



# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## Planning and Community Development Department

### **AGENDA ITEM**

Case No: CUP 23-11  
Proposal: Bed and Breakfast  
Applicant: Giovannie and Gabrielle Kelly  
Owner: Giovannie and Gabrielle Kelly  
Location: 604 Merrill Street  
Legal: Lot Forty-three (43), Amended Plat of Pinehurst Subdivision  
Zone: R-1 - Single-Family/Duplex Residential District  
Size: 5,000 square feet  
Parcel ID: 1-8230-000  
Existing Use: Residential  
Adjacent Use: Residential  
Utilities: Existing  
Access: Merrill Street, Baranof Street, DeGroff Street

### **KEY POINTS AND CONCERNS**

- Property is an owner-occupied single-family home
- Property owners are renovating garage space into a direct access one bedroom with ensuite bathroom

### **ATTACHMENTS**

Attachment A: Aerial  
Attachment B: Floor Plan  
Attachment C: Renter Handout  
Attachment D: Site Plan  
Attachment E: Photos  
Attachment F: Density Map  
Attachment G: Applicant Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The applicants recently purchased the property in 2022 as their primary residence. The home was built in 1965 and is located on a 5,000 square foot nonconforming lot of record. The 1,395 square foot single-family single-story home on the property has three bedrooms and one bathroom that is utilized by the applicants and their family for living/sleeping quarters. The applicants are currently working with the building department to meet the requirements for a certificate of occupancy as they are renovating the garage space into a one bedroom with ensuite bathroom and separate entrance for use as a bed and breakfast (B&B). The property has on-site parking for two vehicles which each meet standard size requirements (10' x 20'). The property has the additional benefit of being located within walking distance of the Central Business District (CBD).

SGC 22.08.090 defines a B&B as, “*a lodging use where rooms within a single-family dwelling unit or owner-occupied side of a two-family unit are provided to transient guests by a resident operator for fee by pre-arrangement 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...*” The applicant’s proposal meets the definition of a B&B as it is an owner-occupied and managed unit and no more than three guestrooms are being used for the rental in accordance with the restrictions for R-1 zoning.

The parking requirement for B&B’s found in SGC 22.24.010.B.9 states, “*There shall be a minimum of one off-street parking space for every three guestrooms in bed and breakfast establishments located in single-family residential zones.*” This leaves some room for differing interpretations; it is unclear whether a parking space is required when there are fewer than three guestrooms. The prevalence of B&B’s has declined in favor of short-term rentals, meaning that there are few recent examples to compare to for precedence. However, based on the limited few between 2017-present, it would appear that this has been interpreted to mean that an additional parking space is required for B&B’s even if there are fewer than three guestrooms. With only two off-street parking spaces available, the commission has the following options to address parking:

- Reduce the parking requirement through a condition of approval (SGC 22.30.160.C)
- Reduce the parking requirement through a condition of approval and add condition(s) that limit vehicle use on the property
- Add a condition requiring the applicants to construct/obtain an additional off-street parking space
- Deny the permit

## 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:**

There is a small potential for increased traffic to this property, if the guests rent a car while renting the room, a maximum of one car is allowed as identified on the application. The property is located within a well-established neighborhood of Sitka, where there is daily residential traffic. The location of the property is close to CBD which could be a limiting factor as guests could walk to CBD destinations, as identified in the renter handout.

**b. Amount of noise to be generated and its impacts on surrounding land use:** None to minimal, as only one room with a maximum occupancy of two will be rented. The owners will be onsite to monitor noise levels, have identified on the renter handout to keep the noise down as the property is located in a quiet neighborhood and quiet hours on the application are listed from 8pm-7am.

**c. Odors to be generated by the use and their impacts:** Garbage management was identified in the renter handout, to keep trash in the locked bin on the side of the house as a bear deterrent. The B&B will only operate while owners are on-site, providing supervision for proper garbage handling.

**d. Hours of operation:** Available year-round, check out at 10am and check in at 3pm.

**e. Location along a major or collector street:** Located on Merrill Street, a neighborhood street.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario:** Merrill Street is accessed from Baranof Street with the option of a direct connection to Sawmill Creek Road or turning on DeGroff Street to Sawmill Creek Road or Lake Street. All connections to Merrill Street are standard, public rights-of-way.

**g. Effects on vehicular and pedestrian safety:** Minimal impact to existing safety conditions as both Baranof Street and Merrill Street are dead end streets. Guests should be advised that Merrill Street is a residential street and care should be taken when driving in the neighborhood.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Site is accessible to emergency services with direct access into the guestroom.

**i. Logic of the internal traffic layout:** Two parking spaces are available at the front of the property. As discussed in the background, the Commission will need to determine how it would like to address the lack of a parking space.

**j. Effects of signage on nearby uses:** No proposed signage.

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<sup>1</sup> § 22.24.010.E

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** The rear of the property is buffered by a fence as is the west side of the property. The west side of the property also has mature trees and vegetation and is the side of the house where the B&B room is located. The east side of the property has no buffers.

**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.” The proposal also contributes to the principle of housing affordability as prioritized in the plan, making the home more affordable for the owners/primary residents.

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

### **RECOMMENDATION**

Staff recommends approval of the request for a B&B at 604 Merrill Street subject to the attached conditions of approval. Additional conditions will need to be added: to either reduce the parking requirement, reduce the parking requirement and add vehicle-use limitations, or require the applicants to construct/obtain additional off-street parking. Potential motions are included.

Mechanisms to limit vehicle-use could include a prohibition of any vehicles being used in conjunction with the B&B, (which could also come with a requirement for the applicants to provide bicycles for renters), or limit overall vehicle-use between the single-family home and B&B to two vehicles.

Note: Generally, parking variances have been required when a conditional use permit request cannot meet the parking requirements. However, SGC 22.30.160.C states, “...*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.*” It is staff’s intent going forward to incorporate reductions in off-street parking requirements into a conditional use permit itself rather than requiring a separate parking variance when practicable. Given that no other variances are needed in conjunction with this request, this is a good example of a case in which parking reductions can be appropriately considered within the context of the conditional use permit.

## **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 2024, 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. A motion to address parking; examples include:**

- “I move to add a condition of approval reducing the required of-street parking spaces from three to two.”
- “I move to add a condition of approval reducing the required of-street parking spaces from three to two and further require \_\_\_\_\_ “
- “I move to add a condition of approval requiring the applicants to construct or obtain an additional off-street parking space before the permit can become active.”

### **2. “I move to approve the conditional use permit for a bed and breakfast at 604 Merrill Street in the R-1 - Single-Family/Duplex Residential District subject to the attached conditions of approval. The property is also known as Lot Forty-three (43), Amended Plat of Pinehurst Subdivision. The request is filed by Giovannie and Gabrielle Kelly. The owners of record are Giovannie and Gabrielle Kelly.”**

### **3. “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:<sup>2</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; *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 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.*
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.

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<sup>2</sup> §22.30.160(C)—Required Findings for Conditional Use Permits