



Memorandum 22-115

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: ROB DUMOUCHEL, CITY MANAGER
THRU: BRYAN HAWKINS, HARBORMASTER
DATE: JUNE 8, 2022
SUBJECT: RESO 22-056 SOUTH CENTRAL RADAR - PROPOSED AMENDMENT TO LEASE

South Central Radar (SCR) has submitted a proposal requesting an amendment to their lease that would add a 20 ft. x 88 ft. strip of City Right of Way (ROW), for an additional 1,760 square feet, to their existing leased land for the purpose of expanding their parking lot to allow a more unified plan and better traffic flow pattern.

Staff has reviewed the proposal, located the boundaries of the City and State Right-of-Way (ROW) sections, and determined that it would be possible to expand the parking area as proposed. It is our opinion that this proposal will not negatively affect the public parking but will instead be a more efficient use of space. At this time the area in question is used for long term permit parking and free short term parking.

Staff does not recommend that Lot 33 be re-plated or that the existing lot line of the plot be moved as this would be president setting, expensive, and unnecessary. The amendment to the lease will describe the portion of land as existing City ROW leased to the tenant. The additional space would be rented at the same rate per sq. ft. as the current lease and would be subject to CPI increases and appraisals in the same manner as the main leased square footage.

There are two other examples of leases that we have amended for purposes such as this. The lessees in both cases pay for and utilize the space in a similar manner, and specifically for uses that prohibit permanent structures or changes to the ROW. This means that the transient buffering nature of the ROW remains intact. The drafted amendment for SCR contains the same restrictions on the City ROW portion.

The Port and Harbor Advisory Commission reviewed SCR's proposal at their May 25, 2022 meeting and made a motion to support the approval of the South Central Radar's proposed lease amendment to expand the parking lot and recommended adoption by City Council.

Recommendation - City Council approve the proposed lease amendment to expand South Central Radar's parking lot by adding 1,760 additional sq. ft. of adjacent City ROW to South Central Radar's leased premises and authorize the City manager to execute the appropriate documents.

Attachments: SCR e-mail proposal for lease amendment adding portion of City ROW to add additional parking
PW mapping of City ROW and DOT ROW locations and boundaries
Plat Map
Draft Amendment
PHC Meeting Minutes Excerpt from May 25 2022

From: [Mark Zeiset](#)
To: [Erica Hollis](#)
Cc: [Bryan Hawkins](#)
Subject: Re: South Central Parking
Date: Wednesday, April 6, 2022 8:16:45 AM
Attachments: [image001.png](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I attached a letter and copied the text below in case the attachment doesn't work. Let me know if this is what you were looking for.

Mark

Port and Harbor, and City of Homer,

My name is Mark Zeiset, owner of South Central Radar. We are the marine electronics shop on the Homer Spit at 4406 Homer Spit Rd Homer, AK 99603.

We are requesting more parking area for our business. You can see our proposal and current parking on the map sheets.

Here are our reasons for expanding.

-We have had parking issues since I took over the store in 2012. Our lot is very small. It is hard for customers to park in our lot due to the odd shape and small size. We have had several "fender benders" in our lot because of its size.

-During the peak summer season the public parking outside of our lot fills up and we have many folks that will double park or block the entrance of our store lot. Also the public area gets dangerous to pedestrians due to cars pulling in so close to our business. It creates a false walkway behind cars and between cars.

-The expansion will improve our parking and public parking. By expanding our parking it will get rid of the large area of false walkway behind cars.

-The expansion will improve public parking. The expansion we are proposing will not eliminate any public parking. It will add public parking as it creates spots on the end of the paved lot between South Central Radar and Baleen Café.

-The expansion will still allow for cars to back out of the public parking without having to back directly onto the highway.

Please let me know if you have questions.

