



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

**Port & Harbor Advisory Commission Regular Meeting
Wednesday, March 25, 2020 at 5:00 PM
Council Chambers**

CALL TO ORDER, 5:00 P.M.

AGENDA APPROVAL

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

RECONSIDERATION

APPROVAL OF MINUTES

VISITORS / PRESENTATIONS

STAFF & COUNCIL REPORT / COMMITTEE REPORTS

PUBLIC HEARING

PENDING BUSINESS

NEW BUSINESS

A. Memorandum from Port Director/Harbormaster re: Lease Application - Homer Spit
Oyster Bar **pg 3**

Lease Application - Homer Spit Oyster Bar **pg 6**

B. Memorandum from Port Director/Harbormaster re: Lease Application - Sea Tow South
Central Alaska **pg 90**

Lease Application - Sea Tow South Central Alaska **pg 105**

INFORMATIONAL MATERIALS

COMMENTS OF THE AUDIENCE (3 minute time limit)

COMMENTS OF THE CITY STAFF

COMMENTS OF THE CITY COUNCILMEMBER (if present)

COMMENTS OF THE CHAIR

COMMENTS OF THE COMMISSION

ADJOURNMENT

Next Regular Meeting is To Be Determined at this time.



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum

TO: PORT AND HARBOR ADVISORY COMMISSION

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER

DATE: MARCH 17, 2020

SUBJECT: OVERSLOPE LEASE APPLICATION – HOMER SPIT OYSTER BAR, SUVI BAYLY

Homer Spit Oyster Bar has submitted a lease application to the City with a proposal including the development of an overslope platform and Oyster Bar business in an area currently offered for overslope development on the City's Land Allocation Plan. Port and City Hall staff have reviewed the application and the main details, comments, and notes are listed below:

Basic Notes:

- Term requested is 20 years plus extensions, (2) 5 year extensions allowed per code, total max term of lease 30 years
- Primary proposed business is Oyster Bar, Secondary Office Space, Retail Space, and VRBO- vacation rental
- We do not have the appraisal back for this property yet (results due by April 30th) Base rent final amounts will be based on the results of appraisal per City Code. We don't have pre-existing similar comparison for estimated numbers.
- Proposed platform is 70'x40', footprint underneath is a minimum of 42'x 70' given the slope, approx. sq. footage = minimum of 2940 sq. ft.
 - A current survey will give us the exact square footage. That survey is the responsibility of the proposer. She is aware/has been informed of this and has stated that she is in the process of scheduling one. We need a completed survey to be able to accurately complete a final lease.

- Proposed structure is 2 stories, construction timeline proposed is start by 9/2020, complete by 4/30/2021.
 - Proposed structure has been approved by an architect but does not have engineering stamp yet, still in the process of permitting through all agencies (see permitting section for more detail)

Permitting: In process/ Incomplete

- Business license and insurance are current and valid
- Receipts/Invoices/Correspondence has been submitted by proposer to show contact with agencies, initial permit fees, and ongoing work to achieve permits through DEC and State Fire Marshal. Permits are NOT complete or approved yet
- Army Corps of Engineers has given preliminary sign off and verbal confirmation of OK to pile driving method for the overslope platform piers. Now in public/open comment phase.
- Proposer has been working her way through the CUP process with City Planning concurrent to her lease application process.

Section 6 of the Lease Application Asks:

Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.

- Proposer has provided correspondence/invoice documentation that she is actively working with all needed permit agencies. She has been informed of the underlined application statement in Section 6 of the lease application (listed above) and that any preliminary approval or denial recommendations in the public review process will include conditions requiring remaining permit approval before a final lease is negotiated and/or put before City Council for final approval. She has verbally indicated that this is what she would like to do, and that she wishes to start the public review process now with Section 6 of the Lease Application currently unsatisfied, moving forward with both public lease application review and agency permitting at the same time.

If the Port and Harbor Advisory Commission, after review, chose to recommend approval of the lease application to City Council, staff recommend that any motion condition the following conditions:

- Contingent on leasee securing approval of all necessary permits and/or inspection statements from all appropriate State and/or Federal agencies.
- Contingent on leasee obtaining and submitting to City a survey of the property subject to the proposed lease

RECOMMENDATION

For discussion and review. Any recommendations to City Council or direction to staff must be done by way of motion.



Lease Application/Assignment Form

Directions:

1. Please submit this application form to the City Manager's Office, 491 Pioneer Avenue, Homer, AK, 99603.
2. Please answer all questions on this form, or put "N/A" in the space if it is non-applicable.
3. Please include all applicable fees in the form of a check, made payable to the City of Homer.

Applicant Name:	Suvi Mirja Bayly
Business Name:	Homer Spit Oyster Bar: Fresh Oysters From The Bay To You
Email Address:	suvibayly@gmail.com
Mailing Address	824 Ocean Drive Loop
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	907-885-5340
Representative's Name:	Suvi Bayly
Mailing Address:	824 Ocean Drive Loop
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	907-885-5340
Property Location:	NW dock space on Freight Dock Road. Please view attached Harbor plat map. The harbor plat with designation # 33 is the locale with where Homer Spit Oyster Bar plans to develop. 4081-A Freight Dock Road Homer, AK 99603
Legal Description:	T 6S & 7S R 13W SEC 35 & 36 & 1 & 2 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT G-8
Type of Business to be placed on property:	Homer Spit Oyster Bar: Fresh Oysters From The Bay To You
Duration of Lease requested:	20 years
Options to re-new:	Yes

**The following materials must be submitted when applying for a lease of
City of Homer real property**

1.	Plot Plan	<p><u>A drawing of the proposed leased property showing:</u></p> <p><input checked="" type="checkbox"/> The size of the whole lot is 5.22 acres.</p> <p><input checked="" type="checkbox"/> Size of lot - dimensions and total square footage (to scale)</p> <p><input checked="" type="checkbox"/> The proposed area will utilize 70' - 0" x 40' - 0" of Dock Space.</p> <p><input checked="" type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned (to scale). Please view site plan and architectural plans</p> <p><input checked="" type="checkbox"/> Water and sewer lines – location of septic tanks, if needed.</p> <p><input checked="" type="checkbox"/> Please view attached images labeled water and sewer lines</p> <p><input checked="" type="checkbox"/> Parking spaces – numbered on the drawing with a total number indicated</p> <p>Parking lot is directly adjacent with a minimum of 50 spaces.</p>																				
2.	Development Plan	<p><input checked="" type="checkbox"/> <u>List the time schedule from project initiation to project completion, including major project milestones.</u></p> <table border="0"> <thead> <tr> <th><u>Dates</u></th> <th><u>Tasks</u></th> </tr> </thead> <tbody> <tr> <td>09/01/2020</td> <td>Pilings are installed</td> </tr> <tr> <td>09/07/2020</td> <td>Deck Building</td> </tr> <tr> <td>09/14/2020</td> <td>Building construction, framing, etc</td> </tr> <tr> <td>10/15/2020</td> <td>electrical, light installation</td> </tr> <tr> <td>04/30/2021</td> <td>Completion</td> </tr> </tbody> </table> <p>For each building, indicate:</p> <table border="0"> <thead> <tr> <th><u>Building Use</u></th> <th><u>Dimensions and square footage</u></th> </tr> </thead> <tbody> <tr> <td>Oyster Bar:</td> <td>2800 (estimate)</td> </tr> <tr> <td>Interior space</td> <td>See Plans</td> </tr> <tr> <td>Ext. deck space</td> <td>See Plans</td> </tr> </tbody> </table>	<u>Dates</u>	<u>Tasks</u>	09/01/2020	Pilings are installed	09/07/2020	Deck Building	09/14/2020	Building construction, framing, etc	10/15/2020	electrical, light installation	04/30/2021	Completion	<u>Building Use</u>	<u>Dimensions and square footage</u>	Oyster Bar:	2800 (estimate)	Interior space	See Plans	Ext. deck space	See Plans
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3.	Insurance Please view attached certificate of liability insurance: Homer Ins. Center	<p><input checked="" type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.</p>																				
4.	Subleases	<p><input type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.</p>																				
5.	Health Requirements Please view attached email correspondence from Melanie Hollon, DEC.	<p><input checked="" type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.</p>																				

6.	Agency Approval Plans have been submitted to Fire Marshall and Army Corp of Engineers to meet required guidelines.	<input checked="" type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.
7.	Fees	<u>All applicable fees must be submitted prior to the public meeting preparation.</u> <input checked="" type="checkbox"/> Application fee - \$30.00. Please make check payable to the City of Homer. <input checked="" type="checkbox"/> Lease fee - \$300.00. Please make check payable to the City of Homer.
8.	Financial Data Please view attached Excel spreadsheet concerning Homer Spit Oyster Bar financials.	<u>Please indicate lessee's type of business entity:</u> <input checked="" type="checkbox"/> Sole or individual proprietorship. <input type="checkbox"/> Partnership. <input type="checkbox"/> Corporation. <input type="checkbox"/> Other – Please explain: _____ <hr/> <input checked="" type="checkbox"/> Financial Statement – <u>Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</u> <input checked="" type="checkbox"/> Surety Information – Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in you organization holding more than a 10% interest <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance. <input checked="" type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt. <input checked="" type="checkbox"/> Pending Litigation – Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.

9.	Partnership Statement	<p><input checked="" type="checkbox"/> <u>NA</u> If the applicant is a partnership, please provide the following:</p> <p>Date of organization: _____</p> <p>Type: <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership</p> <p>Statement of Partnership Recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 40px;">Where _____ When _____</p> <p>Has partnership done business in Alaska? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 40px;">Where _____ When _____</p> <p>Name, address, and partnership share. If partner is a corporation, please complete corporation statement.</p> <p><i>Please attach a copy of your partnership agreement.</i></p>																														
10.	Corporation Statement	<p><input checked="" type="checkbox"/> <u>NA</u> If the applicant is a corporation, please provide the following:</p> <p>Date of Incorporation: _____</p> <p>State of Incorporation: _____</p> <p>Is the Corporation authorized to do business in Alaska?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes. Is so, as of what Date? _____</p> <p>Corporation is held? <input type="checkbox"/> Publicly <input type="checkbox"/> Privately If publicly held, how and where _____ is _____ the _____ stock _____ traded?</p> <p>_____</p> <p>Officers & Principal Stockholders [10%+]:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Name</th> <th style="text-align: left; border-bottom: 1px solid black;">Title</th> <th style="text-align: left; border-bottom: 1px solid black;">Address</th> <th style="text-align: left; border-bottom: 1px solid black;">Share</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> <p><input type="checkbox"/> Please furnish a copy of Articles of Incorporation and By-laws.</p> <p>Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Name</th> <th style="text-align: left; border-bottom: 1px solid black;">Title</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	Name	Title	Address	Share																	Name	Title								
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11.	Applicant References	<p>Please list four persons or firms with whom the Applicant or its owners have conducted business transactions with during the past three years. Two references named shall have knowledge of your financial management history, of which at least one must be your principal financial institution. Two of the references must have knowledge of your business expertise.</p> <p>_____</p> <p>Name: <u>Mahealani Coila</u> Firm: <u>LazerPrints & Graphics</u> Title: <u>Principal Owner</u> Address: <u>432 Pioneer Avenue #B, Homer, AK 99603</u> Telephone: <u>907-235-2335</u> Nature of business association with Applicant: <u>Professional colleague</u></p> <p>_____</p> <p>Name: <u>Melanie Chapman</u> Firm: <u>Pacific Tower Properties</u> Title: <u>Principal</u> Address: <u>400 D Street, #201, Anchorage, AK 99501</u> Telephone: <u>907-242-5309</u> Nature of business association with Applicant: <u>Landlord, professional</u></p> <p>_____</p> <p>Name: <u>D. Scott Yaskell</u> Firm: <u>PPG</u> Title: <u>Dealer Representative, Architectural Coating</u> Address: <u>11630 Brookhill Court, Anchorage, AK 99516</u> Telephone: <u>907-231-6816</u> Nature of business association with Applicant: <u>Professional colleague</u></p> <p>_____</p> <p>Name: <u>Betsy Lawer</u> Firm: <u>First National Bank</u> Title: <u>Board Chair & Chief Executive Officer</u> Address: <u>201 W. 36th Avenue, Anchorage, AK 99503</u> Telephone: <u>907-777-4362</u> Nature of business association with Applicant: <u>Professional colleague</u></p> <p>_____</p>
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I hereby certify that the above information is true and correct to the best of my knowledge.

Signature:

Date:



02/08/2020

How Homer Spit Oyster Bar came about.....

As a 6th generation CA and 1st generation AK whose 2nd cousins moved to Kodiak in 1976 life outdoors and along the coastlines has always been a way of life. With an immigrant mother from Finland and a fathers whose bloodline traces back pre Revolutionary war, my American history, sea bearing and embracing differences and adaptability is quite extensive.

By age one we were living in Honolulu with my father's mother, Tutu (Hawaiian for grandmother) who was shucking oysters and dicing poke for me to munch and slurp. This was among my first introduction to non liquid foods and my mother said I was in 'heaven.'

During the late 70s and early 80s in CA clamming was a common source of food supply as well as fishing; there was no shortage at that time and dropping a line for some salmon was easy breezy. However; oysters were and always have been a specialty item prized by our family.

During the holidays, special visits to the harbour, local fish markets and farmers markets we were always in pursuit of the perfect oyster! As a young girl I would go on lunch dates with my Dad and grandfather to purchase oysters. The three of us would shuck and taste a few before bringing home dozens to prepare for supper.

As time moved on and people's lives became more independent as a young adult I would come to Alaska during the summers to take on summer projects and part time work while returning to CA to teach at the local colleges. As my stays became longer from working in Skagway and then Homer my eye caught light of oysters from Kachemak Bay.

I would ride my bike along the Spit in search of the perfect oyster. I would stop inside the oyster coop building and purchase a few dozen at a time, then I would head to the farmers market and purchase a few dozen from Jakolof Bay Oyster Co. I would compare flavors and critique textures, salinity, grinness, meatiness, glassiness and overall oyster flavor and quality.

One day I finally went inside the coop and asked why there was no "oyster bar" in Homer, let alone inside the oyster coop building considering there was a for rent sign on the building for years that I had been living in Homer? To my surprise no one had offered to open an oyster bar inside the oyster coop building. So my work began, all my academic, architectural, legal and business skills were put to the test.

I wrote a proposal and the KSMA board and committee agreed to move forward and proceed with my vision with having an oyster bar inside the building. After opening in May, 2017 my business has flourished and been recognized as the go to place for eating, sharing and enjoying time with friends, family and oysters. Since my business has outgrown the existing interior space and superseded sales expectations third year in business, it's time for Homer Spit Oyster Bar to move to a larger interior space and continue the tradition of sharing sustainable oyster farming.

Homer Spit Oyster Bar envisions a larger interior space with more flexibility for menu options for oyster eaters and non oyster eaters alike.



SUVI M. BAYLY, M.S.

824 OCEAN DRIVE LOOP

HOMER, AK 99603

907-885-5340

suvibayly@gmail.com

TECHNICAL DESIGN SKILLS

- AutoCAD
- Architectural Desktop
- Revit
- Adobe Photoshop
- Adobe Illustrator
- In-Design
- Form Z
- SketchUp

COMPUTER PROGRAMS

- Opera
- Lightspeed POS
- Galaxy
- Excel
- Power Point
- Word
- Google Docs

PROJECTS

- Homer Spit Oyster Bar
- 824 Ocean Drive Loop
- Holiday Inn Express
- 731 E. Haley Street
- 927 E. Haley Street
- 2000 Emerson Avenue
- 460 Mountain Drive

PROFESSIONAL SKILLS

- Bilingual: Spanish
- Concise communicator
- Leadership ability
- Efficient
- Creative
- Innovative
- Driven
- Effective collaborator
- Experienced team leader
- Excellent organization
- Highly motivated

EDUCATION:

CALIFORNIA STATE UNIVERSITY, NORTHRIDGE:	NORTHRIDGE, C.
• MASTER OF SCIENCE: FCS, INTERIOR DESIGN	200
UNIVERSITY OF CALIFORNIA, SANTA BARBARA:	SANTA BARBARA, C.
• BACHELOR OF ARTS: LAW & SOCIETY	200
• BACHELOR OF ARTS: SPANISH	200
PRATT INSTITUTE:	NEW YORK, N
• INTERIOR DESIGN & ARCHITECTURE	200
HARVARD UNIVERSITY, GRADUATE SCHOOL OF DESIGN:	CAMBRIDGE, M.
• CAREER DISCOVERY: ARCHITECTURE	200:

WORK EXPERIENCE:

HOMER SPIT OYSTER BAR: HOMER, AI

- FOUNDER, OWNER & CEO: 2017-PRESEN
- EXECUTIVE CHEF
- DESIGNER

ANCHORAGE UNIFIED SCHOOL DISTRICT: ANCHORAGE, AI

- INSTRUCTOR & SUBSTITUTE TEACHER: 2016-PRESEN
- SPECIAL NEEDS EDUCATION

ALYESKA RESORT: GIRDWOOD, AI

- SKI INSTRUCTOR, PSIA CERTIFIED: LEVEL ONE, #272141 2017
- THE ROUNDHOUSE AT ALYESKA MUSEUM: 2016
- RETAIL DESIGN & MANAGEMENT
- RESERVATIONS SPECIALIST: 2015-2016

SANTA BARBARA CITY COLLEGE: SANTA BARBARA, C/

- INSTRUCTOR, & ADJUNCT FACULTY: 2008-201
- INTERIOR DESIGN:
 - ID 100, ID 101, ID 103, ID 104, ID 105
- DRAFTING (MANUAL):
 - DRFT 101, DRFT 120/121
- AUTOCAD:
 - DRFT 130, DRFT 131
- REVIT:
 - DRFT 132

SANTA BARBARA BUSINESS COLLEGE: SANTA BARBARA, C/

- INSTRUCTOR: MULTITUDE OF SUBJECTS 2014-201

SANTA BARBARA UNIFIED SCHOOL DISTRICT: SANTA BARBARA, C/

- ESL ACADEMIC TUTOR: K-12 (ALL SUBJECTS) 2013-2015

GATEWAY CENTER, SB CITY COLLEGE: SANTA BARBARA, CA

- ACADEMIC TUTOR: SBCC TUTOR TRAINING CERTIFIED 2008-2011
- DRAFTING & AUTOCAD
- INTERIOR DESIGN

PROFESSIONAL AFFILIATIONS:

ASID: AMERICAN SOCIETY OF INTERIOR DESIGNERS: DESIGNERS, INDUSTRY REPRESENTATIVES, EDUCATORS, AND STUDENTS COMMITTED TO INTERIOR DESIGN.

LEED: LEADERSHIP IN ENERGY & ENVIRONMENTAL DESIGN: GREEN BUILDING CERTIFICATION PROGRAM THAT RECOGNIZES BEST IN CLASS BUILDING STRATEGIES AND PRACTICE.

PROFESSIONAL SUMMARY:

HIGHLY PROFESSIONAL WITH AN ASTUTE APTITUDE FOR INTERIOR DESIGN AND ARCHITECTURE. EXCEPTIONAL COMMUNICATION AND DESIGN SKILLS GAINED FROM TEN YEARS OF TEACHING EXPERIENCE. VERY MOTIVATED ENTHUSIASTIC INSTRUCTOR WITH A STRONG DESIRE TO FOSTER A COHESIVE LEARNING ATMOSPHERE FOR AN EVOLVING COMMUNITY WHO HAVE A PASSION FOR DESIGN; ESPECIALLY SUSTAINABLE GREEN DESIGN.



