



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

Port & Harbor Advisory Commission Worksession

Wednesday, January 22, 2020 at 4:00 PM

City Hall Cowles Council Chambers

CALL TO ORDER, 4:00 P.M.

AGENDA APPROVAL

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA (3 minute time limit)

DISCUSSION TOPIC(S)

A. Overslope Development

i. Memo from Deputy City Planner Engebretsen Re: Overslope Development

Page 3

ii. HCC 21.46 Small Boat Harbor Overlay

Page 7

iii. PHC December 11, 2019 Meeting Minutes Excerpt Re: Overslope

Page 11

COMMENTS OF THE AUDIENCE (3 minute time limit)

ADJOURNMENT NO LATER THAN 4:45 P.M.

Next Regular Meeting is **WEDNESDAY, FEBRUARY 26, 2020 at 5:00 P.M.** All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



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TO: Port and Harbor Advisory Commission
FROM: Julie Engebretsen, Deputy City Planner
DATE: January 14, 2020
SUBJECT: Overslope development

Introduction

The idea of overslope development has a long history around the harbor. This type of development has a lot of moving pieces. Council requested the Commission consider parking, utility access, drainage, leasing provisions and zoning code considerations, and forward recommendations to the City Council. (Reso 19-22) Many of the zoning code issues can be addressed through a zoning ordinance, and I can work with you to accomplish that. Recommendations on leasing, utilities and drainage can be forwarded to the City Council for their consideration.

At the work session, I am looking for your consensus on the items below, and to hear your general thoughts on overslope. We are at a time of change on the Spit – we've grown into our parking lots, there is an upcoming parking study, and Spit Comp Plan update is funded for 2021. This is a great time to do some housekeeping on current rules, and to look forward.

Did you know? Traffic on the Spit has increased about 14%, between 2009 and 2019. That same increase holds true on an annual basis and also 4th of July holiday week traffic. DOT has a continuous traffic counter on the Spit... so if the Commission ever wants more nitty gritty details, DOT can provide it.

How much might traffic increase in the next 10 years?

Zoning Code Issues/Discussion points

HCC 21.46, Small Boat Harbor Overlay District code was adopted in 2009. While there has been very little development within the district to apply this code, we have learned a few things. Staff appreciates the opportunity to talk about some of these issues and come up with solutions. At the work session I will walk through the items below. From your responses, I will draft an ordinance, for a future meeting.

Minor detail: It was brought to my attention that some of the Port and Harbor Commission ideas, such as a new fish buying dock, are just that: a dock. In the code, 'overslope' implies buildings on that dock structure and a general public use and access. When we've had some

discussion I will provide a clarification on dock vs ‘overslope development’ in a draft ordinance.

Overslope platform recommendations

1. Overslope dimensions of the platform HCC 21.46.050 (a): An overslope platform shall be 40 feet deep, and shall be not less than 40 feet nor more than 240 feet wide.” Staff Recommendation: Eliminate this section. Its too specific for this construction environment and potential range of uses.
2. HCC 21.46.050 (e) - requirements Revise (e) 15 feet from edge of ramp
3. HCC 21.46.060(g): The maximum height of a building measured from the overslope platform or the adjacent grade to the highest roof peak shall not exceed 25 feet. Staff recommendation: discuss this building height – its right at 2 stories, or 1 story with a loft type space.
4. Public access 21.46.060 (h) and (i) aim to preserve public access to the harbor and allow for lookout points. The Commission had commented this could be expensive area for a developer to provide. Also, I don’t think the Spit Trail had not been completed at the time this code was written. Should we revise it?
 - h. A public access not less than eight feet wide to an area overlooking the harbor shall be provided at each end of an overslope platform and at intervals not greater than 150 feet on the overslope platform.
 - i. A continuous pedestrian corridor at least eight feet wide must extend the length of the overslope development, on either the harbor or the uplands side, or some combination thereof. The corridor must be clear of obstructions, but may be covered by an awning or roof overhang. The minimum eight-foot width of the corridor may not be counted to meet landscaping or public open space requirements. [Ord. 09-44(S) § 3, 2009]. Staff comment: Is the existing spit trail enough pedestrian corridor?
5. 21.46.070 signs – staff will update this with current sign code.
6. 21.46.090, Architectural Plans. Staff recommends reducing these requirements by eliminating (a) and (d). The requirement for specific plans for a build to suit tenant can vary quite a bit.

