



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 26-08
Proposal: Bed and Breakfast
Applicant: Robert Miller
Owner: Robert Miller
Location: 130 Anna Drive
Legal: Lot 2, Wein Lot Line Adjustment
Zone: R-2 - Multifamily Residential District
Size: 291,550 square feet
Parcel ID: 3-0950-040
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Anna Drive

KEY POINTS AND CONCERNS

- Property is developed with a single-family home
- The applicant also owns a charter fishing business; the bed and breakfast would primarily serve charter clients
- Requesting six guests, two per room

ATTACHMENTS

Attachment A: Aerial
Attachment B: As-Built
Attachment C: Existing Floor Plan
Attachment D: Proposed Floor Plan
Attachment E: Photos
Attachment F: Density Map
Attachment G: House Rules
Attachment H: Applicant Materials
Attachment I: Affidavit

BACKGROUND/PROJECT DESCRIPTION

The applicant/owner would like to utilize their single-family home, also their primary residence as a bed and breakfast (B&B) at 130 Anna Drive. The two-story home is located in the R-2 multifamily residential district on a lot of 6.7 acres or 291,550 square feet (SF). The house has a footprint of 1,092 SF.

The main clientele group for the property would be the applicant's charter fishing clients. The 2,184 SF home on the property currently has two bedrooms and two bathrooms; living/dining room, office and shop/garage space. The applicant is proposing to convert the office/shop/garage area into two additional bedrooms and an entertainment/office space with a smaller garage/shop area. The applicant will be residing in one of the downstairs bedrooms. The applicant is also proposing some contracted services with the addition of a cook who would come to the property for the spring and summer operations to prepare breakfast, prepackage lunch and dinner. As well as a cleaner that would come between guest visits.

Sitka General Code states, "Bed and breakfast" means a lodging use, where rooms within a single dwelling unit or owner-occupied side of a two-family unit are provided to transient guests by a resident operator for a fee by prearrangement on a daily or short-term basis. A breakfast meal and/or light snacks may be served to those guests renting rooms. Only limited cooking facilities, if any, may be provided in the guest rooms. Extensive stays are not encouraged by the owners and are not considered appropriate. Bed and breakfasts require a building official and fire official certification that the residence complies with life and fire safety aspects."

SGC 22.25.010(B) further requires that:

- The number of bed and breakfast sleeping rooms per residence is limited to five rooms in an R-2 or related zone.
- Bed and breakfasts can only be operated in owner-occupied dwellings, and day-to-day management cannot be contracted out. In the event the operation or management of the bed and breakfast is conducted by a tenant or party other than the owner who lives in the residence, the conditional use permit is voided.

The elements of the applicant's proposal that straightforwardly meet the definition of a bed and breakfast include the fact that it would be an owner-occupied and managed unit, no more than three guest rooms are being used for the rental, meeting the restrictions for the R-2 zoning, and breakfast would be served.

There are elements of the applicant's proposal that are less consistent with a traditional bed and breakfast are the inclusion of staff/contracted services (a cook and cleaner that would come in-between guest visits) on site, and meals outside of breakfast being provided.

In considering whether the proposal could be fairly characterized and permitted as a bed and breakfast, the definition of a lodge was compared, *means a premises that provides lodging (room and board) accommodations during all seasons for use by visitors engaging in recreational activities and includes a variety of related services. ...*” (SGC 22.05.840).

The inclusion of more meals and presence of staff is more consistent with the lodge definition, however, staff ultimately concluded that the critical elements of owner-occupancy and guest room limitations as required by a bed and breakfast designation had been met and should therefore move forward for consideration.