Thank you for your time

Mark Zeiset

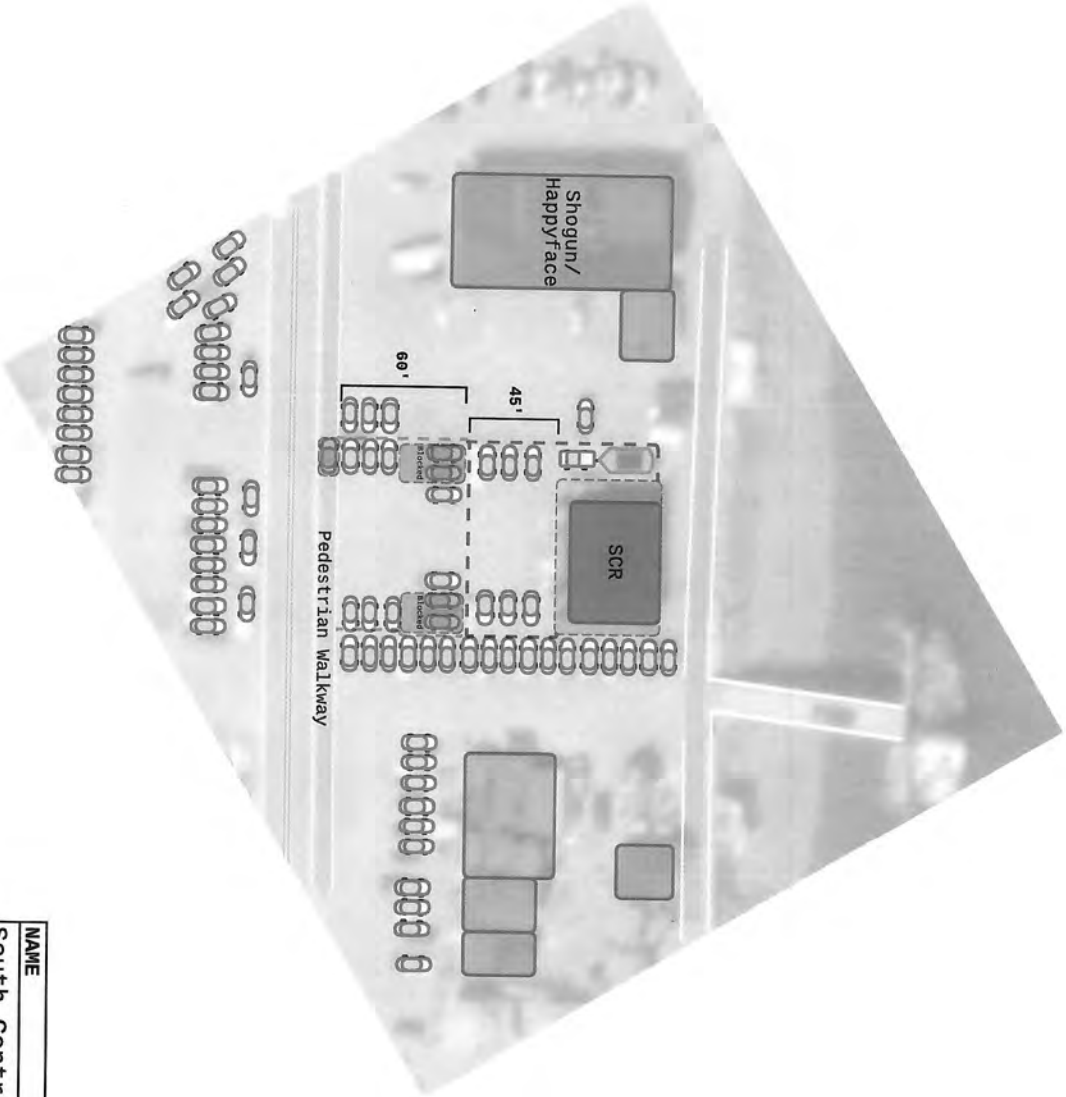
907-235-8008 work

907-351-1610

mark@southcentralradar.com

On Mon, Apr 4, 2022 at 5:30 PM Erica Hollis <ehollis@ci.homer.ak.us> wrote:

| Hi Mark,



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NAME

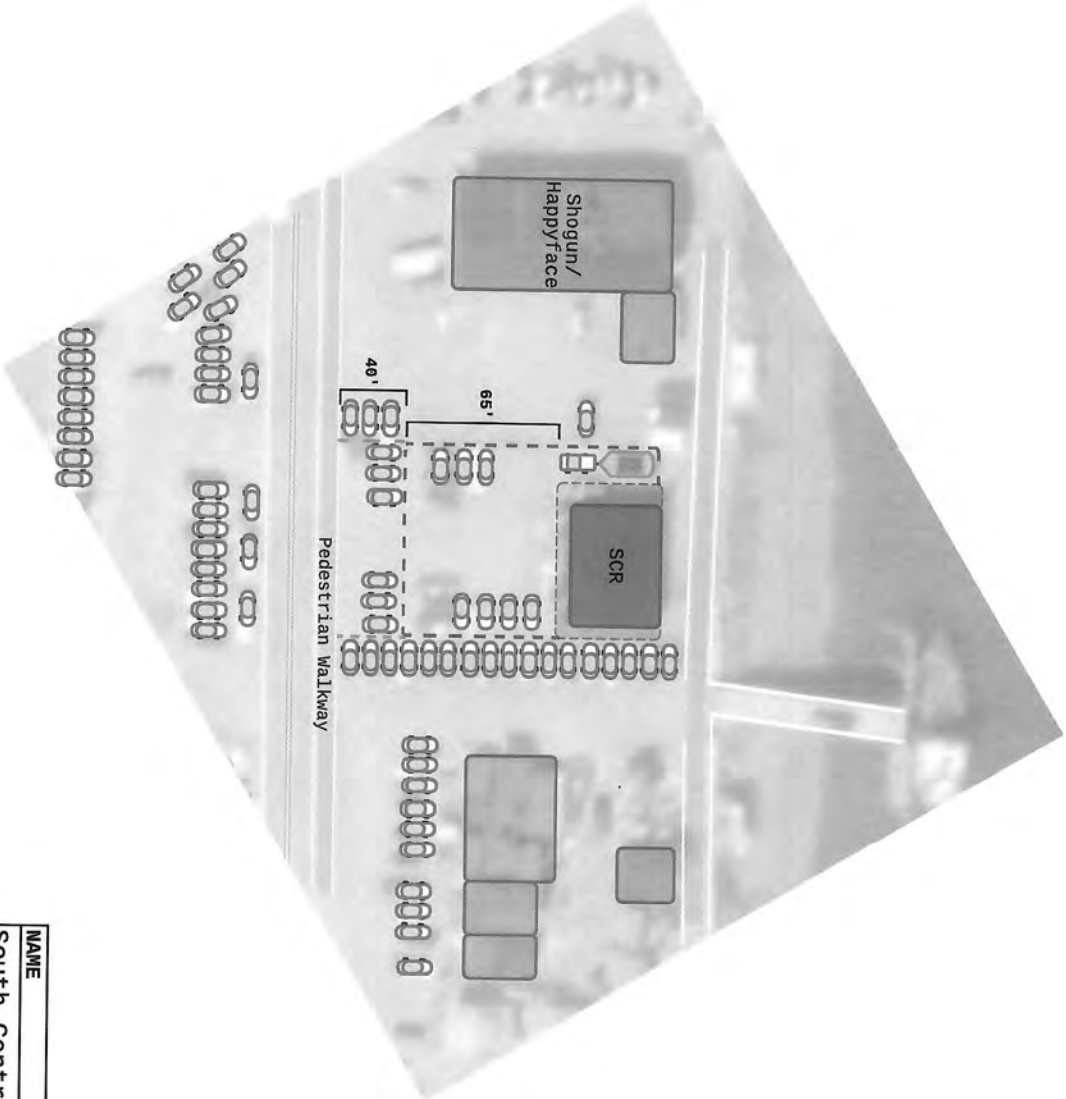
VESSEL

South Central Radar

DATE: 02/09/2022

Current Parking

NOTES:



