



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Planning  
491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

## Memorandum

### Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION  
FROM: RENEE KRAUSE, DEPUTY CITY CLERK II  
DATE: JANUARY 3, 2024  
SUBJECT: SUPPLEMENTAL

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#### PUBLIC HEARINGS

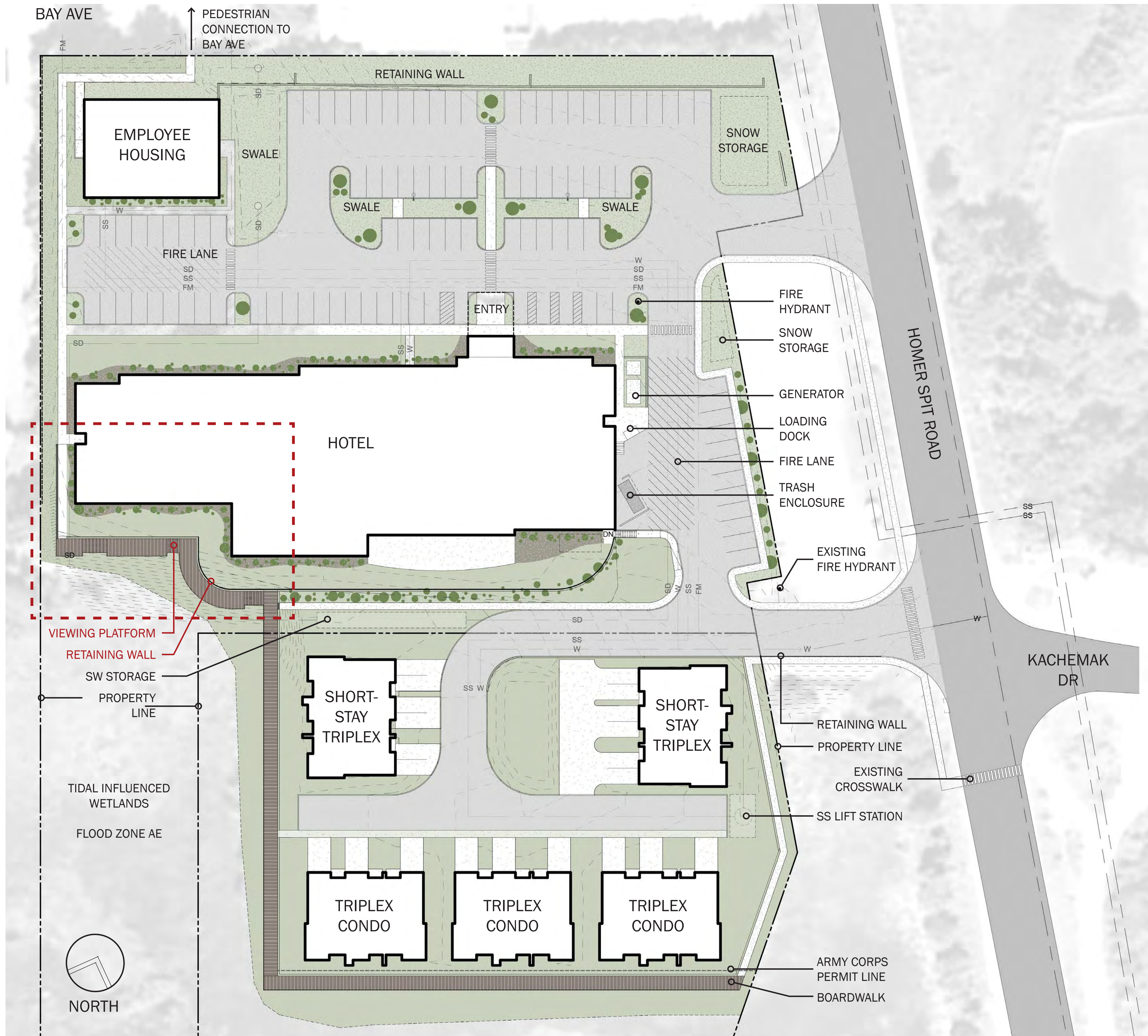
- A. Staff Report 23-060, Conditional Use Permit (CUP) 23-08 Planned Unit Development Lighthouse Village Development at 1563 & 1663 Homer Spit Road and 1491 Bay Avenue
- Schematic Site Plan and Renderings dated January 3, 2024 **page 3**
- Public Comment Received **page 5-191**
- B. Staff Report 23-061, Application amending Zoning Map via Ordinance Rural Residential to General Commercial 1
- Public Comment Received **page 5-191**
- C. Staff Report 23-062, Request to Vacate B Street Right of Way South of Bay Avenue
- Public Comment Received **page 5-191**

#### PLAT CONSIDERATION

- A. Staff Report 23-066, Bayview Subdivision Lighthouse Village Replat Preliminary Plat
- Public Comment Received **page 5-191**

**Clerks Note: Public comments were not specifically addressed to the individual Public Hearing Item or the Plat Consideration so have been applied to all relevant items on the agenda.**







P. O. Box 957  
Homer, Alaska 99603  
January 3, 2024

Homer Plan and Zoning Commission  
City of Homer  
481 E. Pioneer Avenue  
Homer, Alaska 99603

Dear Planning and Zoning Commission Members,

I have lived on Kachemak Drive in Homer since 1997. I am a retired registered geologist. There are 3 issues of major concern for the Doyon Lighthouse Village Development Project.

1. Lack of timely notification of Homer residents for a project of this magnitude and also for the timing of hearings over a holiday season.
2. The intersection of Homer Spit Road and Kachemak Drive is a major traffic bottleneck through the summer months and **Extreme Life Threatening hazard** in the tsunami evacuation zone. Please review DOT traffic count data that justified the traffic light at Lakeshore Drive and the Bypass. A large round about like Anchorage's East Dowling Road might be a solution.
3. Hazard mitigation has not been addressed in the current proposal. I found no mention of soil liquefaction in the engineering section of the Doyon proposal.

Soil liquefaction is the conversion of soil into a fluid-like mass during an earthquake or other seismic event. Earthquakes are a major cause of liquefaction when shaking ground builds up pore pressure in the soil. The wetter the soil, the weaker it is because when clay or silt is saturated it loses its strength. Concentrated water saturation causes pore pressure to exceed the soil's stable limits and leads to soil or slope failure. (See Lawler Salt Water Drive picture March, 2001.)

Alaska's Division of Public Health issued a report in January 2018 which forecast numerous impacts brought by climate change including more precipitation, leading to mud slides, debris flows and floods. Homer experienced two 100 year precipitation events in a 30 day period, October 22 – 24 and November 23, 2002, which caused road flooding and a bridge washout in Ninilchik.

The lower section of lot 164B has unknown quality fill material placed in the 1980's which if loaded with structures as proposed could be subject to failure if soil liquefaction concerns are not addressed.

Respectfully submitted,

Mike McCarthy



JAN 03 2024 PM 03:44 46  
Jan 3 2024

To our Homer City Planning Commissioners, Mayor and  
City Council Members,

I am writing this to you all in hopes that the Doyan  
property development on the beginning of the Homer Spit be  
done thoughtfully and carefully.

First of all, the proposed purchased site is located on a  
peaceful shorebird sanctuary. A large development (building)  
there would create havoc + distractions for this vital shorebird  
migration stopover.

Major increase of traffic flow. As of now it is already not a  
life intersection for bicyclists, pedestrians and vehicles, to  
cross over to get to the delightful Homer Spit bike and  
pedestrian bike path.

In addition, when you approach the Homer Spit from town  
on Ocean Dr. you come around that corner and immediately there  
is a very busy congested spot to cross. It is very scary and I  
strongly dislike myself + grandchildren being in such an unsafe,  
precarious predicament. Page 7 of 191

An updated traffic study during the congested summer months is needed.

I do not think a conditional use permit should be granted. A huge building in that spot will change the character of our town, forever.

There are many coastal towns in Oregon that have strict building codes that enhance the aesthetics of the town, and provide a sense of pride for the residents of these towns and indeed, so many happy visitors because they are purposely lovely towns with nice architecture.

Thank you for the volunteer time you put in on behalf of our townspeople and visitors.

Carole & Jack Hamik

4002 Kachemak Way  
Homer, AK 99603

503-593-7851



**From:** [William J. Marley](#)  
**To:** [Renee Krause](#)  
**Subject:** Letter to Homer Planning Commission Meeting January 3, 2024  
**Date:** Wednesday, January 3, 2024 12:59:09 PM

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**WILLIAM J. & JUDY A. MARLEY**

183 WEST BAYVIEW AVE.

HOMER, AK 9960

907-235-8987

[wmarley@mac.com](mailto:wmarley@mac.com)

To: Planning & Zoning City Homer, Ak

Dear Committee Members,

While we should all welcome Doyon LLC most significant investment in our community it is inherently responsible that any plan include safety and environmental effects upon our community.

Having been a private pilot operating out the Homer Airport for over fifty years I have some historical memories of aviation in the local area including Anchorage. While on a taxi way prior 1980 I observed a Wein Airline lose an engine on takeoff, aborting the takeoff just short of the end of the runway. Good pilotage but high risk!

In 1970 a contract DC8 failed to achieve lift off over running

to the end of Runway 6R, now 7R, by 3,400 feet hitting a small building and catching on fire. Forty-six passengers and one stewardess lost their lives.

Runway 4 here in Homer is only 2,000 feet from the the lot line of the proposed 100 hundred room hotel complex. Homer is having significant growth and without doubt will continue to do so which means larger aircraft - larger fuel loads on an airport runway estimated to be 1/2 the length of Anchorage International Airport accident in 1970, Add to this the possibility of a 100 room hotel and scale of the horror becomes much, much greater.

In 1987 a Ryan aircraft approached Runway 4 landing short of the runway hitting chain link fence with 18 people losing their lives. That Ryan aircraft could well have hit any structure before the chainlink fence be it a 100 room hotel.

In one other occasion an air taxi flying from Bradley Lake landed short of Runway 21, now 22, leaving all passengers and pilot with life lost. While aviation accidents have occurred, just as automobile accidents have occurred, every reason exists to create physical environments whereby accidents are least likely to occur. This means not allowing physical facilities especially habitable facilities i.e. hotels in proximal flight paths to airport runways in the case of aviation.

In addition it is a surprise that Doyon LLC has chosen this site for development in view of its subject to aircraft noise as well as wet lands and tsunami conditions and concerns.

It has been said the the FAA has written a letter to Doyon authoring the construction of this Hotel complex. It would most appropriate the City of Homer Planning Commission review such a letter in detail and it be made available to the public.

Sincerely Submitted;

William J. Marley

**From:** [Harness](#)  
**To:** [Renee Krause](#)  
**Subject:** Written Testimony for Commission/Board Meetings  
**Date:** Tuesday, January 2, 2024 6:21:05 PM

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

Written Testimony for the Planning Commission  
Name: Richard Harness Email: raharness@gmail.com  
Phone: Residency: Non-City Resident Meeting to Participate In: Planning Commission Special Meeting (if scheduled) Wed, 01/03 Public Comments - Citizen may comment on regular agenda items not scheduled for public hearing or Plat Considerations (Planning Commission only) such as Consent Agenda items, Minutes, Reports, Pending Business, New Business, and Informational Materials. Written Testimony: Please do not recommend approval of Conditional Use Permit 23-08, the Spit base development proposal.

The impact of traffic, excessive buildup of the property and the impact on critical bird habitat by this project would be detrimental to Homer's future, including our existing tourism industry, which is built on the natural beauty and the small town charm of Homer. Also -the area in question already has

significant summer congestion. There is no place in Homer for such a tall building which would harm the ambiance of the town and set precedents for more future high-rise buildings, destroying the town's flair. Once this type of development becomes permitted, there is no going back!

Another reason this development should not take place is that the area has strong sewage smell any time the wind comes from the predominant west or southwest, which visitors would be exposed to extensively.

Thank you for your service and your consideration of keeping the building codes as they are, so Homer will keep the character it is known and loved for by locals and visitors from all around the world!

Thank you!

Electronic Signature: Richard Harness Submitted on Tuesday, January 2, 2024 - 6:21pm The results of this submission may be viewed at:

<https://www.cityofhomer-ak.gov/node/60481/submission/51542>

**From:** [Harness](#)  
**To:** [Renee Krause](#)  
**Subject:** Written Testimony for Commission/Board Meetings  
**Date:** Tuesday, January 2, 2024 6:53:57 PM

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

Written Testimony for the Planning Commission  
Name: Dorothea (Dorla) Harness Email: dorlaharness@gmail.com Phone: Residency: Non-City Resident Meeting to Participate In: Planning Commission Special Meeting (if scheduled) Wed, 01/03 Public Comments - Citizen may comment on regular agenda items not scheduled for public hearing or Plat Considerations (Planning Commission only) such as Consent Agenda items, Minutes, Reports, Pending Business, New Business, and Informational Materials. Written Testimony:  
Please do not recommend approval of Conditional Use Permit 23-08, the Spit base development proposal for the following reasons:

- Excessive impact of traffic in an already highly congested area in the summer.
- Creates a bottleneck for traffic flow during Tsunami warnings

- Extreme buildup on the property. There were good reasons for creating the existing city building codes and structure size limitations currently in place! They should be carefully noted
- Detrimental impact on critical bird habitat
- Negative impact on existing tourism industry, which is built on the natural beauty and the small town charm of Homer.
- Precedents for other high-rises to be built in the future. Once this type of development becomes permitted, there is no going back!
- The area has strong sewage smell whenever the wind comes from the predominant west or southwest, which visitors would be exposed to extensively, giving Homer a bad reputation
- Any jobs created from this project are seasonal, not the jobs we need so people can afford to live here year round

Thank you so much for your service!

Electronic Signature: Dorothea Harness Submitted on Tuesday, January 2, 2024 - 6:53pm The results of this submission may be viewed at:  
<https://www.cityofhomer->

[ak.gov/node/60481/submission/51543](http://ak.gov/node/60481/submission/51543)



**From:** [Harness](#)  
**To:** [Renee Krause](#)  
**Subject:** Written Testimony for Commission/Board Meetings  
**Date:** Tuesday, January 2, 2024 6:54:42 PM

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

Written Testimony for the Planning Commission

Name: Dotti Harness Email:

dottiharness@hotmail.com Phone: 907-299-6789

Residency: City Resident Meeting to Participate In:

Planning Commission Special Meeting (if scheduled)

Wed, 01/03 Public Hearings - Citizens may comment

on items scheduled for public hearing when the

Presiding Officer opens the Public Hearing. CUP 23-08

Written Testimony:

Date: January 2, 2024

Subject: CUP 23-08

Dear HAPC Commissioners,

Based on the requests for exceptions and waivers, I recommend denying CUP 23-08 and the ROW vacation. There is NO valid reason for considering these exceptions and waivers. There especially is no

valid reason for increasing the height limit of the building.

Look ahead; as a commission, if you grant exceptions and waivers, you are opening the door, a very wide door, for future developments to parade before you with requests for exceptions and waivers.

Previous HAPC Commissioners researched and thoughtfully came to the existing development standards for maximum building area, maximum building height, and lot coverage.

I recommend denying the ROW vacation. Unless the applicant offers equal or better access—in this case to the waters of Kachemak Bay, which they have not, a vacation cannot be granted. The KPB Planning Commission looks to YOU, the HAPC for your recommendations. Denying this request will send a strong message to the KPB Planning commission to also deny the ROW vacation.

There are practical solutions that do not require exceptions and waivers. I encourage the developer to rework the proposal to meet the City's development standards.

Commissioners, I thank you for all your time and diligence to review countless applications.

Respectfully submitted,

Dotti Harness, dottiharness@hotmail.com, 907-299-6789

Former Planning Technician for the City of Homer

Rick Foster, rafoster@acsalaska.net, 907-299-9295

Former HAPC and KPB Planning Commissioner

459 Klondike Ave. #1 Up

Homer, AK. 99603

Electronic Signature: Dotti Harness and Rick Foster

Submitted on Tuesday, January 2, 2024 - 6:54pm The

results of this submission may be viewed at:

<https://www.cityofhomer->

[ak.gov/node/60481/submission/51544](https://www.cityofhomer-ak.gov/node/60481/submission/51544)

**From:** [Department Planning](#)  
**To:** [Renee Krause](#)  
**Subject:** FW: Conditional Use Permit (CUP) 23-08  
**Date:** Tuesday, January 2, 2024 9:26:36 AM

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**From:** Peter Michalski [mailto:michalskilawalaska@gmail.com]  
**Sent:** Friday, December 29, 2023 10:46 AM  
**To:** Department Planning <Planning@ci.homer.ak.us>  
**Cc:** Jo Michalski <jomichalski1947@gmail.com>  
**Subject:** Re: Conditional Use Permit (CUP) 23-08

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

Dear Commission Members:

We join the concerns and opposition taken by our friends and neighbors who have expressed their concerns and opposition to the proposed development of the hotel/triplex condos/employee housing development at the base of the Homer Spit as expressed in the incorporated document.

