

Planning Director Scarcelli clarified the purpose of the evening's hearing, which was to discuss potential uses of the property.

Keith Nyitray and Charles Bingham of Sitka Food Co-op and Sam Pointer of Young Life spoke of their groups' need for space, and willingness to continuing the uses of the building, such as office rental, commercial kitchen, meeting space; and in the nave, continue to host weddings and funerals.

Staff and Commission discussed the zoning, current and potential uses of the property, non-conforming use; and noted they welcomed all proposals for the use of the property.

**M/S Randy Hughey/Darrell Windsor** to Open up for further discussion at next scheduled meeting. **Motion Carried 3-0.**

- I. Public hearing and consideration of a conditional use permit request for short-term rental at 709 Lincoln Street. The property is known as Lot 21, Block 13, Tract A, US Survey 1774. The request is filed by the owners, Lincoln Street House, LLC.

Planning Director Scarcelli went over the application and supporting documents; he noted that the residence was serving as a family vacation home, and approving the use would not be taking the home off the long-term rental market. He recommended addition to conditions of a review.

Applicant Anne Chadwick answered questions the Commission had on the business and potential rental management.

**M/S Randy Hughey/Darrell Windsor** to approve the conditional use permit for a short-term rental at 709 Lincoln Street in an R-1 zoning district subject to the attached conditions of approval. The request is filed by the applicant (Katharyn) Anne Chadwick for the owner Lincoln Street House, LLC. The property is described as lot 21, Block 13, US Survey 1474 (Tax ID: 11575000).

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 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, 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 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 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
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 on-street 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.
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. The short-term rental conditional use permit shall be reviewed September 2019.
14. Failure to comply with any of the above conditions may result in revocation of the conditional use permit. **Motion Carried 3-0.**

**M/S Randy Hughey/Darrell Windsor** to find that:

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 address potential impacts and mitigate them through a rental overview and other conditions of approval;
  - b. Adversely affect the established character of the surrounding vicinity specifically, the home is already used as a vacation home and the conditions of approval would mitigate any impacts; 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 use is quasi-residential/commercial (transient housing) and is not anticipated to cause material impacts to adjacent uses.
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, that the proposal provides owners with incentives to provide tourism based business that promotes economic development and job creation. **Motion Carried 3-0.**



# 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 18-26  
Proposal: Request for short-term rental at 709 Lincoln Street  
Applicant/owner: (Katharyn) Anne Chadwick/Lincoln Street House, LLC  
Location: 709 Lincoln Street  
Legal: Lot 21, Block 13, Tract A, USS 1474  
Zone: R-1 zoning district  
Lot Size: approx. 8,835 square feet  
Parcel ID: 11575000  
Existing Use: Single-family residence  
Adjacent Use: Residential  
Utilities: Existing  
Access: Directly off of Lincoln Street and Finn Alley

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

- Rental overview (aka Welcome Brochure) shall comply with conditions of approval, specifically regarding access, parking, quiet hours, respect for neighborhood, trash/bears, transportation, and visitor options.
- Neighborhood has repeatedly vocalized disagreement with short-term rentals moving into the area and bringing in transient guests that would impact their residential use and enjoyment.
- STR have impacts to LTR and home values. This is important in regards to this specific proposal and to the issue at large.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the conditional use permit request for a short-term rental at 709 Lincoln Street subject to the recommended conditions of approval.

## **ATTACHMENTS**

Attachment A: Applicant Materials

Attachment B: Staff Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for a short-term rental (STR) of 5 bedroom single family home. The home is approximately 2,691 sf and the lot is approx. 8,835 sf.

## **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:**

Applicant does not anticipate significant increase in vehicular traffic nor impact from proposed use as there is adequate parking on-site (5 spaces).

**b. Amount of noise to be generated and its impacts on surrounding land use:** could create noise from transient guests. Staff defer to applicant to explain how they propose to manage potential noise conflicts.

**c. Odors to be generated by the use and their impacts:** Odor impacts are minimal and in line with similar residential uses. Garbage shall be disposed of in municipal container and in accordance with Sitka General Code requirements. Rental overview and conditions of approval shall address garbage disposal and compliance with trash and nuisance bears ordinances.

**d. Hours of operation:** Renters may come and go 24/7. Quiet hours will be enforced. Staff defer to applicant to detail quiet hours.

**e. Location along a major or collector street:** Access from Lincoln Street and Finn Alley.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** no ability to cut through site. Finn Alley is substandard though.

**g. Effects on vehicular and pedestrian safety:** Applicant shall provide a rental overview that summarizes various safe means of access and transportation options. And details location/directions to and from.

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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 off of maintained Lincoln Street and access to their driveway off of Finn Alley.

**i. Logic of the internal traffic layout:** Driveway is logically located next to access and home.

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

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** the adjacent lots have reasonable setbacks.

**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 short-term housing options, that allows the potential for more visitors to visit here, which in turns brings in more outside money and creates opportunities for additional job creation and economic development. On the flip side, STRs are linked to negative impacts to LTR rates and increased purchase prices for housing; though they may help home owners make their own homes more affordable for themselves.

**m. Other criteria that surface through public comments or planning commission review:** Short-term rentals may cause the increase of long-term rental rates.

Property owners shall keep garbage in city garbage bins with closed lid, which may be located in garage or bear resistant enclosure. Conditions of approval require that garbage management follow Sitka General Code requirements, including but not limited to the restriction from putting garbage out until 4 am on garbage collection day.

### **RECOMMENDATION**

It is recommended that the Planning Commission approve the conditional use permit application for a short-term rental at 709 Lincoln Street subject to the recommended conditions of approval.

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

1) I move to approve the conditional use permit for a short-term rental at 709 Lincoln Street in an R-1 zoning district subject to the attached conditions of approval. The request is filed by the applicant (Katharyn) Anne Chadwick for the owner Lincoln Street House, LLC. The property is described as lot 21, Block 13, US Survey 1474 (Tax ID: 11575000).

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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.
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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:

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

- a. Be detrimental to the public health, safety, and general welfare *specifically, conditions of approval address potential impacts and mitigate them through a rental overview and other conditions of approval;*
  - b. Adversely affect the established character of the surrounding vicinity *specifically, the home is already used as a vacation home and the conditions of approval would mitigate any impacts; 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 use is quasi-residential/commercial (transient housing) and is not anticipated to cause material impacts to adjacent uses.*
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, that the proposal provides owners with incentives to provide tourism based business that promotes economic development and job creation.*