

CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

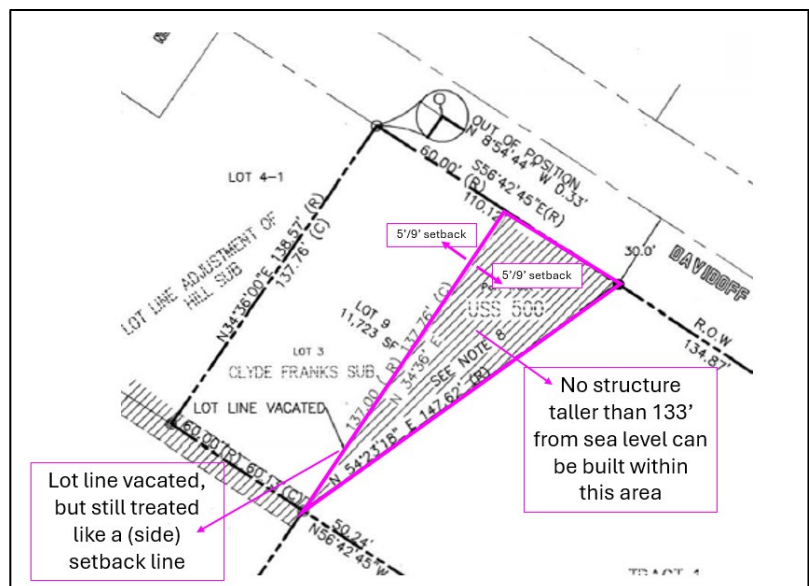
To: Chair Windsor and Planning Commission Members
From: Amy Ainslie, Planning & Community Development Director
Date: May 20, 2026
Subject: Amendment to Plat Note 8 of the Su'S Heeni Shaak Subdivision

The applicant/property owner of Lot 9, Su'S Heeni Shaak Subdivision (1415 Davidoff Street) has requested to amend plat note #8 of the Su'S Heeni Shaak Subdivision (Plat 2023-5, Sitka Recording District). Plat notes are generally regarded as binding when they address topics like easements, or prohibitions on lots. Typically plat notes have a close relationship with the zoning code or subdivision regulations, are tied to the Planning Commission's platting authority, and are enforced by the Planning Department.

During the development of the Su'S Heeni Shaak subdivision plat, a portion of the Sitka Community Land Trust's property was added to 1415 Davidoff Street. Two property owners in the neighborhood drafted plat note #8 as a means of preventing view obstructions for properties on the opposite side of Davidoff Street. It reads:

"That portion of Tract 1, USS 500 being a part of the newly created Lot 9 (expanded lot 3) on this subdivision is subject to a build height restriction. No structure shall be placed on this portion (only) of Lot 9 which would rise above 133 ft from sea level (MLLW = 0.0') - the same height as the existing northwesterly most property corner. Also, the setback along the original Lot 3 Southeast lot boundary remains in effect. The expanded area will not influence the location of the setback line along this boundary."

The restrictions of this plat note are demonstrated in the graphic here. The side property line, though dissolved, is essentially still in effect for the purposes of setbacks.



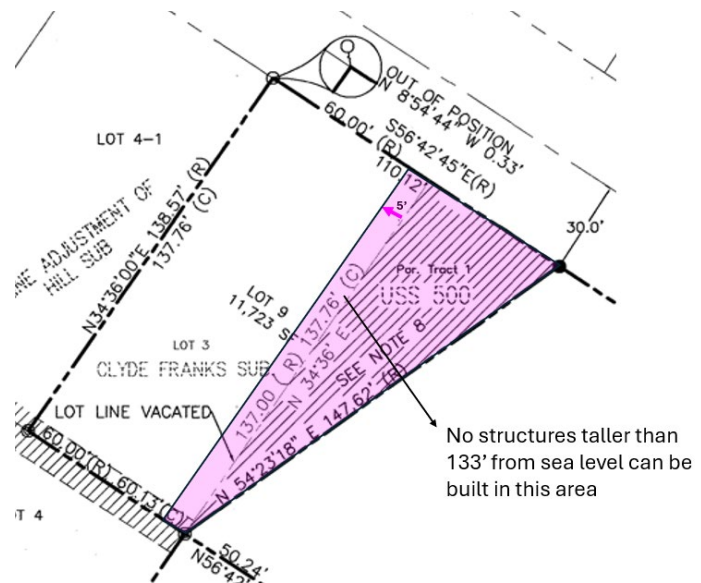
Sitka General Code (SGC) 22.05.250 defines building height as, “the vertical distance from the average elevation of the finished grade to the highest point of the coping of a flat roof, to the highest point of a mansard roof, or to the highest point of the highest gable of a pitched or hip roof.” Staff calculates building height per SGC 22.20.050, “from the average finished grade to the highest point of the roof. The average grade shall be determined by first drawing the smallest square or rectangle which encloses the building profile and then averaging the grade elevations taken at the midpoint of each side of the square or rectangle; provided that the measured elevations do not include berms.”

The applicant has proposed new revised language for plat note #8 which reads:

*“That portion of Tract 1, USS 500 being a part of the newly created Lot 9 (expanded lot 3) on this subdivision is subject to a build height restriction. No structure shall be placed on this portion (only) of Lot 9 which would rise above 133 ft from sea level (MLLW = 0.0') - the same height as the existing northwesterly most property corner. Also, the setback along the original Lot 3 Southeast lot boundary remains in effect. **Except any structure in the original setback can be built up to elevation 133 FT on the Southeast Lot boundary line only.** The expanded area will not influence the location of the setback line along this boundary.”*

Staff believes the intent of this amendment to plat note #8 is to allow the property owner to build within the “retained setback” on the former Lot 9, but also limit this area to the building height restriction. However, given that in the zoning code no structures taller than 30” above grade can be built in a setback, the retention of this setback but allowing structures within it is confusing and would be difficult to administer in the future. Staff instead suggests the following verbiage & diagram:

*“That portion of Tract 1, USS 500 being a part of the newly created Lot 9 (expanded Lot 3) on this subdivision, **as well as five feet west of the common boundary line between the former Lot 3 and Portion of Tract 1 dissolved per the Su’S Heeni Shaak Subdivision,** is subject to a build height restriction. No structure shall be placed on this portion (only) of Lot 9 which would rise above 133 ft from sea level (MLLW = 0.0') - the same height as the existing northwesterly most property corner. **Also, the setback along the original Lot 3 Southeast lot boundary remains in effect. The expanded area will not influence the location of the setback line along this boundary.”***



RECOMMENDATION

Staff recommends approval of the plat note amendment.

MOTIONS IN FAVOR OF APPROVAL

“I move to approve the amendment of plat note 8 of the Su’S Heeni Shaak Subdivision plat, removing the retained setback along the original southeast boundary line of Lot 3, Clyde Franks Subdivision and subjecting this portion of the property to the 133’ above sea level build height restriction, at 1415 Davidoff Street in the R-2 multifamily residential district. The property is also known as Lot 9, Su’S Heeni Shaak Subdivision. The request is filed by Sam Smith. The owner of record is Hard Rock Construction, LLC.”