Peter and Jo Michalski  
1333 Bay Avenue  
Homer, AK

RE: Conditional Use Permit (CUP) 23-08

Dear Members of the Planning Commission:

We the undersigned are writing to express our concerns about a wide array of issues related to the [proposed hotel/ triplex condos/ employee housing development](#) at the base of the Homer Spit.

We ask the planning commission not to recommend approval of CUP 23-08 and associated rezone, replat, and vacation of the right-of-way. The plans for the structures are too far out of compliance with the zoning requirements for that location, and they do not conform to the clear development guidance of the City of Homer Comprehensive Plan.

As the Homer Comprehensive Plan makes abundantly clear, as Homer grows, it is essential that we guide growth to allow simultaneously for business development and the preservation of the essential environmental, cultural, and historical elements that make Homer an attractive place to live and visit. CUP 23-08 does not meet that standard.

\*\*\*

## **1. The hotel is almost double the height restriction for the General Commercial 1 District.**

The hotel would be built on land zoned General Commercial 1 (GC1). [Homer City Code, 21.24.040](#) dictates dimensional requirements for buildings in this district, stating, "The maximum building height shall be 35 feet."

According to [schematics](#) (p. 60) submitted by the developer, the tower is over 66 ft tall, and the hotel roof ridge is 54 ft. This building should not be taller than 35 ft. The planning director has noted that the building is too tall, but seems to have waved the issue aside, [saying](#) (p. 23):

"The only flexibility above the dimensional requirements of 21.24.040 is the building height for GC1 where the maximum building height is 35 feet. A better and more appropriate building height is for a three story hotel, which, by their nature, is higher than 35 feet. The building height proposed in the planned unit development for the hotel is 45 feet, with smaller sections of the hotel at 54 feet and 66.5 feet for the rooftop bar. There are no health, safety, or welfare concerns with the proposed hotel building height. As noted earlier in the staff report, the applicant has provided a letter from the Federal Aviation Administration (FAA) with a determination that the proposed planned unit development will not be a hazard to air navigation to the Homer Airport."

This is not the place for a building that is almost double the height limit. These limitations are in code and supported by the Comprehensive Plan, and this is not the place to ignore these rules. Height limits are not just about the FAA, as implied by staff, they are also about the viewshed, and this is an area where the viewshed is very important to local residents, visitors, and to the tourism industry—all these folks stand to lose quite a bit by waiving these restrictions.

Additionally, if the City is going to waive height restrictions for one business, it would only be fair to waive height restrictions for all businesses. This is no way to guide development. The City should follow their own rules here, or go through a proper process to change the rules, if that is what the public wants. Someone could easily sue the city for ignoring the rules without a good reason.

## **2. The Hotel is over the size limit for retail buildings in the GC1.**

The City Code for General Commercial Development, 21.24.040, goes on to say, with regard to "Retail and Wholesale," (which includes the hotel):

"In that area south of Beluga Lake, identified as the Ocean Drive GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet"

The [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft. This is 5,000 square ft. too large. It is inexplicable why this is not mentioned in the staff report. This oversized building should be denied, given the ecological, historical, and cultural significance of this location. Additionally, as outlined in more detail below, the Comprehensive Plan is clear about the intent to concentrate growth in the City Center and to diminish density as we move away from that center: it would be improper to permit what could be one of the largest buildings in town outside the city center.

### **3. Development is far too dense for GC1.**

The proposed development is much too dense for the GC1 zoning. Homer City Code 21.24.040 Dimensional requirements, says "...nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit." [Doyon owns three lots](#), for a total of 5.92 acres. By our calculations, that number of acres equals 257,875.2 square ft. Thirty percent of this area is 77,362 square ft.

However, the [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft., employee housing is 13,000 square ft., each of the four condos is 6,464 square ft., for a total square footage of developed space (excluding parking lot) of 118,856 square ft.

The proposed development is way over the 30% of the lot building-area limit. In fact, it is 30% over that limit. The Planning Department staff report makes no mention of this discrepancy with respect to the density limitation and provides no reason to consider a waiver from the requirement.

There are substantial reasons to deny a waiver to the rules in this case, based on the character and value of the tidal wetlands and forested Rural Residential lot owned by Doyon. The location of these properties at the base of the Spit make them an essential part of the viewshed, which adds value to every tourism business and the lives of every resident. Additionally, the Mariner Lagoon wetlands on the south side of the lower lot provide shorebird habitat of international significance, recognized by its inclusion in the Western Hemisphere Shorebird Reserve Network. The public viewing platform that has been removed has a long history of use for viewing migrating shorebirds and waterfowl. Over-development in this area stands to harm these extraordinarily valuable environmental resources as well as the general public's ability to appreciate our natural systems through such events as the Shorebird Festival. The Comprehensive Plan says we should protect important ecological areas even if they are zoned commercial or otherwise for development:

"This [Comprehensive] plan takes two general approaches to guide

development in relation to environmental conditions. One is to “overlay” information regarding environmental constraints and opportunities onto the Land Use Recommendations Map. This means, for example, that some portions of an area identified for development would be limited by the site-specific presence of steep slopes, wetland areas, drainage channels, etc. The second broad strategy is to recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics.”

This guidance reinforces the need to follow—at minimum—the standards established in the zoning of these lots to avoid or minimize habitat degradation from construction impacts, polluted runoff, and the disturbance of wildlife by the concentration of people in the area adjacent to the wetlands. It bears repeating that the development area overlaps and abuts shorebird habitats that are part of the Western Hemisphere Shorebird Reserve Network.

Ecology aside, this is not the place to exceed size and density limitations. We refer here to the City of Homer Comprehensive Plan for guidance:

“Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.

Many of the community’s most important goals are tied to the amount and location of growth. These goals include encouraging affordable housing, protecting environmental quality, creating a walkable community, and efficiently providing public services and facilities. The broad strategy behind this objective is to encourage concentrated residential and business growth in the central area of the city, with densities decreasing in outlying areas. The existing pattern of development in the city and current zoning generally follow this pattern. The alternative to this pattern – to allow this same quantity of growth to spread over a much wider area – works against all these goals.”

The Comprehensive Plan is clear about the community’s desire to concentrate growth in the City Center. It strongly suggests we should not permit what could be one of the largest buildings/complexes in Homer outside of the City Center. The location at the base of the Spit has not been zoned for dense development or tall buildings because of issues related to traffic congestion, tsunami inundation, and the need to conserve essential wildlife habitats. We should not allow a development that would undermine the safety and wellbeing of the local population and visitors or that would run strongly against the Comprehensive Plan’s clear guidance to direct dense development to the City Center.

**4. The proposed triplex condominiums and employee housing over three times the limit of 8,000 square feet per parcel.**

Developers have asked for a CUP to allow for “mixed use planned unit development (residential and commercial).” This indicates that the employee housing and triplex condominiums cannot be considered “retail” and must conform to general building restrictions. Homer City Code 21.24.040 gives a general building restriction: “No lot shall contain more than 8,000 square feet of building area (all buildings combined).”

Proposed employee housing is 13,000 square ft, each of four triplex condos is 6,464 square ft. (for a total of 25,856 square ft). This is over triple the allowable limit for the two lots (if the CUP for mixed use were permitted, along with the rezone of the Rural Residential lot to General Commercial 1, the right-of-way vacation and the replat). It is difficult to understand why this issue was not mentioned in the staff report. There has to be a good reason to make this kind of extreme exception—to allow for a development that is triple the permitted limit. We instead have lots of reasons not to do this.

Please consider that these triplex condos will be built to the edge of a lot that was historically coastal wetlands (filled illegally), is abuts and overlaps shorebird habitat. Additionally, the extension of an existing retaining wall will likely involve construction impacts to the wetlands. The Comprehensive Plan says that we should “Provide extra protection for areas with highest environmental value or development constraints” and that we should “Require developers to include details about environmental features and processes, along with plans for open space, when submitting subdivisions or other developments for approval.” Neither of these conditions have been met here, even though developers are asking us to more than triple the legal density limit for mixed-residential structures in a highly sensitive and important part of Homer’s ecology, culture, and history.

In addition, the triplex condos would interfere with the view from the Spit by the public; they would provide high-end, and in an unknown number of cases, short-term housing that is exactly the kind of housing that Homer does *not* need; the project would increase the density of development outside of the City Center in an area where our Comprehensive Plan says infill should *not* be focused. No exceptions for increased density of units should be allowed on these parcels.

**5. Vacation of the section line easement is unnecessary and comes at too great a cost.**

Given all the issues outlined above related to the density and size of proposed development, it seems clear that the project must be downsized to meet code and Comprehensive Plan intent. It is likely that a (smaller) project that conforms to GC1 code can be designed to avoid vacating this section line. Considering that vacation of the section line could easily prevent the public from accessing the beach in this area and end the important Homer tradition of shorebird viewing at this prime location, the planning commission should not permit vacation of the section line.



\*\*\*

Please take or recommend the following actions:

Deny CUP 23-08 and associated rezone, mixed residential construction, and section line easement vacation. Development plans are far out of compliance with Homer City Code requirements for GC1 building size, density, and height limitations. The plans run counter to the City of Homer Comprehensive Plan's explicit intent for dense development to be focused in the City Center, to preserve local character, and protect important ecological functions.

**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: Cup  
**Date:** Tuesday, January 2, 2024 8:56:15 AM  
**Attachments:** [open.php](#)  
[image001.png](#)

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**From:** Marjorie <shasta@xyz.net>  
**Sent:** Friday, December 29, 2023 1:24 PM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** Cup

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

Sent from my iPhone

**December 28, 2023**

**RE: Conditional Use Permit (CUP) 23-08**

**Dear Members of the Planning Commission:**

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**We ask the planning commission not to recommend approval of CUP 23-08 and associated rezone, replat, and vacation of the right-**

of-way. The plans for the structures are too far out of compliance with the zoning requirements for that location, and they do not conform to the clear development guidance of the City of Homer Comprehensive Plan.

As the Homer Comprehensive Plan makes abundantly clear, as Homer grows, it is essential that we guide growth to allow simultaneously for business development and the preservation of the essential environmental, cultural, and historical elements that make Homer an attractive place to live and visit. CUP 23-08 does not meet that standard.

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The hotel would be built on land zoned General Commercial 1 (GC1). [Homer City Code, 21.24.040](#) dictates dimensional

requirements for buildings in this district, stating, "The maximum building height shall be 35 feet."

According to [schematics](#)(p. 60) submitted by the developer, the tower is over 66 ft tall, and the hotel roof ridge is 54 ft. This building should not be taller than 35 ft. The planning director has noted that the building is too tall, but seems to have waved the issue aside, [saying](#) (p. 23):

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**development will not be a hazard to air navigation to the Homer Airport."**

**This is not the place for a building that is almost double the height limit. These limitations are in code and supported by the Comprehensive Plan, and this is not the place to ignore these rules. Height limits are not just about the FAA, as implied by staff, they are also about the viewshed, and this is an area where the viewshed is very important to local residents, visitors, and to the tourism industry—all these folks stand to lose quite a bit by waiving these restrictions.**

**Additionally, if the City is going to waive height restrictions for one business, it would only be fair to waive height restrictions for all businesses. This is no way to guide development. The City should follow their own rules here, or go through a proper process to change the rules, if that is what the public wants. Someone could easily sue the city for ignoring the rules without a good reason.**

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**"In that area south of Beluga Lake, identified as the Ocean Drive GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet"**

**The [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft. This is 5,000 square ft. too large. It is inexplicable why this is not mentioned in the staff report. This oversized building should be denied, given the ecological, historical, and cultural significance of this location. Additionally, as outlined in more detail below, the Comprehensive Plan is clear about the intent to concentrate growth in the City Center and to diminish density as we move away from that center: it would be improper to permit what could be one of the largest buildings in**

**town outside the city center.**

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**The proposed development is way over the 30% of the lot**

**building-area limit. In fact, it is 30% over that limit. The Planning Department staff report makes no mention of this discrepancy with respect to the density limitation and provides no reason to consider a waiver from the requirement.**

**There are substantial reasons to deny a waiver to the rules in this case, based on the character and value of the tidal wetlands and forested Rural Residential lot owned by Doyon. The location of these properties at the base of the Spit make them an essential part of the viewshed, which adds value to every tourism business and the lives of every resident. Additionally, the Mariner Lagoon wetlands on the south side of the lower lot provide shorebird habitat of international significance, recognized by its inclusion in the Western Hemisphere Shorebird Reserve Network. The public viewing platform that has been removed has a long history of use for viewing migrating shorebirds and waterfowl. Over-development in this area stands to harm these extraordinarily valuable environmental resources as well as the general public's ability to appreciate our natural systems through such events as the Shorebird Festival. The Comprehensive Plan says we should protect important ecological areas even if they are zoned**



**commercial or otherwise for development:**

**“This [Comprehensive] plan takes two general approaches to guide development in relation to environmental conditions. One is to “overlay” information regarding environmental constraints and opportunities onto the Land Use Recommendations Map. This means, for example, that some portions of an area identified for development would be limited by the site-specific presence of steep slopes, wetland areas, drainage channels, etc. The second broad strategy is to recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics.”**

**This guidance reinforces the need to follow—at minimum—the standards established in the zoning of these lots to avoid or minimize habitat degradation from construction impacts, polluted runoff, and the disturbance of wildlife by the concentration of people in the area adjacent to the wetlands. It bears repeating that the development area overlaps and abuts shorebird habitats that are part of the Western Hemisphere Shorebird Reserve Network.**

**Ecology aside, this is not the place to exceed size and density limitations. We refer here to the City of Homer Comprehensive Plan for guidance:**

**“Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.**

**Many of the community’s most important goals are tied to the amount and location of growth. These goals include encouraging affordable housing, protecting environmental quality, creating a walkable community, and efficiently providing public services and facilities. The broad strategy behind this objective is to encourage concentrated residential and business growth in the central area of the city, with densities decreasing in outlying areas. The existing pattern of development in the city and current zoning generally follow this pattern. The alternative to this pattern – to allow this same quantity of growth to spread over a much wider**

**area – works against all these goals.”**

**The Comprehensive Plan is clear about the community’s desire to concentrate growth in the City Center. It strongly suggests we should not permit what could be one of the largest buildings/complexes in Homer outside of the City Center. The location at the base of the Spit has not been zoned for dense development or tall buildings because of issues related to traffic congestion, tsunami inundation, and the need to conserve essential wildlife habitats. We should not allow a development that would undermine the safety and wellbeing of the local population and visitors or that would run strongly against the Comprehensive Plan’s clear guidance to direct dense development to the City Center.**

- 4. The proposed triplex condominiums and employee housing over three times the limit of 8,000 square feet per parcel.**

**Developers have asked for a CUP to allow for “mixed use planned unit development (residential and commercial).” This indicates**

**that the employee housing and triplex condominiums cannot be considered “retail” and must conform to general building restrictions. Homer City Code 21.24.040 gives a general building restriction: "No lot shall contain more than 8,000 square feet of building area (all buildings combined)."**

**Proposed employee housing is 13,000 square ft, each of four triplex condos is 6,464 square ft. (for a total of 25,856 square ft). This is over triple the allowable limit for the two lots (if the CUP for mixed use were permitted, along with the rezone of the Rural Residential lot to General Commercial 1, the right-of-way vacation and the replat). It is difficult to understand why this issue was not mentioned in the staff report. There has to be a good reason to make this kind of extreme exception—to allow for a development that is triple the permitted limit. We instead have lots of reasons not to do this.**

**Please consider that these triplex condos will be built to the edge of a lot that was historically coastal wetlands (filled illegally), is abuts and overlaps shorebird habitat. Additionally, the extension**

**of an existing retaining wall will likely involve construction impacts to the wetlands. The Comprehensive Plan says that we should “Provide extra protection for areas with highest environmental value or development constraints” and that we should “Require developers to include details about environmental features and processes, along with plans for open space, when submitting subdivisions or other developments for approval.” Neither of these conditions have been met here, even though developers are asking us to more than triple the legal density limit for mixed-residential structures in a highly sensitive and important part of Homer’s ecology, culture, and history.**

**In addition, the triplex condos would interfere with the view from the Spit by the public; they would provide high-end, and in an unknown number of cases, short-term housing that is exactly the kind of housing that Homer does not need; the project would increase the density of development outside of the City Center in an area where our Comprehensive Plan says infill should not be focused. No exceptions for increased density of units should be allowed on these parcels.**

5. **Vacation of the section line easement is unnecessary and comes at too great a cost.**

**Given all the issues outlined above related to the density and size of proposed development, it seems clear that the project must be downsized to meet code and Comprehensive Plan intent. It is likely that a (smaller) project that conforms to GC1 code can be designed to avoid vacating this section line. Considering that vacation of the section line could easily prevent the public from accessing the beach in this area and end the important Homer tradition of shorebird viewing at this prime location, the planning commission should not permit vacation of the section line.**

**\*\*\***

**Please take or recommend the following actions:**

**Deny CUP 23-08 and associated rezone, mixed residential construction, and section line easement vacation. Development**

**plans are far out of compliance with Homer City Code requirements for GC1 building size, density, and height limitations. The plans run counter to the City of Homer Comprehensive Plan's explicit intent for dense development to be focused in the City Center, to preserve local character, and protect important ecological functions.**

