



# 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 19-11  
Proposal: Request for short-term rental at 140 Patterson Way  
Applicant: Robert and Ashely Emley  
Owner: Robert and Ashley Emley  
Location: 140 Patterson Way  
Legal: Lot 1, Amended Kin-Croft Subdivision  
Zone: R-1MH single-family, duplex, and manufactured home zoning district  
Size: 11,060 SF  
Parcel ID: 2-5519-011  
Existing Use: Residential  
Adjacent Use: Residential, single and multi-family housing, undeveloped  
Utilities: Existing  
Access: Halibut Point Road, Nicole Way, Patterson Way

### **KEY POINTS AND CONCERNS**

- Neighborhood appears to be primarily residential uses including single-family and duplex dwellings.
- The short-term rental is in a structure housing two dwelling unit.
- The renter information handout shall comply with conditions of approval, specifically regarding access, parking, quiet hours, trash management, transportation, and respect for the neighborhood.
- Short-term rentals have impacts to long-term rentals and home values. This is important to note regarding this specific proposal and STRs at large.

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the short-term rental at 140 Patterson Way subject to the recommended conditions of approval.

## **BACKGROUND/PROJECT DESCRIPTION**

This request is for a conditional use permit for short-term rental (STR) for a unit of a two-dwelling unit building. The rental unit on the first floor has one bedroom. The owners will be on premise to monitor and manage the rental. The home is adjacent to single family dwellings, undeveloped land, and a densely populated mobile home park.

## **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:**

Adequate space for parking on-site, namely space for four cars. This meets the Sitka General Code requirement to afford space for two vehicles per dwelling unit. Owners will need to remind renters to use care when using Nicole Drive and Patterson Way as these right-of-ways are unpaved and residential.

**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, however owner will be on site to monitor and enforce quiet hours.

**c. Odors to be generated by the use and their impacts:** Potential odor impacts are minimal and in line with similar residential uses. Garbage shall be disposed of in a municipal container and in accordance with Sitka General Code requirements.

**d. Hours of operation:** Available year-round.

**e. Location along a major or collector street:** Accessed from Halibut Point Road, Nicole Drive, and Patterson Way.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario:** The only vehicular routes to the home are on right-of-ways: Halibut Point Road to Nicole Way to Patterson Way; or HPR to Nicole Drive to Somer Drive to Patterson Way – the latter being a less efficient route but still utilizing right-of-ways.

**g. Effects on vehicular and pedestrian safety:** No significant changes expected, minimal traffic with one or two cars utilized for the rental.

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<sup>1</sup> § 22.24.010.E

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Residence has reasonable access from Patterson Way similar to other residential buildings in the neighborhood.

**i. Logic of the internal traffic layout:** The rental unit is a single dwelling unit with one bedroom and one bathroom.

**j. Effects of signage on nearby uses:** 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:** Some natural buffers of bushes and trees are on the site and surrounding areas. Adjacent lot to the east is undeveloped and heavily vegetated, lot to the north is densely populated. .

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** An 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 increase the affordability of housing for owners by offsetting housing costs with 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:** Not applicable at this time.

### **RECOMMENDATION**

The Planning Department recommends that the Planning Commission approve the conditional use permit application for a short-term rental at 140 Patterson Way subject to the recommended conditions of approval.

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### **ATTACHMENTS**

Attachment A: Aerial

Attachment B: Floor Plan

Attachment C: Photos

Attachment D: Plat

Attachment E: Renter Handout

Attachment F: Application

## **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 2020, 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 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 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 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.
12. 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.
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) I move to approve the conditional use permit for a short-term rental at 140 Patterson Way in the R-1MH zoning district subject to the attached conditions of approval. The property is also known as Lot 1, Amended Kin-Croft Subdivision. The request is filed by Robert and Ashley Emley. The owners of record are Robert and Ashley Emley.
- 2) I move to adopt and approve the required findings for conditional use permits. The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:<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, conditions of approval require responsible management of garbage, noise, traffic, and parking, which will be monitored and enforced by the applicant.**
  - b. **Adversely affect the established character of the surrounding vicinity; specifically, the rental makes use of an already developed single-family home with owner/manager monitoring the property.**
  - c. **Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site in which the proposed use is to be located; specifically, by the enforcement of mitigation for potential impacts including traffic, odor, noise, and parking.**
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, to help sustain the existing and growing tourism industry in support of economic development goals and objectives to increase employment and attract new business.**
  3. **All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; specifically, the applicant will monitor the property to enforce conditions 24/7. Violation of the rules provided in the rental overview may be grounds for eviction.**

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