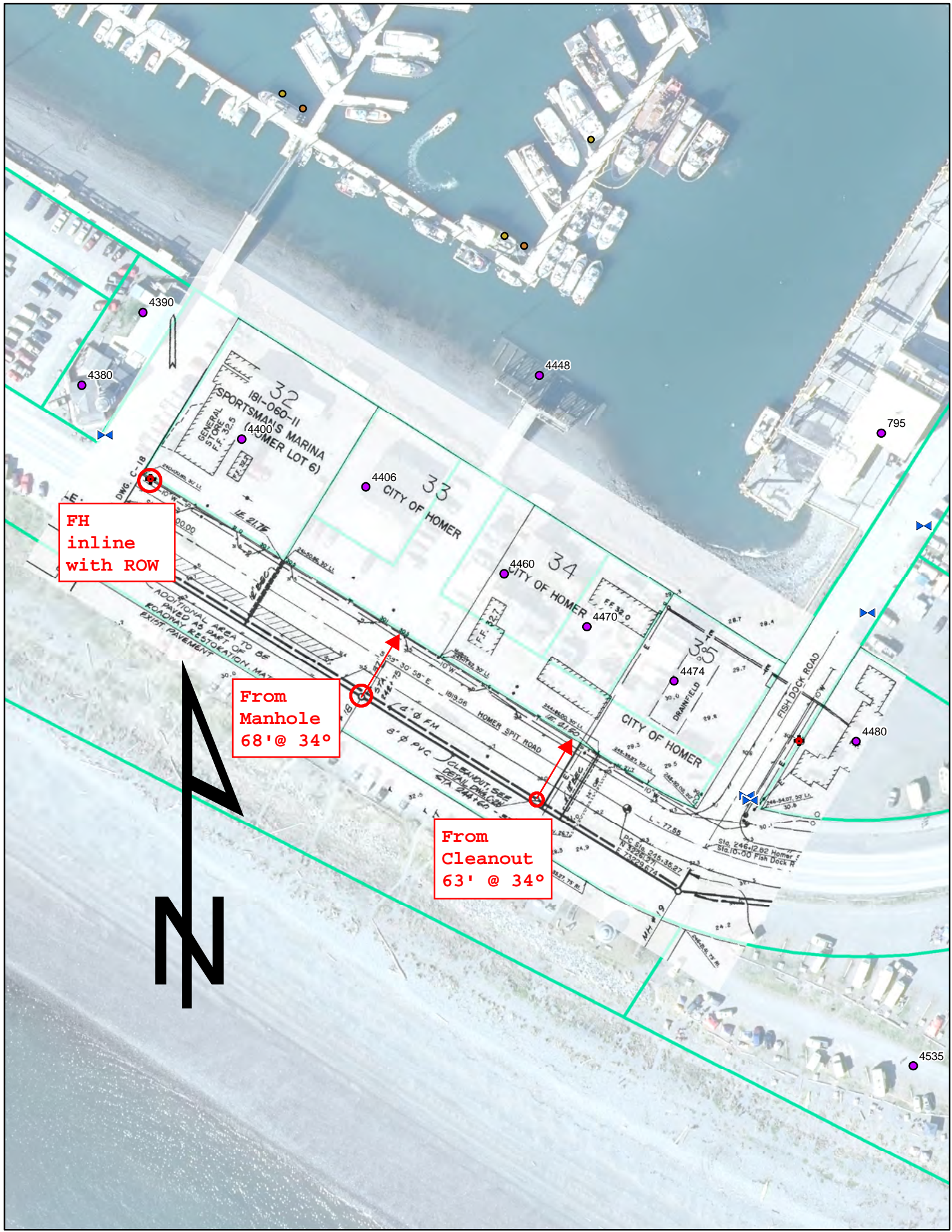
NAME	VESSEL
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South Central Radar	
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DATE: 02/09/2022	
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Proposed Parking	
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NOTES:



**FH
inline
with ROW**

**From
Manhole
68' @ 34°**

**From
Cleanout
63' @ 34°**



4390

4380

4448

795

4406

4460

4470

4474

4480

4535

32
181-060-11
SPORTSMAN'S MARINA
GENERAL SITE
L.F. 02.5
HOMER LOT 6)

