



# City and Borough of Sitka

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*Coast Guard City, USA*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: CUP 21-07  
Proposal: Request for short-term rental at 1109 Edgumbe Drive  
Applicant: Alexander and Sarah Allison  
Owner: Alexander Allison  
Location: Thomsen Harbor, Float B, Slip #30  
Legal: A Portion of ATS 15  
Zone: P- Public Lands District  
Size: Vessel/stall  
Parcel ID: 1-5408-000  
Existing Use: Commercial/Marine  
Adjacent Use: Commercial/Marine/Liveaboard  
Utilities: Public utilities available from dock  
Access: Dock- Thomsen Harbor Parking Lot

### **KEY POINTS AND CONCERNS**

- Ports and Harbors Commission recommended approval at their meeting on 5/12/21
- If the M/V Sound Judgment is sold, harbor policy dictates the vessel must be moved. The CUP runs with the vessel and the stall. If either change, the CUP is not valid for another vessel or location.
- Currently there are no STRs in Thomsen Harbor. STRs in harbors are capped at 2 per harbor.

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the short-term rental on the M/V Sound Judgment at Thomsen Harbor Float B, Slip #30 given that the proposal has been recommended for approval by the Ports & Harbors Commission, and the proposal is consistent with the joint Harbor & Planning STR Plan.

## **BACKGROUND/PROJECT DESCRIPTION**

This request is for a conditional use permit for a short-term rental (STR) on the tri-cabin cruiser, M/V Sound Judgment, which can accommodate up to 5 visitors.

Per the Joint Harbors and Planning “Short-Term Rentals on Boats” plan (2017), there are particular restrictions and process around short-term rentals in the harbor system. First, there is a cap on the number of STR’s in the harbors – 2 in each harbor and 10 total in the system. This request does not exceed this limit, as there are no other STRs operating in Thomsen Harbor. Second, requests must be reviewed by Ports & Harbors prior to Planning Commission consideration. The Ports & Harbors Commission reviewed and unanimously approved this request at their 5/12/21 meeting. Third, the permit is specific to both the vessel and the slip; if either changes, a new permit must be sought. This effectively means that the permit does not run with the vessel if it changes hands or location. Per harbor policy, transfer in ownership requires the vessel be moved/the slip re-applied for.

### ***22.16.020 Public Lands District***

The P zoning district may allow short-term rentals in harbors 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.<sup>1</sup>

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>2</sup>**

#### **a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:**

The vessel can accommodate up to 5 people. The location is in the middle of the harbor and requires a moderate walk from the parking lot to access. Public parking could be taken up, impacting residents and commercial uses. However, given the harbor’s proximity to town and shopping centers, the applicants anticipate most guests would not rent a vehicle.

**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, disturbance from noise is addressed in the rental agreement.

**c. Odors to be generated by the use and their impacts:** Potential odor impacts are minimal and in line with similar harbor uses.

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<sup>1</sup> Table 22.16.015-1

<sup>2</sup> § 22.24.010.E

**d. Hours of operation:** The proposal is to book rentals year-round.

**e. Location along a major or collector street:** Access from Thomsen Harbor via Katlian Avenue.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario:** No concerns.

**g. Effects on vehicular and pedestrian safety:** Renters may be unfamiliar with the harbor/boating environment. Potential impacts can be mitigated by the owners providing safety orientation and walk-through.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Harbor is accessible for emergency services.

**i. Logic of the internal traffic layout:** The vessel has deck space, living/dining space, kitchen/cooking facilities, 2.25 berths, 1 head.

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

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** No buffers. Adjacent uses could be impacted.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** STRs 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 in general correlate with negative impacts to available housing stock for residents, long-term rental rates, and increased purchase prices for housing, however this proposal is for a vessel that would otherwise sit vacant when not in use by the owner, and therefore has minimal impact on the housing market.

**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 subject to the recommended conditions of approval.

## **ATTACHMENTS**

Attachment A: Aerial

Attachment B: Thomsen Harbor Map

Attachment C: Photos

Attachment D: Deck Plan

Attachment E: Coast Guard Check

Attachment F: Renter Handout

Attachment G: Applicant Materials

## **RECOMMENDED MOTIONS:**

- 1) **I move to approve the conditional use permit for a short-term rental located on the M/V Sound Judgment in Thomsen Harbor Float B, Slip #30 in the P Public lands zone. The property is also known as a portion of ATS 15. The application is filed by Alexander and Sarah Allison. The owner of record is Alexander Allison.**

Conditions of Approval:

1. Notification of renter on board vessel to Port and Harbor Department
2. Must pay live aboard harbor fees
3. \$100 Port and Harbors Annual short-term rental fee
4. The facility shall be operated in compliance with harbor regulations concerning sewage disposal and all other matters.
5. The facility shall be operated consistent with the application and plans that were submitted with the request.
6. The facility shall be operated in accordance with the narrative that was submitted with the application.
7. The applicant shall submit an annual report every year to the Planning Commission and the Port and Harbors Commission, summarizing the number of nights the facility has been rented each year.
8. The Planning Commission and/or the Port and Harbors Commission, at their discretion and upon receipt of a meritorious complaint, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
9. 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.
10. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
11. The property owner shall provide orientation information to all renters, which shall cover boat and water safety, ingress and egress, and proper waste disposal.

12. The boat must be approved by the CBS Harbor Department as a live aboard, and appropriate live aboard fees must be paid.
13. Shall comply with all applicable United States Coast Guard regulations regarding pleasure craft.
14. Occupancy shall be limited to a maximum of 6 guests.
15. If the M/V Sound Judgment is sold, harbor policy dictates the vessel must be moved. The CUP runs with the vessel and the stall. If either change, the CUP is not valid for another vessel or location.
16. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

**2) I move to approve and adopt the required findings conditional use permits as listed in the staff report.**

The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:<sup>3</sup>

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;
  - 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.
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.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

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<sup>3</sup> §22.30.160(C)—Required Findings for Conditional Use Permits