F: Renter Handout  
Attachment G: Applicant Materials

## **RECOMMENDED MOTIONS:**

- 1) I move to approve the conditional use permit for a short-term rental located on the M/V Equinox in Crescent Harbor Float 3, Slip #02 in the P Public lands zone. The property is also known as a portion of ATS 15. The application is filed by Cameo Padilla and Brooks Areson. The owners of record are Cameo Padilla and Brooks Areson.**

Conditions of Approval:

1. Notification of renter on board vessel to Port and Harbor Department
2. Must pay live aboard harbor fees
3. \$100 Port and Harbors Annual short-term rental fee
4. The facility shall be operated in compliance with harbor regulations concerning sewage disposal and all other matters.
5. The facility shall be operated consistent with the application and plans that were submitted with the request.
6. The facility shall be operated in accordance with the narrative that was submitted with the application.
7. The applicant shall submit an annual report every year to the Planning Commission and the Port and Harbors Commission, summarizing the number of nights the facility has been rented each year.
8. The Planning Commission and/or the Port and Harbors Commission, at their discretion and upon receipt of a meritorious complaint, may schedule a public hearing at any time

for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.

9. 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.
10. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
11. The property owner shall provide orientation information to all renters, which shall cover boat and water safety, ingress and egress, and proper waste disposal.
12. The boat must be approved by the CBS Harbor Department as a live aboard, and appropriate live aboard fees must be paid.
13. Shall comply with all applicable United States Coast Guard regulations regarding pleasure craft.
14. Occupancy shall be limited to a maximum of 6 guests.
15. If the M/V Equinox is sold, harbor policy dictates the vessel must be moved. The CUP runs with the vessel and the stall. If either change, the CUP is not valid for another vessel or location.
16. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

**2) I move to approve and adopt the required findings 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:<sup>3</sup>

1. 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;
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site in 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.

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<sup>3</sup> §22.30.160(C)—Required Findings for Conditional Use Permits

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.