33
CITY OF HOMER

34
CITY OF HOMER

35
CITY OF HOMER
DRAINFIELD

DWG C-18

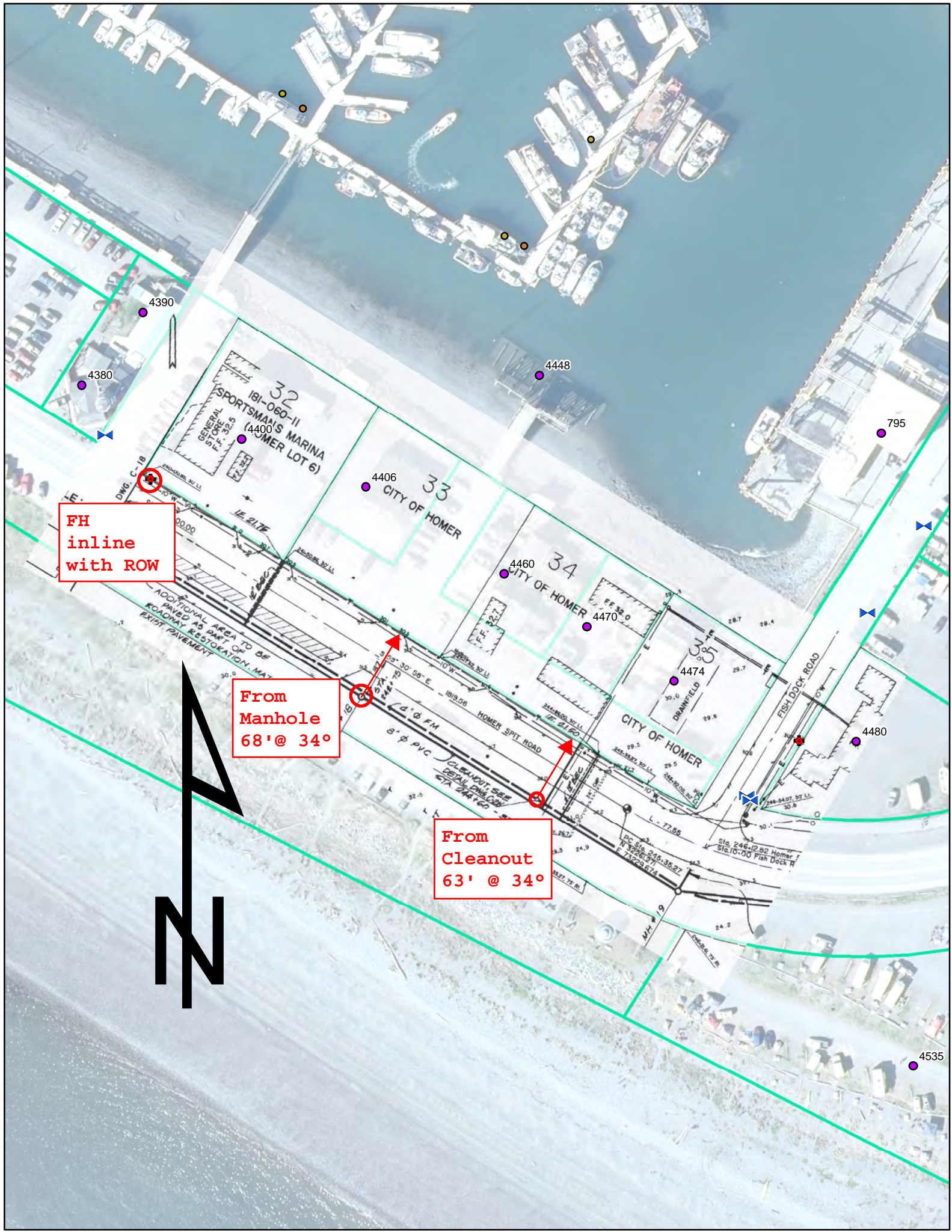
ADDITIONAL AREA TO BE
PAVED AS PART OF
ROADWAY RESTORATION. MAY

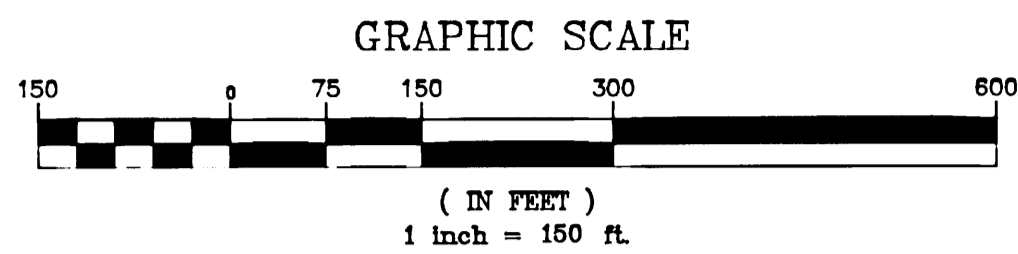
4" Ø FM
8" Ø PVC
CLEANOUT SEE
DETAIL PWD 021
STA 244+60

STG. 246+02.62 Homer
N 329+751
E 73229.674

FISH DOCK ROAD

HOMER SPIT ROAD





ATS-612 (77-64 HRD)

NOTES:

No access to State maintained Rights of Way is permitted unless approved by the State of Alaska Department of Transportation.

Soils on these lots may or may not be suitable for conventional on-site waste disposal systems. No person may construct, install, operate or maintain a pressurized water system or a water-borne waste disposal system unless approval of the Alaska Department of Environmental Conservation is obtained. The burden of providing soils data, groundwater information, engineering designs and any other information required by the Department to complete a review of the proposed system rests solely on the individual lot owner.

All depiction of ATS 1373, and the associated survey data was taken from the official plat, and related data furnished by the CITY OF HOMER, and prepared by Stephen C. Smith RLS.

All survey monumentation shown is of record. Individual lot corners will be established as needed, upon completion of road and utility construction and parcel utilization.

SURVEYORS AFFIDAVIT

THE FOLLOWING CHANGES HAVE BEEN MADE TO THE PLAT:

1. THE WORDS "AMENDED PLAT" HAVE BEEN ADDED TO THE TITLE BLOCK;
2. THE DIMENSION ALONG THE SOUTHWESTERLY BOUNDARY OF LOTS B-D AND B-E WAS CORRECTED TO READ "367.57".

