



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

Date: March 23, 2016

To: Planning Commission

From: Samantha Pierson, Planner I

Re: CU 16-07 Short-Term Rental

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### **GENERAL INFORMATION**

Applicant: Christopher Wilbur and Lisa Herwald

Property Owner: Christopher Wilbur and Lisa Herwald

Property Address: 119 Anna Drive

Legal Description: Lot 1 Sunnyside Estates

Parcel ID Number: 3-0953-001

Size of Existing Lot: 10,491 square feet

Zoning: R-2

Existing Land Use: Residential

Utilities: Full city services

Access: Anna Drive to Sawmill Creek Road

Surrounding Land Use: Residential

### **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: Parcel Pictures

Attachment D: Application

Attachment E: Site Plan

Attachment F: Subdivision Plat

Attachment G: Zoning Map

Attachment H: Flood Zone Map

Attachment I: Mailing List

Attachment J: Proof of Payment  
Attachment K: Warranty Deed

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for a short-term rental at 119 Anna Drive. The house has two dwelling units. The owners live in one unit, and they currently rent the other unit long-term. The owners wish to rent their second dwelling unit as a short-term rental to allow for flexibility in accommodating visiting friends and family.

### ***22.16.050 R-2 multifamily residential district.<sup>1</sup>***

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.<sup>2</sup>

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>3</sup>**

**a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** Typically, car use by tourists is less than or the same as long-term residential use.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Same amount of noise to slightly more as property will remain residential, but visitors/guests will be on vacation and it is common that hotel or other transient guests can be louder than long-term renters.

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

**d. Hours of operation:** Year-round operation.

**e. Location along a major or collector street:** Anna Drive to Sawmill Creek Road.

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

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<sup>1</sup> A. *Intent. The R-2 residential district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with the full range of public utilities, including sewers, water, electricity, and storm drains or are intended to be provided with such utilities in the near future. This district is intended primarily for single-family and multiple-family residences at moderately high population densities. Structures required to serve governmental, educational, recreational, religious and limited professional office needs are allowed subject to permitted or conditional use restrictions intended to preserve and protect the residential character of the R-2 district.*

<sup>2</sup> Table 22.16.015-1

<sup>3</sup> § 22.24.010.E

**g. Effects on vehicular and pedestrian safety:** No concerns.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Same ability as if home was only a single-family home.

**i. Logic of the internal traffic layout:** The applicants have indicated four 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:** A chain link fence separates this property from the adjacent property.

**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, which this proposal would help provide if approved.<sup>4</sup> The application conforms to the above sections by allowing the owners the flexibility to rent the unit to tourists while reserving some time for family to use the unit, rather than committing the unit to a long-term lease.

**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.<sup>5</sup>

### **Other Important Considerations**

Short-term rentals that are regulated offer many benefits that include such things as: 1) increased financial benefit from tourism across the housing market and other economic sectors; 2) increased tax revenue from bed tax and other tourism sectors; 3) increased life and safety regulations that decrease safety risks 4) potentially increased value to those that comply and are able to operate; 5) increased income opportunities to home owners; and many more. However, there are also cons that include: 1) decrease in supply of long-term housing and subsequent increase in cost to renters and buyers for affordable housing; 2) some say unfair competition with licensed lodging business and hotel that must comply with a litany of local, state, and sometimes federal regulations; 3) risk of crime increase due to transient guests or unoccupied homes; 4) various impacts on the characteristics of residential neighborhoods.<sup>6</sup>

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<sup>4</sup> Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

<sup>5</sup> Planning: The Magazine of the American Planning Association, February 2016, p. 31

<sup>6</sup> Planning: The Magazine of the American Planning Association, February 2016, p. 31; & STR Housing Restrictions, White Paper, Robinson & Cole, Attorneys at Law, 2011.

## **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:**<sup>7</sup>

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.
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,

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<sup>7</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

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:** That the proposed 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; and that all necessary findings have been met.

## **RECOMMENDATION**

It is recommended that the Planning Commission adopt the Planner's 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 request filed by Christopher Wilbur and Lisa Herwald for a short-term rental at 119 Anna Drive, subject to the conditions of approval. The property is also known as Lot 1 Sunnyside Estates. The request is filed by Christopher Wilbur and Lisa Herwald. The owners of record are Christopher J. Wilbur and Lisa A. Herwald.

### 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 following the first nine months of operations 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.