

City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: CUP 17-17
Proposal: Request for short-term rental at 1605 Davidoff Street
Applicant: Dan Keck
Owner: Keck Living Trust
Location: 1605 Davidoff Street
Legal: Lot 3 Block 9 US Survey 3303B
Zone: R-1 single-family and duplex residential district
Size: 9955 square feet
Parcel ID: 1-4860-000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Davidoff Street to Halibut Point Road

KEY POINTS AND CONCERNS:

1. Findings: The required findings of fact have been met as the conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding transient housing supply.
2. Other Major Points:
 - Rental unit: one bed/one bath, first story of a duplex
 - Safety: sufficient parking on-site, access from city street, safety inspection to be conducted by Fire Marshal if approved
 - Neighborhood harmony: historical use as a bed and breakfast, two other short-term rentals in the vicinity, potential impacts of short-term rentals on long-term rental rates

RECOMMENDATION:

Staff recommends that the Planning Commission find CUP 17-17 to be consistent with Sitka General Code Title 22 and the Comprehensive Plan and to approve the conditional use permit application for a short-term rental at 1605 Davidoff Street.

Providing for today...preparing for tomorrow

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Aerial Vicinity Map
Attachment C: Zoning Map
Attachment D: Site Plan
Attachment E: Floor Plan
Attachment F: Subdivision Plat

Attachment G: Parcel Pictures
Attachment H: Application
Attachment I: Flood Zone Map
Attachment J: Mailing List
Attachment K: Proof of Payment
Attachment L: Warranty Deed

BACKGROUND/PROJECT DESCRIPTION

The request is for a conditional use permit for a short-term rental unit at 1605 Davidoff Street in the R-1 single-family and duplex residential district. The property is the first house on the right when turning from Halibut Point Road onto Davidoff Street. The property will provide the 4 required parking spaces for a duplex. The apartment has 1 bedroom and 1 bathroom. Nearby short-term rentals include 1601 and 1507 Davidoff Street.

The primary unit is on the second story, with a garage and an apartment on the first story. The apartment has historically functioned as a bed and breakfast unit, although planning staff did not find record of a conditional use permit for the property. The sales tax office reports that tax has been paid on the bed and breakfast since the 1980s. The applicant is coming forward for a short-term rental conditional use permit request now because he would like the flexibility to rent out the apartment short-term while he is out of town.

The R-1 single-family and duplex residential district may allow short-term rentals as a conditional use subject to the ability to mitigate any adverse effects to nonexistent or minimal and reasonable for the zone and in harmony with surrounding land uses.¹

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.²

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: The property provides the required 4 spaces for a duplex. Owners should provide traffic circulation information to tenants to prevent unsafe backing onto Davidoff Street. All parking should occur on-site.

¹ Table 22.16.015-1 and Sections 22.24.010(B) and (C) (Bed and Breakfast and Short-term Rental respectively).

² § 22.24.010.E

b. Amount of noise to be generated and its impacts on surrounding land use: Vacationers may create more noise than long-term residents. The provision of a rental overview and ability to address concerns can provide mitigation. The owner lives in the upstairs unit and can provide monitoring when he is in town.

c. Odors to be generated by the use and their impacts: Improperly handled garbage may create odors and attract bears. Proper garbage management instructions should be included in the rental overview. The owner lives in the upstairs unit and can provide monitoring when he is in town.

d. Hours of operation: Year round.

e. Location along a major or collector street: Davidoff Street to Halibut Point Road.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: No concerns for cut through traffic. Access is through a residential area. This property is the first on the right side of Davidoff Street when accessing from Halibut Point Road.

g. Effects on vehicular and pedestrian safety: Davidoff Street has appropriate signage which should assist visitors in finding the property; nonetheless, the owners should provide renters with a rental overview to inform renters of proper access.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: No different than if occupied by long-term residents or unoccupied.

i. Logic of the internal traffic layout: The applicant has indicated the required on-site parking spaces for a duplex residence. Owners should provide traffic circulation information to tenants, and all parking should occur on-site.

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

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Foliage, right-of-way, and topography provides buffers.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses. In addition, the Comprehensive Plan identifies the goal of providing various housing opportunities and housing options for seasonal, temporary, emergency, and

transitional needs.³ This application conforms to the above sections by creating short-term transient housing. Provision of a rental overview would mitigate possible concerns for traffic and noise.

m. Other criteria that surface through public comments or planning commission review: Short-term rentals may increase long-term rental rates for the overall community.^{4 5}

Concerns for bears, traffic, and parking can be mitigated through conditions of approval.