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Port and Harbor

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(p) 907-235-3160

(f) 907-235-3152

February 26th, 2020

Suvi Mirja Bayly

824 Ocean Drive Loop

Homer, Alaska 99603

Submitted electronically: suvibayly@gmail.com

Dear Ms. Bayly,

The City has received your lease application to develop overslope in the Homer Harbor. Preliminary review of your application has deemed it incomplete at this time. Below is a check list of needed information and attachments to guide and assist you in the completion of your application so that we can move forward to the next step. Incomplete Sections:

Section 1 Plot Plan

There are items required by HCC 21.46.060 that are not currently addressed in your submitted conceptual plans. Attached are the pertaining sections of City Code and the main points are listed below:

- ☒ **Final conceptual design of the building** - Emails exchanged with the State of Alaska Department of Public Safety state of the submitted concept: "preliminary conceptual ideas – no longer the current floor plans." A final conceptual design is needed in order to move forward. **(Please view attached PDF drawings: A1, A2 and A3.**
- ☒ **Plan for providing utilities that demonstrates access to City water and wastewater services** - Document titled "Plan and Profile 03351" is currently submitted, however does not address utilities (Homer's Public Works Department can work with you/your contractor on this requirement)
HSOB will be connected to City water and wastewater services and Homer electric and natural gas for heat and cooking.

Section 2 Development Plan

- ☒ **Project Completion Date** - It's necessary to include an end date for construction as it will be a property development requirement of any future lease. **4/30/2021**
- ☐ (It's important to note that this development plan timeline will be incorporated into your future lease, and that the consequence of a failure to meet your chosen deadlines will be a default of contract. While choice of timeline is entirely up to you, staff always offer this general advice: 1) Giving your project "extra contingency time" is beneficial to you as the applicant. 2) Avoid including outside agency approval deadlines as they are subject to change 3) Using your contractor, architect, engineer, etc. to help you develop the timeline since they will be actively working on the project with you.)



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Section 8 Financial Data

You have provided a 3 year project projection statement. Still needed are:

Please view tax documents for the years: 2017 and 2018. Please view the gross income from Clover POS for 2019.

- ✓ **A detailed extended business plan for the proposed business** including projected profit margins and costs (this should include back up documentation of how you came to the projected profit margins listed)
- ✓ **Demonstration of financial capacity** of developer and development partners, including guarantors (Actual financials to back up and coincide with your projection statement)

First National Bank is my lender for this project. The total amount I am applying for is \$350,000. I also have a trust in the amount of \$250,000 which will become liquid in the year 2022.

Currently you list the entire project costing between \$150,000 - \$300,000. Further detail/breakdown is required, including:

- ✓ **Total projected cost and approach to project financing** - including sources of funds, amount of debt, equity and public participation (if any), including a detailed construction cost for both the over slope platform along with square footage costs for any structures
 - **Detailed construction cost** - includes but not limited to: Materials, labor, transportation, storage, staging, and construction price breakdown by phase.
Please view attached document labeled: Construction cost
- ❖ This information is needed for the City determine if a security deposit, surety bond or guaranty is required for your project per HCC 18.08.090 (e).

Detailed Summary Statement of Proposed Use/Project

A clear and precise narrative description including:

- ✓ **List of all proposed uses** - Your application states "Homer Spit Oyster Bar" but your application to the State of Alaska Department of Public Safety states "oyster bar, retail, hospitality, and yacht club" along with the use of the deck space for customers. The use of the space will be used to operate Homer Spit Oyster Bar which will also include retail, office rental space, and VRBO (hospitality).
- ✓ **Overview of proposed project/business** - including but not limited to, verbal statement of project plans, plans for staging areas, material storage plans/areas during construction phases, material disposal, long term goal/business plans etc.
Please view attached documents labeled: Overview of proposed project/business.
- ✓ **The number of employees anticipated by your business.**
As my business grows, the amount of employees will increase..
- ✓ **Parking Plan**
Currently I have 3 employees, but I project more in the proceeding years.
- ✓ **Parking Plan**
Use the existing parking port which is the current use of the existing land.
- ✓ **Landscaping and art requirements** (please see HCC 21.46.060 (d) and HCC 21.46.080)
Please view attached documents titled: Landscaping and art requirements.



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(p) 907-235-3160

(f) 907-235-3152

Please provide the above listed information to City Hall in care of the City Manager's Executive Assistant Rachel Friedlander (rfriedlander@ci.homer.ak.us) so that it can be added to your existing documents and considered with your application. If you have any questions please feel free to call City staff at 235-8121 ex 2222 for Rachel or 235-3160 for Port & Harbor. We look forward to a completed application and working with you on this exciting project!

Sincerely,

Bryan Hawkins
Port and Harbor Director/Harbormaster

Enclosures for reference:

- 1) Homer City Code Attachments (Overslope, Slopes, and City Lease Requirements)
- 2) 2020 02 Bayly Lease Application
- 3) CUP, Zoning permit Process from Planning Dept.

SECTION 1 PLOT PLAN

Final Conceptual design of the building:

- **Floor Plan, Elevations, Sections, Mechanical, Structural and Electrical**
 - COVER SHEET
 - GENERAL
 - FLOOR PLAN: A1
 - ELEVATIONS: A2, A3
 - GEOTECHNICAL: B1
 - SECTIONS: A5, A6
 - MECHANICAL: M1
 - STRUCTURAL: S1, S2, S3
 - ELECTRICAL: E1, E2

Plan for providing utilities that demonstrate access to City water and wastewater services:

- **Please view Homer Public Works Department and Greg Collins Excavation documents**
 - Homer Spit Oyster Bar will be assigned to city utilities: city water, city electric, and natural gas. (Please view attached documents).

SECTION 8 FINANCIAL DATA

A detailed extended business plan for the proposed business: including projected profit margins and costs, (this should include back up documentation of how you came to the projected profit margins listed.

- These profit margins are based on the first 3 years of business and how the percentage of sales has increased incrementally from year 1, year 2 and year 3.

Demonstration of financial capacity: (actual financials to back and coincide with your projection statement.

- Please view loan guarantor from First National Bank.

DETAILED SUMMARY STATEMENT OF PROPOSED USE/PROJECT

List of all proposed uses:

- Homer Spit Oyster Bar (Oyster Bar), Office space, retail space, VRBO-vacation rental by owner, special events, live music, hot dog stand, weddings, special services, mignonette and hot sauce processing, oyster shell recycling and distribution etc.

Overview of proposed project/business:

- **Including but not limited to, verbal statement of project plans, plans for staging areas, material storage plans/areas during construction phases, material disposal, long term goal/business plans etc.**
 - Homer Spit Oyster Bar plans to open this summer and operate in the same capacity as it has been the past 3 summers. Homer Spit Oyster Bar is very eager and excited to add a new addition and location for locals and tourists alike to sit back, relax and enjoy the beauty Kachemak Bay has to offer through the lense of sharing and enjoying local aquaculture produce: oysters.

- Homer Spit Oyster Bar has already established itself as a staging area for enjoying oysters. Homer Spit Oyster Bar will increase its staging area with being the first food establishment to locate itself on the interior of the Homer Harbor. Homer Spit Oyster Bar will set precedent for the development and prosperity for continued growth within the Homer community and Harbor.
- All of the materials used during the construction phase will be stored on site inside a container and will be kept tidy and will not be in conflict with any other businesses or the site.
- All materials remnants will be discarded in the appropriate receptacles and will be disposed in proper locations: i.e. waste fills, etc.
- The long term goal is to build a sustainable infrastructure for Homer Spit Oyster Bar to operate and continue to offer the community an Oyster Bar with which has become a favored place to spend time and eat delicious Alaskan oysters. Homer Spit Oyster Bar has an eco conscience and is a true believer in sustainable design as well as sustainable aquaculture and mariculture.

The number of employees anticipated by your business:

- Currently Homer Spit Oyster Bar employees 4 employees (including myself), this number will definitely increase as business booms.

Parking plan:

- To use local Spit parking which is currently provided along the Spit and also be in compliance with local parking ordinances.

Landscaping and Art requirements:

- HOMER SPIT OYSTER BAR plans to be in compliance with local architectural standards and landscaping. Please review sections:
 - HCC 21.46.060 (d) and HCC 21.46.080
 - **HCC 21.46.060 (d):** Homer Spit Oyster Bar will also incorporate and enclose all mechanical equipment as well as trash containers (mostly consisting of oyster shells for recycling purposes).
 - The architectural style of the building will be contemporary and sustainable for the local, and tumultuous environment with being situated on the Spit.
 - **HCC 21.46.080:** Homer Spit Oyster Bar will continue to carry over a similar landscape style as incorporated from the prior location.
 - Planter boxes with locally grown herbs:
 - Lavender, sage, rosemary, oregano, mint, basil, thyme, stevia,
 - Wild flowers and succulents (for inside decor)
 - Recycled wine barrels to use as exterior planter boxes for larger more substantial plans
 - Juniper, mixed with wild flowers and locally grown plants
 - The exterior furniture will also incorporate part of the hardscape on the deck.

21.46.060 Architectural standards:

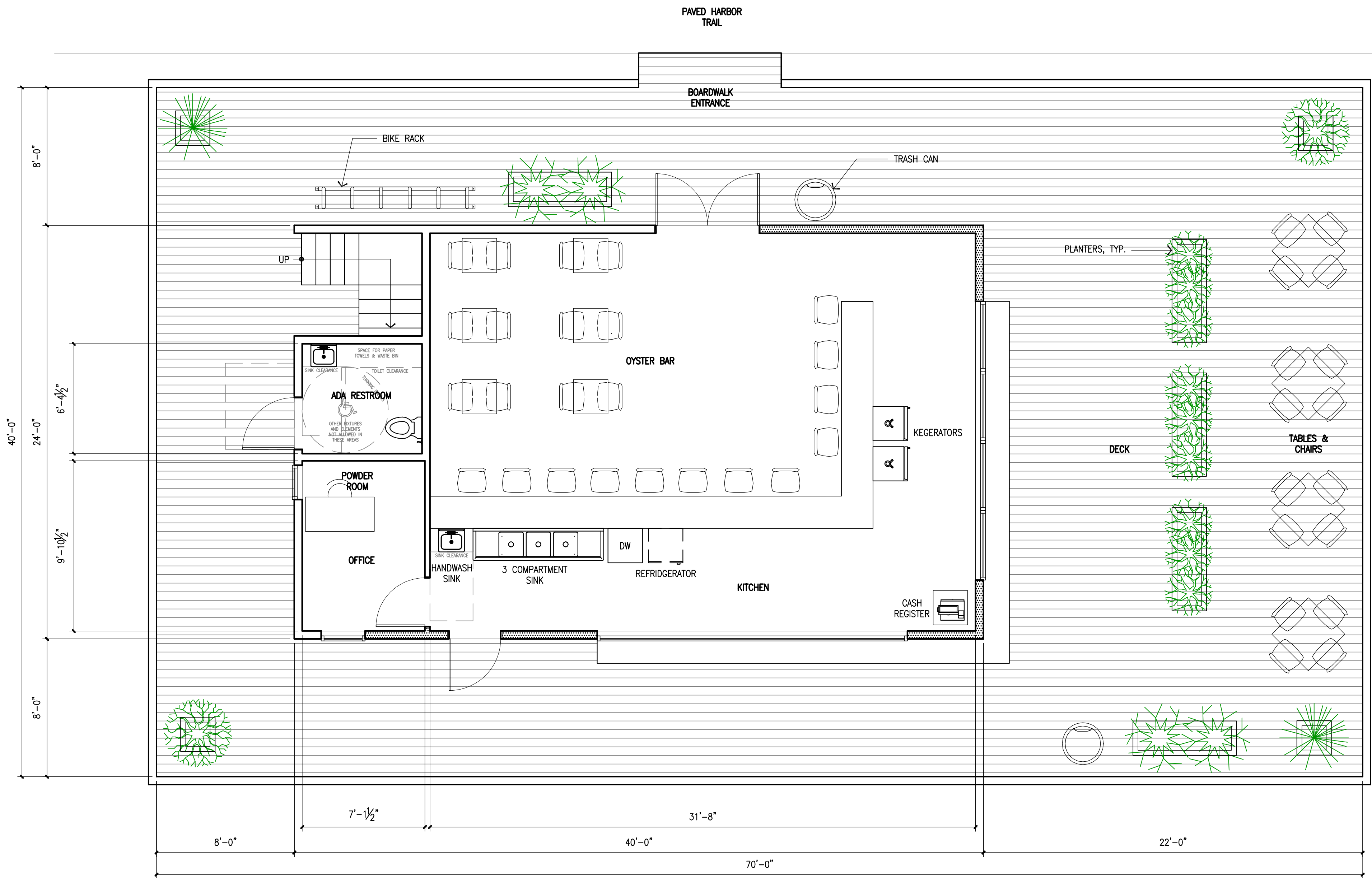
d. Opaque walls, fences or planter boxes, or any combination of them, shall be used to screen mechanical equipment and trash containers from view in adjacent public areas.

21.46.080 Landscaping:

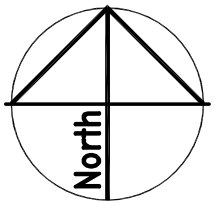
- a. Five percent of the area of an [overslope platform](#) must be landscaped.
- b. In addition to the types of plantings listed in the definition of [landscaping](#) in HCC [21.03.040](#), [landscaping](#) on an [overslope platform](#) may include planter boxes and hanging basket plantings.
- c. The [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].



5% PLATFORM LANDSCAPING
40'X70'=2,800 SQ. FT.
5% = 140 SQ. FT. LANDSCAPING
PLANTERS
BIKE RACKS
TRASH RECEPTACLES
SEATING



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



CONDITIONAL USE PERMIT SET
03-11-20

HOMER SPIT OYSTER BAR
HOMER SPIT SUB NO TWO AMENDED LOT G-8, HOMER, ALASKA

DESIGN

PLANS

JOB NO. 20-02

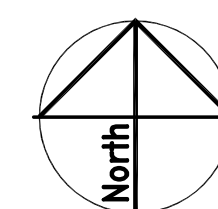
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CHECKED BY: MAZ
REVISIONS:

COPYRIGHT 2020

A1.1



1 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



CONDITIONAL USE PERMIT SET
03-11-20



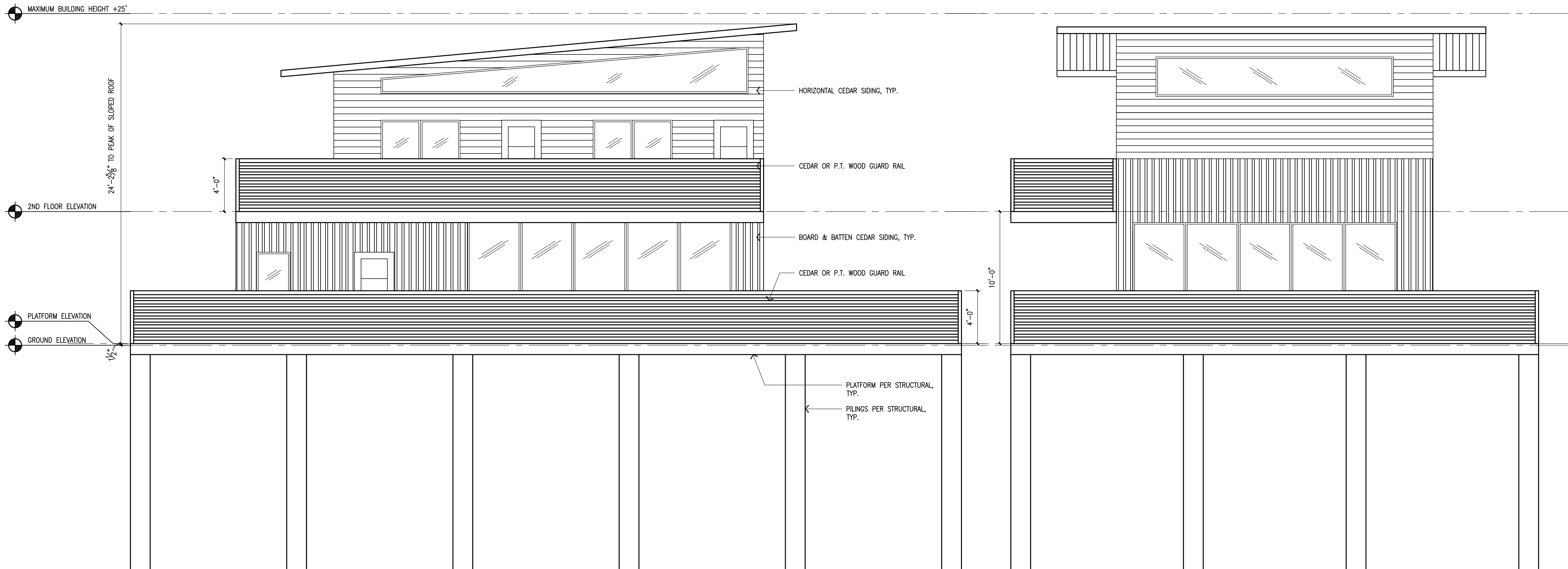
HOMER SPIT OYSTER BAR
HOMER SPIT SUB NO TWO AMENDED LOT G-8, HOMER, ALASKA
DESIGN

PLANS

JOB NO. 20-02
SUBMITTAL: xx.xx.xx
DRAWN BY: MAZ
CHECKED BY: MAZ
REVISIONS:

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A1.2



1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

1 EAST ELEVATION
SCALE: 1/4" = 1'-0"

NOTES:
NO SURVEY PROVIDED. GROUND ELEVATION TO BE DETERMINED WHEN SURVEY IS RECEIVED.
FINISH FLOOR ELEVATION 1/2" MAX ABOVE GROUND ELEVATION DUE TO LENGTH OF ENTRY RAMP.
MINIMUM BOARDWALK ELEVATION = 21 FEET NAVD 1988

CONDITIONAL USE PERMIT SET
03-11-20



Z ARCHITECTS
commercial • planning • interiors • residential

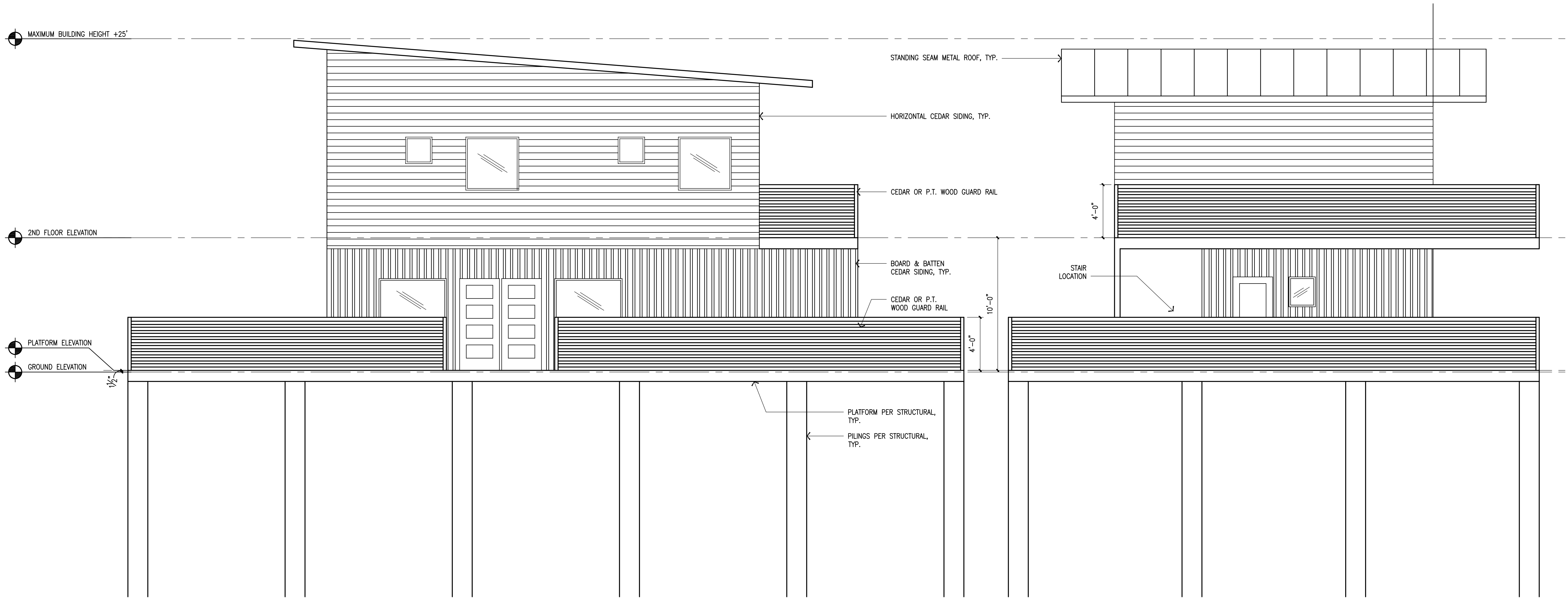
HOMER SPIT OYSTER BAR
HOMER SPIT SUB NO TWO AMENDED LOT G-8, HOMER, ALASKA
DESIGN

