



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 24-10
Proposal: Short-term rental
Applicants: Sidney and Matthew Kinney
Owners: Kinney Living Trust
Location: 103 Kramer Avenue
Legal: Lot A, Horvath Subdivision
Zone: R-1 MH single-family, duplex, and manufactured home zoning district
Size: 8,340 square feet
Parcel ID: 2-5181-001
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Kramer Avenue

KEY POINTS AND CONCERNS

- Property is their primary residence.
- Parking is available on the property.
- Property will be managed by Sitka Travel.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Plat
Attachment C: Site Plan/Parking
Attachment D: Floor Plan
Attachment E: Photos
Attachment F: Density Map
Attachment G: Renter Handout
Attachment H: Applicant Materials
Attachment I: Affidavit

BACKGROUND/PROJECT DESCRIPTION

The owners/applicants would like to utilize their primary residence at 103 Kramer Avenue as a short-term rental (STR). The home is located in the R-1 MH single-family, duplex, and manufactured home zoning district on a 16,680 square foot (SF) lot with a 3,090 SF two-story single-family home and two car garage. This two-story house has three bedrooms, two and one-half bath, kitchen/dining and living areas. The applicant is requesting the STR with a maximum capacity of 6 guests, two per room. Applicants plan to rent the house June – August as they are a seasonal fishing family. This property is located on a private easement off Kramer Avenue and is buffered by vegetation and trees. There is adequate parking in the driveway for four vehicles. This property was previously approved as a STR on February 5, 2020 and the permit had become inactive.

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: Applicants do not anticipate any significant increase in vehicular traffic versus long-term residential use.

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. As the maximum capacity is set at six guests, there is potential for increased noise. It is anticipated that noise generated by guests would be minimal. Quiet hours are from 10:00 pm – 8:00 am and the property will be managed by Sitka Travel.

c. Odors to be generated by the use and their impacts: Potential odor impacts are in line with similar residential uses. Renters are instructed on garbage handling. Applicants will keep garbage inside the garage. Garbage shall be disposed of in municipal containers and in accordance with Sitka General Code requirements.

d. Hours of operation: Applicants plan to rent the house June – August.

e. Location along a major or collector street: Accessed from Kramer Avenue and then via a private easement.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: Access from Halibut Point Road to Kramer Avenue, then through a private access easement. These routes are on State or municipally maintained streets intended for moderate to high traffic. Private access easement is maintained.

¹ § 22.25.010.E

g. Effects on vehicular and pedestrian safety: Visitors will be unfamiliar/less experienced with the road which can have mixed results (some may be more cautious, others less aware). There is a slow sign indicating children may be present.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Site is accessible to emergency services. Applicants do not anticipate a change from the current ability of emergency services personnel to access the site.

i. Logic of the internal traffic layout: The property has a large driveway with parking available for four vehicles.

j. Effects of signage on nearby uses: Applicants have no signage proposed. All signs shall comply with Sitka General Code.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The property is well buffered by vegetation on both sides, vacant lot to the front with a rock wall and the properties to the rear are at a lower elevation separated by a rock wall.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: A STR can help support the existing and growing tourism industry by providing transient guests with short-term housing options that allow the potential for more visitors to visit Sitka, bringing in money and creating opportunities for job creation and economic development. STRs also encourage housing redevelopment with the incentive of short-term rental income. However, STRs correlate with negative impacts to available housing stock for residents, long-term rental rates, and increased purchase prices for housing.

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

RECOMMENDATION

Staff recommends approval of the request for a short-term rental at 103 Kramer Avenue.

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 beginning in 2025, 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.
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 transient lodging 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 impact of odor from the short-term rental 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.
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 off-site 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 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.
11. 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.
12. 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 short-term rental at 103 Kramer Avenue in the R-1 MH single-family, duplex, and manufactured home zoning district subject to the attached conditions of approval. The property is also known as Lot A, Horvath Subdivision. The request is filed by Sidney and Matthew Kinney. The owners of record are Kinney Living Trust.”**

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 property owner 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 and goals to promote housing affordability, in this case, for the homeowner.*
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 owner 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 short-term rental.*
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 on a private access and utility easement, no adverse impacts on municipal 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 §22.10.160(C)—Required Findings for Conditional Use Permits