**Sincerely,**

**Drue Smith**

PO Box 15011

Fritz Creek, AK 99603

**Samuel Walker**

P.O. Box 1871

Homer, AK, 99603

**Jason Okluy**

4555 Emerald Rd.

Homer, AK 99603

**Allison Kintner**

4555 Emerald Rd.

Homer, AK 99603

**Penelope Haas**

57081 Mesa Ave

Homer, Alaska 99603

**Alison McCarron**

41722 Charlie Drive



Homer, AK 99603

**Brenna McCarron**

41722 Charlie Drive

Homer, Ak 99603

**Avram Salzmann**

617 Soundview Ave

Homer, AK 99603

**Charles Rohr**

41970 Lookout Dr

Homer, AK 99603

**Oliver Beck**

57362 Kaleen st

Homer, AK 99603

**Megan Lindbloom**

PO Box 1955

Homer, AK 99603

**Timothy Blakey**

PO Box 1955

Homer, AK 99603

**George Matz**

PO Box 15182

Fritz Creek, AK 990603

**Marilyn Sigman**

4211 Kachemak Way

Homer, AK 99603

**Nina Faust**

P.O. Box 2994

Homer AK 99603

**Jack Heimbold**

P.O. Box 1364

Anchor Point Ak 99556

**Douglas Dean**

2361 Judy Rebecca Court

Homer Ak 99603

**Duncan Wanamaker**

58313 Rea Dr

Homer AK 99603

**Joseph Ravin**

53835 Kilcher Road

Homer AK 99603

**Ella Parks**

P.O. Box 1871

Homer, AK, 99603

**Kaitlynn Skundrich**

55446 Finch Ave.

Fritz Creek, AK 99603

**Nels Christensen**

57081 Mesa Ave

Homer, Alaska 99603

**Scott Blackwell**

34655 Lusky Rd.

Fritz Creek, AK 99603

**Madra Choromanska**

34655 Lusky Rd.

Fritz Creek, AK 99603

**Lani (Lynda) Raymond**

41640 Gladys Ct.

Homer, AK 99603

**Dave Brann**

2350 Sprucewood Drive

Homer, Alaska 99603

**George Harbeson Jr.**

1496 Lakeshore Drive

Homer, Alaska 99603

**Jake Beaudoin**

63654 Estate Dr.

Homer, AK 99603

**Anna Meredith**

63654 Estate Dr.

Homer, AK 99603

**Carolyn Westbrook**

33528 Jones Dr.

Homer, AK 99603

**Gary & Jane Klopfer**

1303 Bay Ave

Homer AK 99603

**Jennifer Baker**

561 Elderberry Dr.

Homer, AK 99603

**Laurie Daniel**

67800 Bluff Rd, PO Box 3713

Homer, AK 99603

**Dots Sherwood**

1630 Lincoln Drive

Homer, AK 99603

**Diane Briggs**

P.O. Box 15407

Fritz Creek, AK 99603

**Kenneth Briggs**

P.O. Box 15407

Fritz Creek, AK 99603

**Carol Harding**

PO Box 2154

Homer, AK 99603

**Josphine Ryan**



P.O. Box 1210

Homer, Alaska 99603

**Annie Cooper**

57251 Glacierview Rd N

Homer, AK 99603

**Michelle Michaud**

52421 Moonbeam Lane

Homer, AK 99603

**Tom Early**

41263 Crested Crane Street

Homer, AK 99603

**Kristine Moerlein**

20315 Tustumena Lk Rd

Kasilof, AK 99610

**Peggy Ellen and Rich Kleinleder**

42033 Ness Circle #367

Homer, AK 99603

**Anne Kahn**

56911 Yellow Eye Ct.

Homer, AK 99603

**Katie Marden**

2445 Sprucewood Drive

Homer, AK 99603

**Lolita Brache**

**Po Box 2508**

Homer, AK 99603

**Jane Miles**

PO Box 2508

Homer, AK 99603

**Roy and Susanne Wilson**

**P.O. Box 136**

**Homer, Homee, AK 99603**

**Sabine Simmons**

4050 El Sarino Ct

Homer, AK 99603

**Gary Waltenbaugh**

39066 Fiddlehead Circle

Homer, AK 99603

**Mercedes Harness**

1680 Highland

Homer, AK 99603

**Evelyn Waltenbaugh**

39066 Fiddlehead Circle

Homer, AK. 99603

**Dr. David and Mrs. Marga Raskin**

59975 Eider Ave

Homer, AK 99603

**Miranda Weiss**

P.O. Box 1498

Homer, AK 99603

**Sharon Brooks**

4178 Hohe St.

Homer, AK 99603

Marjorie Ringer

P.O. Box 1072

Homer, Ak 99603

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**Our mailing address is:**

Citizens AKtion Network

58395 BRUCE AVE

HOMER, AK 99603

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**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#)  
**Subject:** FW: Conditional Use Permit 23-08  
**Date:** Tuesday, January 2, 2024 8:55:18 AM  
**Attachments:** [Lighthouse Village Development CUP 23-08 .pdf](#)

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**From:** Penelope Haas <penelopehaas@gmail.com>  
**Sent:** Friday, December 29, 2023 2:48 PM  
**To:** Department Clerk <clerk@ci.homer.ak.us>; Department Planning <Planning@ci.homer.ak.us>; news@kbbi.org; emilie.springer@homernews.com; Ryan Foster <rfoster@ci.homer.ak.us>  
**Subject:** Conditional Use Permit 23-08

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

Dear City Clerk,

Please find attached comments on Conditional Use Permit 23-08. This letter has been signed by well over 100 people, and we ask that you please forward it on to all members of the planning commission before the end of business today, so that they have time to read and digest the material.

Please let commissioners know that signatures are still coming in in support of this letter and they will be receiving an updated list of signatories.

Penelope Haas

December 28, 2023

RE: Conditional Use Permit (CUP) 23-08

Dear Members of the Planning Commission:

Thank you for your service to the City of Homer. We the undersigned are writing to express our concerns about a wide array of issues related to the [proposed hotel/ triplex condos/ employee housing development](#) at the base of the Homer Spit.

We ask the planning commission not to recommend approval of CUP 23-08 and associated rezone, replat, and vacation of the right-of-way. The plans for the structures are too far out of compliance with the zoning requirements for that location, and they do not conform to the clear development guidance of the City of Homer Comprehensive Plan.

As the Homer Comprehensive Plan makes abundantly clear, as Homer grows, it is essential that we guide growth to allow simultaneously for business development and the preservation of the essential environmental, cultural, and historical elements that make Homer an attractive place to live and visit. CUP 23-08 does not meet that standard.

\*\*\*

### **1. The hotel is almost double the height restriction for the General Commercial 1 District.**

The hotel would be built on land zoned General Commercial 1 (GC1). [Homer City Code, 21.24.040](#) dictates dimensional requirements for buildings in this district, stating, "The maximum building height shall be 35 feet."



According to [schematics](#) (p. 60) submitted by the developer, the tower is over 66 ft tall, and the hotel roof ridge is 54 ft. This building should not be taller than 35 ft. The planning director has noted that the building is too tall, but seems to have waved the issue aside, [saying](#) (p. 23):

"The only flexibility above the dimensional requirements of 21.24.040 is the building height for GC1 where the maximum building height is 35 feet. A better and more appropriate building height is for a three story hotel, which, by their nature, is higher than 35 feet. The building height proposed in the planned unit development for the hotel is 45 feet, with smaller sections of the hotel at 54 feet and 66.5 feet for the rooftop bar. There are no health, safety, or welfare concerns with the proposed hotel building height. As noted earlier in the staff report, the applicant has provided a letter from the Federal Aviation Administration (FAA) with a determination that the proposed planned unit development will not be a hazard to air navigation to the Homer Airport."

This is not the place for a building that is almost double the height limit. These limitations are in code and supported by the Comprehensive Plan, and this is not the place to ignore these rules. Height limits are not just about the FAA, as implied by staff, they are also about the viewshed, and this is an area where the viewshed is very important to local residents, visitors, and to the tourism industry—all these folks stand to lose quite a bit by waiving these restrictions.

Additionally, if the City is going to waive height restrictions for one business, it would only be fair to waive height restrictions for all businesses. This is no way to guide development. The City should follow their own rules here, or go through a proper process to change the rules, if that is what the public wants. Someone could easily sue the city for ignoring the rules without a good reason.

## **2. The Hotel is over the size limit for retail buildings in the GC1.**

The City Code for General Commercial Development, 21.24.040, goes on to say, with regard to "Retail and Wholesale," (which includes the hotel):

"In that area south of Beluga Lake, identified as the Ocean Drive GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet"

The [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft. This is 5,000 square ft. too large. It is inexplicable why this is not mentioned in the staff report. This oversized building should be denied, given the ecological, historical, and cultural significance of this location. Additionally, as outlined in more detail below, the Comprehensive Plan is clear about the intent to concentrate growth in the City Center and to diminish density as we move away from that center: it would be improper to permit what could be one of the largest buildings in town outside the city center.

## **3. Development is far too dense for GC1.**

The proposed development is much too dense for the GC1 zoning. Homer City Code 21.24.040 Dimensional requirements, says "...nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit." [Doyon owns three lots](#), for a total of 5.92 acres. By our calculations, that number of acres equals 257,875.2 square ft. Thirty percent of this area is 77,362 square ft.

However, the [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft., employee housing is 13,000 square ft., each of the four condos is 6,464 square ft., for a total

square footage of developed space (excluding parking lot) of 118,856 square ft.

The proposed development is way over the 30% of the lot building-area limit. In fact, it is 30% over that limit. The Planning Department staff report makes no mention of this discrepancy with respect to the density limitation and provides no reason to consider a waiver from the requirement.

There are substantial reasons to deny a waiver to the rules in this case, based on the character and value of the tidal wetlands and forested Rural Residential lot owned by Doyon. The location of these properties at the base of the Spit make them an essential part of the viewshed, which adds value to every tourism business and the lives of every resident. Additionally, the Mariner Lagoon wetlands on the south side of the lower lot provide shorebird habitat of international significance, recognized by its inclusion in the Western Hemisphere Shorebird Reserve Network. The public viewing platform that has been removed has a long history of use for viewing migrating shorebirds and waterfowl. Over-development in this area stands to harm these extraordinarily valuable environmental resources as well as the general public's ability to appreciate our natural systems through such events as the Shorebird Festival. The Comprehensive Plan says we should protect important ecological areas even if they are zoned commercial or otherwise for development:

“This [Comprehensive] plan takes two general approaches to guide development in relation to environmental conditions. One is to “overlay” information regarding environmental constraints and opportunities onto the Land Use Recommendations Map. This means, for example, that some portions of an area identified for development would be limited by the site-specific presence of steep slopes, wetland areas, drainage channels, etc. The second broad strategy is to

recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics.”

This guidance reinforces the need to follow—at minimum—the standards established in the zoning of these lots to avoid or minimize habitat degradation from construction impacts, polluted runoff, and the disturbance of wildlife by the concentration of people in the area adjacent to the wetlands. It bears repeating that the development area overlaps and abuts shorebird habitats that are part of the Western Hemisphere Shorebird Reserve Network.

Ecology aside, this is not the place to exceed size and density limitations. We refer here to the City of Homer Comprehensive Plan for guidance:

“Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.

Many of the community’s most important goals are tied to the amount and location of growth. These goals include encouraging affordable housing, protecting environmental quality, creating a walkable community, and efficiently providing public services and facilities. The broad strategy behind this objective is to encourage concentrated residential and business growth in the central area of the city, with densities decreasing in outlying areas. The existing pattern of development in the city and current zoning generally follow this pattern. The alternative to this pattern – to allow this same quantity of growth to spread over a much wider area – works against all these goals.”

The Comprehensive Plan is clear about the community's desire to concentrate growth in the City Center. It strongly suggests we should not permit what could be one of the largest buildings/complexes in Homer outside of the City Center. The location at the base of the Spit has not been zoned for dense development or tall buildings because of issues related to traffic congestion, tsunami inundation, and the need to conserve essential wildlife habitats. We should not allow a development that would undermine the safety and wellbeing of the local population and visitors or that would run strongly against the Comprehensive Plan's clear guidance to direct dense development to the City Center.

#### **4. The proposed triplex condominiums and employee housing over three times the limit of 8,000 square feet per parcel.**

Developers have asked for a CUP to allow for "mixed use planned unit development (residential and commercial)." This indicates that the employee housing and triplex condominiums cannot be considered "retail" and must conform to general building restrictions. Homer City Code 21.24.040 gives a general building restriction: "No lot shall contain more than 8,000 square feet of building area (all buildings combined)."

Proposed employee housing is 13,000 square ft, each of four triplex condos is 6,464 square ft. (for a total of 25,856 square ft). This is over triple the allowable limit for the two lots (if the CUP for mixed use were permitted, along with the rezone of the Rural Residential lot to General Commercial 1, the right-of-way vacation and the replat). It is difficult to understand why this issue was not mentioned in the staff report. There has to be a good reason to make this kind of extreme exception—to allow for a development that is triple the permitted limit. We instead have lots of reasons not to do this.

Please consider that these triplex condos will be built to the edge of a lot that was historically coastal wetlands (filled illegally), and they abut and overlap shorebird habitat. Additionally, the extension of an existing retaining wall will likely involve construction impacts to the wetlands. The Comprehensive Plan says that we should “Provide extra protection for areas with highest environmental value or development constraints” and that we should “Require developers to include details about environmental features and processes, along with plans for open space, when submitting subdivisions or other developments for approval.” Neither of these conditions have been met here, even though developers are asking us to more than triple the legal density limit for mixed-residential structures in a highly sensitive and important part of Homer’s ecology, culture, and history.

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## **5. Vacation of the section line easement is unnecessary and comes at too great a cost.**

Given all the issues outlined above related to the density and size of proposed development, it seems clear that the project must be downsized to meet code and Comprehensive Plan intent. It is likely that a (smaller) project that conforms to GC1 code can be designed to avoid vacating this section line. Considering that vacation of the section line could easily prevent the public from accessing the beach in this area and end the important Homer tradition of shorebird viewing at this prime location, the planning commission should not permit vacation of the section line.

\*\*\*

Please take or recommend the following actions:

Deny CUP 23-08 and associated rezone, mixed residential construction, and section line easement vacation. Development plans are far out of compliance with Homer City Code requirements for GC1 building size, density, and height limitations. The plans run counter to the City of Homer Comprehensive Plan's explicit intent for dense development to be focused in the City Center, to preserve local character, and protect important ecological functions.

Sincerely,

Penelope Haas  
57081 Mesa Ave  
Homer, Alaska 99603

Drue Smith  
PO Box 15011  
Fritz Creek, AK 99603

Alison McCarron  
41722 Charlie Drive  
Homer, AK 99603

Samuel Walker  
P.O. Box 1871  
Homer, AK, 99603

Jason Okluy  
4555 Emerald Rd.  
Homer, AK 99603

Brenna McCarron  
41722 Charlie Drive  
Homer, AK 99603

Allison Kintner  
4555 Emerald Rd.  
Homer, AK 99603

Avram Salzman  
617 Soundview Ave  
Homer, AK 99603

Charles Rohr  
41970 Lookout Dr  
Homer, AK 99603

Oliver Beck  
57362 Kaleen st  
Homer, AK 99603

Megan Lindbloom  
PO Box 1955  
Homer, AK 99603

Timothy Blakey  
PO Box 1955  
Homer, AK 99603

George Matz  
PO Box 15182  
Fritz Creek, AK 990603

Marilyn Sigman  
4211 Kachemak Way  
Homer, AK 99603



Nina Faust  
P.O. Box 2994  
Homer AK 99603

Jack Heimbold  
P.O. Box 1364  
Anchor Point AK 99556

Douglas Dean  
2361 Judy Rebecca Court  
Homer AK 99603

Duncan Wanamaker  
58313 Rea Dr  
Homer AK 99603

Joseph Ravin  
53835 Kilcher Road  
Homer AK 99603

Ella Parks  
P.O. Box 1871  
Homer, AK, 99603

Kaitlynn Skundrich  
55446 Finch Ave.  
Fritz Creek, AK 99603

Nels Christensen  
57081 Mesa Ave  
Homer, Alaska 99603

Scott Blackwell  
34655 Lusky Rd.  
Fritz Creek, AK 99603

Madra Choromanska  
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Fritz Creek, AK 99603

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Homer, AK 99603

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Homer, Alaska 99603

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1496 Lakeshore Drive  
Homer, Alaska 99603

Jake Beaudoin  
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Homer, AK 99603

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Homer, AK 99603

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33528 Jones Dr.  
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Gary Klopfer  
1303 Bay Ave  
Homer AK 99603

