



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 26-06
Proposal: Reduction in required parking
Applicant: Randy Hughey for Sitka Community Land Trust
Owner: Sitka Community Development Corporation (Sitka Community Land Trust)
Location: 1306 Halibut Point Road
Legal: Lot Two (2), Little Critter Highlands Subdivision
Zone: R-2 Multifamily Residential District
Size: 28,266 SF
Parcel ID: 1-47407-001
Existing Use: Vacant, undeveloped, parking for Su'S Heeni Shaak Subdivision
Adjacent Use: Residential
Utilities: Mills Street, Halibut Point Road
Access: Mills Street, Halibut Point Road

KEY POINTS AND CONCERNS

- The proposal is to facilitate construction of permanent affordably housing for Sitkans.
- Sitka General Code requires two parking spaces per dwelling unit in the R-2 zone.
- This variance accompanies hearing and consideration of a preliminary plat (P 26-01).

ATTACHMENTS

Attachment A: Aerial
Attachment B: Current Plat
Attachment C: Proposed Preliminary Plat
Attachment D: Photos
Attachment E: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION

The applicant is proposing to create a new building lot in the Sitka Community Land Trust (SCLT) neighborhood in the 1300 block of Halibut Point Road (HPR) under case file P 26-01 which was reviewed as conceptual plat in May and is on tonight's agenda as a preliminary plat. Much of the discussion on the conceptual plat focused on access and parking; given the lot's location and topography, the applicant has stated that on-site parking is infeasible.

Why discuss a parking variance as a part of the platting process?

- 1) Adequate on-site parking is a zoning development standard. If the Commission does not feel that off-site parking is warranted and/or workable, then the proposed subdivision action should not move forward.
- 2) If the Commission does feel that modifying or waiving parking requirements is warranted, the number and location of parking spaces need to be determined.
- 3) If the parking spaces are designated on private property, the final plat needs to include dedications and/or easements for parking and access.

ANALYSIS

Parking Requirements

Sitka General Code (SGC) 22.20.100(G)(1) states that for residential uses up to and including four-family buildings, two off-street parking spaces are required per unit.

Justification

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience. A required finding for variances involving major structures or expansions in the Sitka General Code echoes this statement by stating that there must be "...special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner."

In this case, the shape of the parcel and topography of the lot creates challenging conditions in which to create parking. Further, the underdeveloped right-of-way conditions at Mills Street present further developmental challenges and would require development by the property owner regardless of the granting of the variance. The topography and shape of the existing lot and the underdeveloped nature of the Mills Street ROW should be considered special circumstances warranting a variance.

Options/Alternatives

The applicant has proposed, as an alternative to the two required off-street parking spaces, two on-street parking spaces in the underdeveloped Mills Street ROW. This would require the applicant to develop more of the ROW to increase its developed width. The future property owner would also be responsible for contributing to maintenance or other activities such as snow plowing given that Mills Street is not maintained by CBS.

The applicant stated that parking is not available in the rest of the SCLT development downhill because there are already 28 assigned parking spaces and 3 guest spaces; the homeowners' association (HOA) which manages parking is purportedly disinclined to accommodate additional parking for this lot. Staff made several observations upon visiting the site:

- 1) Staff counted 30 parking spaces (plus 2 guest spaces for one particular lot, see #3 below) which is well above the 1.5 per each of the 15 homes required per the PUD parking standards. With 30 spaces available and only 23 spaces required for the current development, designating 2 spaces for the newly created lot could be accommodated.
- 2) Significant construction activities are currently taking place on the property for both additional single-family homes as well as the 6 apartment units; this has decreased parking space availability due to construction cars, trucks, equipment, and material storage. 7 parking spaces are currently undeveloped/inaccessible; the addition of these spaces when the houses on lots 5A and 5B of the Su'S Heeni Shaak Subdivision should alleviate some parking congestion. These could also potentially be utilized as tandem parking spaces as there is adequate space.
- 3) Lot 4A of the Su'S Heeni Shaak Subdivision has its own driveway that can accommodate 4 parking spaces when parked tandem. This property does not need to utilize the common parking areas.
- 4) It is unclear whether Lot 1A Su'S Heeni Shaak Subdivision will be used for a residence; the preliminary plat has it labeled as "Common Elements". If there isn't going to be a home built on this property, that frees additional parking capacity.

In either case, there do appear to be viable alternatives to on-site parking for the newly created lot, though each comes with benefits & trade-offs.

Comprehensive Plan: This variance request supports the Comprehensive Plan Housing goal: *Expand the range, affordability, and quality of housing in Sitka while maintaining attractive, livable neighborhoods* by enabling development of land in a residentially zoned area, and by increasing the efficiency of the parcel in question. It also supports Action H 1.1e. *Encourage higher density development.*

RECOMMENDATION

Staff recommends approval of the variance to waive on-site parking requirements for the proposed Lot 2A, Mills Street Subdivision. Staff is not yet convinced that providing parking within the rest of the SCLT development is infeasible; the Commission's site visit and additional public testimony will be informative. Depending on whether the Commission is going to completely waive parking requirements, recommend approval of on-street parking to the Public Works Department, or require parking to be accommodated in the rest of the SCLT development via HPR, additional conditions of approval should be added.

Motions to approve the zoning variance

1. **"I move to approve the major zoning variance reducing the minimum number of required parking spaces from two to zero at 1306 Halibut Point Road in the R-2 multifamily residential district subject to the attached conditions of approval. The property is also known as Lot Two (2), Little Critter Highlands Subdivision. The request is filed by Randy**

Hughey for Sitka Community Land Trust. The owner of record is the Sitka Community Development Corporation (Sitka Community Land Trust)."

Conditions of Approval:

- a. The minimum number of off-street parking spaces at Lot 2A of the proposed Mills Street Subdivision (case file P 26-01) shall be reduced from two to zero. The applicant must demonstrate the ability to provide **X** off-street parking spaces for the property *[on a particular area, at a later date but prior to the recording of the final plat, etc.]*.
- b. This zoning variance is subject to future Planning Commission approval of the preliminary plat for a minor subdivision (case file P 26-01). Approval of this zoning variance shall not be construed as de facto approval of the proposed Mills Street Subdivision.
- c. The preliminary plat to be submitted shall be consistent with the plans, narratives, and other statement(s) of intent by the applicant for the subdivision action.
- d. Substantial progress by the applicant, such as submission of a preliminary plat prepared by a licensed survey for Planning Commission review and approval, must be made within one year of the platting variance approval or the approval becomes void. In the event it can be documented that other substantial progress has been made, a one-year extension may be granted by the Planning Director if a request is filed within eleven months of the initial approval.

1) "I move to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report."

Before any variance is granted, it shall be shown¹:

- a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner; *in this case, the shape and topography of the lot are special circumstances that warrant the granting of a parking variance;*
- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity *because the granting of this variance is necessary for efficient use of the lot to be subdivided and because construction of a single-family dwelling is a substantial property rights in the R-2 zone;*
- c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure *because the applicant is required to designate two parking spaces prior to the recording of the final plat associated with this variance; and*
- d. That the granting of such a variance will not adversely affect the comprehensive plan *because it supports creative development of a property that will provide affordable housing to year-round Sitka residents.*

¹ Section 22.10.160(D)(1)—Required Findings for Major Variances