FINDINGS⁶

1. ...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, *specifically, the property has on-site parking and buffers.*
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, conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically, through the provision of a rental overview.*

RECOMMENDATION

It is recommended that the Planning Commission adopt the staff analysis and required findings as found in the staff report and grant the requested conditional use permit subject to attached conditions of approval.

.....

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.

³ Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

⁴ Planning: The Magazine of the American Planning Association, February 2016, p. 31

⁵ Gurran & Phibbs article in JAPA Volume 83 Issue 1

⁶ § 22.30.160.C – Required Findings for Conditional Use Permits

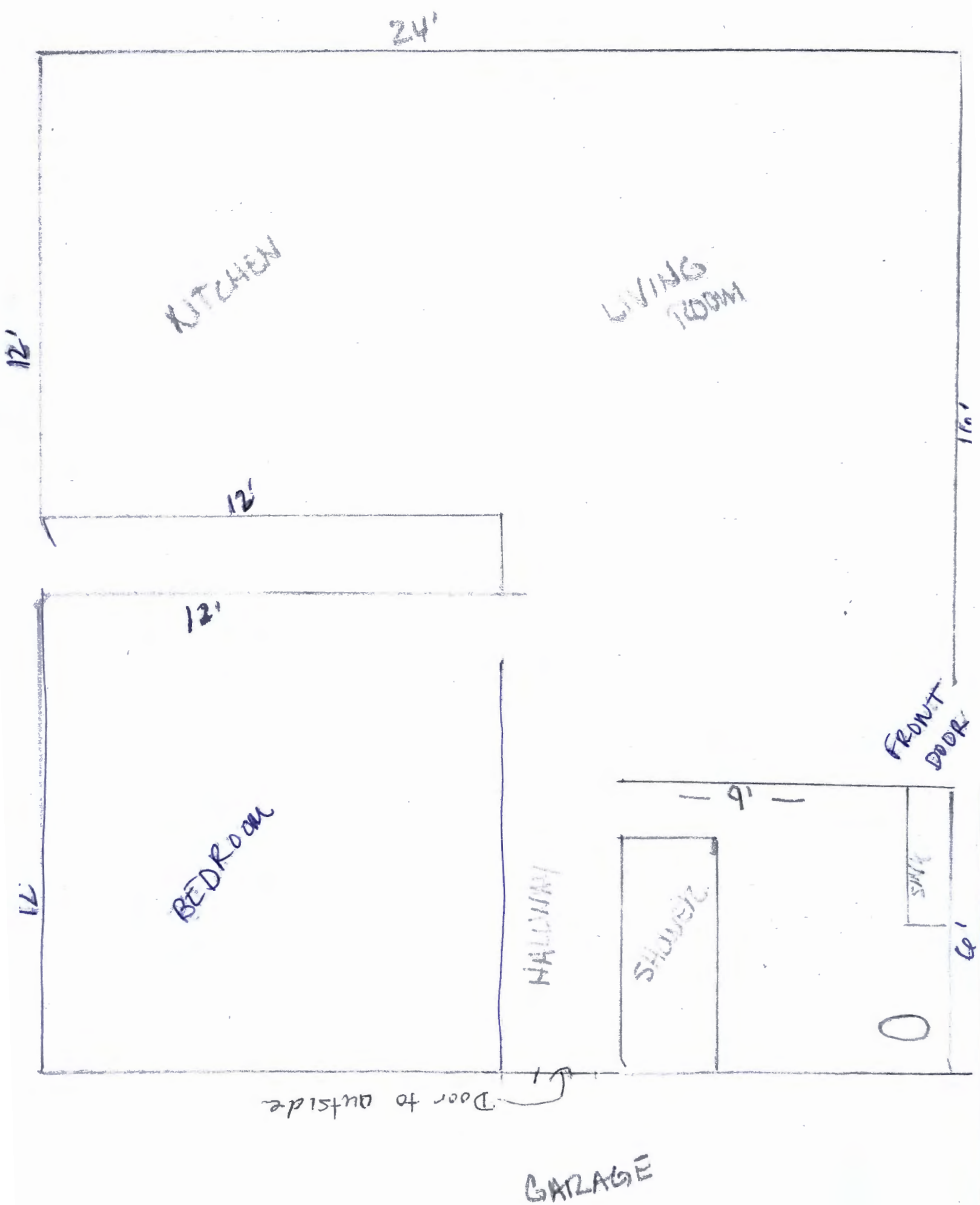
- 2) I move to approve the conditional use permit application for a short-term rental at 1605 Davidoff Street subject to the attached conditions of approval. The property is also known as Lot 3 Block 9 US Survey 3303B. The request is filed by Dan Keck. The owner of record is Keck Family Trust.