Jane Klopfer  
1303 Bay Ave  
Homer AK 99603

Jennifer Baker  
561 Elderberry Dr.  
Homer, AK 99603

Laurie Daniel  
67800 Bluff Rd, PO Box 3713  
Homer, AK 99603

Dots Sherwood  
1630 Lincoln Drive  
Homer, AK 99603

Diane Briggs  
P.O. Box  
Fritz Creek, AK 99603

Kenneth Briggs  
P.O. Box 15407  
Fritz Creek, AK 99603

Carol Harding  
PO Box 2154  
Homer, AK 99603

Josphine Ryan  
P.O. Box 1210  
Homer, Alaska 99603

Annie Cooper  
57251 Glacierview Rd N  
Homer, AK 99603

Michelle Michaud  
52421 Moonbeam Lane  
Homer, AK 99603

Tom Early  
41263 Crested Crane Street  
Homer, AK 99603

Kristine Moerlein  
20315 Tustumena Lk Rd  
Kasilof, AK 99610

Peggy Ellen Kleinleder  
42033 Ness Circle #367  
Homer, AK 99603

Rich Kleinleder  
42033 Ness Circle #367  
Homer, AK 99603

Anne Kahn  
56911 Yellow Eye Ct.  
Homer, AK 99603

Katie Marden  
2445 Sprucewood Drive  
Homer, AK 99603

Lolita Brache  
Po Box 2508  
Homer, AK 99603

Jane Miles  
PO Box 2508  
Homer, AK 99603

Roy Wilson  
P.O. Box 136  
Homer, AK 99603

Susanne Wilson  
P.O. Box 136  
Homer, AK 99603

Sabine Simmons  
4050 El Sarino Ct  
Homer, AK 99603

Gary Waltenbaugh  
39066 Fiddlehead Circle  
Homer, AK 99603

Mercedes Harness  
1680 Highland  
Homer, AK 99603

Evelyn Waltenbaugh  
39066 Fiddlehead Circle  
Homer, AK 99603

David Collett-Paule  
511 E Fairview Ave  
Homer, AK 99603

Zelda Collett-Paule  
511 E Fairview Ave  
Homer, AK 99603

Dr. David Raskin  
59975 Eider Ave  
Homer, AK 99603

Mrs. Marga Raskin  
59975 Eider Ave  
Homer, AK 99603

Miranda Weiss  
P.O. Box 1498  
Homer, AK 99603

Kathy Smith  
4139 Kachemak Way  
Homer, AK 99603

Sharon Brooks  
4178 Hohe St.  
Homer, AK 99603

Steve Kahn  
56911 Yellow Eye Ct.  
Homer, AK 99603

Eric Knudtson  
46560 East End Rd  
Homer, AK 99603

John Mouw  
2975 Kachemak Drive  
Homer, AK 99603

Rika Mouw  
2975 Kachemak Drive  
Homer, AK 99603

Skywalker Payne  
166 West Bunnell Ave. #12  
Homer, AK 99603

Dale Banks  
5011 Alder Lane  
Homer, AK 99603

Katie Gavenus  
P.O. Box 1752  
Homer, Ak 99603

Bridget Maryott  
53650 Mansfield Ave  
Homer, AK 99603

Rob Lund  
4178 Hohe St.  
Homer, AK 99603

Judy Lund  
4178 Hohe St.  
Homer, AK 99603

Marcia Kuszmaul  
860 W Fairview Ave.  
PO Box 1697  
Homer, AK 99603

Mannfried Funk  
860 W Fairview Ave.  
PO Box 1697  
Homer, AK 99603

Lori Zitzmann  
579 Hidden Way  
Homer, AK 99603

Susan Amundson  
53805 Kilcher Road  
Homer, AK 99603

Carol Swartz  
Box 2748  
Homer, AK 99603

Kathleen Eagle  
1276 Beluga Ct  
Homer, AK 99603

Michaela Baumgartner  
Box 1111  
Homer, AK 99603

Jason Sodergren  
1660 Eagle View Drive  
Homer, AK 99603

Douglas Meeker  
1477 Bay Ave  
Homer, AK 99603

Stephanie Silianoff  
555 Hidden Way  
Homer, AK 99693

K. Alexandra Clark  
1468 Bay Ave  
Homer, AK 99603

Chris Clark  
1468 Bay Ave  
Homer, AK 99603

Bria Collins  
4193 Kachemak Way  
Homer, AK 99603

Eric Lehm  
39570 Brenmark Rd  
Homer, AK 99603



Amanda Lehm  
PO Box 658  
Homer, AK 99603

Rosanna Hunting  
PO Box 3623  
Homer, AK 99603

Michael Kennedy  
844 Ocean Drive Loop  
Homer, Alaska 99603

Suraj Holzwarth  
PO Box 1111  
Homer Ak 99603

Patricia L Moss  
1285 Jeffery Ave.  
Homer, AK 99603

Milded M Martin  
PO Box 2652  
Homer, AK 99603

Anna Passaniti  
Homer, AK 99603

Ginger Drais  
426 E. Bayview Ave  
Homer, AK 99603

Richard Gustafson  
1039 Barnett Place  
Homer, Ak 99603

Joscie Norris  
Homer, AK 99603

John Bushell  
534 Hidden Way  
Homer, AK 99603

Sharon Bushell  
534 Hidden Way  
Homer, AK 99603

Janet Fink  
64957 Da Mar Loop  
Homer Alaska 99603

Dave Veith  
4705 Craftsman Rd  
Homer, AK 99603

Louise Seguela  
38794 Truman St.  
Homer, AK 99603

Jack (John) Wiles  
52421 Moonbeam Lane  
Homer, AK 99603

Ed Berg  
4492 Towne Heights Lane  
Homer, AK 99603

Sara Berg  
4492 Towne Heights Lane  
Homer, AK 99603

Patrice M Krant  
1407 Bay Avenue  
Homer, Alaska

Richard H Rosenbloom  
1407 Bay Avenue  
Homer, Alaska

Jack Cushing  
1423 Bay Avenue  
Homer, AK 99603

Susan Cushing  
1423 Bay Avenue  
Homer, AK 99603

Drew Wimmerstedt  
616 Ocean Drive Loop  
Homer, AK 99603

Tom Beaudoin  
64880 Diamond Ridge Rd.  
Homer, Alaska 99603

Cris Beaudoin  
64880 Diamond Ridge Rd.  
Homer, Alaska 99603

Lori Mikols  
1393 Bay Avenue  
Homer, AK 99603

Mark Mikols  
1393 Bay Avenue  
Homer, AK 99603

**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: Proposed hotel  
**Date:** Tuesday, January 2, 2024 8:01:30 AM

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**From:** Tom and Mary <mandtklopfers@yahoo.com>  
**Sent:** Friday, December 29, 2023 4:36 PM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** Proposed hotel

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

Please include my husband Tom and my signature to this letter  
Tom and Mary Klopfer  
1377 Bay Ave  
Homer Ak

Dear Members of the Planning Commission:

We the undersigned are writing to express our concerns about a wide array of issues related to the [proposed hotel/ triplex condos/ employee housing development](#) at the base of the Homer Spit.

We ask the planning commission not to recommend approval of CUP 23-08 and associated rezone, replat, and vacation of the right-of-way. The plans for the structures are too far out of compliance with the zoning requirements for that location, and they do not conform to the clear development guidance of the City of Homer Comprehensive Plan.

As the Homer Comprehensive Plan makes abundantly clear, as Homer grows, it is essential that we guide growth to allow simultaneously for business development and the preservation of the essential environmental, cultural, and historical elements that make Homer an attractive place to live and visit. CUP 23-08 does not meet that standard.

\*\*\*

**1. The hotel is almost double the height restriction for the General Commercial 1 District.**

The hotel would be built on land zoned General Commercial 1 (GC1). [Homer City](#)

[Code, 21.24.040](#) dictates dimensional requirements for buildings in this district, stating, "The maximum building height shall be 35 feet."

According to [schematics](#) (p. 60) submitted by the developer, the tower is over 66 ft tall, and the hotel roof ridge is 54 ft. This building should not be taller than 35 ft. The planning director has noted that the building is too tall, but seems to have waved the issue aside, [saying](#) (p. 23):

"The only flexibility above the dimensional requirements of 21.24.040 is the building height for GC1 where the maximum building height is 35 feet. A better and more appropriate building height is for a three story hotel, which, by their nature, is higher than 35 feet. The building height proposed in the planned unit development for the hotel is 45 feet, with smaller sections of the hotel at 54 feet and 66.5 feet for the rooftop bar. There are no health, safety, or welfare concerns with the proposed hotel building height. As noted earlier in the staff report, the applicant has provided a letter from the Federal Aviation Administration (FAA) with a determination that the proposed planned unit development will not be a hazard to air navigation to the Homer Airport."

This is not the place for a building that is almost double the height limit. These limitations are in code and supported by the Comprehensive Plan, and this is not the place to ignore these rules. Height limits are not just about the FAA, as implied by staff, they are also about the viewshed, and this is an area where the viewshed is very important to local residents, visitors, and to the tourism industry—all these folks stand to lose quite a bit by waiving these restrictions.

Additionally, if the City is going to waive height restrictions for one business, it would only be fair to waive height restrictions for all businesses. This is no way to guide development. The City should follow their own rules here, or go through a proper process to change the rules, if that is what the public wants. Someone could easily sue the city for ignoring the rules without a good reason.

## **2. The Hotel is over the size limit for retail buildings in the GC1.**

The City Code for General Commercial Development, 21.24.040, goes on to say, with regard to "Retail and Wholesale," (which includes the hotel):

"In that area south of Beluga Lake, identified as the Ocean Drive GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet"

The [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft. This is 5,000 square ft. too large. It is inexplicable why this is not mentioned in the staff report. This oversized building should be denied, given the ecological, historical, and cultural significance of this location. Additionally, as outlined in more detail below, the Comprehensive Plan is clear about the intent to concentrate growth

in the City Center and to diminish density as we move away from that center: it would be improper to permit what could be one of the largest buildings in town outside the city center.

### **3. Development is far too dense for GC1.**

The proposed development is much too dense for the GC1 zoning. Homer City Code 21.24.040 Dimensional requirements, says "...nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit." [Doyon owns three lots](#), for a total of 5.92 acres. By our calculations, that number of acres equals 257,875.2 square ft. Thirty percent of this area is 77,362 square ft.

However, the [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft., employee housing is 13,000 square ft., each of the four condos is 6,464 square ft., for a total square footage of developed space (excluding parking lot) of 118,856 square ft.

The proposed development is way over the 30% of the lot building-area limit. In fact, it is 30% over that limit. The Planning Department staff report makes no mention of this discrepancy with respect to the density limitation and provides no reason to consider a waiver from the requirement.

There are substantial reasons to deny a waiver to the rules in this case, based on the character and value of the tidal wetlands and forested Rural Residential lot owned by Doyon. The location of these properties at the base of the Spit make them an essential part of the viewshed, which adds value to every tourism business and the lives of every resident. Additionally, the Mariner Lagoon wetlands on the south side of the lower lot provide shorebird habitat of international significance, recognized by its inclusion in the Western Hemisphere Shorebird Reserve Network. The public viewing platform that has been removed has a long history of use for viewing migrating shorebirds and waterfowl. Over-development in this area stands to harm these extraordinarily valuable environmental resources as well as the general public's ability to appreciate our natural systems through such events as the Shorebird Festival. The Comprehensive Plan says we should protect important ecological areas even if they are zoned commercial or otherwise for development:

"This [Comprehensive] plan takes two general approaches to guide development in relation to environmental conditions. One is to "overlay" information regarding environmental constraints and opportunities onto the Land Use Recommendations Map. This means, for example, that some portions of an area identified for development would be limited by the site-specific presence of steep slopes, wetland areas, drainage channels, etc. The second broad strategy is to recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics."

This guidance reinforces the need to follow—at minimum—the standards established in the zoning of these lots to avoid or minimize habitat degradation from construction impacts, polluted runoff, and the disturbance of wildlife by the concentration of people in the area adjacent to the wetlands. It bears repeating that the development area overlaps and abuts shorebird habitats that are part of the Western Hemisphere Shorebird Reserve Network.

Ecology aside, this is not the place to exceed size and density limitations. We refer here to the City of Homer Comprehensive Plan for guidance:

“Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.

Many of the community’s most important goals are tied to the amount and location of growth. These goals include encouraging affordable housing, protecting environmental quality, creating a walkable community, and efficiently providing public services and facilities. The broad strategy behind this objective is to encourage concentrated residential and business growth in the central area of the city, with densities decreasing in outlying areas. The existing pattern of development in the city and current zoning generally follow this pattern. The alternative to this pattern – to allow this same quantity of growth to spread over a much wider area – works against all these goals.”

The Comprehensive Plan is clear about the community’s desire to concentrate growth in the City Center. It strongly suggests we should not permit what could be one of the largest buildings/complexes in Homer outside of the City Center. The location at the base of the Spit has not been zoned for dense development or tall buildings because of issues related to traffic congestion, tsunami inundation, and the need to conserve essential wildlife habitats. We should not allow a development that would undermine the safety and wellbeing of the local population and visitors or that would run strongly against the Comprehensive Plan’s clear guidance to direct dense development to the City Center.

#### **4. The proposed triplex condominiums and employee housing over three times the limit of 8,000 square feet per parcel.**

Developers have asked for a CUP to allow for “mixed use planned unit development (residential and commercial).” This indicates that the employee housing and triplex condominiums cannot be considered “retail” and must conform to general building restrictions. Homer City Code 21.24.040 gives a general building restriction: “No lot shall contain more than 8,000 square feet of building area (all buildings combined).”

Proposed employee housing is 13,000 square ft, each of four triplex condos is 6,464

square ft. (for a total of 25,856 square ft). This is over triple the allowable limit for the two lots (if the CUP for mixed use were permitted, along with the rezone of the Rural Residential lot to General Commercial 1, the right-of-way vacation and the replat). It is difficult to understand why this issue was not mentioned in the staff report. There has to be a good reason to make this kind of extreme exception—to allow for a development that is triple the permitted limit. We instead have lots of reasons not to do this.

Please consider that these triplex condos will be built to the edge of a lot that was historically coastal wetlands (filled illegally), and they abut and overlap shorebird habitat. Additionally, the extension of an existing retaining wall will likely involve construction impacts to the wetlands. The Comprehensive Plan says that we should “Provide extra protection for areas with highest environmental value or development constraints” and that we should “Require developers to include details about environmental features and processes, along with plans for open space, when submitting subdivisions or other developments for approval.” Neither of these conditions have been met here, even though developers are asking us to more than triple the legal density limit for mixed-residential structures in a highly sensitive and important part of Homer’s ecology, culture, and history.

In addition, the triplex condos would interfere with the view from the Spit by the public; they would provide high-end, and in an unknown number of cases, short-term housing that is exactly the kind of housing that Homer does *not* need; the project would increase the density of development outside of the City Center in an area where our Comprehensive Plan says infill should *not* be focused. No exceptions for increased density of units should be allowed on these parcels.

## **5. Vacation of the section line easement is unnecessary and comes at too great a cost.**

Given all the issues outlined above related to the density and size of proposed development, it seems clear that the project must be downsized to meet code and Comprehensive Plan intent. It is likely that a (smaller) project that conforms to GC1 code can be designed to avoid vacating this section line. Considering that vacation of the section line could easily prevent the public from accessing the beach in this area and end the important Homer tradition of shorebird viewing at this prime location, the planning commission should not permit vacation of the section line.

\*\*\*

Please take or recommend the following actions:

Deny CUP 23-08 and associated rezone, mixed residential construction, and section line easement vacation. Development plans are far out of compliance with Homer City Code requirements for GC1 building size, density, and height limitations. The plans run counter to the City of Homer Comprehensive Plan’s explicit intent for dense



development to be focused in the City Center, to preserve local character, and protect important ecological functions.

Sincerely,  
Mary and Tom Klopfer

Sent from my iPad

**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: Noise pollution affects on wildlife  
**Date:** Tuesday, January 2, 2024 8:00:22 AM

---

Good morning,

I've received your comments and will provide them to the Planning Commission and City Council.

Thank you,  
Melissa

-----Original Message-----

From: Nina Faust <[aknina51@gmail.com](mailto:aknina51@gmail.com)>  
Sent: Friday, December 29, 2023 6:46 PM  
To: Department Clerk <[clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)>  
Subject: Noise pollution affects on wildlife

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

Please send this letter to Planning Commission Members and Homer City Council members. Thanks and Happy New Year.

Nina

P.O. Box 2994  
Homer AK 99603

December 29, 2023

Homer Planning and Zoning Commission  
City of Homer  
491 E. Pioneer Avenue  
Homer, AK 99603

Dear Planning and Zoning Commission Members:

RE: Lighthouse Village Doyon Development

Some people don't think that all of the additional activity and noise from the proposed Lighthouse Village development would have any affect on the birds that use the Mariner Park Lagoon.

Based on scientific studies in many parks around the country, the additional noise will definitely affect the birds in the Mariner Park Lagoon, and likewise the people who live nearby, as well as the people who like to watch birds in this area. I suggest you read this article to understand that the magnitude of the decibels produced has increasing effects as the decibels get higher.

<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.hcn.org%2fissues%2f55.9%2fwildlife-and-the-inescapable-impact-of-road-noise&c=E,1,AwSfDShJ2zat1SUTDKQ5P26Y4XCe5whQgtgQ2e132Y66Qs4WNN20Rv1RT3k9Jz-rH-yVBaTkJILkZeS1APC3omQ1p3RWuFWlq5vc9QagCmOrRzs,&typo=1>

This project, from a noise pollution standpoint, will add a lot of disturbance above and beyond the existing disturbance of current traffic levels.