ELEVATIONS

JOB NO. 20-02
SUBMITTAL: xx.xx.xx
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CHECKED BY: MAZ
REVISIONS:

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A2.1



1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

1 WEST ELEVATION
SCALE: 1/4" = 1'-0"

NOTES:
NO SURVEY PROVIDED. GROUND ELEVATION TO BE DETERMINED WHEN SURVEY IS RECEIVED.
FINISH FLOOR ELEVATION 1/2" MAX ABOVE GROUND ELEVATION DUE TO LENGTH OF ENTRY RAMP.
MINIMUM BOARDWALK ELEVATION = 21 FEET NAVD 1988

CONDITIONAL USE PERMIT SET
03-11-20

HOMER SPIT OYSTER BAR

HOMER SPIT SUB NO TWO AMENDED LOT G-8, HOMER, ALASKA

DESIGN

JOB NO. 20-02

SUBMITTAL: xx.xx.xx

DRAWN BY: MAZ

CHECKED BY: MAZ

REVISIONS:

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A2.2

First National Bank Construction Cost Breakdown

Borrower's Name: Suvi Mirja Bayly: Homer Spit Oyster Bar

Legal Description: Homer Spit Oyster Bar

Physical Address: Freight Dock Road, Homer, AK 99603

ITEM	COST	ALREADY PAID OUT OF POCKET
Plans	\$5,000.00	
Permit Fees	\$4,500.00	
Excavation, Grading, Sewer/Septic System	\$30,000.00	
Well, Water Pump, Water Line		
Pilings (cost and labor)	\$80,000.00	
Waterproofing		
As-Built Survey		
Slabs		
Deck (cost and labor)	\$15,000.00	
Lumber - Package includes Trusses	\$20,000.00	
Framing Labor	\$15,000.00	
Windows & Exterior Doors	\$20,000.00	
Roofing	\$14,000.00	
Garage Doors Installed		
Siding & Outside Trim	\$25,000.00	
Fireplace/Woodstove & Chimneys		
Plumbing including tubs, showers, sinks, toilets.	\$15,000.00	
Heating	\$10,000.00	
Electrical Wiring (Rough and Finish)	\$15,000.00	
Insulation & Vapor Barrier	\$25,000.00	
Sheetrock, taping & texture	\$20,000.00	
Inside Lumber/Trim	\$7,000.00	
Finish Labor	Included in Price	
Exterior & Interior Paint & Finish	\$6,000.00	
Floor Coverings (vinyl, tiles, hardwood, carpet)	\$7,000.00	
Kitchen/ Bath Cabinets & Countertops	\$10,000.00	
Appliances		
Light Fixtures		
Finish Carpentry	Included in Price	
Interest		
Bank Inspection Fees/Energy Inspections		
Builder Overhead (if applicable)		
Other		
Other		
Other		
Total Cost for Construction	\$343,500.00	-

Land Value	
------------	--

First National Bank Construction Cost Breakdown

Land Payoff	
-------------	--

Date: _____

Borrower's Signature

From: [Suvi Bayly](#)
To: [Erica Hollis](#)
Subject: Fwd: Construction Breakdwon
Date: Tuesday, March 3, 2020 1:37:46 PM

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

Here's Zachs email for labor cost for the pilings. The pilings alone cost \$60,000.

Is this sufficient?

Thank you,

Suvi

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

From: **Zech Bennett** <a2zdiving@gmail.com>
Date: Mon, Mar 2, 2020, 6:05 PM
Subject: Re: Construction Breakdwon
To: Suvi Bayly <suvibayly@gmail.com>

My estimate on cost of just labor to cut off pile at hight, cut/ weld pile caps, swing beams and weld to caps, cut and drill clips for beams and weld down for bridge planking is: \$20,000.

On Mon, Mar 2, 2020 at 4:28 PM Suvi Bayly <suvibayly@gmail.com> wrote:

Please just fill in the areas applicable to you. The bank is waiting to get this asap!!

Thank you,

Suvi

The site plan for the Homer Small Boat Harbor shows a series of lots and easements. At the top, a north arrow points towards the upper right. The plan includes the following features and dimensions:

- LOT 36**: Located at the top left, with a boundary dimension of 108.47'.
- LOT 35**: Located at the top center, with a boundary dimension of 140'.
- LOT 34**: Located in the upper middle, with a boundary dimension of 140'.
- LOT 33**: Located in the upper right, with a boundary dimension of 140'.
- LOT 32**: Located on the far right, with a boundary dimension of 140'.
- LOT G-8**: Located in the middle left, with a boundary dimension of 180.33'.
- EXIST. PARKING, 9X19' TYP**: Indicated by an arrow pointing to a hatched area between LOT 34 and LOT 35.
- PAVED HARBOR TRAIL**: A diagonal line with hatching, with a boundary dimension of 96.55'.
- 15' UTILITY EASEMENT**: Indicated by an arrow pointing to a dashed line between LOT 33 and LOT 32.
- POTABLE WATER**: Indicated by an arrow pointing to a line between LOT 33 and LOT 32.
- SANITARY SEWER**: Indicated by an arrow pointing to a line between LOT 33 and LOT 32.
- EXISTING DRIVEWAY**: A diagonal line at the top right, with a boundary dimension of 140'.
- Dimensions and Distances**:
 - 194'-3" (distance between LOT G-8 and LOT 34)
 - 100' (distance along the PAVED HARBOR TRAIL)
 - 67' (distance between LOT 34 and LOT 33)
 - 40' and 70' (distances within the harbor area)
 - 24' and 40' (distances within the harbor area)
 - 59' (distance between LOT 33 and LOT 32)
 - 2249.94' (distance along the bottom boundary)
 - 315.39' (distance along the left boundary)
- HOMER SMALL BOAT HARBOR**: A label in a box at the bottom center.

03/12/2020 SCALE: $\frac{1}{64}"=1'$

HOMER SPIT SUB NO TWO AMENDED LOT G-8,
HOM 27 AK



City of Homer, Proposed Harbor Platform

100 50 0 100 Feet

1

Coordinate System: NAD 1983 StatePlane Alaska 4 FIPS 5004 Feet
 Projection: Transverse Mercator
 Datum: North American 1983
 False Easting: 1,640,416.6667
 False Northing: 0.0000
 Central Meridian: -150.0000
 Scale Factor: 0.9999
 Latitude Of Origin: 54.0000
 Units: Foot US



Dept of Public Works
 &
 Port and Harbor Dept
 03/03/2020

Disclaimer:

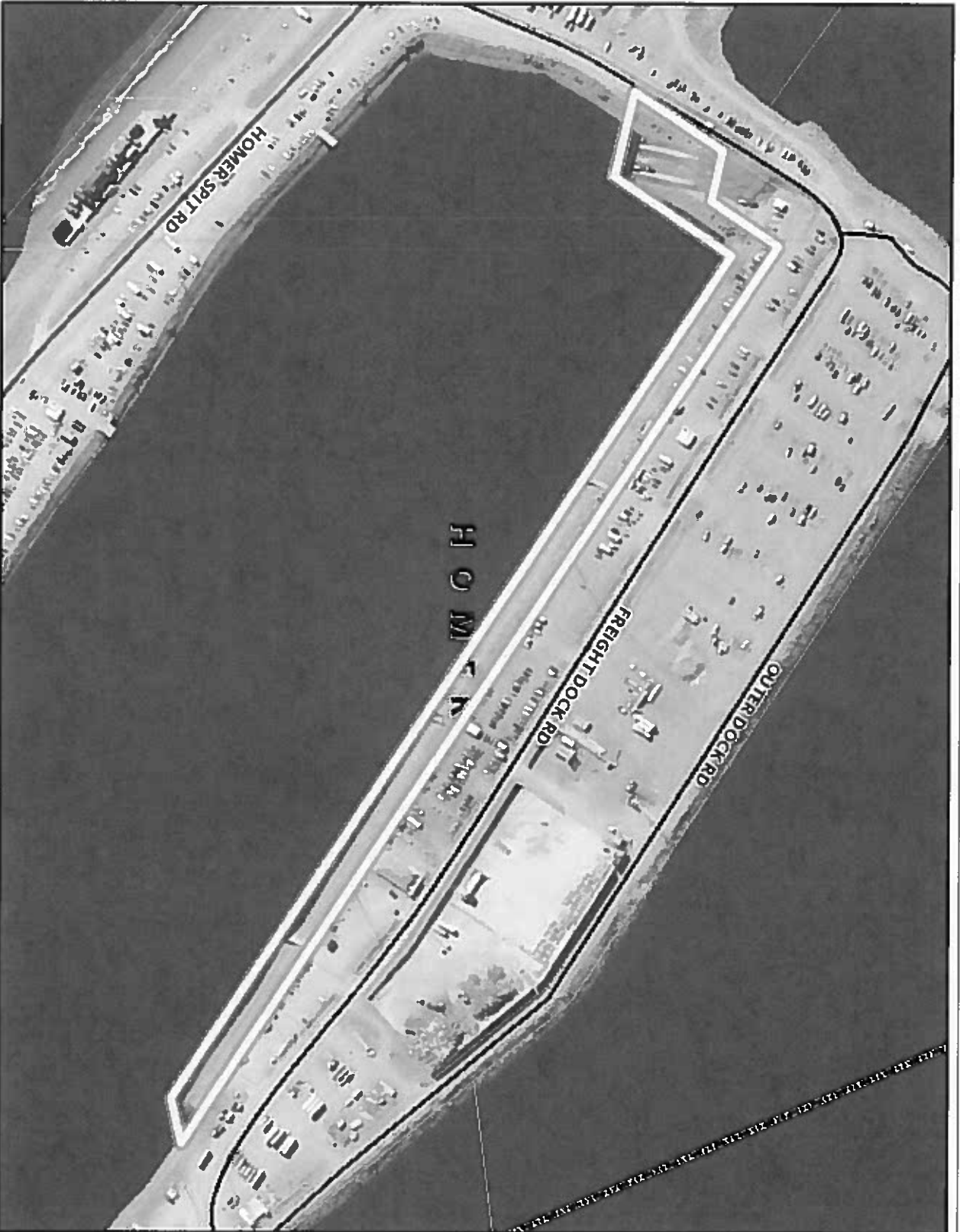
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.



Geographic Information Systems

144 North Binkley Street, Soldotna, Alaska 99669

Map title goes here.

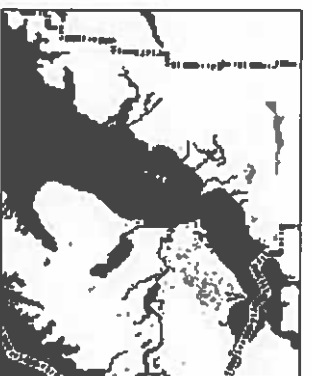


0.1 0 0.06 0.1 Miles

Coordinate System: NAD_1983_StatePlane_Alaska_4_FIPS_5004_Feet

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Parcels



Notes

Enter map notes here.





Example of Pier Construction on Overslope





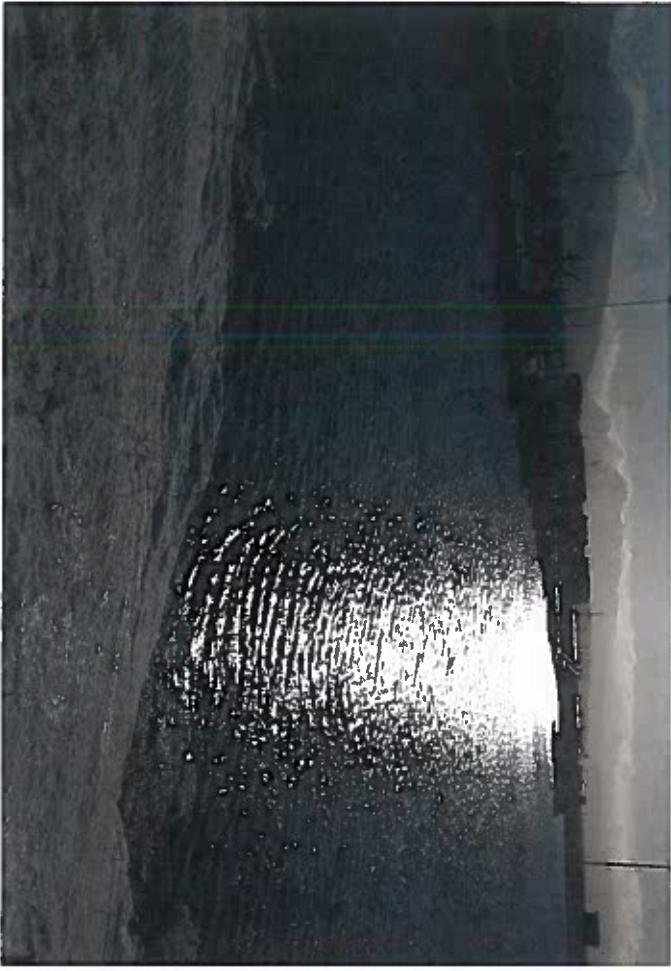






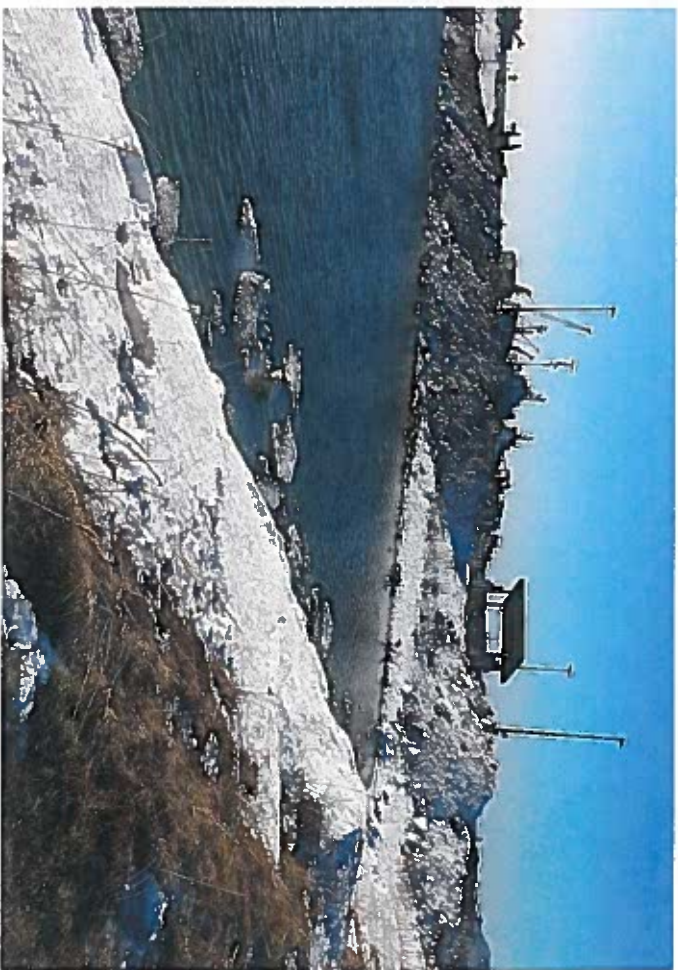


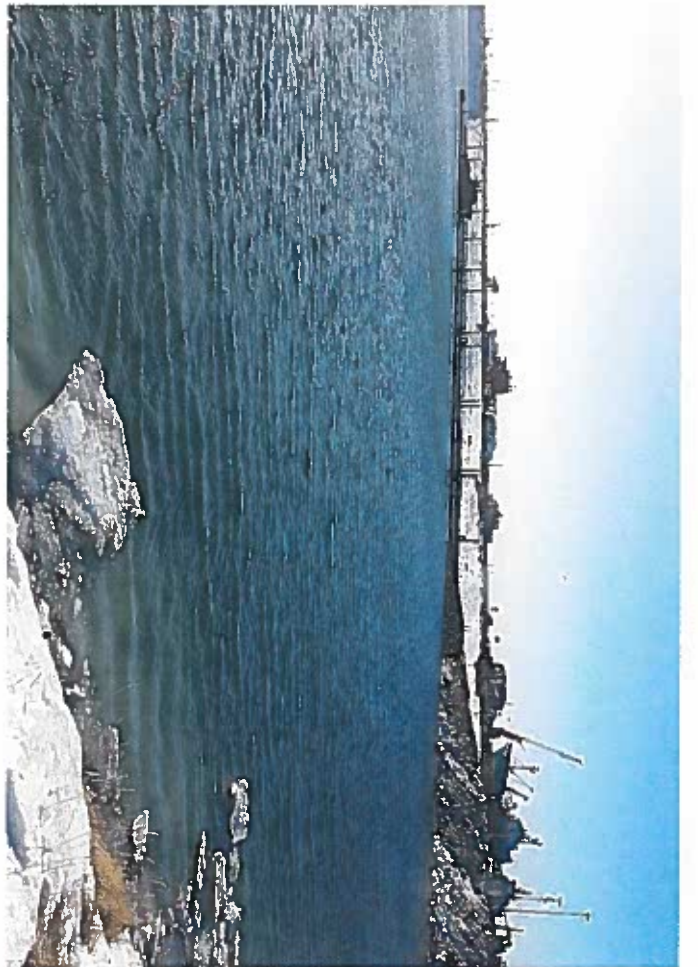












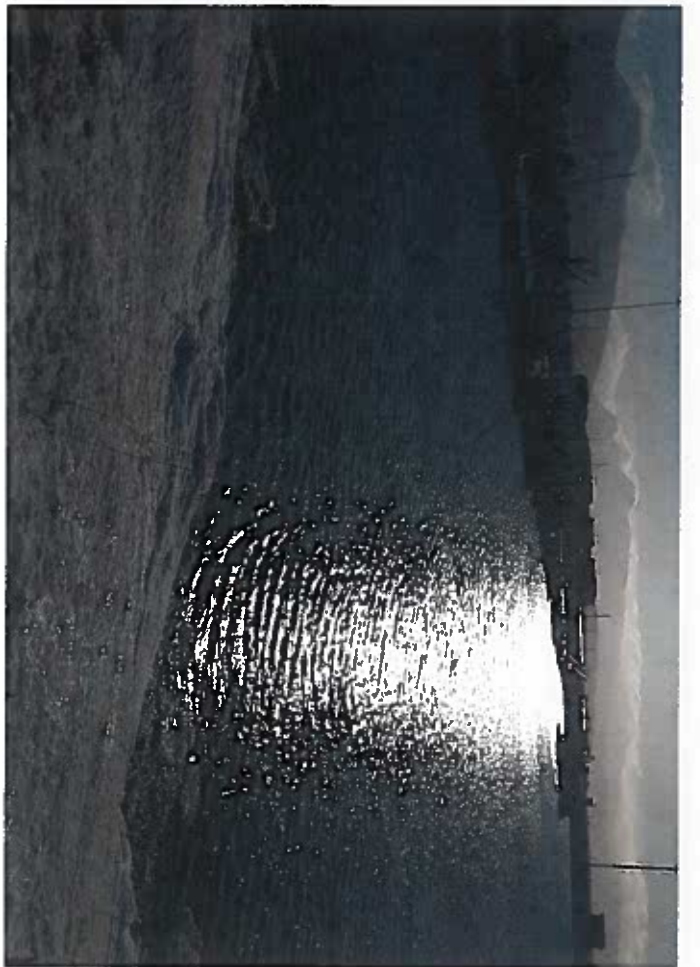












Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing

PO Box 110806, Juneau, AK 99811-0806

This is to certify that

HOMER SPIT OYSTER BAR

PO BOX 195, GIRLWOOD, AK 99587-9340

owned by

SUVI M BAYLY

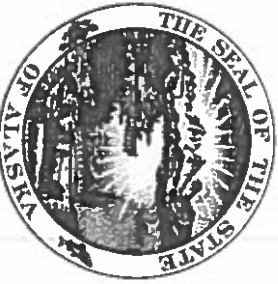
is licensed by the department to conduct business for the period