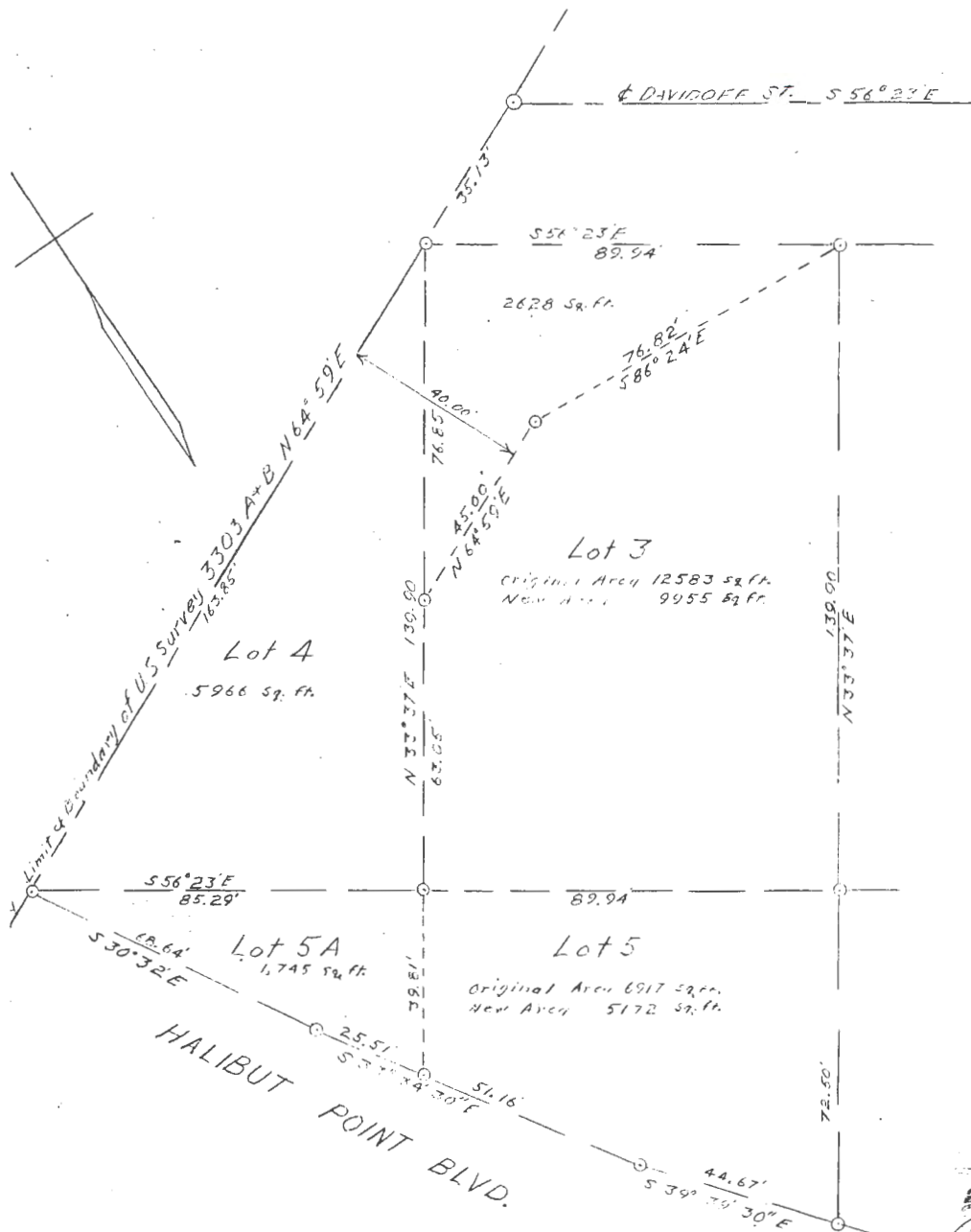
Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, 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 has begun operation. 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.
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 against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4am on trash collection day. Should this condition not be followed the CUP shall be revoked.
9. To mitigate against 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 on-street parking occur at any time, the conditional use permit shall be revoked.
10. 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.
11. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.









S-72

Plat of
Lots 3, 4, & 5, Block 9, U. S.
Survey 3303A+B, Northwe
Addition, Townsite of Sitch
Alaska.