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: There will be increased traffic to the property as guests are transported to and from the home daily, and the cook coming and going from the property on a daily basis. When in use by charter clientele, they would be transported with one vehicle by the operator.

b. Amount of noise to be generated and its impacts on surrounding land use: The house rules provided list that quiet hours are in effect from 9pm to 7am. The applicant (who is a captain) and charter clients would be leaving the home early in the morning. With the applicant living onsite noise disturbances will be closely monitored.

c. Odors to be generated by the use and their impacts: No fish processing will occur on site. The applicant will have an indoor freezer dedicated to food waste to prevent attracting bears and comply with code requirements for trash pick-up. The house rules also instruct guests on garbage handling, and all garbage will be stored in the garage until pickup day. Garbage shall be disposed of in municipal containers and in accordance with Sitka General Code requirements.

d. Hours of operation: Available seasonally, spring through summer months.

e. Location along a major or collector street: Accessed via Anna Drive from Sawmill Creek Road. This section of Anna Drive is a privately maintained access easement.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: There are no other means of access to the site outside of Anna Drive.

¹ § 22.24.010.E

g. Effects on vehicular and pedestrian safety: Guests should be advised that Anna Drive is a steep residential street and care should be taken when driving in the neighborhood. Safety impacts are manageable and consistent with regular use in this low-density neighborhood.

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: Parking is available at the front of the property with adequate for at least four vehicles. B&B's require minimum of one off-street parking space for every three guestrooms in B&B establishments located in single-family residential zones, which is easily met in this case.

j. Effects of signage on nearby uses: One small sign has been proposed. Any exterior sign on the site shall not exceed four square feet in area as required for B&Bs.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The property is located at the top of Anna Drive and is well buffered by significant grade change from the neighboring properties, with large trees and vegetation. The property is abutted at the rear by US Forest Service lands. The nearest property to the single-family home is at least 200 feet away. The applicant has proposed a bear fence to be installed around the garden area.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: This proposal is supported under Economic Development Action ED 6.5, "Support growth of Sitka's independent, cruise-related, and heritage tourism work and enterprises."

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

RECOMMENDATION

While there are elements of the proposal that are inconsistent with a traditional bed and breakfast, staff believes that the core/critical elements are met and the potential impacts that could result from the inconsistent elements can be mitigated (primarily by virtue of the property being the applicant's primary residence). Staff recommends approval of the bed and breakfast request.

CONDITIONS OF APPROVAL

1. Contingent upon a completed satisfactory certificate of occupancy inspection.
2. Contingent upon a completed satisfactory life safety inspection.
3. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
4. The applicant shall submit an annual report beginning in 2027, 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 began operation, bed tax remitted, any violations, concerns, and solutions implemented. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.
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. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. To mitigate the impact of odor from the B&B and comply with bear attraction nuisance requirements, the property owner shall assure all trash is deposited in appropriately secured trash receptacles and only placed on street for collection after 4:00 a.m. on trash collection day.
9. 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 B&B) shall occur off-street, on-site, and further that should off-site parking occur at any time, the conditional use permit shall be revoked.
10. Any signs must comply with Sitka General Code 22.20.090.
11. 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 condition to respect the surrounding residential neighborhood. The renter handout shall include an advisory note to tenants to be mindful of vehicle and especially pedestrian traffic in the area, and to exercise caution coming and going from the property in motor vehicles.
12. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the B&B.
13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motions in favor of approval

1. **“I move to approve the conditional use permit for a bed and breakfast at 130 Anna Drive in the R-2 - Multifamily Residential District subject to the attached conditions of approval. The property is also known as Lot 2, Wein Lot Line Adjustment. The request is filed by Robert Miller. The owner of record is Robert Miller.”**
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 and be monitored by the owner-occupant to ensure that there are no resulting impacts or disturbances that would negatively affect health, safety, welfare, neighborhood character, or properties in 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 Action ED 6.5 to support growth of Sitka’s independent, cruise-related, and heritage tourism work and enterprises.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; *because the property will be monitored by the property owners to ensure that there are no resulting impacts, and opportunities for redress to the Planning Department and/or Planning Commission.*
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; *because no hazardous conditions are expected from the use of the property as a bed and breakfast.*
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; *because the property is located off a state right-of-way and is served by privately 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; *because 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