November 4, 2019 to December 31, 2020
for the following line(s) of business:

72 - Accommodation and Food Services

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.
This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Anderson
Commissioner





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/11/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER HOMER INSURANCE CENTER, INC 509 STERLING HWY, STE 201 HOMER, ALASKA 99603		CONTACT NAME: PHONE (A/C, No, Ext): 907-235-3881 FAX (A/C, No): 907-235-3882 E-MAIL: ADDRESS:	
INSURED HOMER SPIT OYSTER BAR SUVI BAYLY DBA: PO BOX 195 GIRDWOOD, AK 99587		INSURER(S) AFFORDING COVERAGE INSURER A: GREAT DIVIDE INSURANCE CO. NAIC #: 125 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			GC982853	4/11/2019	4/11/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.I. EACH ACCIDENT \$ E.I. DISEASE - EA EMPLOYEE \$ E.I. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

PROOF OF INSURANCE

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Jeannette Read



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
44669 STERLING HIGHWAY, SUITE B
SOLDOTNA, AK 99669

February 19, 2020

Regulatory Division
POA-2020-00087

Dear Reviewer:

This letter concerns an application by Suvi Bayly, file number POA-2020-00087, Homer Harbor, for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) to construct a 40-foot wide x 60-foot long wooden deck, which would be supported by (18) 18-inch diameter steel piles. Five of the (18) piles would be located below the Mean High Water Mark (MHW), 17.2' above the 0.0' contour of Homer Harbor, a navigable water of the United States (U.S.). The proposed development would include a 24-foot wide x 60-foot long restaurant located on top of the pile supported structure. Pile driving would occur when the project site is completely de-watered, and would be performed from a land based impact pile driver. The project site is located within Section 22, T. 6 S., R. 13 W., Seward Meridian; Seldovia C-4; Latitude 59.6080° N., Longitude 151.4300° W.; Freight dock road, near the Homer Harbor boat ramp; Kenai Peninsula Borough; in Homer, Alaska.

Preliminary determinations indicate the proposed work would be minor, would not have significant individual or cumulative impact on environmental values, and should encounter no appreciable opposition. This project has been reviewed for impacts to species listed under the Endangered Species Act (ESA), to essential fish habitat (EFH), and to historic properties. It has been determined there would be no adverse effect to EFH and no effect to any species protected under ESA. In addition, there is no potential to cause effects to historic properties.

We have determined that a Letter of Permission (LOP) is the most appropriate form of authorization to be issued in this case. The decision whether to issue the LOP will depend on comments received from Federal and State resource agencies, as well as adjacent property owners. Enclosed is a copy of the plans and/or application received.

Your comments concerning this proposal must be received within 15 days of the date of this letter. If no comments are received, it will be presumed that you have no substantive objections to the issuance of the LOP.

Please contact me via email at: Andrew.a.gray@usace.army.mil, by mail at the address above, or by phone at (907) 753-2722, if you have questions. For more information about the Regulatory Program, please visit our website at: www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,



Andrew Gray
Regulatory Specialist

Enclosures

CC:

ADEC	james.rypkema@alaska.gov
ADEC - Teri Buck	Teri.buck@alaska.gov
ADF&G-DH (Kenai R. Center)	lucas.byker@alaska.gov
ADF&G-DH (Kenai R. Center)	brian.blossom@alaska.gov
ADNR-DMLW	Clifford.larson@alaska.gov
ADNR-DMLW	michael.walton@alaska.gov
ADNR-Parks & Rec	pamela.russell@alaska.gov
SHPO-ADNR OHA	oha.revcomp@alaska.gov
EPA	heer.marcia@epa.gov
NMFS, Anchorage	HCD.Anchorage@noaa.gov
USFWS, Kenai	R7_Kenai_Fish_Comment@fws.gov
Kenai Peninsula Borough	KenaiRivCenter@borough.kenai.ak.us
U.S. Coast Guard-Anchorage box	anchorage.waterways@uscg.mil
NOAA-Marine Chart Div	John.Whiddon@noaa.gov
USACE-Eng Con-Operations Manager-Michael Tencza	michael.g.tencza@usace.army.mil
Bryan Hawkins – City of Homer	BHawkins@ci.homer.ak.us
Rachel Friedlander	rfriedlander@ci.homer.ak.us
Erica Hollis	ehollis@ci.homer.ak.us
Julie Engebretsen	JEngebretsen@ci.homer.ak.us
Travis Brown	tbrown@ci.homer.ak.us
Matt Clarke	MClarke@ci.homer.ak.us



Geographic Information Systems

144 North Binkley Street, Soldotna, Alaska 99669

POA-2020-00087 Suvi Bayly



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Parcels

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 0.09 0.18 Miles

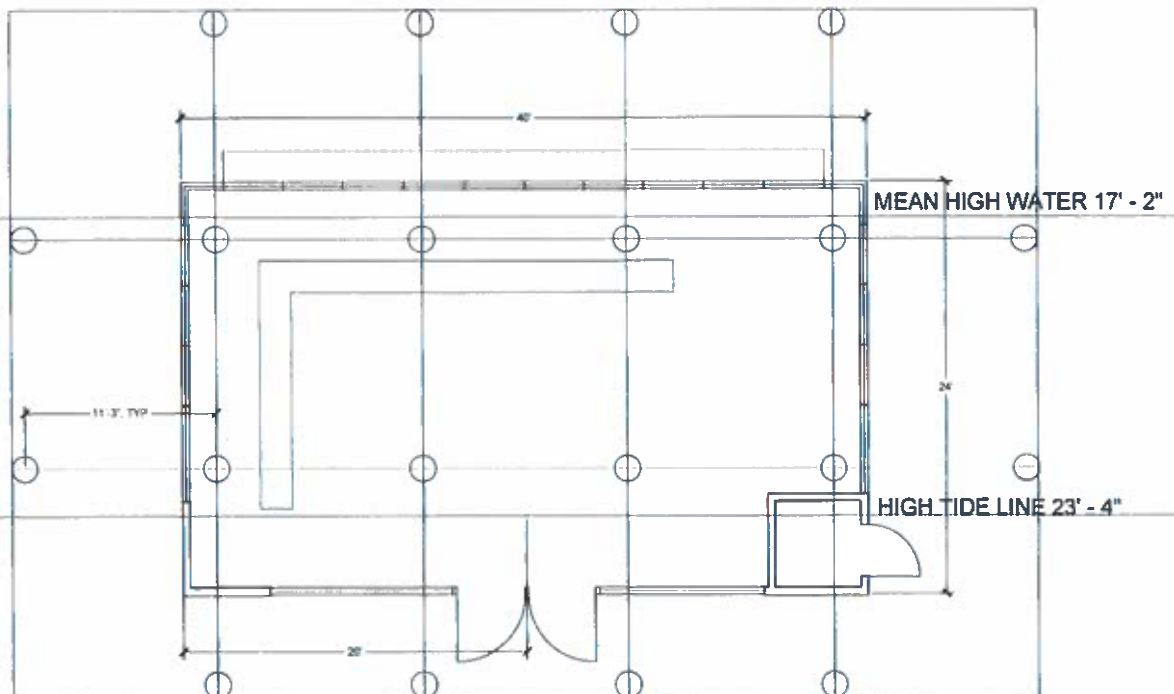
Coordinate System: NAD_1983_StatePlane_Alaska_4_FIPS_5004_Feet

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

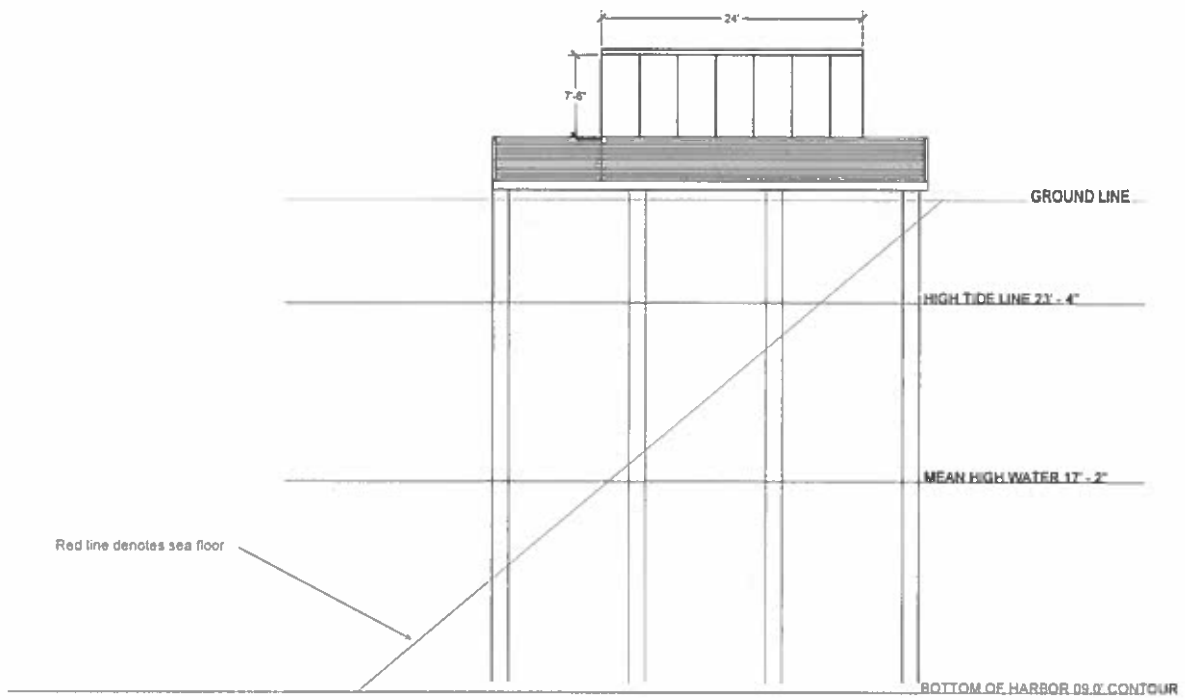
POA-2020-00087 Homer Harbor
Sheet 1 of 4
February 13, 2020

BOTTOM OF HARBOR 09.0' CONTOUR



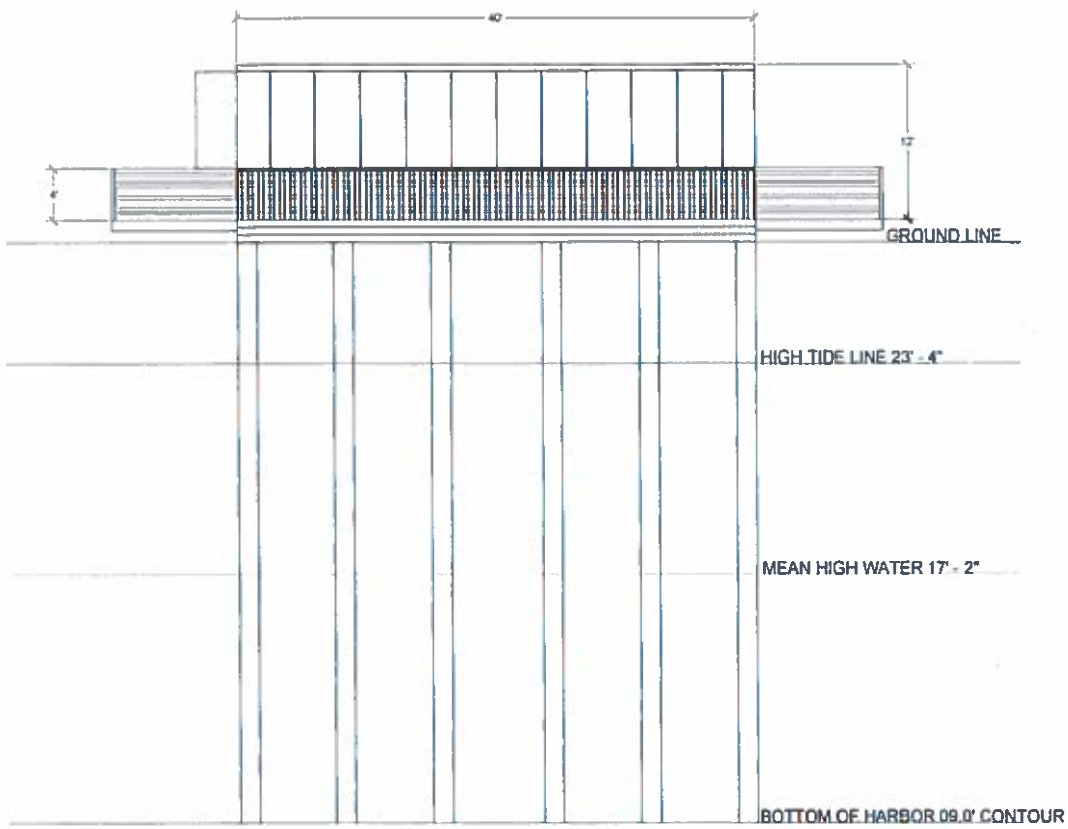
57

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Have a great day,
Mahealani

Thank you for choosing LazerPrint!

LazerPrint

p (907) 235-2335 f (907) 235-2340

New Hours beginning Oct 1, 2019

Mon & Tues, Thurs & Fri - 10a - 6p

Wednesdays by pre-scheduled Appointment Only

[Quoted text hidden]

Suvi Bayly <suvibayly@gmail.com>
To: LazerPrint <prints@lazerprintshop.com>

Fri, Feb 14, 2020 at 1:38 PM

Permit just print at 8.5 x 11

[Quoted text hidden]

Suvi Bayly <suvibayly@gmail.com>
To: "Hollon, Melanie B (DEC)" <melanie.hollon@alaska.gov>

Fri, Feb 14, 2020 at 2:11 PM

Melanie,

Here is a copy of the floor plan, elevations and site plan. They are work in progress; this way you have something on file.

Thank you,

Suvi

4 attachments

 11-A2.pdf
151K

 11-A1.pdf
149K

 11-A3.pdf
149K

 Oyster Bar Site Plan.pdf
177K

Hollon, Melanie B (DEC) <melanie.hollon@alaska.gov>
To: "Planning@ci.homer.ak.us" <Planning@ci.homer.ak.us>
Cc: Suvi Bayly <suvibayly@gmail.com>

Fri, Feb 14, 2020 at 2:20 PM

Hi Travis,

I have been talking to Suvi about options for her new facility and she has presented me with these drawings. I have no objections to her building a restaurant at this location as long as she ties into the city drinking water and wastewater systems. She has operated a food service establishment in the past, and is aware of the food code requirements, and I am confident she can build a facility to code.

Let me know if you need any more information, I will work closely with her during this process.

REMIT TO:

Environmental Conservation
 Environmental Health
 555 Cordova Street
 Anchorage, AK 99501

**TYPE
 CODE**
 FF-6

Facility #:

CONTACT NAME: Suvi Bayly**ADDRESS:** 824 Ocean Drive Loop**DBA:** Homer Spit Oyster Bar**CITY:** Homer**PHONE:** 907-885-5340**STATE, ZIP:** AK, 99603**EMAIL:** suvibayly@gmail.com**FSS Contact Name:** Heidi Isernhagen**Phone:** 907-262-3416**TOTAL FEES**ANNUAL FEE \$400.00*Less 50% Discount* \$0.00**SUBTOTAL** \$400.00PLAN REVIEW FEE \$400.00CHANGE OF OWNERSHIP FEE \$0.00OTHER: \$0.00**TOTAL FEES** \$800.00**APPLICANT: IMPORTANT**

1. Make check payable to:
State of Alaska

**2. Reference invoice number and facility
 number on your check.**

Date Payment Received:**PAID:** \$0.00**AMOUNT DUE:** \$800.00

**NOTE: Payment due by 3/10/2020 9:59:56 AM. Plan review
 will not begin until payment is received.**

Date Issued: 3/10/2020

Sincerely,

Melanie Hollon

ADEC


Food Safety and Sanitation

907-262-3413


melanie.hollon@alaska.gov

[Quoted text hidden]

4 attachments

 11-A2.pdf
151K

 11-A1.pdf
149K

 11-A3.pdf
149K

 Oyster Bar Site Plan.pdf
177K

Suvi Bayly <suuibayly@gmail.com>

Fri, Feb 14, 2020 at 2:43 PM

To: "Hollon, Melanie B (DEC)" <melanie.hollon@alaska.gov>

Thank you Melanie.

Sincerely appreciated,

Suvi

[Quoted text hidden]



Suvi Bayly <suuibayly@gmail.com>

New Location for Homer Spit Oyster Bar

13 messages

Suvi Bayly <suuibayly@gmail.com>

Sat, Feb 8, 2020 at 1:15 PM

To: "Hollon, Melanie B (DEC)" <melanie.hollon@alaska.gov>

Dear Melanie,

Homer Spit Oyster Bar is moving to a new location and not the location I was mentioning before. Size was not big enough on 4025 Homer Spit Road.

So I am proposing to the City of Homer and Port and Harbor Commission a brand new location on the NW side of the Harbor. In order to proceed and meet deadlines below are the requirements I must meet from DEC.

Please read health requirement below and let me know what I need to do in order to meet the guidelines. Also below is attached an Plat map indicating #33 where I plan to build and place Homer Spit Oyster Bar.

Health Requirements: Attach a statement documenting that the plans for the proposed waste disposal system, and or any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approval from the State DEC.

Thank you,

Suvi Bayly
907-885-5340

 **2020 HSPIT-PLATS.pdf**
850K

Suvi Bayly <suuibayly@gmail.com>

Mon, Feb 10, 2020 at 5:36 PM

To: "Suvi M. Bayly" <suuibayly@gmail.com>

[Quoted text hidden]

 **2020 HSPIT-PLATS.pdf**
850K

Hollon, Melanie B (DEC) <melanie.hollon@alaska.gov>

Tue, Feb 11, 2020 at 8:37 AM

To: Suvi Bayly <suuibayly@gmail.com>

Cc: "Isernhagen, Heidi L (DEC)" <heidi.isernhagen@alaska.gov>

Will you be able to connect into the city of Homer water and sewer lines at this property or do you have alternative plans for those systems.

[Quoted text hidden]

Suvi Bayly <suuibayly@gmail.com>

Tue, Feb 11, 2020 at 8:59 AM

To: "Hollon, Melanie B (DEC)" <melanie.hollon@alaska.gov>

I am connecting into city water and sewer. It will be year ro 63 infrastructure.

[Quoted text hidden]

Hollon, Melanie B (DEC) <melanie.hollon@alaska.gov>
To: Suvi Bayly <suvibayly@gmail.com>

Tue, Feb 11, 2020 at 9:30 AM

Perfect! DEC has no objections to this plan. I can't issue an approval without plans or do a plan review without fees being paid. I did speak Travis in the city of Homer planning dept and let him know I would be the one working with you on this facility and as long as plans meet min requirements they would be approved.