Respectfully,

Nina Faust

**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: Lighthouse hotel  
**Date:** Tuesday, January 2, 2024 7:59:45 AM

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**From:** fallrun <fallrun@sonic.net>  
**Sent:** Saturday, December 30, 2023 6:01 AM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** Lighthouse hotel

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

This is not the place for a building this large.

Sent via the Samsung Galaxy S23+ 5G, an AT&T 5G smartphone

**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: CUP 31-08  
**Date:** Tuesday, January 2, 2024 7:57:25 AM

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**From:** robert vernon <gogovernon@yahoo.com>  
**Sent:** Saturday, December 30, 2023 4:47 PM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** CUP 31-08

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

Sirs:

I'm so glad when I sell my Bishops Beach property to Doubletree that you've already established the protocol of "code - what code?"  
Doyon steamrolling its way over so many violations\* makes the planning department a farce. see below,\*  
Gordy Vernon  
Box 3  
Homer AK 99603

below\*

## **RE: Conditional Use Permit (CUP) 23-08**

**Dear Members of the Planning Commission:**

**Our concerns about a wide array of issues related to the [proposed hotel/ triplex condos/ employee housing development](#) at the base of the Homer Spit.**

**We ask the planning commission not to recommend approval of CUP 23-08 and associated rezone, replat, and vacation of the right-of-way. The plans for the structures are too far out of compliance with the zoning requirements for that location, and they do not conform to the clear development guidance of the City of Homer Comprehensive Plan.**

As the Homer Comprehensive Plan makes abundantly clear, as Homer grows, it is essential that we guide growth to allow simultaneously for business development and the preservation of the essential environmental, cultural, and historical elements that make Homer an attractive place to live and visit. CUP 23-08 does not meet that standard.

\*\*\*

1. The hotel is almost double the height restriction for the General Commercial 1 District.

The hotel would be built on land zoned General Commercial 1 (GC1). [Homer City Code, 21.24.040](#) dictates dimensional requirements for buildings in this district, stating, "The maximum building height shall be 35 feet."

According to [schematics](#) (p. 60) submitted by the developer, the tower is over 66 ft tall, and the hotel roof ridge is 54 ft. This building should not be taller than 35 ft. The planning director has noted that the building is too tall, but seems to have waved the issue aside, [saying](#) (p. 23):

"The only flexibility above the dimensional requirements of 21.24.040 is the building height for GC1 where the maximum building height is 35 feet. A better and more appropriate building height is for a three story hotel, which, by their nature, is higher than 35 feet. The building height proposed in the planned unit development for the hotel is 45 feet, with smaller sections of the hotel at 54 feet and 66.5 feet for the rooftop bar. There are no health, safety, or welfare concerns with the proposed hotel building height. As noted earlier in the staff report, the applicant has provided a letter from the Federal Aviation

**Administration (FAA) with a determination that the proposed planned unit development will not be a hazard to air navigation to the Homer Airport."**

**This is not the place for a building that is almost double the height limit. These limitations are in code and supported by the Comprehensive Plan, and this is not the place to ignore these rules. Height limits are not just about the FAA, as implied by staff, they are also about the viewshed, and this is an area where the viewshed is very important to local residents, visitors, and to the tourism industry—all these folks stand to lose quite a bit by waiving these restrictions.**

**Additionally, if the City is going to waive height restrictions for one business, it would only be fair to waive height restrictions for all businesses. This is no way to guide development. The City should follow their own rules here, or go through a proper process to change the rules, if that is what the public wants. Someone could easily sue the city for ignoring the rules without a good reason.**

**2. The Hotel is over the size limit for retail buildings in the GC1.**

**The City Code for General Commercial Development, 21.24.040, goes on to say, with regard to "Retail and Wholesale," (which includes the hotel):**

**"In that area south of Beluga Lake, identified as the Ocean Drive GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet"**

**The [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft. This is 5,000 square ft. too large. It is inexplicable why this is not mentioned in the staff report. This oversized building**

should be denied, given the ecological, historical, and cultural significance of this location. Additionally, as outlined in more detail below, the Comprehensive Plan is clear about the intent to concentrate growth in the City Center and to diminish density as we move away from that center: it would be improper to permit what could be one of the largest buildings in town outside the city center.

### 3. Development is far too dense for GC1.

The proposed development is much too dense for the GC1 zoning. Homer City Code 21.24.040 Dimensional requirements, says "...nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit." [Doyon owns three lots](#), for a total of 5.92 acres. By our calculations, that number of acres equals 257,875.2 square ft. Thirty percent of this area is 77,362 square ft.

However, the [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft., employee housing is 13,000 square ft., each of the four condos is 6,464 square ft., for a total square footage of developed space (excluding parking lot) of 118,856 square ft.

The proposed development is way over the 30% of the lot building-area limit. In fact, it is 30% over that limit. The Planning Department staff report makes no mention of this discrepancy with respect to the density limitation and provides no reason to consider a waiver from the requirement.

There are substantial reasons to deny a waiver to the rules in this case, based on the character and value of the tidal wetlands and forested Rural Residential lot owned by Doyon. The location of these properties at the base of the Spit make them an essential part of the



**viewshed, which adds value to every tourism business and the lives of every resident. Additionally, the Mariner Lagoon wetlands on the south side of the lower lot provide shorebird habitat of international significance, recognized by its inclusion in the Western Hemisphere Shorebird Reserve Network. The public viewing platform that has been removed has a long history of use for viewing migrating shorebirds and waterfowl. Over-development in this area stands to harm these extraordinarily valuable environmental resources as well as the general public’s ability to appreciate our natural systems through such events as the Shorebird Festival. The Comprehensive Plan says we should protect important ecological areas even if they are zoned commercial or otherwise for development:**

**“This [Comprehensive] plan takes two general approaches to guide development in relation to environmental conditions. One is to “overlay” information regarding environmental constraints and opportunities onto the Land Use Recommendations Map. This means, for example, that some portions of an area identified for development would be limited by the site-specific presence of steep slopes, wetland areas, drainage channels, etc. The second broad strategy is to recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics.”**

**This guidance reinforces the need to follow—at minimum—the standards established in the zoning of these lots to avoid or minimize habitat degradation from construction impacts, polluted runoff, and the disturbance of wildlife by the concentration of people in the area adjacent to the wetlands. It bears repeating that the development area overlaps and abuts shorebird habitats that are part of the Western Hemisphere Shorebird Reserve Network.**

**Ecology aside, this is not the place to exceed size and density limitations. We refer here to the City of Homer Comprehensive Plan for guidance:**

**“Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.**

**Many of the community’s most important goals are tied to the amount and location of growth. These goals include encouraging affordable housing, protecting environmental quality, creating a walkable community, and efficiently providing public services and facilities. The broad strategy behind this objective is to encourage concentrated residential and business growth in the central area of the city, with densities decreasing in outlying areas. The existing pattern of development in the city and current zoning generally follow this pattern. The alternative to this pattern – to allow this same quantity of growth to spread over a much wider area – works against all these goals.”**

**The Comprehensive Plan is clear about the community’s desire to concentrate growth in the City Center. It strongly suggests we should not permit what could be one of the largest buildings/complexes in Homer outside of the City Center. The location at the base of the Spit has not been zoned for dense development or tall buildings because of issues related to traffic congestion, tsunami inundation, and the need to conserve essential wildlife habitats. We should not allow a development that would undermine the safety and wellbeing of the local population and visitors or that would run strongly against the Comprehensive Plan’s clear guidance to direct dense development to the City Center.**

- 4. The proposed triplex condominiums and employee housing over three times the limit of 8,000 square feet per parcel.**

**Developers have asked for a CUP to allow for “mixed use planned unit**

development (residential and commercial).” This indicates that the employee housing and triplex condominiums cannot be considered “retail” and must conform to general building restrictions. Homer City Code 21.24.040 gives a general building restriction: "No lot shall contain more than 8,000 square feet of building area (all buildings combined)."

Proposed employee housing is 13,000 square ft, each of four triplex condos is 6,464 square ft. (for a total of 25,856 square ft). This is over triple the allowable limit for the two lots (if the CUP for mixed use were permitted, along with the rezone of the Rural Residential lot to General Commercial 1, the right-of-way vacation and the replat). It is difficult to understand why this issue was not mentioned in the staff report. There has to be a good reason to make this kind of extreme exception—to allow for a development that is triple the permitted limit. We instead have lots of reasons not to do this.

Please consider that these triplex condos will be built to the edge of a lot that was historically coastal wetlands (filled illegally), is abuts and overlaps shorebird habitat. Additionally, the extension of an existing retaining wall will likely involve construction impacts to the wetlands. The Comprehensive Plan says that we should “Provide extra protection for areas with highest environmental value or development constraints” and that we should “Require developers to include details about environmental features and processes, along with plans for open space, when submitting subdivisions or other developments for approval.” Neither of these conditions have been met here, even though developers are asking us to more than triple the legal density limit for mixed-residential structures in a highly sensitive and important part of Homer’s ecology, culture, and history.

In addition, the triplex condos would interfere with the view from the Spit by the public; they would provide high-end, and in an unknown number of cases, short-term housing that is exactly the kind of housing that Homer does not need; the project would increase the

**density of development outside of the City Center in an area where our Comprehensive Plan says infill should not be focused. No exceptions for increased density of units should be allowed on these parcels.**

- 5. Vacation of the section line easement is unnecessary and comes at too great a cost.**

**Given all the issues outlined above related to the density and size of proposed development, it seems clear that the project must be downsized to meet code and Comprehensive Plan intent. It is likely that a (smaller) project that conforms to GC1 code can be designed to avoid vacating this section line. Considering that vacation of the section line could easily prevent the public from accessing the beach in this area and end the important Homer tradition of shorebird viewing at this prime location, the planning commission should not permit vacation of the section line.**

**\*\*\***

**Please take or recommend the following actions:**

**Deny CUP 23-08 and associated rezone, mixed residential construction, and section line easement vacation. Development plans are far out of compliance with Homer City Code requirements for GC1 building size, density, and height limitations. The plans run counter to the City of Homer Comprehensive Plan's explicit intent for dense development to be focused in the City Center, to preserve local character, and protect important ecological functions.**

**From:** [Clark](#)  
**To:** [Renee Krause](#)  
**Subject:** Written Testimony for Commission/Board Meetings  
**Date:** Saturday, December 30, 2023 7:23:27 PM

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Written Testimony for the Planning Commission

Name: K. Alexandra Clark Email:

k.alexandra.clark@gmail.com Phone: 9074357668

Residency: City Resident Meeting to Participate In:

Planning Commission Special Meeting (if scheduled)

Wed, 01/04 Public Comments - Citizen may comment

on regular agenda items not scheduled for public

hearing or Plat Considerations (Planning Commission

only) such as Consent Agenda items, Minutes,

Reports, Pending Business, New Business, and

Informational Materials. Written Testimony:

I live in one of the four old army houses caddy corner to the lot that is requesting a change of type.

Currently, the residential wooded lot and the right of way is a buffer from the commercial section on Spit Road.

Bay Avenue is a small neighborhood where my child can walk down the street and ride his bike. It is not a

commercial section. The current businesses that share our road are low volume and/or also used as residences.

I would not be gaining a new neighbor, I would lose my neighborhood.

In regards to the lower lots, the volume of the buildings compared to land would be a significant change from the style of current commercial buildings in this area.

The elevation of the buildings is out of character for Homer.

Making a left turn onto Ocean during the summer is already excessively difficult.

The proposed height is mind-boggling. It is so much bigger than 35 feet.

The amount of wildlife that flows through our road, yards, and the woods along it shows this as part of the corridor animals use from the Wetlands to the Slough. Every spring, the amount of shorebirds that can be heard at Bay Ave and B St would surely be disrupted by such a massive construction.

A project such as this belongs in the city center, not with residential homes & small businesses.

Something of this scale should not be allowed at this intersection of key environmental habitats. These natural habitats are a large part of this area of Homer.

Electronic Signature: K. Alexandra Clark Submitted on Saturday, December 30, 2023 - 7:23pm The results of this submission may be viewed at:

<https://www.cityofhomer-ak.gov/node/60481/submission/51531>

**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: Planning Commission, Doyon Proposal  
**Date:** Tuesday, January 2, 2024 7:56:07 AM

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**From:** Hal & Susan McLaneSmith <macsmith869@gmail.com>  
**Sent:** Monday, January 1, 2024 12:39 PM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** Planning Commission, Doyon Proposal

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

PO Box 869

Homer, AK 99603

12/28/2024

Members of the Homer Planning Commission:

My wife, Susan McLane and I are long term residents of Homer. We have already affixed our signatures on the main letter to you that has been signed by scores of Homer residents. That letter raises all of the main issues why you should not grant this permit as it elucidates the many laws and codes that will be violated if this permit is granted.

We can't believe this application has even gotten this far. How does Doyon even think they can put this application on the table. There is no way this should even be considered. What do the city fathers and mothers think Homer should become? Can you imagine a local contractor expecting waivers of the many codes that Doyon seems to be expecting? Has anyone even given Doyon a copy of city zoning codes? If so, they are making a mockery of our city by submitting such an outlandish application.

Homer is a special place, geographically, culturally and socially. However the powers that be that are encouraging this project (and the massive expansion of the Homer Harbor) have little respect for any of these things. If successful, they will be destroying the very things that drew many of us to Homer and that keep most of us here.

Please take your responsibility seriously and reject this proposal.

Thank you for your time.

Hal Smith MD, Susan McLane



**From:** [Kuszmaul](#)  
**To:** [Renee Krause](#)  
**Subject:** Written Testimony for Commission/Board Meetings  
**Date:** Friday, December 29, 2023 11:43:00 AM

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Written Testimony for the Planning Commission

Name: Marcia Kuszmaul Email:

mkuszmaul@hotmail.com Phone: 907-299-1566

Residency: Non-City Resident Meeting to Participate In: Planning Commission Special Meeting (if scheduled) Tue, 01/03 Public Comments - Citizen may comment on regular agenda items not scheduled for public hearing or Plat Considerations (Planning Commission only) such as Consent Agenda items, Minutes, Reports, Pending Business, New Business, and Informational Materials. Written Testimony: Having reviewed the materials provided for the Doyon development project and having heard public testimony at the December 6 Planning Commission meeting, my thoughts are:

-- the project as currently designed is too large and too dense, incompatible with current regulations and will overwhelm that location to the detriment of the

people and wildlife who make their homes there now and to the beauty of the area.

-- the big box design is not compatible with the local maritime aesthetic, unsightly, not coastal Alaska. It will be an eyesore. Nothing "lighthouse" about the design.

-- the development will endanger the lagoon habitat, buildings would be constructed right up to the edge of Mariner Lagoon

-- current road conditions and traffic patterns will become even more unwieldy and unsafe. We access the Homer Spit Road from Kachemak Drive and already find it very difficult to safely turn left in the summer months. A development of this size will exponentially increase congestion.

-- elimination of the viewing platform and public access to the wetlands is a huge loss to local residents and visitors. We operate a traditional bed & breakfast business and commonly recommend the viewing platform to our guests who are birders and photographers. It has been one of the most accessible and most reliable birding hot spots in the area. A new platform with easy and full public access, including parking, accessibility, must be provided -- and would be an enhancement to the development.

-- the claim to help with local housing is disingenuous. Employee housing is for non-local employees. Condos are not affordable housing and short-term rentals are

for visitors. How does this help our housing situation?

Thanks for considering the community's input into your deliberations on this project.

Electronic Signature: Marcia Kuszmaul Submitted on Friday, December 29, 2023 - 11:42am The results of this submission may be viewed at:

<https://www.cityofhomer-ak.gov/node/60481/submission/51520>

January 29, 2024

Dear Planning Commission Members,

I am writing to you as I have many concerns about Doyon's proposal for a hotel complex at the base of the spit. I have no issues with a new hotel in town, but I have extensive concerns about the size and location of this development. In order for them to fulfil this plan it requires many exceptions to city codes, right of ways and zoning. I am sure you have heard these complaints from many people so I will just list them.

- Safety- This intersection is dangerous in the best of time. I can not imagine the addition traffic trying to merge into the traffic flowing to and from the spit and Kachemak Drive and complicating trying to turn safely to and from the airport. They need to do a traffic study on site at the peak of summer.
- The request to rezone rural residential parcel-This is unacceptable. The neighbors purchased their properties expecting to live in a residential area not backed up to a 4 story hotel with employee housing and rental units with the natural border torn down and a fence erected for 'privacy'.
- Vacating the B street right of way- this is the public access to the bluff and a very valuable piece of property. I think it is absurd to think the city should give that up for a development. We need to keep what open property we have. Doyon has already removed the viewing platform which was used for the Shorebird Festival and is an integral part of over 20 years of shorebird observation.
- Height exception- We fought the footprint of large box stores and now to make an exception and create a 4 story building. It will be the first of many asking for exception. Yes, KESA has a ladder truck, but Homer Fire Department does not.
- Environmental – This development in this location has the potential to change the physical and chemical structure of the wetland habitat. Doyon has not done a thorough environmental impact study nor have they applied for appropriate permits. Plus, people with history in this area remember that the fill from that area is unstable as some of it was a result of byproduct from the airport construction.