Lease issues

1. Length of lease: is 99 years an option?
2. Lease rates: The Commission minutes reflect concern that lease rates are too high. Leases are based on paying a land lease for the area under the boardwalk, as well as a percentage of rents/sales. There are not many examples from other communities on this.

PARKING

I don't want to spend too much time on parking, in light of the upcoming parking study. Some considerations for overslope are, where will employees and customers park? How will businesses accept deliveries? Some solutions could include impact fees, or a requirements for off-site parking, and deliveries during off peak hours. A developer building a platform will ask the City two questions: What parking do I have to provide, and where can my customers park? If the city wants to entice development, we will need to be able to answer those questions.

Utility access and drainage

I have spoken with Public Works. Utility access is driven mostly by what is actually in the ground and where, and then the engineering needed to serve the new customer. The City does have some rules, but a new boardwalk would be a major undertaking with a lot of utility planning involved. Planning and Public Works regular hold pre-application meetings with developers to address utilities, drainage, site plans, etc. There is nothing different for a boardwalk, other than its more complicated due to our cold winters.

Drainage is not well addressed on the Spit, and that is true of most of Homer. There are two approaches possible: Big picture, or site specific. A drainage plan for the whole community is a top five project in the Capital Improvement Plan. If and when that plan is funded, it could address the Spit. The other alternative is to require a developer to show that their boardwalk isn't going to inundate the Spit Trail for example, or otherwise run a bunch of water to a place that causes problems. This can be accomplished through a zoning code amendment. The Commission could recommend Council look at both approaches.

Attachments

HCC 21.46 Small Boat Harbor Overlay

Chapter 21.46

SMALL BOAT HARBOR OVERLAY DISTRICT

Sections:

- [21.46.010 Purpose and intent.](#)
- [21.46.020 Overlay district boundaries.](#)
- [21.46.030 Applicability.](#)
- [21.46.040 Conditional uses.](#)
- [21.46.050 Overslope platform standards.](#)
- [21.46.060 Architectural standards.](#)
- [21.46.070 Signs.](#)
- [21.46.080 Landscaping.](#)
- [21.46.090 Architectural plans.](#)

21.46.010 Purpose and intent.

The purpose of the Small Boat Harbor [Overlay District](#) is to establish additional [development](#) regulations specifically designed for the unique nature and needs of water- and tourism-oriented [uses](#) on platforms over the small boat harbor. These regulations will delineate special performance and design standards, encourage mixed [use](#) developments which contribute to the [stabilization](#) of [water-dependent](#) and [water-related](#) uses, encourage the link between the marine business and general business sectors of the community, and encourage safe and enjoyable access along the harbor's edge. [Ord. [09-44\(S\)](#) § 3, 2009].

21.46.020 Overlay district boundaries.

The Small Boat Harbor [Overlay District](#) applies to the property described as [Lot](#) G-8 and Small Boat Harbor, Homer Spit Subdivision No. Two, T6S, R13W, Sections 35 and 36, and T7S, R 13W, Sections 1 and 2, Seward Meridian, as shown on Plat No. [92-50](#). [Ord. [09-44\(S\)](#) § 3, 2009].

21.46.030 Applicability.

Unless otherwise noted, the requirements of the Small Boat Harbor [Overlay District](#) apply to all [development](#) and are in addition to the requirements of the underlying [zoning district](#). Where a requirement of the underlying district conflicts with a requirement of the [overlay district](#), the [overlay district](#) requirement shall govern. [Ord. [09-44\(S\)](#) § 3, 2009].

21.46.040 Conditional uses.

The following [uses](#) may be permitted in the Small Boat Harbor [Overlay District](#) when authorized by conditional [use](#) permit issued in accordance with Chapter [21.71](#) HCC:

- a. Overslope [development](#). [Ord. [09-44\(S\)](#) § 3, 2009].