[Quoted text hidden]

Suvi Bayly <suvibayly@gmail.com>
To: "Hollon, Melanie B (DEC)" <melanie.hollon@alaska.gov>

Tue, Feb 11, 2020 at 10:56 AM

Wonderful, so is there anything else I need from you as my DEC rep in order to be in compliance with the City of Homer lease application/assignment form? I will forward the plans to you later today, since the deadline with the city is this Friday for my lease application.

It does require me to attach a statement documenting that the plans for the proposed waste disposal system, and or any other health requirements, have been submitted to DEC for approval. Granting this lease shall be contingent upon the lessee obtaining all necessary approvals from the state DEC.

[Quoted text hidden]

Hollon, Melanie B (DEC) <melanie.hollon@alaska.gov>
To: Suvi Bayly <suvibayly@gmail.com>

Tue, Feb 11, 2020 at 11:10 AM

Travis said that you had a deadline of Friday to get your lease application in but there is no way I can approve your plans in that short of time. The plans go to Anchorage for data entry and then are assigned from there. Staff have 30 days to review plans and as you know there is quite a bit of back and forth as the details get worked out. If you submit the plans and I can date stamp them received which should satisfy the City's requirements.

[Quoted text hidden]

Suvi Bayly <suvibayly@gmail.com>
To: Rachel Friedlander <rfriedlander@ci.homer.ak.us>, Travis Brown <tbrown@ci.homer.ak.us>

Tue, Feb 11, 2020 at 1:12 PM

Will this be sufficient to submit my lease application this week Friday, since Melanie wont be able to give 100% approval until a month away?

Thank you,

Suvi

[Quoted text hidden]

Suvi Bayly <suvibayly@gmail.com>
To: pam.bowden@alaska.gov

Tue, Feb 11, 2020 at 2:41 PM

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

From: **Hollon, Melanie B (DEC)** <melanie.hollon@alaska.gov>

Date: Tue, Feb 11, 2020 at 9:30 AM

[Quoted text hidden]

[Quoted text hidden]

Rachel Friedlander <rfriedlander@ci.homer.ak.us>
To: Suvi Bayly <suvibayly@gmail.com>, Travis Brown <tbrown@ci.homer.ak.us>

Tue, Feb 11, 2020 at 4:36 PM

64

Cc: Bryan Hawkins <BHawkins@ci.homer.ak.us>, Travis Brown <tbrown@ci.homer.ak.us>, Erica Hollis <ehollis@ci.homer.ak.us>

Hi Suvi,

Yes, we can include this email as part of your application addressing the DEC requirement.

Best,

Rachel



Rachel Friedlander

Executive Assistant to City Manager Katie Koester

City of Homer

907. 435. 3102

RFriedlander@ci.homer.ak.us

<https://www.cityofhomer-ak.gov/>

From: Suvi Bayly <suviabayly@gmail.com>

Sent: Tuesday, February 11, 2020 1:12 PM

To: Rachel Friedlander <rfriedlander@ci.homer.ak.us>; Travis Brown <tbrown@ci.homer.ak.us>

Subject: Fwd: New Location for Homer Spit Oyster Bar

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

[Quoted text hidden]

Suvi Bayly <suviabayly@gmail.com>

To: Rachel Friedlander <rfriedlander@ci.homer.ak.us>

Tue, Feb 11, 2020 at 4:39 PM

Great, thank you.



Alaska Department of Environmental Conservation
Receipt

Items

Description	Applicant	Identifier	Quantity	Unit Price
Deli/Takeout/DriveIn Food Service	Suvi Bayly Homer Spit Oyster Bar Facility Homer Spit Oyster Bar	2183	1	400.00

Payments

Receipt #	Date	Remitter	Contact	Method	Amount
3RWMM6MY	11/28/2018 3:21 PM	Suvi Bayly PO Box 195 Girdwood, AK 99587 USA	suvibayly@gmail.com 907-885-5340	Credit Card (Terminal) ACCT *****7935	400.00

Total

Items \$ 400.00
Payments \$ 400.00
Amount Due \$ 0.00

Phone 1 (907) 465-5089
Fax 1 (907) 465-5070
TDD 1 (800) 770-8973

Mailing Address Department of Environmental Conservation
P.O. Box 111800
Juneau, AK 99811-1800

Website <https://dec.alaska.gov/>
Email dec.adec.userfees@alaska.gov

DEC ANCHORAGE OFF 18
555 CORDOVA ST
ANCHORAGE, AK, 99501
907-465-5089

Phone Order

xxxxxxxxxxxx7935
VISA

Entry Method: Manual

Total: \$ 400.00

11/28/18 15:20:46
Inv #: 000030024 Appr Code: 072600
Apprvd: Online
AVS Code: EXAC MATCH Y
CVV2 Code: MATCH N

I agree to pay above total amount
according to card issuer agreement
(Merchant agreement if credit voucher)

X _____

Merchant Copy
THANK YOU

2020 Renewal Application for Food Service Establishment Invoice

Facility ID: 2062
Business Code: FB966F6B

If ownership has changed since last permit issued,
please email DEC.FSSPermit@Alaska.gov or call
(907)269-6289.
This renewal can be completed through our online portal
at <http://fss.dec.alaska.gov/usafoodsafety/Login.aspx>.

Homer Spit Oyster Bar
PO BOX 195
GIRDWOOD, AK 99587

Establishment Information (if any information has changed, update information on renewal application).
Note: A new application is required for change in the business address or ownership. New Application can be found online at
<http://dec.alaska.gov/eh/fss/forms> or by contacting Permit Coordinator at (907)269-6289.

Name of Establishment: Homer Spit Oyster Bar Owner's Name: Homer Spit Oyster Bar

Business Phone Number: (907) 885-5340 Alternative Or Cell Phone: _____

Business E-mail Address (Please verify, will be used to email permit if requested) : suviabayly@gmail.com

Physical Business: 3851 Homer Spit RD Suite#: _____

City: Homer State: Alaska Zip Code: 99603

Mailing address for all correspondence, if different than above:

ATTN: _____ Telephone Number: (907) 885-5340

Address (Street/Box): _____ Unit#: PO BOX 195 City: GIRDWOOD State: Alaska Zip Code: 99587

The balance due shown is the annual fee for the food establishment permit listed below. A notice will be issued for each permit held. Payment is due by the permit expiration date shown in the table below. Failure to pay these fees will result in enforcement action, including closure of your establishment, and may subject you to legal action under AS 17.20.305 or 46.03.790, or a civil action to collect the amount due to the state.

Date	Program ID	Description	Amount
12/31/2019	2183	FF-6 Deli/Takeout/Drive-in Food Service	\$400.00
		Invoice Balance Due	\$400.00

If you have questions, your business is no longer in operation, you have changes to your operation, or you feel you may have difficulty paying these fees on time, please email DEC.FSSPermit@alaska.gov or call 907-269-6289.

For quicker processing, pay online by credit card at: <http://fss.dec.alaska.gov/usafoodsafety/Login.aspx>

If you are mailing in payment, please send to the following address; you may pay for multiple permits with a single check. Please include the "Program ID" numbers shown for each permit on your check or include a copy of this form.

DEC-Food Safety and Sanitation
555 Cordova St. Fifth Floor
Anchorage, AK 99501

If you have questions or concerns regarding safe food handling practices call toll free: 1-87-SAFE-FOOD (in Anchorage call (907) 334-2560)



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Plan Review Bureau - Anchorage

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907.269.2004
Fax: 907.269.0098

February 07, 2020

Suvi Mirja Bayly
Homer Spit Oyster Bar
PO Box 195
Girdwood, AK 99587

SUBJECT: Homer Spit Oyster Bar (36 Freight Dock Rd.) - Full
Plan Review
CITY: Homer
PLAN REVIEW: 2020Anch1081
TYPE OF CONSTRUCTION: VB
OCCUPANCY: A2
2012 INTERNATIONAL BUILDING AND FIRE CODE

Dear Suvi Mirja Bayly:

This letter is to acknowledge receipt of your plans and application for plan review for the subject facility. A plan review number has been assigned as indicated. The plan review fee is required to be paid prior to the review. To help keep our files current and expedite the review, your submittal of the fee within fifteen (15) days will be appreciated.

The plan review fee is \$1,997.89. Please make your check, money order or cashier's check payable to the State of Alaska. To ensure that the check or money order reaches us in a timely manner, please include "Fire and Life Safety - Plan Review Bureau" in the mailing address.

13 AAC 50.027 prohibits the beginning of any construction, alteration, or repair to building regulated by the State Fire Marshal until plans and specifications have been reviewed and approved.

If you have any questions regarding this matter, please contact us at the address above.

Sincerely,

Pamela J. Bowden

Pam Bowden
Office Assistant II

APPLICATION FOR FIRE AND LIFE SAFETY PLAN REVIEW

Authority: 13 AAC 50.027

1. Name of building (previous and new): Homer Spit Oyster Bar

2. Provide a detailed project description and previous plan review number (if applicable) of the work:

Building a new building at the harbor. This is new construction and the interior square footage is roughly 2,000-2500 square feet. the surrounding deck increases the square footage 10-15%3. Type of Project and cost: ☒ new building ☐ addition to an existing building ☐ remodel ☐ occupancy change
☐ foundation ☐ fuel system project ☐ relocation ☐ fire system project ☐ Change Order Request (appr. rev. change)Project Cost \$ 150,000

(Required for Fuel Systems and Renovations/Remodels (labor and materials))

4. Describe use of the building: Oyster Bar, Retail, Hospitality, Yacht ClubLot Number: 36

Block Number: _____

Subdivision Name: _____ GPS: X: _____ Y: _____

Physical Address (required): # 36Street: Freight Dock Road

Suffix: _____

City: HomerZip: 99603Type of construction: new

(IIA, IIB, VA, VB)

Indicate use of IBC occupancy: _____

(A,B,E,F,S,I,H,R,U)

Total square footage: 1600-2000Suppression system to be installed: ☐ Yes ☒ No #Devices: _____Fire Alarm system to be installed: ☒ Yes ☐ No #Devices: _____APPLICANT NAME: Suvi M. BaylyCOMPANY NAME: Homer Spit Oyster BarMAILING ADDRESS: 824 Ocean Drive LoopCITY: Homer

ST: _____

ZIP: 99603PHONE: 907-885-5304

FAX: _____

EMAIL: suvibayly@gmail.comOWNER NAME: Suvi M. BaylyCOMPANY NAME: Homer Spit Oyster BarMAILING ADDRESS: 824 Ocean Drive LoopCITY: Homer

ST: _____

ZIP: 99603PHONE: 907-885-5340

FAX: _____

EMAIL: suvibayly@gmail.com

I certify that I have read and examined this application and know the same to be true and correct. I recognize that approval of plans submitted does not presume to give approval to oversights by the Division of Fire and Life Safety nor grant authority to violate or cancel the provisions of any other state or local law regulating this occupancy. 13AAC 50.027(c)(5): "If any work for which a plan review and approval is required by this subsection has been started without first obtaining plan review and approval, a special processing plan review fee will be charged."

APPLICANT SIGNATURE

DATE

Please Submit Applicable Documents - stamped by an Alaskan Registered Design Professional

- [] SCALED PLOT PLAN: Show distance to property lines and existing buildings.
- [] STRUCTURAL DRAWINGS - including: design criteria, connections.
- [] ARCHITECTURAL DRAWINGS - including: Interior and exterior wall details, means of egress, fire extinguisher information.
- [] MECHANICAL DRAWINGS - including: Hood and duct, fuel tank size and location.
- [] ELECTRICAL DRAWINGS - including: Emergency lighting, exit signs.
- [] FIRE PROTECTION SYSTEM: Automatic sprinklers, hood suppression, fire alarm.
- [] FIRE DEPARTMENT ACCESS LETTER - including: access and fire flow approval and notification.
- [] Electronic PDF copy to assist in maintaining an accessible file copy and database copy; if possible.

IT IS IN VIOLATION OF STATE LAW TO BEGIN ANY CONSTRUCTION BEFORE A PERMIT HAS BEEN ISSUED BY THIS OFFICE.

Explanation of Application for Fire & Life Safety Plan Review

1. Name of Building: HOMER SPIT OYSTER BAR

Our office uses building names for our files and systems. Because of this, we need to know how you will be referring to the building. If it's an existing building, be sure to include any previous names the building may have been called in the past. If this project involves a tenant in a building, provide the building name and the tenant name with the suite number.

2. Project Description: Building a new building to own and operate Homer Spit Oyster Bar. Business needs a new location since business is expanding: year round water, natural gas, electricity, etc. larger interior space, full size kitchen, ADA compliant restrooms, office space and exterior deck to accommodate customers.

3. Type of Project & Cost: New Construction. Cost: \$150,000-\$300,000.

Select the type of project. Provide project cost for renovation projects or fuel systems.

4. Use of Building: Oyster Bar, is the main use of the building space.

Provide brief description on building (ex. "Office space on 1st floor and long term rental apartments on 2nd floor")

5. Lot Number / Block Number / Subdivision Name: Freight Dock Road, Homer Spit, Homer, AK (Plat #36)

This information is to be provided if you have it.

6. Physical Address: Plat #36

If your area does not have physical addresses, please provide Lot/Block/Subdivision names.

7. Type of Construction (I, II, III, IV, V): Type II

Designators used to describe the type of materials that will be used in the construction of the building. This information can be found in more detail in Chapter 6 of the 2009 International Building Code (IBC). (This information can be found on our website at www.akburny.com)

Below are examples of the more common construction types:

Type II – (noncombustible) metal or masonry

A= One Hour Fire Rating, B=No rating or fire separation.

Type V – (combustible) wood

A= One Hour Fire Rating, B=No rating or fire separation.

8. Use or IBC Occupancy (A, B, E, F, H, I, M, R, S, U): A: Assembly occupancy

These are classifications for building use and occupancy. This information can be found in more detail in Chapter 3 of the 2012 International Building Code (IBC). (This information can be found on our website at www.akburny.com.)

A: Assembly occupancy – buildings used for social events and gatherings Theaters, restaurants, churches, bowling alleys

B: Business occupancy – buildings involved in professional or office type transactions Banks, outpatient clinics, post offices

E: Educational occupancy – buildings used for educational purposes through 12th grade Day cares, schools

F: Factory occupancy – buildings used for assembling, packaging, repairing or processing Bakeries, breweries, water treatment

H: Hazardous occupancy – buildings used for storage and processing of materials which constitute a health hazard

Storage of explosives, toxic chemicals, corrosives, flammable, combustible materials/liquids

I: Institutional occupancy – supervised environments in which people are cared for Alcohol & drug centers, assisted living facilities, hospitals, jails

M: Mercantile occupancy – buildings used for display and sale of merchandise Retail stores, gas stations

R: Residential occupancy – buildings used for sleeping purposes Hotels, apartments, boarding houses

S: Storage occupancy – buildings used for storage of nonhazardous materials Aircraft hangars, food storage, warehouses

U: Utility occupancy – accessory buildings not classified under other occupancies Barns, sheds, tanks

9. Total Square Footage: 2000-2500 (maybe smaller, this is a rough estimate, size will be based on budget

Provide total square footage of the project and of the building itself. If you are submitting for an addition review, provide the square footage of the addition and the total square footage of the building.

10. Suppression & Alarm system to be installed: YES

Only to be used if you are submitting for a fire alarm or fire suppression or kitchen hood & duct suppression system. Provide the number of devices for an accurate fee.

11. Applicant Information: Suvi M. Bayly, owner, same as primary applicant

The primary applicant will receive any correspondence or questions from our office. The owner's information needs to be provided if different than the primary applicant.

12. Applicant Signature:



This application is a legal document and needs to be signed before our office can proceed with the review.

13. Checklist

This checklist is provided to assist with the submittal process. This is a summary of the information we may need to see depending on the type of project you have.

Please note: Your project may be delayed in processing if your application is not completed entirely. If you have any questions regarding the application - please call our office at 907.269.2004

Responses to Correction Letters

Please Note: Provide an itemized response to each correction item listed; Plans and documents should be correlated to the itemized correction letter.

Plan Review Fees Explanation

Our procedure for determining fees is detailed in our Regulations and can be found in total on our website (www.akburny.com).

The pertinent sections are included below followed by step-by-step examples.

(1) upon application for a plan review, a plan review fee must be paid to the State of Alaska; the plan review fee is established by *I.B.C.*, Section, 108 adopted by reference in 13 AAC 50.020; the value of the proposed construction will be determined by the division of fire and life safety using the valuation schedule, the plan review fee table and the plan review fee formula set out in (6), (7), and (8) of this subsection; renovation, alterations, and mechanical changes and fuel system installation and replacement valuation is determined by the project cost; the fee schedule will then be applied to the calculated fee; if the division of fire and life safety cannot determine project value using the valuation schedule or the construction estimate, an hourly fee of \$75 per hour or fraction of an hour will be charged; the minimum review fee for industrial (oil, gas, and mining) use facilities is \$1000; the plan review fee for home day cares is \$100; the plan review fee for a relocation review is \$150; the minimum fee for other uses requiring administrative approval, such as impairments, code modifications, foundations, and framings is \$150;

(5) if any work for which a plan review and approval is required by this subsection has been started without first obtaining plan review and approval, a special processing plan review fee will be charged; the special processing plan review fee is an additional charge equal to the amount of the standard plan review fee for the project; subsequent violations by the same person or business will result in an additional special processing fee multiplied by the number of previous violations;

(6) the division of fire and life safety shall determine value of the proposed construction using the Valuation Schedule set out in this paragraph, as follows:

IMPORTANT : Check regulations on-line for official recorded numbers as these numbers have changed.