I feel like Doyon came to Homer assuming we would be so happy to welcome them and their project that we would roll over and make exceptions for everything. We need to maintain the quality of life that we have even while we change. This proposal does not allow that.

Sincerely,

Janet Fink

janetfink17@gmail.com

**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: Conditional Use Permit (CUP) 23-08  
**Date:** Friday, December 29, 2023 12:34:14 PM

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**From:** Liz Downing <eadowning@gmail.com>  
**Sent:** Friday, December 29, 2023 11:50 AM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** Conditional Use Permit (CUP) 23-08

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**December 28, 2023**

**RE: Conditional Use Permit (CUP) 23-08**

**Dear Members of the Planning Commission:**

**We the undersigned are writing to express our concerns about a wide array of issues related to the [proposed hotel/ triplex condos/ employee housing development](#) at the base of the Homer Spit.**

**We ask the planning commission not to recommend approval of CUP 23-08 and associated rezone, replat, and vacation of the right-of-way. The plans for the structures are too far out of compliance with the zoning requirements for that location, and they do not conform to the clear development guidance of the City of Homer Comprehensive Plan.**

**As the Homer Comprehensive Plan makes abundantly clear, as Homer grows, it is essential that we guide growth to allow simultaneously for business development and the preservation of the essential environmental, cultural, and historical elements that**

make Homer an attractive place to live and visit. CUP 23-08 does not meet that standard.

\*\*\*

1. The hotel is almost double the height restriction for the General Commercial 1 District.

The hotel would be built on land zoned General Commercial 1 (GC1). [Homer City Code, 21.24.040](#) dictates dimensional requirements for buildings in this district, stating, "The maximum building height shall be 35 feet."

According to [schematics](#) (p. 60) submitted by the developer, the tower is over 66 ft tall, and the hotel roof ridge is 54 ft. This building should not be taller than 35 ft. The planning director has noted that the building is too tall, but seems to have waved the issue aside, [saying](#) (p. 23):

"The only flexibility above the dimensional requirements of 21.24.040 is the building height for GC1 where the maximum building height is 35 feet. A better and more appropriate building height is for a three story hotel, which, by their nature, is higher than 35 feet. The building height proposed in the planned unit development for the hotel is 45 feet, with smaller sections of the hotel at 54 feet and 66.5 feet for the rooftop bar. There are no health, safety, or welfare concerns with the proposed hotel building height. As noted earlier in the staff report, the applicant has provided a letter from the Federal Aviation Administration (FAA) with a determination that the proposed planned unit development will not be a hazard to air navigation to the Homer Airport."

**This is not the place for a building that is almost double the height limit. These limitations are in code and supported by the Comprehensive Plan, and this is not the place to ignore these rules. Height limits are not just about the FAA, as implied by staff, they are also about the viewshed, and this is an area where the viewshed is very important to local residents, visitors, and to the tourism industry—all these folks stand to lose quite a bit by waiving these restrictions.**

**Additionally, if the City is going to waive height restrictions for one business, it would only be fair to waive height restrictions for all businesses. This is no way to guide development. The City should follow their own rules here, or go through a proper process to change the rules, if that is what the public wants. Someone could easily sue the city for ignoring the rules without a good reason.**

**2. The Hotel is over the size limit for retail buildings in the GC1.**

**The City Code for General Commercial Development, 21.24.040, goes on to say, with regard to "Retail and Wholesale," (which includes the hotel):**

**"In that area south of Beluga Lake, identified as the Ocean Drive GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet"**

**The [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft. This is 5,000 square ft. too large. It is**

**inexplicable why this is not mentioned in the staff report. This oversized building should be denied, given the ecological, historical, and cultural significance of this location. Additionally, as outlined in more detail below, the Comprehensive Plan is clear about the intent to concentrate growth in the City Center and to diminish density as we move away from that center: it would be improper to permit what could be one of the largest buildings in town outside the city center.**

**3. Development is far too dense for GC1.**

**The proposed development is much too dense for the GC1 zoning. Homer City Code 21.24.040 Dimensional requirements, says "...nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit." [Doyon owns three lots](#), for a total of 5.92 acres. By our calculations, that number of acres equals 257,875.2 square ft. Thirty percent of this area is 77,362 square ft.**

**However, the [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft., employee housing is 13,000 square ft., each of the four condos is 6,464 square ft., for a total square footage of developed space (excluding parking lot) of 118,856 square ft.**

**The proposed development is way over the 30% of the lot building-area limit. In fact, it is 30% over that limit. The Planning Department staff report makes no mention of this discrepancy with respect to the density limitation and provides no reason to consider a waiver from the requirement.**

**There are substantial reasons to deny a waiver to the rules in this**



case, based on the character and value of the tidal wetlands and forested Rural Residential lot owned by Doyon. The location of these properties at the base of the Spit make them an essential part of the viewshed, which adds value to every tourism business and the lives of every resident. Additionally, the Mariner Lagoon wetlands on the south side of the lower lot provide shorebird habitat of international significance, recognized by its inclusion in the Western Hemisphere Shorebird Reserve Network. The public viewing platform that has been removed has a long history of use for viewing migrating shorebirds and waterfowl. Over-development in this area stands to harm these extraordinarily valuable environmental resources as well as the general public's ability to appreciate our natural systems through such events as the Shorebird Festival. The Comprehensive Plan says we should protect important ecological areas even if they are zoned commercial or otherwise for development:

“This [Comprehensive] plan takes two general approaches to guide development in relation to environmental conditions. One is to “overlay” information regarding environmental constraints and opportunities onto the Land Use Recommendations Map. This means, for example, that some portions of an area identified for development would be limited by the site-specific presence of steep slopes, wetland areas, drainage channels, etc. The second broad strategy is to recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics.”

This guidance reinforces the need to follow—at minimum—the standards established in the zoning of these lots to avoid or minimize habitat degradation from construction impacts, polluted runoff, and the disturbance of wildlife by the concentration of people in the area adjacent to the wetlands. It bears repeating that the development area overlaps and abuts shorebird habitats that are part of the Western Hemisphere Shorebird Reserve Network.

**Ecology aside, this is not the place to exceed size and density limitations. We refer here to the City of Homer Comprehensive Plan for guidance:**

**“Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.**

**Many of the community’s most important goals are tied to the amount and location of growth. These goals include encouraging affordable housing, protecting environmental quality, creating a walkable community, and efficiently providing public services and facilities. The broad strategy behind this objective is to encourage concentrated residential and business growth in the central area of the city, with densities decreasing in outlying areas. The existing pattern of development in the city and current zoning generally follow this pattern. The alternative to this pattern – to allow this same quantity of growth to spread over a much wider area – works against all these goals.”**

**The Comprehensive Plan is clear about the community’s desire to concentrate growth in the City Center. It strongly suggests we should not permit what could be one of the largest buildings/complexes in Homer outside of the City Center. The location at the base of the Spit has not been zoned for dense development or tall buildings because of issues related to traffic congestion, tsunami inundation, and the need to conserve essential wildlife habitats. We should not allow a development that would undermine the safety and wellbeing of the local population and visitors or that would run strongly against the Comprehensive Plan’s clear guidance to direct dense development to the City Center.**

4. **The proposed triplex condominiums and employee housing over three times the limit of 8,000 square feet per parcel.**

**Developers have asked for a CUP to allow for “mixed use planned unit development (residential and commercial).” This indicates that the employee housing and triplex condominiums cannot be considered “retail” and must conform to general building restrictions. Homer City Code 21.24.040 gives a general building restriction: "No lot shall contain more than 8,000 square feet of building area (all buildings combined)."**

**Proposed employee housing is 13,000 square ft, each of four triplex condos is 6,464 square ft. (for a total of 25,856 square ft). This is over triple the allowable limit for the two lots (if the CUP for mixed use were permitted, along with the rezone of the Rural Residential lot to General Commercial 1, the right-of-way vacation and the replat). It is difficult to understand why this issue was not mentioned in the staff report. There has to be a good reason to make this kind of extreme exception—to allow for a development that is triple the permitted limit. We instead have lots of reasons not to do this.**

**Please consider that these triplex condos will be built to the edge of a lot that was historically coastal wetlands (filled illegally), is abuts and overlaps shorebird habitat. Additionally, the extension of an existing retaining wall will likely involve construction impacts to the wetlands. The Comprehensive Plan says that we should “Provide extra protection for areas with highest environmental value or development constraints” and that we should “Require developers to include details about environmental features and processes, along with plans for open space, when submitting subdivisions or other developments for**

**approval.” Neither of these conditions have been met here, even though developers are asking us to more than triple the legal density limit for mixed-residential structures in a highly sensitive and important part of Homer’s ecology, culture, and history.**

**In addition, the triplex condos would interfere with the view from the Spit by the public; they would provide high-end, and in an unknown number of cases, short-term housing that is exactly the kind of housing that Homer does not need; the project would increase the density of development outside of the City Center in an area where our Comprehensive Plan says infill should not be focused. No exceptions for increased density of units should be allowed on these parcels.**

- 5. Vacation of the section line easement is unnecessary and comes at too great a cost.**

**Given all the issues outlined above related to the density and size of proposed development, it seems clear that the project must be downsized to meet code and Comprehensive Plan intent. It is likely that a (smaller) project that conforms to GC1 code can be designed to avoid vacating this section line. Considering that vacation of the section line could easily prevent the public from accessing the beach in this area and end the important Homer tradition of shorebird viewing at this prime location, the planning commission should not permit vacation of the section line.**

**\*\*\***

**Please take or recommend the following actions:**

**Deny CUP 23-08 and associated rezone, mixed residential construction, and section line easement vacation. Development plans are far out of compliance with Homer City Code requirements for GC1 building size, density, and height limitations. The plans run counter to the City of Homer Comprehensive Plan's explicit intent for dense development to be focused in the City Center, to preserve local character, and protect important ecological functions.**

**Sincerely,**

**Drue Smith**

**PO Box 15011**

**Fritz Creek, AK 99603**

**Samuel Walker**

**P.O. Box 1871**

**Homer, AK, 99603**

**Jason Okluy**

4555 Emerald Rd.

Homer, AK 99603

**Allison Kintner**

4555 Emerald Rd.

Homer, AK 99603

**Penelope Haas**

57081 Mesa Ave

Homer, Alaska 99603

**Alison McCarron**

**41722 Charlie Drive**

**Homer, AK 99603**

**Brenna McCarron**

**41722 Charlie Drive**

Homer, Ak 99603

**Avram Salzmann**

617 Soundview Ave

Homer, AK 99603

**Charles Rohr**

41970 Lookout Dr

Homer, AK 99603

**Oliver Beck**

57362 Kaleen st

Homer, AK 99603

**Megan Lindbloom**

**PO Box 1955**

**Homer, AK 99603**

**Timothy Blakey**

**PO Box 1955**

**Homer, AK 99603**

**George Matz**

**PO Box 15182**

**Fritz Creek, AK 990603**

**Marilyn Sigman**

4211 Kachemak Way

Homer, AK 99603

**Nina Faust**

**P.O. Box 2994**

**Homer AK 99603**

**Jack Heimbold**

**P.O. Box 1364**

**Anchor Point Ak 99556**

**Douglas Dean**

**2361 Judy Rebecca Court**

**Homer Ak 99603**

**Duncan Wanamaker**

58313 Rea Dr

Homer AK 99603

**Joseph Ravin**

53835 Kilcher Road

Homer AK 99603

**Ella Parks**

**P.O. Box 1871**

Homer, AK, 99603

**Kaitlynn Skundrich**

55446 Finch Ave.

Fritz Creek, AK 99603

**Nels Christensen**



57081 Mesa Ave

Homer, Alaska 99603

**Scott Blackwell**

34655 Lusky Rd.

Fritz Creek, AK 99603

**Madra Choromanska**

34655 Lusky Rd.

Fritz Creek, AK 99603

**Lani (Lynda) Raymond**

**41640 Gladys Ct.**

**Homer, AK 99603**

**Dave Brann**

**2350 Sprucewood Drive**

**Homer, Alaska 99603**

**George Harbeson Jr.**

**1496 Lakeshore Drive**

Homer, Alaska 99603

**Jake Beaudoin**

63654 Estate Dr.

Homer, AK 99603

**Anna Meredith**

63654 Estate Dr.

Homer, AK 99603

**Carolyn Westbrook**

33528 Jones Dr.

Homer, AK 99603

**Gary & Jane Klopfer**

1303 Bay Ave

Homer AK 99603

**Jennifer Baker**

561 Elderberry Dr.

Homer, AK 99603

**Laurie Daniel**

67800 Bluff Rd, PO Box 3713

Homer, AK 99603

**Dots Sherwood**

**1630 Lincoln Drive**

**Homer, AK 99603**

**Diane Briggs**

**P.O. Box 15407**

**Fritz Creek, AK 99603**

**Kenneth Briggs**

**P.O. Box 15407**

**Fritz Creek, AK 99603**

**Carol Harding**

**PO Box 2154**

**Homer, AK 99603**

**Josphine Ryan**

**P.O. Box 1210**

**Homer, Alaska 99603**

**Annie Cooper**

57251 Glacierview Rd N

Homer, AK 99603

**Michelle Michaud**

52421 Moonbeam Lane

Homer, AK 99603

**Tom Early**

41263 Crested Crane Street

Homer, AK 99603

**Kristine Moerlein**

20315 Tustumena Lk Rd

Kasilof, AK 99610

**Peggy Ellen and Rich Kleinleder**

42033 Ness Circle #367

Homer, AK 99603

**Anne Kahn**

**56911 Yellow Eye Ct.**

**Homer, AK 99603**

**Katie Marden**

**2445 Sprucewood Drive**

**Homer, AK 99603**

**Lolita Brache**

**Po Box 2508**

**Homer, AK 99603**

**Jane Miles**

**PO Box 2508**

**Homer, AK 99603**

**Roy and Susanne Wilson**

**P.O. Box 136**

**Homer, Homee, AK 99603**

**Sabine Simmons**

**4050 El Sarino Ct**

**Homer, AK 99603**

**Gary Waltenbaugh**

**39066 Fiddlehead Circle**

**Homer, AK 99603**

**Mercedes Harness**

**1680 Highland**

**Homer, AK 99603**

**Evelyn Waltenbaugh**

**39066 Fiddlehead Circle**

**Homer, AK. 99603**

**Dr. David and Mrs. Marga Raskin**

59975 Eider Ave

Homer, AK 99603

**Miranda Weiss**

**P.O. Box 1498**

**Homer, AK 99603**

**Sharon Brooks**

4178 Hohe St.

Homer, AK 99603

Elizabeth Downing

1247 Bay Avenue

Homer, AK 99603

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**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: Conditional Use Permit 23-08  
**Date:** Friday, December 29, 2023 12:34:26 PM

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**From:** David Lefton <d.lefton@gmail.com>  
**Sent:** Friday, December 29, 2023 11:50 AM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** Conditional Use Permit 23-08

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**We ask the planning commission not to recommend approval of CUP 23-08 and associated rezone, replat, and vacation of the right-of-way. The plans for the structures are too far out of compliance with the zoning requirements for that location, and they do not conform to the clear development guidance of the City of Homer Comprehensive Plan.**

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**Given all the issues outlined above related to the density and size of proposed development, it seems clear that the project must be downsized to meet code and Comprehensive Plan intent. It is likely that a (smaller) project that conforms to GC1 code can be designed to avoid vacating this section line. Considering that vacation of the section line could easily prevent the public from accessing the beach in this area and end the important Homer tradition of shorebird viewing at this prime location, the planning commission should not permit vacation of the section line.**

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**Please take or recommend the following actions:**

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**Sincerely,**

**David Lefton**

**1605 Garden Park Dr.**

**Homer, Alaska, 99603**

**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: Doyon building proposal at base of the Spit  
**Date:** Friday, December 29, 2023 12:35:02 PM

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**From:** Shirley Forquer <forqhoak@xyz.net>  
**Sent:** Friday, December 29, 2023 10:58 AM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** Doyon building proposal at base of the Spit

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I agree with the Planning Commission's assessment of this proposed project. If Doyon can't comply with the Homer's current regulations, they need to redesign the project to comply, or give it up.

**Deny CUP 23-08 and associated rezone, mixed residential construction, and section line easement vacation. Development plans are far out of compliance with Homer City Code requirements for GC1 building size, density, and height limitations. The plans run counter to the City of Homer Comprehensive Plan's explicit intent for dense development to be focused in the City Center, to preserve local character, and protect important ecological functions.**

**Shirley Forquer  
PO Box 1187  
Homer**



**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: Doyon Hotel plans  
**Date:** Friday, December 29, 2023 12:34:51 PM

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**From:** Hal & Susan McLaneSmith <macsmith869@gmail.com>  
**Sent:** Friday, December 29, 2023 11:00 AM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** Fwd: Doyon Hotel plans

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----- Forwarded message -----

**From:** Hal & Susan McLaneSmith <[macsmith869@gmail.com](mailto:macsmith869@gmail.com)>  
**Date:** Fri, Dec 29, 2023 at 12:57 PM  
**Subject:** Doyon Hotel plans  
**To:** <[clerk@ci.homer-ak.gov](mailto:clerk@ci.homer-ak.gov)>

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**As the Homer Comprehensive Plan makes abundantly clear, as Homer**

grows, it is essential that we guide growth to allow simultaneously for business development and the preservation of the essential environmental, cultural, and historical elements that make Homer an attractive place to live and visit. CUP 23-08 does not meet that standard.