Prepared By John D. Ballance, Registered
Engineer

Alaska, June 16, 1963

















CITY AND BOROUGH OF SITKA
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

RECEIVED JUL 19 2017

1. Request projects at least TWENTY-ONE (21) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

APPLICATION FOR:

- ☐ VARIANCE ☐ CONDITIONAL USE
☐ ZONING AMENDMENT ☐ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: Change a Bed and Breakfast permit to a Short Term Rental Permit.

PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): _____
CURRENT LAND USE(S): Residential PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: Dan Keck
PROPERTY OWNER ADDRESS: PO Box 938 Sitka, AK
STREET ADDRESS OF PROPERTY: 1605 Davidoff St
APPLICANT'S NAME: Dan Keck
MAILING ADDRESS: PO Box 938 Sitka, AK
EMAIL ADDRESS: bjmelove@gci.net DAYTIME PHONE: 907 747-5608

PROPERTY LEGAL DESCRIPTION:

TAX ID: 1-4860-000 LOT: 3 BLOCK: 9 TRACT: _____
SUBDIVISION: Northwest Addition US SURVEY: _____

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☒ Completed application form
- ☐ Narrative
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities (?)
- ☒ Proof of filing fee payment
- ☒ Proof of ownership
- ☒ Copy of current plat (?)

For Conditional Use Permit:

- ☒ Parking Plan
- ☒ Interior Layout

For Plat/Subdivision:

- ☐ Three (3) copies of concept plat
- ☐ Plat Certificate from a title company
- ☐ Topographic information
- ☐ Proof of Flagging

If Pertinent to Application:

- ☐ Landscape Plan
- ☐ Drainage and Utility Plan

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Owner *Don Weck*

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

Applicant (If different than owner)

Date

(Signature)



Parcel ID: 1-4805-000
Mochak, David, A
210-A Charteris St
Sitka AK 99835

Parcel ID: 1-4855-000
Taylor, Hal
Taylor, Mae Jean
1603 Davidoff St
Sitka AK 99835

Parcel ID: 1-4860-000
Keek Living Trust
P.O. Box 938
Sitka AK 99835-0938

Parcel ID: 1-4875-000
Clayton, Steve
Clayton, Paula
102 Sharon Dr
Sitka AK 99835

Parcel ID: 1-4910-000
Wilson, Albert, W
Wilson, M, Signe
P.O. Box 597
Sitka AK 99835-0597

Parcel ID: 1-4912-000
Thomas, Ruth, I
1515 Davidoff St
Sitka AK 99835

Parcel ID: 1-4915-000
Olson Properties, LLC
2168 Lewis St
Hercules CA 94547

Parcel ID: 1-5700-000
Forst, Jaye, P
877 Sawmill Creek Rd
Sitka AK 99835

Parcel ID: 1-5705-000
Sulser Family Trust
P.O. Box 455
Sitka AK 99835-0455

Parcel ID: 1-5710-000
Robards, Clifford, L
P.O. Box 235
Sitka AK 99835-0235

Parcel ID: 1-5715-000
Seventh Day Adventist
1613 Halibut Point Rd
Sitka AK 99835

Parcel ID: 2-5000-000
Harrigan, James, J
1610 Davidoff St
Sitka AK 99835

Parcel ID: 2-5001-000
Welsh, Florence, M
1614 Davidoff St
Sitka AK 99835

Parcel ID: 2-5002-003
Cropley, Alice, C
2010 Kainulainen Dr
Sitka AK 99835

Parcel ID: 2-5002-004
Jordan, Eric, W
Jordan, Sarah, L
103 Gibson Pl
Sitka AK 99835

Parcel ID: 2-5002-005
Christianson, Bruce, R
Christianson, Kersten, N
105 Gibson Place
Sitka AK 99835

Parcel ID: 2-5002-006
Shoemaker, Lucienne, O
Shoemaker, Kellan
106 Gibson Place
Sitka AK 99835

Parcel ID: 2-5002-007
Carroll, Christopher, M
Carroll, Kamala, F
107 Eberhardt Dr
Sitka AK 99835

Parcel ID: 2-5004-001
Snowden Group, LLC
P.O. Box 178
Sitka AK 99835

~~Parcel ID: 2-5004-002
Snowden Group, LLC
P.O. Box 178
Sitka AK 99835~~

~~Parcel ID: 2-5004-003
Snowden Group, LLC
P.O. Box 178
Sitka AK 99835~~

Parcel ID: 2-5005-000
Nicolas, Ronald, J
Nicolas, Isabel, P
1706 Halibut Point Rd
Sitka AK 99835