<https://dps.alaska.gov/getmedia/5b0d3e53-e7b8-432c-a870-6c66b009a284/13-AAC-50-55b.aspx> Pg. 46

Valuation Schedule	Square Foot Construction Costs - Types of Construction								
Group	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	224.49	217.12	211.82	202.96	190.83	185.33	196.14	174.43	167.83
A-1 Assembly, theaters, without stage	205.71	198.34	193.04	184.18	172.15	166.65	177.36	155.75	149.15
A-2 Assembly, nightclubs	177.15	171.12	167.71	160.59	150.83	146.74	154.65	136.68	132.81
A-2 Assembly, restaurants, bars, banquet halls	176.15	171.12	165.31	159.58	148.88	143.74	153.65	134.68	131.81
A-3 Assembly, churches	201.73	190.83	193.04	186.26	177.15	168.91	179.38	158.02	151.41
A-3 Assembly, general, community halls, libraries,	173.36	165.99	159.69	151.83	138.60	134.40	145.01	122.50	116.89
A-4 Assembly, arenas	204.71	197.34	191.04	183.18	170.15	165.65	176.38	153.75	148.15
B Business	179.29	172.71	166.96	158.70	144.63	139.20	152.43	126.93	121.32
E Educational	192.11	185.49	180.05	171.90	160.09	151.62	165.97	139.90	135.35
F-1 Factory and industrial, moderate hazard	108.42	103.32	97.18	93.38	83.24	79.62	89.22	68.69	64.39
F-2 Factory and industrial, low hazard	107.42	102.32	97.18	92.38	83.24	78.62	88.22	68.69	63.39
H-1 High Hazard, explosives	101.53	96.44	91.29	86.49	77.57	72.95	82.34	63.02	N.P.
H234 High Hazard	101.53	96.44	91.29	86.49	77.57	72.95	82.34	63.02	57.71
H-5 HPM	179.29	172.71	166.96	158.70	144.63	139.20	152.43	126.93	121.32
I-1 Institutional, supervised environment	177.76	171.50	166.52	159.45	146.31	142.45	159.13	131.29	126.72

Valuation Schedule Continued	Square Foot Construction Costs - Types of Construction								
Group	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
I-2 Institutional, hospitals	302.44	202.79	197.05	188.78	175.72	N.P.	182.52	158.01	N.P.
I-2 Institutional, nursing homes	209.38	197.68	191.94	183.67	171.10	164.68	177.41	153.40	145.80
I-3 Institutional, restrained	204.24	171.50	166.42	159.45	146.31	142.45	159.13	131.29	126.72
I-4 Institutional, day care facilities	177.76	127.01	121.20	115.47	105.47	102.39	109.54	91.33	88.45
M Mercantile	132.64	172.89	167.90	160.63	137.45	144.10	160.52	132.93	128.36
R-1 Residential, hotels	179.14	143.99	139.01	131.94	119.77	115.91	131.62	104.74	100.18
R-2 Residential, multiple family	150.25	137.90	134.46	131.00	125.88	122.71	128.29	117.71	110.29
R-3 Residential, one- and two-family	141.80	171.50	166.52	159.45	146.31	142.45	159.13	131.29	126.72
R-4 Residential, care/assisted living facilities	177.76	95.44	89.29	85.49	75.57	71.95	81.34	61.02	56.71
S-1 Storage, moderate hazard	100.53	94.44	89.29	84.49	75.57	70.95	80.34	61.02	55.71
S-2 Storage, low hazard	99.53	71.22	66.78	63.37	56.99	53.22	60.41	44.60	42.48
U Utility, miscellaneous	75.59								

(7) The division of fire and life safety shall use the following for calculating fees for plan review:

TOTAL VALUATION FEE Valuation	Basic Fee	Each Additional \$1,000 or Fraction of \$1,000
\$1 to \$25,000	\$100 for the first \$8,000	\$16
\$25,001 to \$50,000	\$430.25 for the first \$25,000	\$11.10
\$50,001 to \$100,000	\$780.05 for the first \$50,000	\$8
\$100,001 to \$500,000	\$1,093.05 for the first \$100,000	\$6.60
\$500,001 to \$1,000,000	\$3,556.75 for the first \$500,000	\$5.75
Over \$1,000,000	\$6,168.75 for the first \$1,000,000	\$4.15

(8) Plan review fees shall be determined using the following formula: (A) for valuation, project floor area in square feet multiplied by the cost per square foot from valuation schedule set out in (6) of this subsection, equals the project total valuation; (B) for fee, basic fee from plan review fee table set out in

(7) of this subsection plus the additional fee per \$1,000 valuation over basic fee from plan review fee table multiplied by 75 percent equal the plan review fee.

In summary:

For projects involving new buildings, the fee is based on occupancy type, construction type & square footage. If your establishment will be located in an existing building, the fee is based on the cost of any renovations.

Examples:

A. New building with 1,000 sqft, F-1 (processing occupancy), type VB (wood) construction

- Using the tables under section (6), determine the cost per square foot for a F-1/VB building
 - \$64.39
- Determine the project cost - multiply the square footage cost by the square footage
 - \$64.39 x 1,000 sqft = \$64,390
- Using calculated project cost & the Valuation Table (above) – determine the basic fee
 - \$780.05 for the first \$50,000
- Determine fee for remainder of project cost (for each additional \$1,000 or fraction of \$1,000)

- Subtract project cost by \$50,000
 - o $\$64,390 - \$50,000 = \$14,390$
 - Round up to nearest thousand
 - o $\$15,000$
 - Divide by 1,000
 - o $\$15,000 / 1,000 = \15.00
 - Multiply by factor determined by table above
 - o $\$15.00 \times \$8.00 = \$120.00$
5. Add both factors for calculated fee
- $\$780.05 + \$120.00 = \$900.05$
6. According to our regulations (#8 above), we charge 75% of this calculated fee:
- $\$900.05 \times 0.75 = \675.04

So, for a new building with 1,000 square feet, F-1 (processing) occupancy and type VB (wood) construction, the plan review fee would be - \$675.04

B. Existing building with \$70,000 renovation

Use the same steps in Example A. Use \$70,000 as project cost.

1. Determine basic fee for \$70,000 project cost
 - \$780.05 for the first \$50,000
2. Determine fee for remainder of project cost
 - $\$70,000 - \$50,000 = \$20,000$
 - $\$20,000 / \$1,000 = \$20$
 - $\$20.00 \times \$8.00 = \$160$
3. Determine calculated fee
 - $\$780.05 + 160 = \940.05
4. Determine actual fee (75% of calculated fee)
 - $\$940.05 \times 0.75 = \705.04

So, the plan review fee for a renovation project costing \$70,000 would be - \$ 705.04.

Homer Spit Oyster Bar

3 messages

Suvi Bayly <suvibayly@gmail.com>
To: pam.bowden@alaska.gov

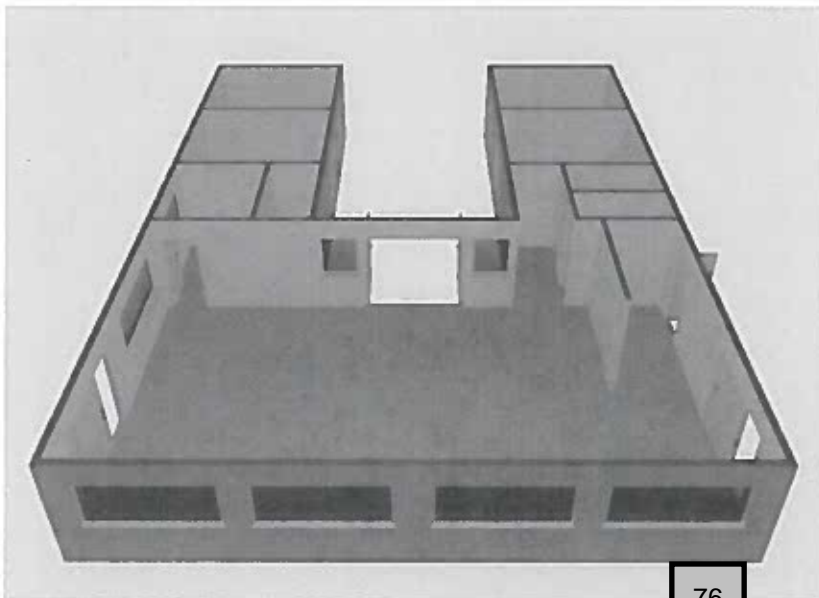
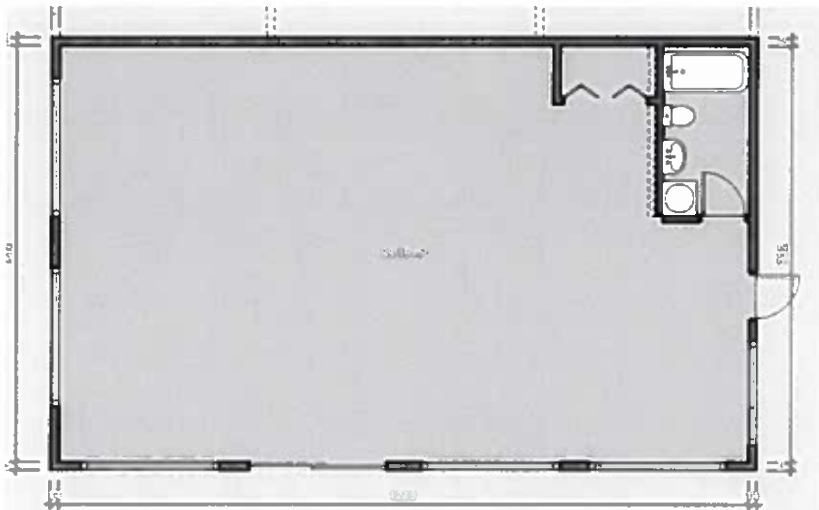
Fri, Feb 7, 2020 at 3:39 PM

Dear Pam,

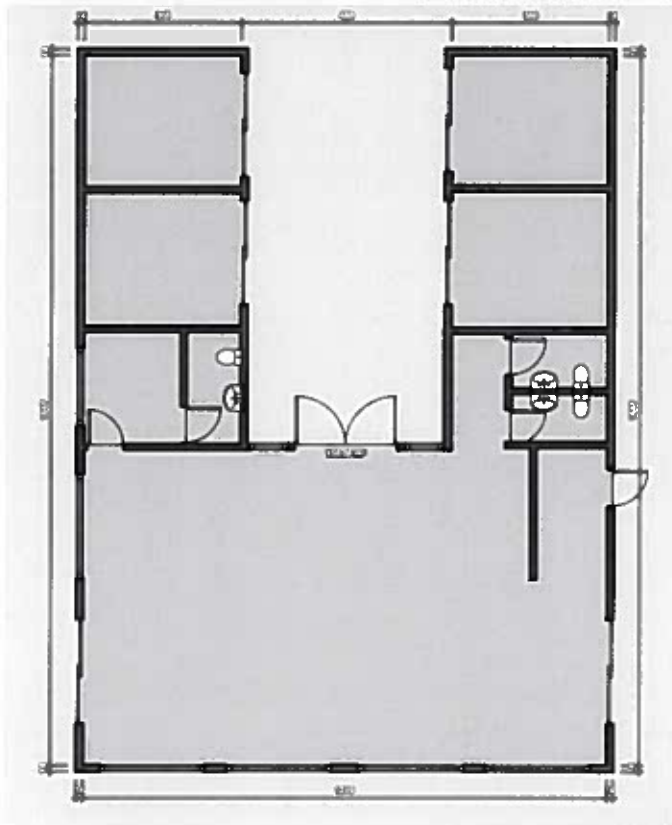
Here is the application with my signature as well as the floor plans, sites, images, etc.
Occupancy is whatever the max is for 1200 square feet.

Thank you.
Sincerely,

Suvi Bayly
907-885-5340



*preliminary
conceptual
ideas
no longer the
current floor
plans.*



→ exterior materials



3 attachments

 **Spit Plat.pdf**
1133K

 **2020 HSPIT-PLATS.pdf**
850K

 **Fire-HSOB.pdf**

Bowden, Pam A (DPS) <pam.bowden@alaska.gov>
To: Suvi Bayly <suvibayly@gmail.com>

Fri, Feb 7, 2020 at 3:57 PM

Thanks

Pamela Bowden

Plan Review Bureau

Division of Fire & Life Safety

Pam.bowden@alaska.gov

907-269-2004

[Quoted text hidden]

Suvi Bayly <suvibayly@gmail.com>
To: pam.bowden@alaska.gov

Fri, Feb 7, 2020 at 5:59 PM

Also for plat verification it's the yellow box area which has # 33 on the image titled: 2020HSPIT-PLATS.

[Quoted text hidden]



Suvi Bayly <suviabayly@gmail.com>

Homer Spit Oyster Bar (36 Freight Dock Rd.)

11 messages

Bowden, Pam A (DPS) <pam.bowden@alaska.gov>

Fri, Feb 7, 2020 at 4:30 PM



To: "suviabayly@gmail.com" <suviabayly@gmail.com>

Suvi,

Attached is the fee letter.

Please make sure you send in the following information:

- Plot plan with details (distances)
- Structural drawings
- Electrical drawings (by administrator)
- Fire department Access letter
- Details of mechanical
- Please clarify which layout you are using (you sent a square & another shape)



*in progress
for Pam*

Also, attached is the application – please sign, date and return.

Thanks,

Pam

Pamela Bowden

Plan Review Bureau

Division of Fire & Life Safety

Pam.bowden@alaska.gov

907-269-2004

2 attachments **2020Anch1081FeeLtr.pdf**
169K **2020Anch1081App.pdf**
94K**Suvi Bayly** <suviabayly@gmail.com>

Mon, Feb 10, 2020 at 11:23 AM

To: Bryan Hawkins <bhawkins@ci.homer.ak.us>

Here is the email I received from Pam Bowden. In order to 80 the City of Homer's application deadline which is this week Friday,

I need to provide all of these specifics to the Fire Marshall with a money order check.

Do you have any of the information which she is requesting?

- Plot plan with details (distances)
- Structural drawings
- Electrical drawings (by administrator)
- Fire department Access letter
- Details of mechanical
- Please clarify which layout you are using (you sent a square & another shape) (THIS I can take care of).

Thank you,

Suvi

[Quoted text hidden]

2 attachments

 **2020Anch1081FeeLtr.pdf**
169K

 **2020Anch1081App.pdf**
94K

Bryan Hawkins <BHawkins@ci.homer.ak.us>

Mon, Feb 10, 2020 at 11:32 AM

To: Suvi Bayly <suvibayly@gmail.com>, Rachel Friedlander <rfriedlander@ci.homer.ak.us>, Julie Engebretsen <JEngebretsen@ci.homer.ak.us>, Travis Brown <tbrown@ci.homer.ak.us>

Got it, thanks

From: Suvi Bayly <suvibayly@gmail.com>

Sent: Monday, February 10, 2020 11:23 AM

To: Bryan Hawkins <BHawkins@ci.homer.ak.us>

Subject: Fwd: Homer Spit Oyster Bar (36 Freight Dock Rd.)

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

[Quoted text hidden]

Suvi Bayly <suvibayly@gmail.com>

Mon, Feb 10, 2020 at 1:06 PM

To: dmioetke@ci.homer.ak.us

Dear Dan,

Please read the email below and the attached letter as well as application.
The Fire department Access letter is what I need from the Homer Fire Department.

The deadline to have all off this information completed and submitted to the Harbor Master and City of Homer is this week Friday, February 14th.

Thank you for understanding the urgency of this matter.
Sincerely,

Suvi Bayly
Homer Spit Oyster Bar
907-885-5340

[Quoted text hidden]

5 attachments

HSOB-PLAT-2020.jpg
5619K

 **2020Anch1081FeeLtr.pdf**
169K

 **2020Anch1081App.pdf**
94K

 **Spit lot G-8.pdf**
432K

 **2020 HSPIT-PLATS.pdf**
850K

Dan Miotke <DMiotke@ci.homer.ak.us>
To: Suvi Bayly <suvibayly@gmail.com>
Cc: Mark Kirko <mkirko@ci.homer.ak.us>

Mon, Feb 10, 2020 at 1:15 PM

Thanks for stopping in today, do you have any plot or structural plans for this sight? Part of our access review is to ensure are able to access for emergency response and drawings would immensely. Thanks!

Dan Miotke

Assistant Fire Chief

Homer Volunteer Fire Department

Work 907-235-3155

Cell 907-399-3062

From: Suvi Bayly <suvibayly@gmail.com>
Sent: Monday, February 10, 2020 1:06 PM
To: Dan Miotke <DMiotke@ci.homer.ak.us>
Subject: Fwd: Homer Spit Oyster Bar (36 Freight Dock Rd.)

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

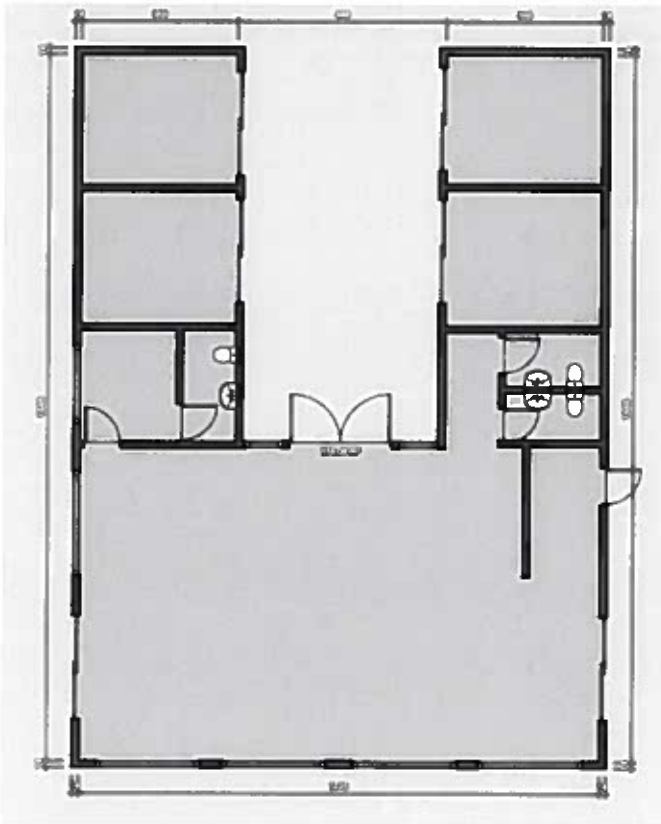
Dear Dan,

[Quoted text hidden]

Suvi Bayly <suuibayly@gmail.com>
To: Dan Miotke <DMiotke@ci.homer.ak.us>

Mon, Feb 10, 2020 at 1:18 PM

The plot is on the dock #33 on the plat map I submitted and attached is the schematic phase for the building. Today I am meeting with the Harbor Master and its quite possible the "legs" of the proposed building will be removed due to setbacks.



→ conceptual
no longer
the plan
being used.

[Quoted text hidden]

Dan Miotke <DMiotke@ci.homer.ak.us>
To: Suvi Bayly <suuibayly@gmail.com>

Mon, Feb 10, 2020 at 1:27 PM

How will the building be situated on the plot?

[Quoted text hidden]

Suvi Bayly <suuibayly@gmail.com>
To: Dan Miotke <DMiotke@ci.homer.ak.us>

Mon, Feb 10, 2020 at 1:29 PM

On pilings on the grade merging into the Harbor.

[Quoted text hidden]

Suvi Bayly <suuibayly@gmail.com>
To: pam.bowden@alaska.gov

Mon, Feb 10, 2020 at 4:37 PM

I have some questions concerning the requirements. Please give me a few more details to answer the questions more specifically.

Thank you,

Suvi

Suvi,

Attached is the fee letter.

Please make sure you send in the following information:

- Plot plan with details (distances)
- Structural drawings: **Please give me more specifics what is required**
- Electrical drawings (by administrator): **Please give me more specifics what is required**
- Fire department Access letter
- Details of mechanical: **Please give me more specifics what is required.**
- Please clarify which layout you are using (you sent a square & another shape)

[Quoted text hidden]

2 attachments

 **2020Anch1081FeeLtr.pdf**
169K

 **2020Anch1081App.pdf**
94K

Bowden, Pam A (DPS) <pam.bowden@alaska.gov>
To: Suvi Bayly <suvibayly@gmail.com>

Tue, Feb 11, 2020 at 8:06 AM

Suvi,

Sounds like you might need a design professional to help with this project. You might want to contact someone in your area.

- Plot plan with details (distances to all property lines)
- Structural drawings: **Please give me more specifics what is required**
- Electrical drawings (by administrator): **Please give me more specifics what is required**
- Fire department Access letter
- Details of mechanical: **Please give me more specifics what is required.**
- Please clarify which layout you are using (you sent a square & another shape)

Pam

Pamela Bowden

Plan Review Bureau

Division of Fire & Life Safety

Pam.bowden@alaska.gov

907-269-2004

From: Suvi Bayly <suvibayly@gmail.com>
Sent: Monday, February 10, 2020 4:38 PM

To: Bowden, Pam A (DPS) <pam.bowden@alaska.gov>
Subject: Fwd: Homer Spit Oyster Bar (36 Freight Dock Rd.)

I have some questions concerning the requirements. Please give me a few more details to answer the questions more specifically.

[Quoted text hidden]

Suvi Bayly <suuibayly@gmail.com>
To: dkenley@pndengineers.com

Tue, Feb 11, 2020 at 12:27 PM

Here is the email from Pam from the Fire Marshall office in Anchorage.

Thank you,

Suvi Bayly
[Quoted text hidden]

2 attachments

 **2020Anch1081FeeLtr.pdf**
169K

 **2020Anch1081App.pdf**
94K



Suvi Bayly <suvibayly@gmail.com>

Check

5 messages

Suvi Bayly <suvibayly@gmail.com>
To: pam.bowden@alaska.gov

Tue, Feb 11, 2020 at 11:00 AM

The check was expedited yesterday and should arrive today and the very latest tomorrow. It is addressed attention your name.