NO OTHER CHANGES OR MODIFICATIONS WERE MADE TO THIS PLAT.

Jerry A. Anderson 11-7-91
 JERRY A. ANDERSON RLS 3686-S

CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the property shown and described hereon. I hereby request approval of this plat showing such easements for public utilities and roadways dedicated by me for public use, or to the uses shown.

C. E. Swackhammer 6-11-90
 C. E. SWACKHAMMER DATE:
 HOMER CITY MANAGER
 491 EAST PIONEER AVENUE
 HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 11th day of June, 1990

Jerry A. Anderson 11-7-91
 Notary public for Alaska My Commission Expires

SURVEYORS CERTIFICATE

I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and belief.

Jerry A. Anderson 7-11-90
 Jeffery A. Anderson PLS No. 3686 Date:

PLAT APPROVAL

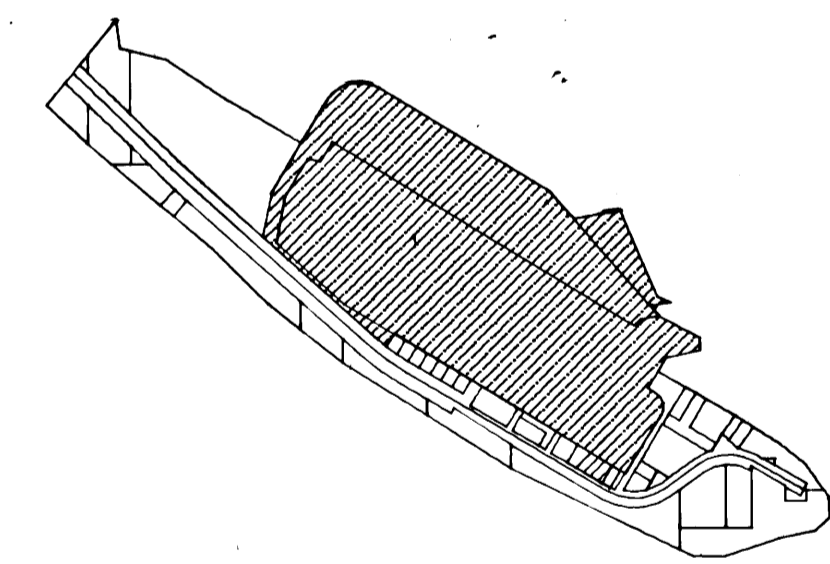
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of June 4, 1990.

KENAI PENINSULA BOROUGH
 BY *Richard T. Woy*
 Authorized Official

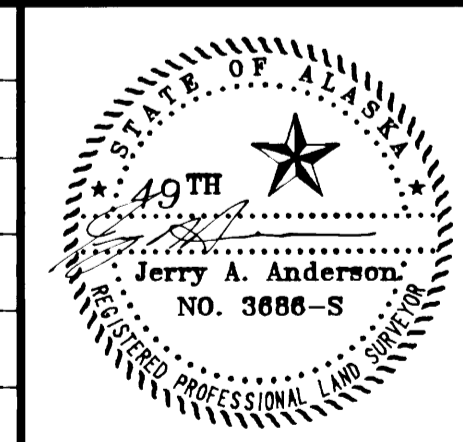
91-3 92-50

RECORDED FILED 20 HOMER REC DIST	RECORDED FILED 20 HOMER REC DIST
DATE 1-16-91	DATE 11-24-92
TIME 3:03 P.M.	TIME 11:24 A.M.
Surveyed by Ability Surveys Box 378 Homer AK 99603	Surveyed by Family Freedom Trust

VICINITY MAP SCALE: 1" = 1500'