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The hotel would be built on land zoned General Commercial 1 (GC1). [Homer City Code, 21.24.040](#) dictates dimensional requirements for buildings in this district, stating, "The maximum building height shall be 35 feet."

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"The only flexibility above the dimensional requirements of 21.24.040 is the building height for GC1 where the maximum building height is 35 feet. A better and more appropriate building height is for a three story hotel, which, by their nature, is higher than 35 feet. The building height proposed in the planned unit development for the hotel is 45 feet, with smaller sections of the hotel at 54 feet and 66.5 feet for the rooftop bar. There are no health, safety, or welfare concerns with the proposed hotel building height. As noted earlier in the staff report, the applicant has provided a letter from the Federal Aviation Administration (FAA) with a determination that the proposed planned unit development will not be a hazard to air navigation to the Homer

**Airport."**

**This is not the place for a building that is almost double the height limit. These limitations are in code and supported by the Comprehensive Plan, and this is not the place to ignore these rules. Height limits are not just about the FAA, as implied by staff, they are also about the viewshed, and this is an area where the viewshed is very important to local residents, visitors, and to the tourism industry—all these folks stand to lose quite a bit by waiving these restrictions.**

**Additionally, if the City is going to waive height restrictions for one business, it would only be fair to waive height restrictions for all businesses. This is no way to guide development. The City should follow their own rules here, or go through a proper process to change the rules, if that is what the public wants. Someone could easily sue the city for ignoring the rules without a good reason.**

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**The City Code for General Commercial Development, 21.24.040, goes on to say, with regard to "Retail and Wholesale," (which includes the hotel):**

**"In that area south of Beluga Lake, identified as the Ocean Drive GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet"**

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below, the Comprehensive Plan is clear about the intent to concentrate growth in the City Center and to diminish density as we move away from that center: it would be improper to permit what could be one of the largest buildings in town outside the city center.

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The proposed development is way over the 30% of the lot building-area limit. In fact, it is 30% over that limit. The Planning Department staff report makes no mention of this discrepancy with respect to the density limitation and provides no reason to consider a waiver from the requirement.

There are substantial reasons to deny a waiver to the rules in this case, based on the character and value of the tidal wetlands and forested Rural Residential lot owned by Doyon. The location of these properties at the base of the Spit make them an essential part of the viewshed, which adds value to every tourism business and the lives of every resident. Additionally, the Mariner Lagoon wetlands on the south

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“This [Comprehensive] plan takes two general approaches to guide development in relation to environmental conditions. One is to “overlay” information regarding environmental constraints and opportunities onto the Land Use Recommendations Map. This means, for example, that some portions of an area identified for development would be limited by the site-specific presence of steep slopes, wetland areas, drainage channels, etc. The second broad strategy is to recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics.”

This guidance reinforces the need to follow—at minimum—the standards established in the zoning of these lots to avoid or minimize habitat degradation from construction impacts, polluted runoff, and the disturbance of wildlife by the concentration of people in the area adjacent to the wetlands. It bears repeating that the development area overlaps and abuts shorebird habitats that are part of the Western Hemisphere Shorebird Reserve Network.

Ecology aside, this is not the place to exceed size and density limitations. We refer here to the City of Homer Comprehensive Plan for guidance:

**“Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.**

**Many of the community’s most important goals are tied to the amount and location of growth. These goals include encouraging affordable housing, protecting environmental quality, creating a walkable community, and efficiently providing public services and facilities. The broad strategy behind this objective is to encourage concentrated residential and business growth in the central area of the city, with densities decreasing in outlying areas. The existing pattern of development in the city and current zoning generally follow this pattern. The alternative to this pattern – to allow this same quantity of growth to spread over a much wider area – works against all these goals.”**

**The Comprehensive Plan is clear about the community’s desire to concentrate growth in the City Center. It strongly suggests we should not permit what could be one of the largest buildings/complexes in Homer outside of the City Center. The location at the base of the Spit has not been zoned for dense development or tall buildings because of issues related to traffic congestion, tsunami inundation, and the need to conserve essential wildlife habitats. We should not allow a development that would undermine the safety and wellbeing of the local population and visitors or that would run strongly against the Comprehensive Plan’s clear guidance to direct dense development to the City Center.**

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**Sincerely,**

**Hal Smith MD**



**Susan Mclane**

**2185 Mt. Augustine Drive**

**PO Box 869**

**Homer, AK 99603**

**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: For the Planning Commission  
**Date:** Friday, December 29, 2023 12:34:37 PM

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**From:** Ann & Ron Keffer <[annronkeffer@gmail.com](mailto:annronkeffer@gmail.com)>  
**Sent:** Friday, December 29, 2023 11:11 AM  
**To:** Department Clerk <[clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)>  
**Subject:** For the Planning Commission

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**December 28, 2023**

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**Ron and Ann Keffer**

**189 Island View Court**

**Homer, AK 99603**

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Ann and Ron Keffer  
189 Island View Court  
Homer, Alaska 99603  
[annronkeffer@gmail.com](mailto:annronkeffer@gmail.com)

**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: Letter to Planning Commission on Doyon Proposal: our names have been added to the bottom of the list , 10:51 AM Friday  
**Date:** Friday, December 29, 2023 12:35:19 PM

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**From:** Jinky Handy <jhandy.ak@gmail.com>  
**Sent:** Friday, December 29, 2023 10:52 AM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Cc:** J Handy <jhandy.ak@gmail.com>  
**Subject:** Letter to Planning Commission on Doyon Proposal: our names have been added to the bottom of the list , 10:51 AM Friday

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**The [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft. This is 5,000 square ft. too large. It is inexplicable why this is not mentioned in the staff report. This oversized building should be denied, given the ecological, historical, and cultural significance of this location. Additionally, as outlined in more detail below, the Comprehensive Plan is clear about the intent to concentrate growth in the City Center and to diminish density as we move away from that center: it would be improper to permit what could be one of the largest buildings in town outside the city center.**

**3. Development is far too dense for GC1.**

**The proposed development is much too dense for the GC1 zoning. Homer City Code 21.24.040 Dimensional requirements, says "...nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit." [Doyon owns three lots](#), for a total of 5.92 acres. By our calculations, that number of acres equals 257,875.2 square ft. Thirty percent of this area is 77,362 square ft.**

**However, the [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft., employee housing is 13,000 square ft., each of the four condos is 6,464 square ft., for a total square footage of developed space (excluding parking lot) of 118,856 square ft.**

**The proposed development is way over the 30% of the lot building-area limit. In fact, it is 30% over that limit. The Planning Department staff report makes no mention of this discrepancy with respect to the density limitation and provides no reason to consider a waiver from the requirement.**

**There are substantial reasons to deny a waiver to the rules in this case, based on the character and value of the tidal wetlands and forested Rural Residential lot owned by Doyon. The location of these properties at the base of the Spit make them an essential part of the viewshed, which adds value to every tourism business and the lives of every resident. Additionally, the Mariner Lagoon wetlands on the south side of the lower lot provide shorebird habitat of international significance, recognized by its inclusion in the Western Hemisphere Shorebird Reserve Network. The public viewing platform that has been removed has a long history of use for viewing migrating shorebirds and waterfowl. Over-development in this area stands to harm these extraordinarily valuable environmental resources as well as the general public's ability to appreciate our natural systems through such events as the Shorebird Festival. The**

**Comprehensive Plan says we should protect important ecological areas even if they are zoned commercial or otherwise for development:**

**“This [Comprehensive] plan takes two general approaches to guide development in relation to environmental conditions. One is to “overlay” information regarding environmental constraints and opportunities onto the Land Use Recommendations Map. This means, for example, that some portions of an area identified for development would be limited by the site-specific presence of steep slopes, wetland areas, drainage channels, etc. The second broad strategy is to recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics.”**

**This guidance reinforces the need to follow—at minimum—the standards established in the zoning of these lots to avoid or minimize habitat degradation from construction impacts, polluted runoff, and the disturbance of wildlife by the concentration of people in the area adjacent to the wetlands. It bears repeating that the development area overlaps and abuts shorebird habitats that are part of the Western Hemisphere Shorebird Reserve Network.**

**Ecology aside, this is not the place to exceed size and density limitations. We refer here to the City of Homer Comprehensive Plan for guidance:**

**“Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.**

**Many of the community’s most important goals are tied to the amount and location of growth. These goals include encouraging affordable housing, protecting environmental quality, creating a walkable**

**community, and efficiently providing public services and facilities. The broad strategy behind this objective is to encourage concentrated residential and business growth in the central area of the city, with densities decreasing in outlying areas. The existing pattern of development in the city and current zoning generally follow this pattern. The alternative to this pattern – to allow this same quantity of growth to spread over a much wider area – works against all these goals.”**

**The Comprehensive Plan is clear about the community’s desire to concentrate growth in the City Center. It strongly suggests we should not permit what could be one of the largest buildings/complexes in Homer outside of the City Center. The location at the base of the Spit has not been zoned for dense development or tall buildings because of issues related to traffic congestion, tsunami inundation, and the need to conserve essential wildlife habitats. We should not allow a development that would undermine the safety and wellbeing of the local population and visitors or that would run strongly against the Comprehensive Plan’s clear guidance to direct dense development to the City Center.**

- 4. The proposed triplex condominiums and employee housing over three times the limit of 8,000 square feet per parcel.**

**Developers have asked for a CUP to allow for “mixed use planned unit development (residential and commercial).” This indicates that the employee housing and triplex condominiums cannot be considered “retail” and must conform to general building restrictions. Homer City Code 21.24.040 gives a general building restriction: "No lot shall contain more than 8,000 square feet of building area (all buildings combined)."**

**Proposed employee housing is 13,000 square ft, each of four triplex condos is 6,464 square ft. (for a total of 25,856 square ft). This is over triple the allowable limit for the two lots (if the CUP for mixed use were permitted, along with the rezone of the Rural Residential lot to General Commercial**



**1, the right-of-way vacation and the replat). It is difficult to understand why this issue was not mentioned in the staff report. There has to be a good reason to make this kind of extreme exception—to allow for a development that is triple the permitted limit. We instead have lots of reasons not to do this.**

**Please consider that these triplex condos will be built to the edge of a lot that was historically coastal wetlands (filled illegally), is abuts and overlaps shorebird habitat. Additionally, the extension of an existing retaining wall will likely involve construction impacts to the wetlands. The Comprehensive Plan says that we should “Provide extra protection for areas with highest environmental value or development constraints” and that we should “Require developers to include details about environmental features and processes, along with plans for open space, when submitting subdivisions or other developments for approval.” Neither of these conditions have been met here, even though developers are asking us to more than triple the legal density limit for mixed-residential structures in a highly sensitive and important part of Homer’s ecology, culture, and history.**

**In addition, the triplex condos would interfere with the view from the Spit by the public; they would provide high-end, and in an unknown number of cases, short-term housing that is exactly the kind of housing that Homer does not need; the project would increase the density of development outside of the City Center in an area where our Comprehensive Plan says infill should not be focused. No exceptions for increased density of units should be allowed on these parcels.**

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**Given all the issues outlined above related to the density and size of proposed development, it seems clear that the project must be downsized**

**to meet code and Comprehensive Plan intent. It is likely that a (smaller) project that conforms to GC1 code can be designed to avoid vacating this section line. Considering that vacation of the section line could easily prevent the public from accessing the beach in this area and end the important Homer tradition of shorebird viewing at this prime location, the planning commission should not permit vacation of the section line.**

**\*\*\***

**Please take or recommend the following actions:**

**Deny CUP 23-08 and associated rezone, mixed residential construction, and section line easement vacation. Development plans are far out of compliance with Homer City Code requirements for GC1 building size, density, and height limitations. The plans run counter to the City of Homer Comprehensive Plan's explicit intent for dense development to be focused in the City Center, to preserve local character, and protect important ecological functions.**

**Sincerely,**

**Drue Smith**

**PO Box 15011**

**Fritz Creek, AK 99603**

**Samuel Walker**

**P.O. Box 1871**

**Homer, AK, 99603**

**Jason Okluy**

**4555 Emerald Rd.**

**Homer, AK 99603**

**Allison Kintner**

**4555 Emerald Rd.**

**Homer, AK 99603**

**Penelope Haas**

**57081 Mesa Ave**

**Homer, Alaska 99603**

**Alison McCarron**

**41722 Charlie Drive**

**Homer, AK 99603**

**Brenna McCarron**

**41722 Charlie Drive**

**Homer, Ak 99603**

**Avram Salzmman**

**617 Soundview Ave**

**Homer, AK 99603**

**Charles Rohr**

**41970 Lookout Dr**

**Homer, AK 99603**

**Oliver Beck**

**57362 Kaleen st**

**Homer, AK 99603**

**Megan Lindbloom**

**PO Box 1955**

**Homer, AK 99603**

**Timothy Blakey**

**PO Box 1955**

**Homer, AK 99603**

**George Matz**

**PO Box 15182**

**Fritz Creek, AK 990603**

**Marilyn Sigman**  
**4211 Kachemak Way**  
**Homer, AK 99603**

**Nina Faust**

**P.O. Box 2994**

**Homer AK 99603**

**Jack Heimbold**

**P.O. Box 1364**

**Anchor Point Ak 99556**

**Douglas Dean**

**2361 Judy Rebecca Court**

**Homer Ak 99603**

**Duncan Wanamaker**

**58313 Rea Dr**

**Homer AK 99603**

**Joseph Ravin**

**53835 Kilcher Road**

**Homer AK 99603**

**Ella Parks**

**P.O. Box 1871**

**Homer, AK, 99603**

**Kaitlynn Skundrich**

**55446 Finch Ave.**

**Fritz Creek, AK 99603**

**Nels Christensen**

**57081 Mesa Ave**

**Homer, Alaska 99603**

**Scott Blackwell**

**34655 Lusky Rd.**

**Fritz Creek, AK 99603**

**Madra Choromanska**

**34655 Lusky Rd.**

**Fritz Creek, AK 99603**

**Lani (Lynda) Raymond**

**41640 Gladys Ct.**

**Homer, AK 99603**

**Dave Brann**

**2350 Sprucewood Drive**

**Homer, Alaska 99603**

**George Harbeson Jr.**

**1496 Lakeshore Drive**

**Homer, Alaska 99603**

**Jake Beaudoin**

**63654 Estate Dr.**

**Homer, AK 99603**

**Anna Meredith**

**63654 Estate Dr.**

**Homer, AK 99603**

**Carolyn Westbrook**

**33528 Jones Dr.**

**Homer, AK 99603**

**Gary & Jane Klopfer**

**1303 Bay Ave**

**Homer AK 99603**

**Jennifer Baker**

**561 Elderberry Dr.**

**Homer, AK 99603**

**Laurie Daniel**

**67800 Bluff Rd, PO Box 3713**

**Homer, AK 99603**

**Dots Sherwood**

**1630 Lincoln Drive**

**Homer, AK 99603**

**Diane Briggs**

**P.O. Box 15407**

**Fritz Creek, AK 99603**

**Kenneth Briggs**

**P.O. Box 15407**

**Fritz Creek, AK 99603**



**Carol Harding**

**PO Box 2154**

**Homer, AK 99603**

**Josphine Ryan**

**P.O. Box 1210**

**Homer, Alaska 99603**

**Annie Cooper**

**57251 Glacierview Rd N**

**Homer, AK 99603**

**Michelle Michaud**

**52421 Moonbeam Lane**

**Homer, AK 99603**

**Tom Early**

**41263 Crested Crane Street**

**Homer, AK 99603**

**Kristine Moerlein**

**20315 Tustumena Lk Rd**

**Kasilof, AK 99610**

**Peggy Ellen and Rich Kleinleder**

**42033 Ness Circle #367**

**Homer, AK 99603**

**Anne Kahn**

**56911 Yellow Eye Ct.**

**Homer, AK 99603**

**Katie Marden**

**2445 Sprucewood Drive**

**Homer, AK 99603**

**Lolita Brache**

**Po Box 2508**

**Homer, AK 99603**

**Jane Miles**

**PO Box 2508**

**Homer, AK 99603**

**Roy and Susanne Wilson**

**P.O. Box 136**

**Homer, Homee, AK 99603**

**Sabine Simmons**

**4050 El Sarino Ct**

**Homer, AK 99603**

**Gary Waltenbaugh**

**39066 Fiddlehead Circle**

**Homer, AK 99603**

**Mercedes Harness**

**1680 Highland**

**Homer, AK 99603**

**Evelyn Waltenbaugh**

**39066 Fiddlehead Circle**

**Homer, AK. 99603**

**Dr. David and Mrs. Marga Raskin**

**59975 Eider Ave**

**Homer, AK 99603**

**Miranda Weiss**

**P.O. Box 1498**

**Homer, AK 99603**

**Sharon Brooks**

**4178 Hohe St.**

**Homer, AK 99603**

**Jinky Handy**

**4400 Tundra Rose Rd.**

**Homer, AK 99603**

**Ole Andersson**

**4400 Tundra Rose Rd.**

**Homer, AK 99603**

**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: Proposed Doyon Development CUP 23-08  
**Date:** Friday, December 29, 2023 12:34:04 PM

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**From:** Kim Smith <krsmith@gci.net>  
**Sent:** Friday, December 29, 2023 12:05 PM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** Proposed Doyon Development CUP 23-08

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

**We are 48 year residents of Homer. We love this town. We ask you to consider the following:**

**RE: Conditional Use Permit (CUP) 23-08**

**Dear Members of the Planning Commission:**

**We are writing to express our concerns about a wide array of issues related to the [proposed hotel/ triplex condos/ employee housing development](#) at the base of the Homer Spit.**

**We ask the planning commission not to recommend approval of CUP 23-08 and associated rezone, replat, and vacation of the right-of-way. The plans for the structures are too far out of compliance with the zoning requirements for that location, and they do not conform to the clear development guidance of the City of Homer Comprehensive Plan.**

**As the Homer Comprehensive Plan makes abundantly clear, as Homer grows, it is essential that we guide growth to allow simultaneously for business development and the preservation of the essential environmental, cultural, and historical elements that make Homer an attractive place to live and visit. CUP 23-08 does not meet that**

standard.