21.46.050 Overslope platform standards.

An [overslope platform](#) shall comply with the following standards:

- a. An [overslope platform](#) shall be 40 feet deep, and shall be not less than 40 feet nor more than 240 feet wide.
- b. There shall be a minimum 20-foot [setback](#) separating an [overslope platform](#) from a dedicated [right-of-way](#). Except as provided in the preceding sentence, there are no [setback](#) requirements for [overslope platforms](#), and an [overslope platform](#) may be constructed to the [lot](#) line.
- c. An [overslope platform](#) that is used for the docking of boats shall be designed to bear the loads associated with that [use](#), and include suitable rail access, gates, stairs and fenders.
- d. The bottom of the lowest structural member of the lowest floor of an [overslope platform](#) (excluding pilings and columns) shall be at least one foot above the base flood elevation.
- e. The area of an [overslope platform](#) that at the time of its construction is within 15 feet of the edge of a ramp shall be used as a public access area, within which no sales or commercial activity may occur. Such a public access area shall not be counted to meet [open space](#) or [landscaping](#) requirements.
- f. Direct access from an [overslope platform](#) to the ramp shall be limited to avoid user conflicts. Gates or other moveable barriers that facilitate loading and unloading may be used to control access. [Ord. [09-44\(S\)](#) § 3, 2009].

21.46.060 Architectural standards.

Overslope [development](#) shall conform to the following architectural standards:

- a. All [buildings](#) on the same [overslope platform](#) shall receive a common architectural treatment. The main color of the exterior walls of all [buildings](#) on an [overslope platform](#) shall be one or more earth or seascape tones.
- b. Not less than five percent of the area of an [overslope platform](#) area shall be outdoor public [open space](#).
- c. Overslope [development](#) shall include pedestrian walkways that provide direct access between common areas in the [overslope development](#) and public rights-of-way.
- d. Opaque walls, fences or planter boxes, or any combination of them, shall be used to screen mechanical equipment and trash containers from view in adjacent public areas.
- e. The design of [structures](#) and outdoor pedestrian areas shall take into consideration environmental factors such as prevailing wind, salt spray, solar exposure, snow and heavy rains.
- f. Along the length of a [building](#), the roofline shall not be continuous for more than 60 feet. Roofs shall be gabled.
- g. The maximum height of a [building](#) measured from the [overslope platform](#) or the adjacent [grade](#) to the highest roof peak shall not exceed 25 feet.

h. A public access not less than eight feet wide to an area overlooking the harbor shall be provided at each end of an [overslope platform](#) and at intervals not greater than 150 feet on the [overslope platform](#).

i. A continuous pedestrian corridor at least eight feet wide must extend the length of the [overslope development](#), on either the harbor or the uplands side, or some combination thereof. The corridor must be clear of obstructions, but may be covered by an awning or roof overhang. The minimum eight-foot width of the corridor may not be counted to meet [landscaping](#) or public [open space](#) requirements. [Ord. [09-44\(S\)](#) § 3, 2009].

21.46.070 Signs.

Signs are subject to the requirements in Chapter [21.60](#) HCC that apply in the underlying [zoning district](#); provided, that the maximum combined total area for all [signs](#) under Table 2 in HCC [21.60.060](#)(c) is calculated on a per-building basis instead of on a per-lot basis. No [sign](#) bearing a commercial message, as defined in HCC [21.60.040](#), may be placed in an outdoor public [open space](#). [Ord. [09-44\(S\)](#) § 3, 2009].

21.46.080 Landscaping.

a. Five percent of the area of an [overslope platform](#) must be landscaped.

b. In addition to the types of plantings listed in the definition of [landscaping](#) in HCC [21.03.040](#), [landscaping](#) on an [overslope platform](#) may include planter boxes and hanging basket plantings.

c. The [Commission](#) may [permit](#) the substitution of durable outdoor art, or amenities for public [use](#) such as bike racks, benches, trash receptacles and information kiosks, for part of the required [landscaping](#) on an [overslope platform](#). [Ord. [09-44\(S\)](#) § 3, 2009].

21.46.090 Architectural plans.

An application for an [overslope development](#) conditional [use](#) shall include the following detailed plans and specifications showing compliance with the requirements of this chapter:

a. Floor plans at a scale of one-eighth inch equals one foot.

b. Architectural elevations.

c. Site elevation showing the relationship to the platform of the base flood elevation and mean high tide line, and the elevation of the land where the platform adjoins the shore.

d. Exterior finish schedule.

e. Roof plan showing direction of drainage and where runoff will go.

f. Drawings must show design oversight by an architect registered under the laws of the State of Alaska. [Ord. [09-44\(S\)](#) § 3, 2009].