DATE FEB. 1990
 SCALE 1" = 150'
 GRID No. H1 - H5
 FLD. BK. No. 176
 DISK No. C1.18
 JOB No. 0457

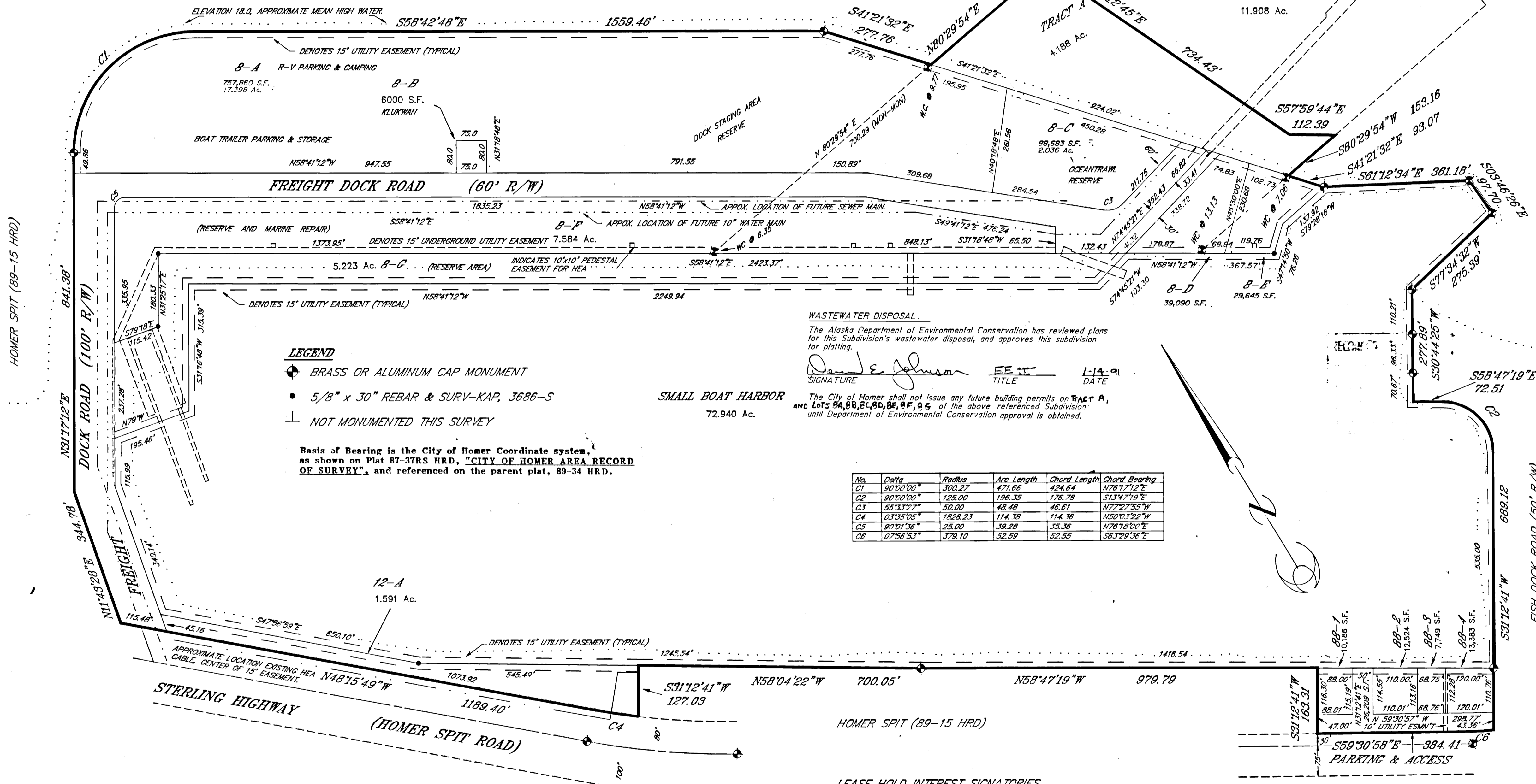


HOMER SPIT No. TWO

AMENDED HOMER RECORDING DISTRICT PLAT
 A REPLAT OF LOTS B, 12, 33, 35 & THE BOAT HARBOR OF THE HOMER SPIT, ACCORDING TO PLAT 89-15, HRD A PORTION OF ATS-612, ACCORDING TO PLAT 77-64 HRD, AND LOT 7 OF PLAT 67-444 HRD, ALL WITHIN SEC. 35 & 36, TWP. 6S & SEC. 1 & 2, TWP. 7S Rge. 13W S.M., WITHIN THE CITY OF HOMER, ALASKA CONTAINING 121,156 ACRES.

ABILITY SURVEYS

JERRY A. ANDERSON PLS
 (907) 235-8440
 BOX 378, HOMER ALASKA 99603



- LEGEND**
- BRASS OR ALUMINUM CAP MONUMENT
 - 5/8" x 30" REBAR & SURV-KAP, 3686-S
 - NOT MONUMENTED THIS SURVEY

Basis of Bearing is the City of Homer Coordinate system, as shown on Plat 87-37RS HRD, "CITY OF HOMER AREA RECORD OF SURVEY", and referenced on the parent plat, 89-34 HRD.

WASTEWATER DISPOSAL
 The Alaska Department of Environmental Conservation has reviewed plans for this Subdivision's wastewater disposal, and approves this subdivision for platting.
David E. Johnson EE III 1-14-91
 SIGNATURE TITLE DATE
 The City of Homer shall not issue any future building permits on TRACT A, and Lots 8A, 8B, 8C, 8D, 8E, 8F, 8G of the above referenced Subdivision until Department of Environmental Conservation approval is obtained.

No.	Bearing	Feet	Arc Length	Chord Length	Chord Bearing
C1	90°00'00"	300.27	471.66	424.64	N76°17'12"E
C2	90°00'00"	125.00	196.35	176.79	S13°47'19"W
C3	55°37'27"	50.00	48.48	46.61	N77°27'55"W
C4	03°35'05"	1828.23	174.38	174.16	N80°03'22"W
C5	87°01'56"	25.00	39.26	35.36	N76°18'00"E
C6	07°56'53"	379.10	52.59	52.55	S83°29'06"E

Paul G. Lovejoy
 Paul G. Lovejoy, Pres. Homer Co-op
 4480 Homer Spit Road
 Homer, Alaska 99603
 NOTARY'S ACKNOWLEDGEMENT
 For Paul G. Lovejoy, Pres. Homer Co-op
 Subscribed and sworn to before me this 19th day of July, 1990
Janet L. Lewis
 Notary public for Alaska
 My Commission Expires 4/1/91

Lonna Hobbs
 Lonna Hobbs
 FOR: OCEANTRAWL INC.
 1200 MARKET PLACE TOWER
 2025 FIRST AVENUE
 SEATTLE WASHINGTON 98101
 NOTARY'S ACKNOWLEDGEMENT
 For Lonna Hobbs, for Oceantrawl
 Subscribed and sworn to before me this 10th day of August, 1990
Ata Johnson
 Notary public for Alaska
 My Commission Expires 2/26/91

Hyden R. Elyson
 Hyden R. Elyson
 2170 Homer Spit Road
 Homer, Alaska 99603
 NOTARY'S ACKNOWLEDGEMENT
 For Hyden R. Elyson
 Subscribed and sworn to before me this 20th day of July, 1990
Jerry A. Anderson
 Notary public for Alaska
 My Commission Expires 11-7-91