\*\*\*

1. The hotel is almost double the height restriction for the General Commercial 1 District.

The hotel would be built on land zoned General Commercial 1 (GC1). [Homer City Code, 21.24.040](#) dictates dimensional requirements for buildings in this district, stating, "The maximum building height shall be 35 feet."

According to [schematics](#) (p. 60) submitted by the developer, the tower is over 66 ft tall, and the hotel roof ridge is 54 ft. This building should not be taller than 35 ft. The planning director has noted that the building is too tall, but seems to have waved the issue aside, [saying](#) (p. 23):

"The only flexibility above the dimensional requirements of 21.24.040 is the building height for GC1 where the maximum building height is 35 feet. A better and more appropriate building height is for a three story hotel, which, by their nature, is higher than 35 feet. The building height proposed in the planned unit development for the hotel is 45 feet, with smaller sections of the hotel at 54 feet and 66.5 feet for the rooftop bar. There are no health, safety, or welfare concerns with the proposed hotel building height. As noted earlier in the staff report, the applicant has provided a letter from the Federal Aviation Administration (FAA) with a determination that the proposed planned unit development will not be a hazard to air navigation to the Homer Airport."

This is not the place for a building that is almost double the height

limit. These limitations are in code and supported by the Comprehensive Plan, and this is not the place to ignore these rules. Height limits are not just about the FAA, as implied by staff, they are also about the viewshed, and this is an area where the viewshed is very important to local residents, visitors, and to the tourism industry—all these folks stand to lose quite a bit by waiving these restrictions.

Additionally, if the City is going to waive height restrictions for one business, it would only be fair to waive height restrictions for all businesses. This is no way to guide development. The City should follow their own rules here, or go through a proper process to change the rules, if that is what the public wants. Someone could easily sue the city for ignoring the rules without a good reason.

2. The Hotel is over the size limit for retail buildings in the GC1.

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"In that area south of Beluga Lake, identified as the Ocean Drive GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet"

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**3. Development is far too dense for GC1.**

The proposed development is much too dense for the GC1 zoning. Homer City Code 21.24.040 Dimensional requirements, says "...nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit." [Doyon owns three lots](#), for a total of 5.92 acres. By our calculations, that number of acres equals 257,875.2 square ft. Thirty percent of this area is 77,362 square ft.

However, the [planning commission packet](#) (p. 59) shows that the proposed hotel is 80,000 square ft., employee housing is 13,000 square ft., each of the four condos is 6,464 square ft., for a total square footage of developed space (excluding parking lot) of 118,856 square ft.

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**“This [Comprehensive] plan takes two general approaches to guide development in relation to environmental conditions. One is to “overlay” information regarding environmental constraints and opportunities onto the Land Use Recommendations Map. This means, for example, that some portions of an area identified for development would be limited by the site-specific presence of steep slopes, wetland areas, drainage channels, etc. The second broad strategy is to recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics.”**

**This guidance reinforces the need to follow—at minimum—the standards established in the zoning of these lots to avoid or minimize habitat degradation from construction impacts, polluted runoff, and the disturbance of wildlife by the concentration of people in the area adjacent to the wetlands. It bears repeating that the development area overlaps and abuts shorebird habitats that are part of the Western Hemisphere Shorebird Reserve Network.**

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**“Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.**

**Many of the community’s most important goals are tied to the amount and location of growth. These goals include encouraging affordable housing, protecting environmental quality, creating a walkable community, and efficiently providing public services and facilities. The broad strategy behind this objective is to encourage concentrated residential and business growth in the central area of the city, with densities decreasing in outlying areas. The existing pattern of development in the city and current zoning generally follow this pattern. The alternative to this pattern – to allow this same quantity of growth to spread over a much wider area – works against all these goals.”**

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**Proposed employee housing is 13,000 square ft, each of four triplex condos is 6,464 square ft. (for a total of 25,856 square ft). This is over triple the allowable limit for the two lots (if the CUP for mixed use were permitted, along with the rezone of the Rural Residential lot to General Commercial 1, the right-of-way vacation and the replat). It is difficult to understand why this issue was not mentioned in the staff report. There has to be a good reason to make this kind of extreme exception—to allow for a development that is triple the permitted limit. We instead have lots of reasons not to do this.**

**Please consider that these triplex condos will be built to the edge of a lot that was historically coastal wetlands (filled illegally), is abuts and overlaps shorebird habitat. Additionally, the extension of an existing retaining wall will likely involve construction impacts to the wetlands. The Comprehensive Plan says that we should “Provide extra protection for areas with highest environmental value or development constraints” and that we should “Require developers to include details about environmental features and processes, along with plans for open space, when submitting subdivisions or other developments for approval.” Neither of these conditions have been met here, even though developers are asking us to more than triple the legal density limit for mixed-residential structures in a highly sensitive and important part of Homer’s ecology, culture, and history.**

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**Please take or recommend the following actions:**

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**Sincerely,**

Kim and Steve Smith

Sent from my iPhone

**From:** [Melissa Jacobsen](#)  
**To:** [Renee Krause](#); [Ryan Foster](#)  
**Subject:** FW: Conditional Use Permit (CUP) 23-08  
**Date:** Friday, December 29, 2023 12:35:29 PM

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**From:** Susie Amundson <susie.amundson@gmail.com>  
**Sent:** Friday, December 29, 2023 10:40 AM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** Conditional Use Permit (CUP) 23-08

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

**December 28, 2023**

**RE: Conditional Use Permit (CUP) 23-08**

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forested Rural Residential lot owned by Doyon. The location of these properties at the base of the Spit make them an essential part of the viewshed, which adds value to every tourism business and the lives of every resident. Additionally, the Mariner Lagoon wetlands on the south side of the lower lot provide shorebird habitat of international significance, recognized by its inclusion in the Western Hemisphere Shorebird Reserve Network. The public viewing platform that has been removed has a long history of use for viewing migrating shorebirds and waterfowl. Over-development in this area stands to harm these extraordinarily valuable environmental resources as well as the general public's ability to appreciate our natural systems through such events as the Shorebird Festival. The Comprehensive Plan says we should protect important ecological areas even if they are zoned commercial or otherwise for development:

“This [Comprehensive] plan takes two general approaches to guide development in relation to environmental conditions. One is to “overlay” information regarding environmental constraints and opportunities onto the Land Use Recommendations Map. This means, for example, that some portions of an area identified for development would be limited by the site-specific presence of steep slopes, wetland areas, drainage channels, etc. The second broad strategy is to recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics.”

This guidance reinforces the need to follow—at minimum—the standards established in the zoning of these lots to avoid or minimize habitat degradation from construction impacts, polluted runoff, and the disturbance of wildlife by the concentration of people in the area adjacent to the wetlands. It bears repeating that the development area overlaps and abuts shorebird habitats that are part of the Western Hemisphere Shorebird Reserve Network.

**Ecology aside, this is not the place to exceed size and density limitations. We refer here to the City of Homer Comprehensive Plan for guidance:**

**“Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.**

**Many of the community’s most important goals are tied to the amount and location of growth. These goals include encouraging affordable housing, protecting environmental quality, creating a walkable community, and efficiently providing public services and facilities. The broad strategy behind this objective is to encourage concentrated residential and business growth in the central area of the city, with densities decreasing in outlying areas. The existing pattern of development in the city and current zoning generally follow this pattern. The alternative to this pattern – to allow this same quantity of growth to spread over a much wider area – works against all these goals.”**

**The Comprehensive Plan is clear about the community’s desire to concentrate growth in the City Center. It strongly suggests we should not permit what could be one of the largest buildings/complexes in Homer outside of the City Center. The location at the base of the Spit has not been zoned for dense development or tall buildings because of issues related to traffic congestion, tsunami inundation, and the need to conserve essential wildlife habitats. We should not allow a development that would undermine the safety and wellbeing of the local population and visitors or that would run strongly against the Comprehensive Plan’s clear guidance to direct dense development to the City Center.**

4. **The proposed triplex condominiums and employee housing over three times the limit of 8,000 square feet per parcel.**

**Developers have asked for a CUP to allow for “mixed use planned unit development (residential and commercial).” This indicates that the employee housing and triplex condominiums cannot be considered “retail” and must conform to general building restrictions. Homer City Code 21.24.040 gives a general building restriction: "No lot shall contain more than 8,000 square feet of building area (all buildings combined)."**

**Proposed employee housing is 13,000 square ft, each of four triplex condos is 6,464 square ft. (for a total of 25,856 square ft). This is over triple the allowable limit for the two lots (if the CUP for mixed use were permitted, along with the rezone of the Rural Residential lot to General Commercial 1, the right-of-way vacation and the replat). It is difficult to understand why this issue was not mentioned in the staff report. There has to be a good reason to make this kind of extreme exception—to allow for a development that is triple the permitted limit. We instead have lots of reasons not to do this.**

**Please consider that these triplex condos will be built to the edge of a lot that was historically coastal wetlands (filled illegally), is abuts and overlaps shorebird habitat. Additionally, the extension of an existing retaining wall will likely involve construction impacts to the wetlands. The Comprehensive Plan says that we should “Provide extra protection for areas with highest environmental value or development constraints” and that we should “Require developers to include details about environmental features and processes, along with plans for open space, when submitting subdivisions or other developments for approval.” Neither of these conditions have been met here, even though developers are asking us to more than triple the legal**

**density limit for mixed-residential structures in a highly sensitive and important part of Homer's ecology, culture, and history.**

**In addition, the triplex condos would interfere with the view from the Spit by the public; they would provide high-end, and in an unknown number of cases, short-term housing that is exactly the kind of housing that Homer does not need; the project would increase the density of development outside of the City Center in an area where our Comprehensive Plan says infill should not be focused. No exceptions for increased density of units should be allowed on these parcels.**

- 5. Vacation of the section line easement is unnecessary and comes at too great a cost.**

**Given all the issues outlined above related to the density and size of proposed development, it seems clear that the project must be downsized to meet code and Comprehensive Plan intent. It is likely that a (smaller) project that conforms to GC1 code can be designed to avoid vacating this section line. Considering that vacation of the section line could easily prevent the public from accessing the beach in this area and end the important Homer tradition of shorebird viewing at this prime location, the planning commission should not permit vacation of the section line.**

**\*\*\***

**Please take or recommend the following actions:**

**Deny CUP 23-08 and associated rezone, mixed residential construction, and section line easement vacation. Development**

**plans are far out of compliance with Homer City Code requirements for GC1 building size, density, and height limitations. The plans run counter to the City of Homer Comprehensive Plan's explicit intent for dense development to be focused in the City Center, to preserve local character, and protect important ecological functions.**

**Sincerely,**

**Drue Smith**

**PO Box 15011**

**Fritz Creek, AK 99603**

**Samuel Walker**

**P.O. Box 1871**

**Homer, AK, 99603**

**Jason Okluy**

**4555 Emerald Rd.**

**Homer, AK 99603**

**Allison Kintner**

**4555 Emerald Rd.**

**Homer, AK 99603**

**Penelope Haas**

**57081 Mesa Ave**

**Homer, Alaska 99603**

**Alison McCarron**

**41722 Charlie Drive**

**Homer, AK 99603**

**Brenna McCarron**

**41722 Charlie Drive**

**Homer, Ak 99603**

**Avram Salzmann**

**617 Soundview Ave**

**Homer, AK 99603**

**Charles Rohr**

**41970 Lookout Dr**

**Homer, AK 99603**

**Oliver Beck**

**57362 Kaleen st**

**Homer, AK 99603**

**Megan Lindbloom**

**PO Box 1955**

**Homer, AK 99603**

**Timothy Blakey**

**PO Box 1955**

**Homer, AK 99603**

**George Matz**

**PO Box 15182**

**Fritz Creek, AK 990603**

**Marilyn Sigman**

**4211 Kachemak Way**

**Homer, AK 99603**

**Nina Faust**

**P.O. Box 2994**

**Homer AK 99603**

**Jack Heimbold**

**P.O. Box 1364**

**Anchor Point Ak 99556**

**Douglas Dean**

**2361 Judy Rebecca Court**

**Homer Ak 99603**

**Duncan Wanamaker**

**58313 Rea Dr**

**Homer AK 99603**

**Joseph Ravin**

**53835 Kilcher Road**

**Homer AK 99603**

**Ella Parks**

**P.O. Box 1871**

**Homer, AK, 99603**

**Kaitlynn Skundrich**

**55446 Finch Ave.**

**Fritz Creek, AK 99603**

**Nels Christensen**

**57081 Mesa Ave**



**Homer, Alaska 99603**

**Scott Blackwell**

**34655 Lusky Rd.**

**Fritz Creek, AK 99603**

**Madra Choromanska**

**34655 Lusky Rd.**

**Fritz Creek, AK 99603**

**Lani (Lynda) Raymond**

**41640 Gladys Ct.**

**Homer, AK 99603**

**Dave Brann**

**2350 Sprucewood Drive**

**Homer, Alaska 99603**

**George Harbeson Jr.**

**1496 Lakeshore Drive**

**Homer, Alaska 99603**

**Jake Beaudoin**

**63654 Estate Dr.**

**Homer, AK 99603**

**Anna Meredith**

**63654 Estate Dr.**

**Homer, AK 99603**

**Carolyn Westbrook**

**33528 Jones Dr.**

**Homer, AK 99603**

**Gary & Jane Klopfer**

**1303 Bay Ave**

**Homer AK 99603**

**Jennifer Baker**

**561 Elderberry Dr.**

**Homer, AK 99603**

**Laurie Daniel**

**67800 Bluff Rd, PO Box 3713**

**Homer, AK 99603**

**Dots Sherwood**

**1630 Lincoln Drive**

**Homer, AK 99603**

**Diane Briggs**

**P.O. Box 15407**

**Fritz Creek, AK 99603**

**Kenneth Briggs**

**P.O. Box 15407**

**Fritz Creek, AK 99603**

**Carol Harding**

**PO Box 2154**

**Homer, AK 99603**

**Josphine Ryan**

**P.O. Box 1210**

**Homer, Alaska 99603**

**Annie Cooper**

**57251 Glacierview Rd N**

**Homer, AK 99603**

**Michelle Michaud**

**52421 Moonbeam Lane**

**Homer, AK 99603**

**Tom Early**

**41263 Crested Crane Street**

**Homer, AK 99603**

**Kristine Moerlein**

**20315 Tustumena Lk Rd**

**Kasilof, AK 99610**

**Peggy Ellen and Rich Kleinleder**

**42033 Ness Circle #367**

**Homer, AK 99603**

**Anne Kahn**

**56911 Yellow Eye Ct.**

**Homer, AK 99603**

**Katie Marden**

**2445 Sprucewood Drive**

**Homer, AK 99603**

**Lolita Brache**

**Po Box 2508**

**Homer, AK 99603**

**Jane Miles**

**PO Box 2508**

**Homer, AK 99603**

**Roy and Susanne Wilson**

**P.O. Box 136**

**Homer, Homee, AK 99603**

**Sabine Simmons**

**4050 El Sarino Ct**

**Homer, AK 99603**

**Gary Waltenbaugh**

**39066 Fiddlehead Circle**

**Homer, AK 99603**

**Mercedes Harness**

**1680 Highland**

**Homer, AK 99603**

**Evelyn Waltenbaugh**

**39066 Fiddlehead Circle**

**Homer, AK. 99603**

**Dr. David and Mrs. Marga Raskin**

**59975 Eider Ave**

**Homer, AK 99603**

**Miranda Weiss**

**P.O. Box 1498**

**Homer, AK 99603**

**Sharon Brooks**

**4178 Hohe St.**

**Homer, AK 99603**

**Susan Amundon**

**53805 Kilcher Road**

**Homer, AK 99603**

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