Please let me know when you receive it.

I am working diligently today to complete all the required information needed to complete Fire Marshall approval.

Thank you,

Suvi

Bowden, Pam A (DPS) <pam.bowden@alaska.gov>
To: Suvi Bayly <suvibayly@gmail.com>

Tue, Feb 11, 2020 at 4:00 PM

Suvi,

I received the check

Pam

Pamela Bowden

Plan Review Bureau

Division of Fire & Life Safety

Pam.bowden@alaska.gov

907-269-2004

[Quoted text hidden]

Suvi Bayly <suvibayly@gmail.com>
To: "Bowden, Pam A (DPS)" <pam.bowden@alaska.gov>

Tue, Feb 11, 2020 at 4:08 PM

Great. Thank you.

[Quoted text hidden]

Suvi Bayly <suvibayly@gmail.com>
To: "Bowden, Pam A (DPS)" <pam.bowden@alaska.gov>

Tue, Feb 11, 2020 at 4:34 PM

Floor plans & Elevtions

[Quoted text hidden]

3 attachments

86

 11-A1.pdf
78K

 11-A2.pdf
78K

 11-A3.pdf
78K

Suvi Bayly <suuibayly@gmail.com>
To: Dan Miotke <dmiotke@ci.homer.ak.us>

Tue, Feb 11, 2020 at 4:35 PM

Floor plans & Elevations

3 attachments

 11-A1.pdf
78K

 11-A2.pdf
78K

 11-A3.pdf
78K

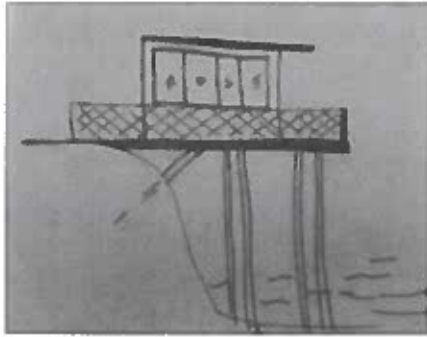
Sketch

2 messages

Suvi Bayly <suvibayly@gmail.com>
To: Dan Miotke <dmiotke@ci.homer.ak.us>

Mon, Feb 10, 2020 at 1:32 PM

Here's a very basic sketch.



20200210_133148.jpg
1954K

Fisher, Timothy W (DPS) <timothy.fisher@alaska.gov>
To: "suvibayly@gmail.com" <suvibayly@gmail.com>
Cc: "Bowden, Pam A (DPS)" <pam.bowden@alaska.gov>

Wed, Feb 12, 2020 at 8:10 AM

Hi Suvi;

More specific requirements

You must provide a survey plan (with distances to property lines) for minimum requirements with approvals from the Homer Fire Department, Homer Zoning & Planning and State Flood Plane Managers.

A Fire and Life Safety Certificate won't be given without registered design professionals (Surveyor, Structural Engineer, Electrical Engineer, and Mechanical Engineer) for a new building over the water on pilings.

This has conflicting information with two deferent building designs, a plot plan but not a site plan showing the building on the property, water issues, pilings, exiting issues with a building that seems to have 100 foot common path of travel and two separate exits required, possible rated windows and walls for exiting, not to mention you don't give any details on construction details of the walls, floor, and roof.

I recommend a few hours of an architects time to help you obtain appropriate plans for us to verify...as we aren't allowed to design your building, and/or can't provide an approval without appropriate information to review. Plan reviews have over 1,000 projects to review and are extremely busy, architects help in providing options for you and designs for your choices.

Work with our office assistant and plans examiners to en 88 ou get the process accomplished.

Tim

Plans Examiner II

www.akburny.com ,

Plan Review Bureau

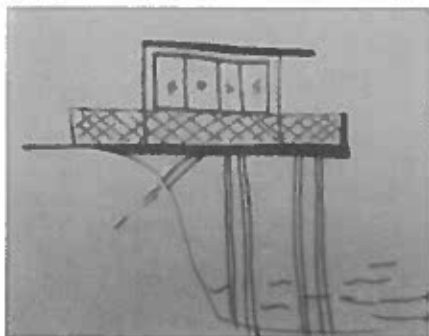
SOA, DPS, DFLS

From: Dan Miotke <DMiotke@ci.homer.ak.us>
Sent: Tuesday, February 11, 2020 4:28 PM
To: Fisher, Timothy W (DPS) <timothy.fisher@alaska.gov>
Subject: FW: Sketch

From: Suvi Bayly <suvibayly@gmail.com>
Sent: Monday, February 10, 2020 1:33 PM
To: Dan Miotke <DMiotke@ci.homer.ak.us>
Subject: Sketch

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

[Quoted text hidden]



20200210_133148.jpg
1954K



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum

TO: PORT AND HARBOR ADVISORY COMMISSION

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER

DATE: MARCH 17, 2020

SUBJECT: LEASE APPLICATION – SEA TOW SOUTH CENTRAL ALASKA-TREY HILL

Sea Tow South Central Alaska has submitted a completed Lease Application for the portion of Lot 48, also known as 4667 Homer Spit Rd. This property was leased in the past to Kachemak Port Services as a ferry ticket office until 2013 and includes a single story ground floor office building (336 sq. ft.), and the 2nd floor of the connected 2 story building providing additional office space and restrooms with exterior stair access (960 sq.) . The first floor of the 960 sq. footprint building is a City owned pump house with water storage tank and not available or included in this lease proposal. The property was included in a Land Available for Lease RFP advertised starting February 28 2020 and closing on March 17 2020. The applicant was the only responding proposer. This property is currently vacant, and because it houses critical City infrastructure, must be maintained. The main details, staff comments, and notes of the lease proposal are listed below:

Basic Notes:

- Term requested is - “minimum of 3 years”. Length of term , as per HCC 18, can be part of the negotiation process between City and proposer when developing a lease for final council review and approval
- Primary proposed business is a maritime business - 24/7/365 On-water Service Provider, providing recreational and commercial boater assistance with tows, jumpstarts fuel/part drops, and salvage/recovery services.
 - (HCC 21.30.020 (f) Marine Industrial- permits use in the area of marine equipment sales, rental, services, repair and storage)
- Accessory proposed use for the property is employee housing.
 - (HCC21.30.020 (l) permits “caretaker, business owner or employee housing as an accessory use to primary use, limited to no more than 50 percent of the floor area of a building”, and occupants have

to live there for more than 30 consecutive days) The first floor (other 50%) of this building houses City facilities as a pump house and water tank storage and falls under a primary permitted use listed in HCC 21.30.020 (a) Port and Harbor facilities.

- The \$30 lease Application fee has been paid as of 3/18/20 \$300 lease fee due at time of lease finalization.
- Proposed improvements and benchmarks for development- Interior flooring replaced and interior paint applied to building upon one week of occupancy. Remodel of bathroom to include shower/laundry and kitchenette upgrade = 6 months from time of occupancy
- In 2013 the last set base rent for this property was:
 - 2136 sq ft of Land (foot print of lower building and 10 parking spaces) equaled:
 $\$1,049.70 \times 12 = \$12,596.43 / 2136 = \$5.90/\text{sf}$ AND
 - 960 sq ft (of office space where they didn't have control of the land underneath or the entire building) at: $\$128.48 \times 12 = \$1,541.70 / 960 = \$1.61/\text{sf}$

The current proposal offers a bid of \$1. 50/sf per annum for:

- 3096 sq.ft at: $\$387.00 \times 12 = \$4633.00 / 3096 = \$1.50/\text{sf}$
- 18.08.075 gives guidance on allowed Lease rental rates and fair market value and , as per HCC 18, can be part of the negotiation process between City and proposer when developing a lease for final council review and approval

As stated before, this building is currently vacant. Because this property houses essential City equipment it must be maintained. Lease income generated by the property could be used to off-set the price, in part, of that required maintenance.

RECOMMENDATION

For discussion and review. Any recommendations to City Council or direction to staff must be done by way of motion.

Attachments: HCC 18 & HCC 21 Marine Industrial

Chapter 18.08 CITY PROPERTY LEASES

Sections:

<u>18.08.005</u>	Purpose.
<u>18.08.010</u>	Definitions.
<u>18.08.020</u>	Land allocation plan – Property available for lease.
<u>18.08.030</u>	Standardized leases.
<u>18.08.040</u>	Council approval of leases.
<u>18.08.045</u>	Lease applications.
<u>18.08.050</u>	Requests for proposals – Competitive bidding process.
<u>18.08.060</u>	Criteria for evaluating and approving proposals and competing lease applications.
<u>18.08.065</u>	Lease application and proposal documents.
<u>18.08.070</u>	Notice to award.
<u>18.08.075</u>	Lease rental rates.
<u>18.08.080</u>	Lease execution and final approval.
<u>18.08.090</u>	Development and use.
<u>18.08.100</u>	Appraisal.
<u>18.08.110</u>	Options to renew.
<u>18.08.120</u>	Improvements.
<u>18.08.130</u>	Lease renewal.
<u>18.08.140</u>	Sublease.
<u>18.08.150</u>	Early termination.
<u>18.08.160</u>	Assignment.
<u>18.08.170</u>	Insurance.
<u>18.08.175</u>	Exception – Leasing to government entities.
<u>18.08.180</u>	Assessments – Capital improvement projects.
<u>18.08.190</u>	Connection to utilities.
<u>18.08.195</u>	Processing and filing fees.

18.08.005 Purpose.

The purpose of this chapter is to ensure that the lease of City-owned property maximizes the value of City assets and that the City awards leases that provide the highest and best use of City-owned property. It is the policy of the City to lease its property in a fair and nondiscriminatory way. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.010 Definitions.

For the purpose of this chapter, the following words and phrases are defined as set forth in this section:

“Applicant” means a person applying to lease or acquire an interest in City-owned real property and includes bidders and proposers.

“Appraisal” means a valuation or estimation of value of property by an Alaska certified general real estate appraiser or an otherwise qualified appraiser selected by the City Manager.

“Assignment” means a transfer of a leasehold interest or rights to a leasehold interest, in its entirety, in City-owned real property.

“City Manager” means the City of Homer Manager or her or his designee.

"Fair market rent" means the rental income that a public or private property would most likely command in the open market, indicated by the current rents paid for comparable space as of the date of the appraisal.

"Irregularities" means deviations from the request for proposal that are not substantive in nature and/or typographical or scrivener errors that do not impact the integrity or responsiveness of the proposal.

"Long-term lease" means a written agreement granting exclusive possession or use of City-owned real property for more than one year.

"Short-term lease" means a written agreement granting exclusive possession or use of City-owned real property for one year or less.

"Surveyor" means a registered professional land surveyor. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.020 Land allocation plan – Property available for lease.

a. Unless dedicated or reserved to another purpose, all real property including tide, submerged or shore lands to which the City has a right, title and interest as owner or lessee, or to which the City may become entitled, may be leased as provided in this chapter. In the case of any conflict between this chapter and any local, State or Federal law governing the leasing of City tide and submerged lands, the law governing the leasing of City tide and submerged lands shall prevail.

b. The City administration shall maintain a list of all City-owned properties authorized for lease by Council. This list shall be adopted annually and contain the information required under this chapter. The list may be called the land allocation plan and will be made available to the public at the City Clerk's office.

c. Council shall adopt a land allocation plan that identifies:

1. City-owned property available for lease;
2. The property description, lease rate, preferred length of the lease term for each available parcel; and
3. Any requirements, preferences or restrictions regarding use and/or development.

d. Council may identify property in the land allocation plan that is subject to competitive bidding. Property subject to competitive bidding in the land allocation plan need only identify the property description in the land allocation plan but all other terms required in subsection (c) of this section shall be identified in the request for proposal for such properties.

e. Prior to the adoption of the land allocation plan, Council shall hold a work session. Commission members and City staff may provide recommendations to Council during the work session regarding City-owned property available for lease and the terms of such leases.

f. The City shall provide public notice of the adoption of the land allocation plan and the City-owned real property available for lease no more than 60 days after its adoption.

g. All uses and activities on City-owned real property available for lease are subject to all applicable local, State, and Federal laws and regulations.

h. The Council may restrict specific City-owned properties to certain uses or classes of use that serve the City's best interest. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.030 Standardized leases.

a. The City Manager shall develop a standardized ground lease that contains provisions generally applicable to the lease of City-owned property and a standardized building lease that contains provisions generally applicable to the lease of space in City-owned buildings. The standard lease documents shall be reviewed by the City Attorney and approved by Council.

b. Lease terms may deviate from the standardized lease terms when the City Manager determines such deviations are reasonable and necessary to protect the City's best interests and Council approves the lease as required in HCC [18.08.040](#). [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.040 Council approval of leases.

a. All long-term leases for more than five years shall be approved by Council via ordinance. All long-term leases for five years or less shall be approved by Council via resolution.

b. The City Manager may execute short-term leases without Council approval when the City Manager determines that a short-term lease is in the best interest of the City and notifies the Council in writing of the short-term lease and its essential terms.

c. Short-term leases are not required to go through the competitive bidding process unless the short-term lease would result in the lease of City-owned property to the same lessee for more than one consecutive year.

d. Except as expressly provided in this chapter, property leased by the City from a third party that is available for sublease or the lease of space in City-owned buildings located on real property owned by a third party is exempt from this chapter. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.045 Lease applications.

Except for property subject to competitive bidding under this chapter, persons interested in leasing City property may submit a lease application to the City Clerk. The City Manager shall consider all applications and determine if an application is complete and meets the criteria identified in the land allocation plan. When the City receives more than one lease application for a parcel that meets the criteria established for that parcel in the land allocation plan, the City Manager shall evaluate the applications using the criteria in HCC [18.08.060](#) and award the lease most advantageous to the City. If both applicants are equally advantageous to the City, the City Manager shall award the lease to the applicant who submitted a completed application first. Applicants may be charged a fee for processing a lease application. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.050 Requests for proposals – Competitive bidding process.

a. The City Manager may issue a request for proposals to lease specific property identified in the land allocation plan at any time after posting the notice required in HCC [18.08.020\(f\)](#).

b. A request for proposal advertised by the City must identify the property description of the property available for lease, the time frame for the submission of requests for proposals, any preferred uses or industries, and the overall criteria the City intends to use to score and rank proposals.

c. The City Manager must obtain approval from the Council before requesting proposals to lease property not identified in the land allocation plan as property available for lease. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.060 Criteria for evaluating and approving proposals and competing lease applications.

a. The criteria for evaluating proposals shall include, but are not limited to, the following:

1. Compatibility with neighboring uses and consistency with applicable land use regulations including the Comprehensive Plan;

2. The development plan including all phases and timetables;
 3. The proposed capital investment;
 4. Experience of the applicant in the proposed business or venture;
 5. Financial capability or backing of the applicant including credit history, prior lease history, assets that will be used to support the proposed development;
 6. The number of employees anticipated;
 7. The proposed rental rate;
 8. Other financial impacts such as tax revenues, stimulation of related or spin-off economic development, or the value of improvements left behind upon termination of the lease;
 9. Other long-term social economic development; and
 10. The residency or licensure of the applicant in the City, Kenai Peninsula Borough, and/or the State of Alaska, as identified in the City's request for proposal and permitted under State and Federal law.
- b. Determination of rent shall take into consideration the following factors:
1. Appraisal or tax assessed valuation;
 2. Highest and best use of land;
 3. Development (existing and planned);
 4. Economic development objectives;
 5. The location of the property; and
 6. Alternative valuation methodologies as negotiated by both parties. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.065 Lease application and proposal documents.

Upon request by the City Manager or as required in a request for proposal or the lease allocation plan, an applicant or proposer shall provide, at its sole expense, the following:

- a. A property improvement plan with information regarding planned improvements by lessee, including schedule for commencement and completion of proposed improvements;
- b. A survey of the property subject to the proposed lease; and/or
- c. If only a portion of a lot is to be leased, a subdivision plat. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.070 Notice to award.

- a. The City Manager shall consider all responses to the City's request for proposals that are timely and responsive. Untimely submissions shall be returned to the proposer without review and that proposer shall not be considered.
- b. The City Manager may, in his or her sole discretion, and upon a determination that none of the proposals are in the City's best interest, recommend rejection of all proposals.

- c. Upon a determination that a proposal is the most advantageous to the City, the City Manager shall recommend the proposal to Council for acceptance. If Council approves the recommendation, the City Manager shall issue a notice to award the lease to the successful proposer. The City Manager's recommendation shall be presented to Council in a written memorandum identifying the recommended winning proposer, the property description, the essential terms of the proposed lease, and the reasons the City Manager recommended the award.
- d. The City Manager shall submit any recommendation for approval of a proposal under this chapter for property located on the Homer Spit or in the Marine Commercial or Marine Industrial zoning districts to the Port and Harbor Advisory Commission for review and comment prior to recommending a proposal to Council.
- e. If the Council adopts the City Manager's recommendation, the City Manager shall negotiate with the winning applicant and present a final lease to the Council for approval. A notice to award is conditional upon the City Manager's successful negotiation of a final written lease consistent with the terms upon which the award was based.
- f. The City Manager may, with Council approval, rescind a notice to award. A notice to award becomes void on the date the City Manager provides written notice to the proposer that the award has been rescinded.
- g. The City Manager may rescind a notice to award at any time prior to the execution of a lease if the proposer can no longer meet the terms of the proposal.
- h. If the City Manager rescinds a notice to award, the City Manager may negotiate with the next most responsive proposer and submit a new recommendation for award to Council and Council may approve the award of the proposal to that recommended proposer. If negotiations with the next most responsive bidder are unsuccessful, all bids must be rejected and a new request for proposal may be issued.
- i. The Council may approve other bidding or proposal procedures or exceptions to these procedures via resolution. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.075 Lease rental rates.