Donald M. Millson
 Klukwan Forest Products, Inc.
 Chief operating officer
 NOTARY'S ACKNOWLEDGEMENT
 For D. Millson
 Subscribed and sworn to before me this 9th day of October, 1990
Delores C. Christie
 Notary public for Alaska
 My Commission Expires July 6, 1994

William B. Edens
 William B. Edens, Vice Pres. Terminal Oil Sales
 4753 Homer Spit Road
 Homer, Alaska 99603
 NOTARY'S ACKNOWLEDGEMENT
 For William B. Edens, Vice Pres. Terminal Oil Sales
 Subscribed and sworn to before me this 14th day of June, 1990
Jerry A. Anderson
 Notary public for Alaska
 My Commission Expires 11-7-91

Roland Schwanke
 Roland Schwanke, President, Karch Canning Co., Inc.
 PO Box 2713
 Selma, AL 36864
 NOTARY'S ACKNOWLEDGEMENT
 For Roland Schwanke, Pres. Karch Canning Co., Inc.
 Subscribed and sworn to before me this 14th day of January, 1990
Eileen P. Bechtel
 Notary public for Alaska
 My Commission Expires May 9, 1991

1ST AMENDMENT TO LEASE AGREEMENT

This amendment is made and entered into effect as of _____, 2022 between the City of Homer, an Alaska municipal corporation ("Landlord") whose address is 491 East Pioneer Avenue, Homer, Alaska 99603, and South Central Radar, an Alaskan LLC ("Tenant"), whose address is PO Box 2145, Homer AK 99603, and amends the Ground Lease Agreement ("Lease") entered into between South Central Radar, and the City of Homer, dated November 9 2012 and recorded by the Kenai Peninsula Borough's recorder's office on November 16 2012, Number 2012-003723-0, Homer Recording District 309, Alaska.

Landlord and Tenant agree as follows:

ARTICLE 2. THE PROPERTY, section 2.01 Lease of Property. Shall be amended to read as follows:

2.01 Lease of Property. Subject to the terms and conditions of this Lease, Landlord leases to Tenant and Tenant leases from Landlord the following described property ("Property"):

Lot 88-1, Homer Spit Subdivision No.2, Homer Recording District, State of Alaska, consisting of approximately 10,235 square feet, also known as Kenai Peninsula Borough Tax Parcel No. 181803431.

A portion of Homer Spit Sub No. Two Amended Parking and Access Area, Homer Recording District State of Alaska, namely a 20 foot wide and 88 foot long area of land adjacent to the southwest lot line of Lot 88-1, containing of 1,760 square feet, more or less, and located within the City of Homer's Right-of-Way; also known as a portion of KPB Tax Parcel No. 181-03-441;

The two described areas total 11,995 square feet, and are subject, however to reservations restrictions, easements and encumbrances of record, and to encroachments that may be revealed by an inspection of the Property

AND

ARTICLE 4 RENT, TAXES, ASSESSMENTS AND UTILITIES, section 4.01 Base Rent. Shall be amended to read as follows:

4.01 Base Rent.

(a) Tenant shall pay to Landlord an initial annual rent of \$8,703.12. Base Rent is payable monthly in advance in equal installments of \$725.26. plus tax, on December 1 2012. And on the 1st day of each month

thereafter, at the office of the City of Homer 491 East Pioneer Avenue, Homer AK 99603-7645, or at such other place as Landlord may designate in writing.

(b) Additionally, tenant shall pay to Landlord rent for the portion of the City of Homer's Right-Of-Way listed in Article 2.01 for an initial annual rent of \$1,689.60 , payable monthly in advanced in equal installments of \$ 140.80 plus tax starting on 1 2022, and on the 1st day of each month thereafter, at the office of the City of Homer 491 East Pioneer Avenue, Homer AK 99603-7645, or at such other place as Landlord may designate in writing. Annual rent for the portion of the City of Homer's Right-of-Way shall be calculated based on the current per square foot price of, and in addition to, the rent installment listed in 4.01 Base Rent (a). The combined rents shall hereafter be known collectively as "Base Rent"

All Base Rent shall be paid without prior demand or notice and without deduction or offset. Base Rent that is not paid on or before the due date will bear interest at the Default Rate. Base Rent is subject to adjustment as provided by Section 4.02

AND

ARTICLE 6. USE AND IMPROVEMENT OF PROPERTY, section 6.01 Use of Property. Shall be amended to read as follows:

6.01 Use of Property.

(a) Lot 88-1: Tenant's undertaking to use and improve the Property as described in Tenant's proposal to Landlord is a material inducement to Landlord leasing the Property to Tenant. Tenant shall improve and use the Property in the manner described in Tenant's proposal. Tenant's proposed use of the Property is a recreational Marine Electronics retail and repair facility and related activities. Tenant shall not use or improve the Property for any purpose other than as described in Tenant's proposal without Landlord's written consent, which consent Landlord may withhold in its sole discretion.

(b) Portion of City of Homer's Right-of-Way: shall be used strictly for the sole purpose of parking for the business located on the adjacent property Lot 88-1. No structures or improvements will be allowed in the City's Right-of Way.

IN WITNESS WHEREOF, the parties have executed this Lease Amendment as of the date set forth above.

Landlord:
City of Homer

Tenant:
TENANT

By: _____

By: _____

Rob Dumouchel, City Manager

Printed Name, Title

ACKNOWLEDGMENTS

STATE OF ALASKA)
) SS.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me on _____, 20 __ by Katie Koester, City Manager of the City of Homer, an Alaska municipal corporation, on behalf of the City of Homer.

