



# 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 18-17  
Proposal: Request for a dwelling unit on first floor of CBD structure  
Applicant: Colin Herforth  
Owner: Colin Herforth  
Location: 308 Monastery Street  
Legal: Lot 2, Block 16, US Survey 1474, Townsite of Sitka  
Zone: Central Business District (CBD)  
Size: 6105 sf (approx.)  
Parcel ID: 12185000  
Existing Use: residential, commercial  
Adjacent Use: residential, commercial, public facilities, and community facilities  
Utilities: existing and adequate  
Access: Monastery and Sawmill Creek Road

### **KEY POINTS AND CONCERNS:**

- Technical procedure for CUP requirement for a 1<sup>st</sup> floor dwelling unit
- Some parking provided – none required
- STRs are permitted in this zone

**RECOMMENDATION:** approve it **with lesser conditions** due to nature of CBD (as compared to other CUPs).

## **ATTACHMENTS**

Attachment A: Applicant Materials

Attachment B: Staff Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The applicant is proposing an additional dwelling unit in an existing structure in the Central Business District (CBD) to be used as a short-term rental. A dwelling unit on a first-floor in a CBD zone requires a conditional use permit (SGC Table 22.16.015-1, note 12), while a short-term rental is a permitted use. Parking (on-site) in the CBD zone is not required pursuant to SGC 22.20.100.B (though it is encouraged as appropriate and feasible). Here the applicant is able to provide some parking and/or loading areas. The surrounding and existing land uses include residential, commercial, education, public and community facilities. The existing structure is used as an art studio and vacation rental office and other dwelling unit.

## **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:** STRs in Sitka have low traffic demand. This property requires no parking, but provides some.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Minimal.

**c. Odors to be generated by the use and their impacts:** Minimal with proper trash and garbage collection/disposal.

**d. Hours of operation:** unknown from applicant (ask applicant on record).

**e. Location along a major or collector street:** Monastery/SMC Road.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** minimal to nil.

**g. Effects on vehicular and pedestrian safety:** minimal to nil.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Additional short-term resident does not impact emergency response; and police and fire are across the street and very close.

**i. Logic of the internal traffic layout:** Some back out potential that could impact traffic, but minimal for this area due to traffic levels.

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<sup>1</sup> § 22.24.010.E

**j. Effects of signage on nearby uses:** None proposed. Any signage must comply with Sitka General Code requirements.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Existing site. Applicant will provide more context.

**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 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating a commercial business and STR in the CBD zone. In addition, an additional dwelling unit will potentially increase housing supply in the future.

**m. Other criteria that surface through public comments or planning commission review:** Short-term rentals may cause the increase of long-term rental rates. However, in this case, the zone is appropriate for this type of use as permitted.

## **RECOMMENDATION**

It is recommended that the Planning Commission approve the conditional use permit application for a dwelling unit on the first floor of structure in the CBD zone.

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### **Motions in favor of approval:**

- 1) I move to approve the conditional use permit request at 308 Monastery Street in the CBD Central Business District. The request is for a residential dwelling unit on the first floor of a building in the Central Business District. The property is also known as a portion of Lot 2 Block 16 US Survey 1474. The request is filed by Colin Herforth. The owners of record are Colin Herforth and Christie Jones.

Conditions of Approval: (limited conditions as compared with others due to nature of CBD)

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.
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 bed 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 against the risk and impact of bears, 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 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for STR uses (short-term rental) shall occur off-street and on-site.
9. Any signs must comply with Sitka General Code 22.20.090.
10. A detailed rental overview shall be provided to STR/renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general

admonition to respect the surrounding residential neighborhood.

12. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the renters.

13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

2) I move to find that:<sup>2</sup>

1. ...The granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare *specifically, on-site parking is provided though not required and that the use is consistent with the CBD zone.*
  - b. Adversely affect the established character of the surrounding vicinity *specifically, the neighborhood is already established with higher density and a mix of commercial, public facilities, community facilities, and nearby to downtown;* 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 is accessed directly from a public street and has public utilities and that is provides parking though not required and is close to downtown.*
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 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating a business and residential land uses in the CBD zone.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically the proposal coupled with the zone and surrounding area is compatible.*

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<sup>2</sup> § 22.30.160.C – Required Findings for Conditional Use Permits