Parcel ID: 2-5006-000
Crumley Rev Trust, Nida, D
1704 Halibut Point Rd, #A
Sitka AK 99835

Parcel ID: 2-5008-000
State of Alaska
6860 Glacier Hwy
Juneau AK 99801

Parcel ID: 2-5010-000
Surf Park, LLC
P.O. Box 3247
Sitka AK 99835

Parcel ID: 2-5020-000
Buckland, Brent
P.O. Box 646
Sitka AK 99835

Parcel ID: 2-5060-000
Mayo, Ocean, W
2800 Sawmill Creek Rd
Sitka AK 99835

Parcel ID: 2-5061-000
Ness, Geraldine, L
708 Halibut Point Rd
Sitka AK 99835

Parcel ID: 2-5062-006
Buxton, Kelly, C
Buxton, Kenneth, S
108 Shelikof Way
Sitka AK 99835

Parcel ID: 2-5062-007
Swanberg, Dylan
P.O. Box 3053
Sitka AK 99835-3053

Parcel ID: 2-5062-008
Filler, Jr, Stanley, J
406 Hollywood Way
Sitka AK 99835

Parcel ID: 2-5062-009
Filler, Stanley, J
P.O. Box 777
Sitka AK 99835-0777

P&Z Mailing
August 4, 2017

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: _____

To: *Dan Keck*

PAID

JUL 19 2017

CITY & BOROUGH OF SITKA

ACCOUNT # 100-300-320-3201.002
PLANNING & ZONING

Variance.....	
Conditional Use Permit.....	<i>STR</i> <i>100.00</i>
Minor Subdivision.....	
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	<i># 1895-exempt</i>
TOTAL.....	<i>100.00</i>

Thank you

2003-000239-0

Recording Dist: 103 - Sitka
1/29/2003 3:45 PM Pages: 1 of 2

A
L
A
S
K
A



cc

QUITCLAIM DEED

Grantors Dan H. Keck and Betty L. Keck, of P.O. Box 938, Sitka, Alaska 99835, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, receipt of which is hereby acknowledged, convey and quitclaim to Grantees Dan H. Keck and Betty L. Keck, of P.O. Box 938, Sitka, Alaska 99835, Trustees, or their successors in trust, under the KECK LIVING TRUST, November 6, 2002, and any amendments thereto, all interest which they have, if any, in that real property more particularly described as follows:

A portion of Lot Five (5), Block Nine (9), U.S. Survey No. 3303 "A & B", Northwest Addition, Townsite of Sitka, Alaska, more particularly described as follows:

Beginning at the Northeast corner of said Lot Five (5), Block Nine (9), U.S. Survey No. 3303 "A & B", Northwest Addition, Townsite of Sitka, Alaska, as Corner No. 1 hereof, the true point of beginning, thence S 33 deg. 37 min. W a distance of 72.50 feet to Corner No. 2, thence N 59 deg. 39 min. 30 sec. W a distance of 44.67 feet to Corner No. 3, thence N 33 deg. 34 min. 30 sec. W a distance of 9.36 feet to Corner No. 4, thence N 33 deg. 37 min. E a distance of 43.90 feet to Corner No. 5, which is identical with the Southwest corner of said Lot Three (3), Block Nine (9), U.S. Survey 3303 "A & B", thence S 56 deg. 23. min. E a distance of 89.94 feet to Corner No. 1, the true point of beginning, Sitka Recording District, First Judicial District, State of Alaska;

AND

All of Lot Three (3), Block Nine (9), U.S. Survey No. 3303 "A & B", Northwest Addition, Townsite of Sitka, Alaska, Sitka Recording District, First Judicial District, State of Alaska;

Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

IN WITNESS WHEREOF, the Grantors have executed this deed on the date below written.

Jan. 28, 2003
Date

Dan H. Keck
Dan H. Keck

Jan. 28, 2003
Date

Betty L. Keck
Betty L. Keck

STATE OF ALASKA)
)
FIRST JUDICIAL DISTRICT)

ss:

The foregoing instrument was acknowledged before me this 28 day of January, 2003, by Dan H. Keck and Betty L. Keck.



[Signature]
Notary Public in and for Alaska
My Commission Expires: 12-12-03

AFTER RECORDING MAIL TO:
Dan & Betty Keck
P.O. Box 938
Sitka, AK 99835

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QUITCLAIM DEED
KECK/KECK LIVING TRUST
PAGE 1 OF 2

A standard 1D barcode used for document tracking.
2 of 2
2003-000239-0