



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

### **AGENDA ITEM:**

Case No: CUP 18-21  
Proposal: Request for short-term rental at 2414 HPR  
Applicant/owner: W. Gary and Coralyn Marie Oines  
Location: 2414 Halibut Point Road (HPR)  
Legal: Lot E, US Survey 2749, referred to as Tract 3 of minor subdivision and Lot E (Tract ½ 2 & 3)  
Zone: R-1 MH zoning district  
Size: approx. 20,051 square feet  
Parcel ID: 25300000  
Existing Use: Single-family residence with new 1 bedroom apartment  
Adjacent Use: Residential  
Utilities: Existing  
Access: Directly off of HPR

### **KEY POINTS AND CONCERNS:**

- Rental overview shall comply with conditions of approval
- Access area uses part of state ROW. All parking and access shall comply with all state required permissions and property rights.
- STR have impacts to LTR and home values. This is important in regards to this specific proposal and also to the issue at large.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the conditional use permit request for a short-term rental at 2414 Halibut Point Road.

## **ATTACHMENTS**

Attachment A: Applicant Materials

Attachment B: Staff Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for a short-term rental (STR) of a 1 bedroom apartment over a garage that is attached to an existing single-family residence. This is technically a duplex which is permitted as a matter of right. However, renting out a unit as a STR requires a conditional use permit. The apartment is approximately 560 sf.

## **ANALYSIS**

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

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

Applicant does not anticipate significant increase in vehicular traffic nor impact from proposed use as there is adequate parking on-site. Note: portion of entrance to property is state right of way.

**b. Amount of noise to be generated and its impacts on surrounding land use:** could create noise from transient guests. Staff defer to applicant to explain how they propose to manage potential noise conflicts.

**c. Odors to be generated by the use and their impacts:** Odor impacts are minimal and in line with similar residential uses. Garbage shall be disposed of in municipal container and in accordance with Sitka General Code requirements.

**d. Hours of operation:** Check-in after 12pm, and check out by 10 am. Renters may come and go 24/7.

**e. Location along a major or collector street:** Access from HPR.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** Property can only be accessed by HPR. Rental overview includes detailed directions with map.

**g. Effects on vehicular and pedestrian safety:** Applicant shall provide a rental overview that summarizes various safe means of access and transportation options

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<sup>1</sup> § 22.24.010.E

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Same as if the unit had a long-term inhabitant.

**i. Logic of the internal traffic layout:** The rental unit has a private entrance adjacent to the garage, and does not share any common spaces with the existing home.

**j. Effects of signage on nearby uses:** No signage proposed. Address is posted at the end of the easement.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** The south side has adequate vegetative buffers and the north side is 33 feet from the adjacent home.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** On one side this proposal supports a range of housing options. It creates incentives for owners to develop additional dwelling units and develop higher density on their lots. On the other hand, increases in STR are linked with negative impacts to renters and home buyers in raising rental and purchase costs. The Comp Plan has suggested continued monitoring and evaluation of these type of impacts.

**m. Other criteria that surface through public comments or planning commission review:** Short-term rentals may cause the increase of long-term rental rates.

Property owners shall keep garbage in city garbage bins with closed lid, which may be located in garage or bear resistant enclosure. Conditions of approval require that garbage management follow Sitka General Code requirements, including but not limited to the restriction from putting garbage out until 4 am on garbage collection day.

**RECOMMENDATION**

It is recommended that the Planning Commission approve the conditional use permit application for a short-term rental at 2414 Halibut Point Road.

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**Motions in favor of approval:**

1) I move to approve the conditional use permit for a short-term rental at 2414 Halibut Point Road in an R-1 MH zoning district. The request is filed by the owners W. Gary & Coralyn Marie Oines. The property is described as a portion of Lot E, US Survey 2749, referred to as Tract 3 of the minor subdivision of Lot E (Tract ½ 2 & 3).

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
3. 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, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. 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.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. To mitigate parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should on-street parking occur at any time, the conditional use permit shall be revoked.
9. Any signs must comply with Sitka General Code 22.20.090.
10. A detailed rental overview shall be provided to renters detailing directions to the unit, transportation options, appropriate access, parking, trash management, noise control/quiet hours, and a general admonition to respect the surrounding residential neighborhood.
12. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

2) I move to find that:<sup>2</sup>

1. ...The granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare *specifically, conditions of approval require responsible garbage management and noise monitoring;*
  - b. Adversely affect the established character of the surrounding vicinity *specifically, the rental would make use of an already developed unit of a duplex with on-site owner-managers to monitor for concerns; 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, *specifically, on-site parking is provided.*
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, that the proposal provides owners with incentives to develop higher density and additional dwelling units.*

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<sup>2</sup> § 22.30.160.C – Required Findings for Conditional Use Permits