VOTE (main motion as amended): NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. Overslope Development Follow-up
- i. Resolution 19-022
 - ii. Memorandum to City Council 3/18/19
 - iii. 1/23/19 PHC Meeting Minutes Excerpt
 - iv. 2/27/19 PHC Meeting Minutes Excerpt
 - v. 3/27/19 PHC Meeting Minutes Excerpt
 - vi. 2/27/19 PHC Packet Excerpt

Chair Zimmerman introduced the subject of updating Overslope code/policy, especially if the commission wants to lease overslope property, and opened the floor for discussion on how to address the problem.

The commission discussed issues the City faces with putting overslope out there for lease, bringing up the following points:

- Costs that lessees would have to pay to build the infrastructure on top of renting the overslope land; if we're going to lease it we should make it affordable.
- The City investing in building the boardwalk and then renting out the space, and reiterating that it's the City's job to encourage growth and find revenue sources.
- Finding funding sources for the City to go that route, such as bonds.
- The unfairness of having a private business spend the resources to build a private boardwalk, but is still required by City Code to leave a portion of it open for public access.
- The way the policy/code is currently written requires a person to build the whole infrastructure and lease the land, which isn't going to happen, so it will be up to the City to build the platform.
- Possibility of being in direct competition with private business leasing out boardwalk space.
- Staff needing a better written policy to work from when prospective businesses/investors come to the City to lease overslope.

Chair Zimmerman initiated discussion on how the commission wants to work on rewriting code, and if they would want to formulate a recommendation to City Council coming up with a plan to build overslope infrastructure. He suggested that the commission look at the Overlay District code and see what they'd like to change to make people want to develop the overslope and to make the leasing process more functional.

The commission discussed going through the code piece by piece because there is a lot to go through, and shared ideas about the City determining if they'd construct the infrastructure, but also having the code written better to address the possibility of private enterprise coming in. Commissioner Ulmer suggested they have a worksession. Mr. Hawkins provided reasons for having Planning Staff included in that conversation. There was further discussion on what the code does and doesn't cover, and what should be included in a worksession discussion. Ms. Tussey suggested holding the worksession before their next regular meeting.

STOCKBURGER/ULMER MOTION TO HAVE A WORKSESSION TO DISCUSS OVERSLOPE DEVELOPMENT PLAN BEFORE THE REGULAR MEETING ON JANUARY 22, 2019 AT 4:00 PM.

There was discussion on having Planning Staff attend the worksession and what kind of packet materials should be provided, such as what zoning code conflicts are there, additional Planning info, and code change suggestions from Port and Harbor Staff.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Homer Spit Parking Plan

Port Director Hawkins briefed the commission on Councilmember Lord's resolution that was approved at the December 9th City Council meeting to fund a parking study that could provide recommendations for managing parking on the Homer Spit.

Discussion ensued on the failure of the Conditional Use Permit request at the PC level for the Seafarer's Memorial Parking Lot Expansion project. It was noted how much in HART funds were used for the design phase of the project, that it was recognized as a Capital Improvement Project in 2013 by City Council, and then was put on the back burner while more pressing port and harbor projects were completed. Commissioner Hartley stated that the Port and Harbor Commission has spent a considerable amount of time talking about parking, and suggested that the Planning Commission should step up to address the Spit parking issue.

Chair Zimmerman directed questions to Mr. Hawkins on how Port and Harbor Staff will be addressing parking fees in the 2020 summer season in the gravel lot between Ramp 3 and 4. Mr. Hawkins spoke about the meeting he will be having with ADOT&PF in Anchorage regarding Homer Spit Road improvements from a pedestrian safety standpoint. In response to Mr. Zimmerman and Mr. Hartley's thoughts on increasing parking fees, Mr. Hawkins proposed that the commission should come up with a permit system for vessel owners that pay annual moorage in the harbor since they are the main customers. There was discussion on the possibility of having a proposal before the commission by spring so a policy could be established by May in time for the summer season.

Discussion ensued on long term planning and the challenges of making user groups understand what it is the harbor provides and the needs of other user groups. Mr. Hartley shared his feelings that the PC did not understand how the harbor and parking worked out on the Spit and who is paying for all of it; that it is the stall lessees paying for it, not the City. Mr. Hawkins explained how the Army Corp of Engineers contract for dredging will be renewed soon, and changes will be made to where dredged materials will be stored and improvements made to the area behind Bob's Trophy Charters. Commissioner Zeiset shared his opinions regarding parking and signage. Stockburger commented on how impressed he was with the organization of the Ramp 2 parking lot this past summer, using just pylons and tape.