Notary Public in and for Alaska
My Commission Expires: _____

STATE OF)
) SS.
)

The foregoing instrument was acknowledged before me on _____, 20 __ by name
, as title of business/tenant.

Notary Public in and for the state of _____
My Commission Expires: _____

After recording return to:
Melissa Jacobsen, MMC, City Clerk
City of Homer
491 E. Pioneer Avenue
Homer, AK 99603

would like to see; City Council has been discussing the topic of housing so they should not feel restricted to any set box.

Chair Matthews inquired with Mr. Hawkins if these housing code amendments would have any Terminal Tariff policy effects/changes to allowing live-aboards or Airbnbs on vessels in the harbor, or renting vessel space out (i.e. subleasing stalls). Commissioner Friend added the question on if there was an impact on infrastructure and if there are any restrictions or utility limitations. Mr. Hawkins explained the reasons for why the Homer Terminal Tariff is written the way it is to prevent problematic live-aboard situations, derelict vessels, private businesses operating in public thoroughfares, and the lack of infrastructure on the float system for permanent residents. He noted it will be an interesting conversation with the Planning Commission to work out these code amendments.

SHAVELSON/SIEKANIEC MOVED TO RECOMMEND TO THE PLANNING COMMISSION THEY UPDATE HOMER CITY CODE TO EXPAND WORKER HOUSING OPPORTUNITIES UNDER THE MARINE INDUSTRIAL AND MARINE COMMERCIAL DISTRICTS ON THE HOMER SPIT.

Commissioner Siekaniec opined it is important to make sure it be an accessory permit to an authorized use, but that basically be the only restriction. Commissioner Shavelson responded his intent was to keep the motion broad as there are many issues around the housing issue, and would leave it up to the Planning Commission to have that discussion.

Chair Matthews commented on Mayor Castner's roundtable meeting with all the chairs from the board and commissions. There was a great consensus from everyone there to see housing be explored, look at the code to make the changes necessary to make Homer friendly to all walks of life, ensure our commerce is in place and supported, and it's going to come from housing and job stability.

Mayor Castner commented the need for worker housing, not more guest housing out on the Spit.

Deputy City Clerk Tussey confirmed with the commission they did not need clarifying information from past meeting minutes in regards to the Copper River Seafood lease amendment questions. She noted the lack of year-round potable water in the harbor is another utility limitation. Commissioner Friend corrected staff that his infrastructure question pertained to land structures, not the float system. Mr. Hawkins noted that there was established utility infrastructure for any buildings on land.

At Commissioner Ulmer's request, Commissioner Shavelson clarified his motion.

VOTE: YES: ULMER, ZEISET, FRIEND, SIEKANIEC, MATTHEWS, PITZMAN, SHAVELSON

Motion carried.

Chair Matthews pointed out how housing is a recognized goal in the Economic Development Advisory Commission's strategic plan and goals, and is provided in their supplemental packet.

- B. South Central Radar Lease Amendment Request for Additional Parking
 - i. South Central Radar Email – Lease Amendment Proposal for Additional Parking
 - ii. Map of City & ADOT&PF Right-of-Ways & Boundaries
 - iii. Plat Map
 - iv. DRAFT 1st Amendment to Lease Agreement

Chair Matthews introduced the item by reading the title.

Commissioner Zeiset declared a conflict of interest and recused himself from the dais. Chair Matthews verified with the commission that there was no opposition to allowing Mr. Zeiset be available to answer any questions on the amendment proposal.

Port and Harbor Director Hawkins facilitated discussion and responded to questions from the commission on the following:

- Clarifying that the rent amount is calculated based on square footage and the fair market value, and increases from additionally-used space, the 5-year appraisal, and annual Consumer Price Index (CPI) amount.
- Other leases with similar arrangements to utilize the extra space outside of the lot boundaries; this area is usable City space and is not in the State Right-of-Way.
- Who will be conducting the labor of installing the new parking boundaries and sign installations; will be a collaborative effort between the lessee and Harbor Staff.
- What the new parking layout will look like for both the outer public parking area and South Central Radar's expanded parking area.

SHAVELSON/SIEKANIEC MOVED TO SUPPORT THE APPROVAL OF THE SOUTH CENTRAL RADAR'S PROPOSED LEASE AMENDMENT TO EXPAND THE PARKING LOT AND RECOMMEND ADOPTION TO CITY COUNCIL.

There was no further discussion.

VOTE: YES: FRIEND, SHAVELSON, PITZMAN, ULMER, SIEKANIEC, MATTHEWS
ABSTAIN: ZEISET

Motion carried.

Commissioner Zeiset returned to the dais.

- C. Homer Spit Comprehensive Plan Review & Discussion
- i. Spit Comp Plan Overview 2022 Calendar
 - ii. City Planner Staff Report 22-34, Comprehensive Plan & Attachments
 - iii. City Planner Supplement Memo to SR 22-34: Trails & Sidewalks in Code

Chair Matthews introduced the item by reading the title. She spoke to her proposal for having the PHC be involved with rewriting the Spit Comprehensive Plan and promoting their recommendations to City staff, City Council, and the Planning Commission over the next year. She explained the resources and information gathered from City Planner Abboud and the meeting/implementation calendar she prepared for the commission. She opened the floor for discussion.

The commission discussed the following initial thoughts and recommendations on the Spit Comprehensive Plan:

- Calling out the "blue economy" or "blue zone": anything having to do with businesses on the ocean; that way it includes not just fishing but also things like seaweed farming. Goal is to allow areas for fishing, tourism, and other marine related developments beyond just fishing and transportation.