- a. Except as otherwise provided in this section, all property shall be leased at no less than "fair market rent."
- b. Payments of a higher than fair market rent resulting from a proposal or lease application is generally in the public interest and will help to establish fair market rent using current market forces.
- c. The Council may establish a minimum rent or "asking price." It may set a minimum rent at an amount equal to or higher than the estimated "fair market rent" if it finds that it is in public interest to do so. It may set uniform rental rates for a class of similar properties that remain available for leasing after the conclusion of a competitive lease offering.
- d. Except as otherwise provided in this chapter, Council may approve a lease of City land for less than fair market rent only if the motion approving the lease contains a finding that the lease is for a valuable public purpose or use, and a statement identifying such public purpose or use.
- e. The lease shall provide for payment of interest or a late fee for rent past due, and provide for recovery by the City of attorneys' fees and costs to the maximum extent allowed by law in the event the City is required to enforce the lease in court, and such additional provisions pertaining to defaults and remedies as the City Manager may determine to be in the City's interest.
- f. Lease amount to be adjusted annually based on the Anchorage Consumer Price Index. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.080 Lease execution and final approval.

a. After a notice to award a lease is approved by Council or a lease application is approved by the City Manager, the City Manager is responsible for finalizing and executing the lease agreement with the successful applicant or proposer. After Council's approval of the notice to award but before Council approval under HCC [18.08.040](#), the City Manager may negotiate nonessential long-term lease terms and make changes necessary to clarify the terms of the long-term lease or correct clerical errors.

b. The City Manager has authority to negotiate all terms of short-term leases subject to the provisions of this chapter.

c. After a lease is executed by both parties, the City Manager shall draft and the City Clerk shall record a memorandum of lease. Lessee is responsible for the recording fees. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.090 Development and use.

a. All leases must require the lessee to comply with all applicable local, State, and Federal laws.

b. Except as provided otherwise in the lease agreement, an as-built survey including elevations performed by a surveyor shall be provided to the City within six months of completion of development on the leased property. Each additional structure or significant improvement shall require an updated as-built survey. All surveys are to be provided by lessees at their expense.

c. Except as provided otherwise in the lease agreement, at the time each as-built survey is submitted, a statement of value including leaseholds and all improvements shall be provided. The statement of value shall be either a letter of opinion or appraisal completed by an appraiser.

d. All development requirements and performance standards contained in the lease shall be strictly enforced and if not complied with or negotiated for modification shall be cause for the lease to be terminated. Failure to enforce the terms of the lease shall not constitute waiver of any such term.

e. The City may require a lease of City-owned property to be secured by any means that meet the City's best interest, including, without limitation, a security deposit, surety bond or guaranty. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.100 Appraisal.

a. An appraisal of the fair market rent of the property will be required before final approval of a new lease or the transfer of a lease and within two years prior to the renewal of a lease.

b. The requirement of an appraisal may be waived at the discretion of the City Manager for short-term leases.

c. All leased properties shall be appraised every five years from the effective date of the lease. The City may choose to have the property appraised at less than five-year intervals in order to appraise multiple properties at one time. An increase in rental rates resulting from appraisals occurring in less than five years from the last appraisal shall not be applied prior to date of appraisal permitted under this section or the effective date of the transfer or renewal of a lease.

d. Except as otherwise provided under this section or in a specific lease, lease rates shall be increased on the anniversary of the lease effective date to reflect property appraisal values. A lessee shall be notified of any increase in the appraised value of the property at least 30 days before the increased rental rate becomes effective.

e. In the event an appraisal reports a decrease in fair market rent, a lessee may petition or the City Manager may recommend to Council a reduction in the lease rate. 97 may approve a reduction if it determines via

resolution that such reduction corresponds with the appraised fair market rent and is in the City's best interest.

f. Each year, the City will select and retain an appraiser to appraise all leased City-owned property due for appraisals in that year. The City will have sole discretion to select the appraiser and bears the cost of the appraisal. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.110 Options to renew.

a. Leases may contain no more than two options to renew and each option must not exceed 25 percent of the length of the initial lease term.

b. A lessee may not exercise an option to renew unless the City Manager determines that the lessee is in full compliance with the terms of the lease at the time of renewal.

c. A lessee whose initial lease and all options have expired shall have no automatic right of further renewal or extensions. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.120 Improvements.

a. Except as otherwise provided in the lease agreement, construction of improvements shall take place only after review and approval of the construction plans by the City Manager and only after all applicable permits have been secured and legal requirements met.

b. Improvements not included in the lease agreement or improvements that are inconsistent with or deviate from those permitted in the lease agreement must be approved by Council via resolution. Council shall only approve such improvements upon recommendation by the City Manager and after review by the Port and Harbor Commission, the Homer Advisory Planning Commission, and any other commission determined to be appropriate by the City Manager. Inconsistent improvements may be approved if the proposed changes to the improvements serve the City's best interest and/or when changes are necessary due to relevant changes in industry or the local economy.

c. All improvements constructed upon leased property become the property of the City upon termination of the lease unless otherwise provided in the lease agreement or agreed to by the parties in writing.

d. Lessee shall be responsible for all taxes, including property taxes on the leasehold interest in the real property and improvements and any sales tax on rent payments. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.130 Lease renewal.

a. Council, upon written recommendation by the City Manager, may exempt the renewal of a lease from competitive bidding if Council finds such exemption serves the City's best interests.

b. A lessee seeking to enter into a new lease with the City exempted from competitive bidding under this section must submit a lease application and a written request for a new lease to the City Manager at least 12 months but no more than 18 months prior to the expiration of the existing lease. The City Manager shall notify Council of new lease requests under this section. The City will review the application but is under no obligation to enter into a new lease.

c. If Council approves the new lease without a competitive process, it must do so by resolution within six months of the date the lease application is filed with the City.

d. Council shall consider the following factors when determining whether to exempt a lease from competitive bidding under this section:

2. Lessee's financial condition and prior lease history;
3. The number of persons employed and the prospect for future employment;
4. Tax revenues and other financial benefits to the City anticipated in the future if the lease is renewed;
5. Consistency of past use and intended future use with all applicable laws, including land use codes and regulations, the Comprehensive Plan, and overall economic development plan;
6. Other opportunities for use of the property that may provide greater benefit to the City; and
7. Other social, policy, and economic considerations as determined by Council. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.140 Sublease.

- a. City property may be subleased if expressly permitted in the lease agreement and approved in writing by Council.
- b. Except as provided otherwise in the lease agreement, all subleases must be in writing, executed by the parties, and approved by Council after a recommendation is provided by the City Manager.
- c. Approval must be granted prior to occupancy of the leased premises by a sub-tenant.
- d. Lessee shall be assessed additional rent equal to at least 10 percent of the current rent for the subleased area upon approval of a sublease.
- e. Subleasing shall not be used to transfer substantially all of a leasehold interest.
- f. All subleases must comply with all applicable Federal, State, and local laws. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.150 Early termination.

Except as provided otherwise in the lease agreement, Council shall approve the termination of a lease for failure to comply with the lease terms. The City Attorney shall be consulted prior to termination of a long-term lease for failure to comply with lease terms. The City Manager may only terminate a lease for failure to comply with the lease terms after receiving Council approval to do so. The City Manager shall seek approval to terminate under this section in executive session. The name of lessee and description of the leased property shall not be included in any public notices or documents circulated by the City unless and until Council approves termination of the lease under this section. The City Manager shall notify a lessee in writing that Council will be considering termination of the lease and provide the date, time, and place of the meeting at which Council will consider such termination. Lessee may waive the right to confidentiality under this section and request Council hold its discussion of termination in public. This section shall not prevent the City from sending lessee, or other parties with an interest in the lease, notifications and/or correspondence related to the lease or lessee's compliance with its terms. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.160 Assignment.

- a. Except as provided in the lease agreement, Council must approve the assignment of a lease to another party.
- b. Except as otherwise provided in this section or the lease agreement, the City Manager must make a determination that a lessee is in full compliance with a lease before an assignment will be effective. The City Manager may, in his or her sole discretion, consent to assignment of a lease where lessee is in full compliance with the lease terms except for payments owed so long as assignor and/or assignee agree in writing to pay the full amount owed within 90 days of the assignment. Assignment shall not be effective and shall constitute default by lessee if full payment is not received within 99 days of the assignment.

c. Except as otherwise provided in the lease agreement, if the lessee is in good standing and eligible to assign the lease, the following procedures apply:

1. The lessee shall file a written request for assignment and a complete new lease application to the City Manager;
2. The City Manager shall review the request and new lease application and determine whether the proposed assignee is qualified under this chapter and the assignment is in the City's best interests;
3. The City Manager shall make a recommendation on the assignment to Council for final action; and
4. Council shall approve or deny the request for assignment via resolution.
5. Assignment of long-term leases on the Homer Spit or within the Marine Commercial or Marine Industrial zoning districts shall be reviewed by the Port and Harbor Advisory Commission prior to submission to Council for approval. Except as otherwise provided in the lease agreement, assignment of all other long-term leases shall be reviewed by the Homer Advisory Planning Commission prior to Council approval.

d. Council may approve assignment of a lease to a bank or other financial institution if it determines the assignment is in the best interest of the City and the City Manager recommends approval.

e. Where a lessee intends to assign the lease as part of a sale of the business located on the leased lot, the person who intends to purchase the business may apply to extend the lease term to allow the continuation of the business and to secure financing for the purchase of that business. Any significant changes in the terms (use) of the existing lease must be reviewed by the Port and Harbor Commission and approved by City Council by resolution as an amendment to the lease. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.170 Insurance.

a. All lessees shall keep in force for the full term of the lease public liability insurance in the amount of not less than \$1,000,000 coverage per occurrence for bodily injury, including death, and property damage. The City shall be named as an additional insured.

b. Lessees who intend to conduct activities which could potentially have significant risk of environmental contamination shall also obtain not less than \$2,000,000 in environmental impact insurance and/or environmental clean-up policy, or the equivalent subject to review and approval by the City Manager. The City shall be named as an additional insured. The City will determine on a case-by-case basis whether a lease of City property will involve a significant risk of environmental contamination due to the use of the property, the presence of hazardous materials, or the location of the property.

c. Certificates of insurance showing the required insurance is in effect and identifying the City as an additional insured shall be provided to the City at the time a lease becomes effective and annually thereafter, and upon every change in insurance provider or insurance coverage.

d. All insurance policies must be in effect for the duration of the lease term, or longer if stated in the lease, and the City must be notified of any changes to policies.

e. Insurance requirements that exceed those required in this section may be imposed in the terms of a lease agreement. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.175 Exception – Leasing to government entities.

a. Except as otherwise prohibited by law, leases to 100 State government entities or political subdivisions or agencies of the State of Alaska or the United States exempted from this chapter upon a finding by

Council that it is in the City's best interest to do so.

b. The City may lease real property to the United States, the State of Alaska, a political subdivision of the State, or an agency of any of these entities, for less than fair market rent if Council determines it is in the City's best interest to do so. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.180 Assessments – Capital improvement projects.

a. Lessees of City property shall pay all real property special assessments levied and assessed against the property to the full extent of installments billed during the lease term.

b. In the event the City completes a capital improvement project which directly benefits the leasehold property and no local improvement district is formed to pay the cost of that project, the City may, in its sole discretion, impose, and the lessee shall pay as additional rent, the leasehold property's proportionate share of the cost of the project. The amount of additional rent imposed annually by the City under this subsection shall not exceed the amount which would have been payable annually by the lessee if a local improvement district had been formed which provided for installment payments on a schedule and bearing interest at rates typical of other local improvement districts of the City for that type of capital improvement. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.190 Connection to utilities.

Lessees of City real property shall connect to City utilities and bear all costs of connections and adhere to all applicable local, State and Federal regulations. Connections to newly installed City utilities shall be made as soon as possible after completion. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

18.08.195 Processing and filing fees.

Fees for lease applications, lease, subleases and assignments, and other related fees shall be established by Council by resolution. Failure to pay fees owed may result in the rejection of a lease application or denial of lease renewal, assignment or sublease. [Ord. [18-16\(S\)\(A\)](#) § 1, 2018].

**The Homer City Code is current through Ordinance 18-47,
passed November 26, 2018.**

Disclaimer: The City Clerk's Office has the official version of the Homer City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 21.30 MI MARINE INDUSTRIAL DISTRICT

Sections:

- [21.30.010](#) Purpose.
- [21.30.020](#) Permitted uses and structures.
- [21.30.030](#) Conditional uses and structures.
- [21.30.040](#) Dimensional requirements.
- [21.30.050](#) Site and access plan.
- [21.30.060](#) Traffic requirements.
- [21.30.070](#) Site development requirements.
- [21.30.080](#) Nuisance standards.
- [21.30.090](#) Lighting standards.

21.30.010 Purpose.

The purpose of the Marine Industrial District is primarily to provide adequate space for those [water-dependent](#) industrial [uses](#) that require direct marine access for their operation, such as fishing, fish processing, marine transportation, off-shore oil [development](#) and tourism, giving priority to those [water-dependent](#) uses over other industrial, commercial and recreational [uses](#). [Ord. [08-29](#), 2008].

21.30.020 Permitted uses and structures.

The following [uses](#) are permitted outright in the Marine Industrial District, except when such [use](#) requires a conditional [use](#) permit by reason of size, traffic volumes, or other reasons set forth in this chapter:

- a. Port and harbor facilities;
- b. Manufacturing, processing and packing of sea products;
- c. Cold storage;
- d. Dry docks;
- e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;
- f. Marine equipment sales, rentals, service, repair and storage;
- g. Boat launching or moorage facilities, marinas, boat charter services;
- h. Warehouse and marshaling [yards](#) for storing goods awaiting transfer to marine vessels or off-loaded from a marine vessel and awaiting immediate pickup by land-based transportation;
- i. Mobile food services;
- j. Itinerant merchants, provided all activities shall be limited to [uses](#) permitted outright under this [zoning district](#);
- k. Recreational vehicle parks, provided they shall conform to the standards in Chapter [21.54](#) HCC;
- l. Caretaker, business owner or employee housing as an [accessory use](#) to a primary [use](#), and limited to no more than 50 percent of the [floor area](#) of a [building](#) and for [use](#) by an occupant for more than 30 consecutive days;
- m. More than one [building](#) containing a permitted [principal use](#) on a [lot](#);
- n. Restaurant as an [accessory use](#);

o. Parks;

p. As an [accessory use](#), one [small wind energy system](#) per [lot](#). [Ord. [13-11\(A\)](#) § 6, 2013; Ord. [09-34\(A\)](#) § 19, 2009; Ord. [08-29](#), 2008].

21.30.030 Conditional uses and structures.

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

- a. Planned unit [development](#), limited to [water-dependent](#) or [water-related](#) uses and excluding all [dwellings](#);
- b. Boat sales, rentals, service, repair and storage, and boat manufacturing;
- c. Extractive enterprises related to other [uses](#) permitted in the district;
- d. Campgrounds;
- e. Bulk petroleum storage;
- f. Helipads;
- g. Heliports;
- h. Indoor recreational facilities;
- i. Outdoor recreational facilities;
- j. Public utility facilities and [structures](#);
- k. The location of a [building](#) within a [setback](#) area required by HCC [21.30.040\(b\)](#). In addition to meeting the criteria for a conditional [use](#) permit under HCC [21.71.030](#), the [building](#) must meet the following standards:
 - 1. Not have a greater negative effect on the value of the adjoining property than a [building](#) located outside the [setback](#) area; and
 - 2. Have a design that is compatible with that of the [structures](#) on the adjoining property. [Ord. [14-49\(A\)](#) § 9, 2014; Ord. [13-11\(A\)](#) § 7, 2013; Ord. [08-29](#), 2008].

21.30.040 Dimensional requirements.

The following dimensional requirements shall apply to all [structures](#) and [uses](#) in the Marine Industrial District:

- a. Lot Size. The minimum [lot](#) size is 6,000 square feet.
- b. Setbacks. No [building](#) may be located in a required [setback](#) area without an approved conditional [use](#) permit.
 - 1. Buildings shall be set back 20 feet from all dedicated rights-of-way. [Alleys](#) are not subject to a 20-foot [setback](#) requirement. The [setback](#) requirements from any [lot](#) line abutting an [alley](#) will be determined by the dimensional requirements of subsection (b)(2) of this section.
 - 2. Buildings shall be set back five feet from all other [lot](#) boundary lines.
- c. The maximum [building height](#) is 35 feet.
- d. No [lot](#) shall contain more than 8,000 square feet of [building area](#) (all [buildings](#) combined), nor shall any [lot](#) contain [building area](#) in excess of 70 percent of the [lot](#) without an approved conditional [use](#) permit.

e. Building Area and Dimensions – Retail and Wholesale.

1. The total floor area of retail and wholesale business uses within a single building shall not exceed 25,000 square feet.
2. In no event may a conditional use permit or variance be granted that would allow a building to exceed the limits of subsection (d)(1) of this section and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subsection (d)(1) of this section. [Ord. 13-11(A) § 8, 2013; Ord. 08-29, 2008; Ord. 08-27(S) § 1, 2008].

21.30.050 Site and access plan.

- a. A zoning permit for a building or structure within the Marine Industrial District shall not be issued by the City without a level two site plan approved under Chapter 21.73 HCC.
- b. No zoning permit may be granted without a level two right-of-way access plan approved under Chapter 21.73 HCC. [Ord. 08-29, 2008].

21.30.060 Traffic requirements.

A conditional use permit is required for every use that:

- a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use; or
- d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection. [Ord. 13-27 § 11, 2013; Ord. 08-29, 2008].

21.30.070 Site development requirements.

All site development shall conform to the level three site development standards contained in HCC 21.50.040 and the following requirements:

- a. Development shall not impair public use of adjacent publicly owned tidelands.
- b. Buildings and roadways shall be located to minimize alteration to the natural terrain.
- c. Grading and filling shall not alter the storm berm except as necessary to correct unsafe conditions.
- d. Point source discharges to a waterway shall conform to the applicable regulations of the Alaska Department of Environmental Conservation. [Ord. 13-11(A) § 9, 2013; Ord. 08-29, 2008].

21.30.080 Nuisance standards.

The nuisance standards of HCC 21.59.010 apply to all development, uses, and structures in this zoning district. [Ord. 08-29, 2008].

21.30.090 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all development, uses, and structures in this zoning district. [Ord. 08-29, 2008].



Lease Application/Assignment Form

Directions:

1. Please submit this application form to the City Manager's Office, 491 Pioneer Avenue, Homer, AK, 99603.
2. Please answer all questions on this form, or put "N/A" in the space if it is non-applicable.
3. Please include all applicable fees in the form of a check, made payable to the City of Homer.

Applicant Name:	Trey Hill
Business Name:	Sea Assist Alaska Inc. DBA: Sea Tow SouthCentral Alaska
Email Address:	thill@seatow.com
Mailing Address	PO Box 2729
City, State, ZIP code:	Homer, Alaska 99603
Business Telephone No.	907-315-6688
Representative's Name:	Trey Hill
Mailing Address:	PO Box 2729
City, State, ZIP code:	Homer, Alaska 99603
Business Telephone No.	907-677-2628
Property Location:	Portion of Lot 48, AKA 4667 Homer Spit Rd.
Legal Description:	HM0890034 T07S R13W S01 Homer Spit Sub Amended Lot 48
Type of Business to be placed on property:	Maritime Buisness, 24/7/365 On-water Service Provider. We provide recreational and Commercial boaters assistance i.e. tows, jump starts fuel/Part drops, etc. We also provide salvage/recovery services.
Duration of Lease requested:	minimum of 3 years
Options to re-new:	Yes

**The following materials must be submitted when applying for a lease of
City of Homer real property**

1.	Plot Plan N/A Already Existing Building	<p><u>A drawing of the proposed leased property showing:</u></p> <p><input type="checkbox"/> Size of lot - dimensions and total square footage (to scale)</p> <p><input type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned (to scale).</p> <p><input type="checkbox"/> Water and sewer lines – location of septic tanks, if needed.</p> <p><input type="checkbox"/> Parking spaces – numbered on the drawing with a total number indicated</p>																				
2.	Development Plan Please refer to the Supporting Document, "Proposed Use of Property"	<p><input type="checkbox"/> <u>List the time schedule from project initiation to project completion, including major project milestones.</u></p> <table border="0"> <thead> <tr> <th align="left">Dates</th> <th align="left">Tasks</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table> <p>For each building, indicate:</p> <table border="0"> <thead> <tr> <th align="left">Building Use</th> <th align="left">Dimensions and square footage</th> </tr> </thead> <tbody> <tr> <td>Sea Tow Main Office (single story)</td> <td>336 sq. ft</td> </tr> <tr> <td>Housing & Captains Quaters (2nd story of main)</td> <td>960 sq. ft.</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> </tbody> </table>	Dates	Tasks	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	Building Use	Dimensions and square footage	Sea Tow Main Office (single story)	336 sq. ft	Housing & Captains Quaters (2nd story of main)	960 sq. ft.	_____	_____
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3.	Insurance Our current business insurance is provided as supporting doc. to prove insurability.	<p><input checked="" type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.</p>																				
4.	Subleases N/A	<p><input type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.</p>																				
5.	Health Requirements N/A	<p><input type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.</p>																				

6.	Agency Approval N/A	<input type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.
7.	Fees	<u>All applicable fees must be submitted prior to the public meeting preparation.</u> <input checked="" type="checkbox"/> Application fee - \$30.00. Please make check payable to the City of Homer. <input type="checkbox"/> Lease fee - \$300.00. Please make check payable to the City of Homer.
8.	Financial Data	<u>Please indicate lessee's type of business entity:</u> <input type="checkbox"/> Sole or individual proprietorship. <input type="checkbox"/> Partnership. <input checked="" type="checkbox"/> Corporation. <input type="checkbox"/> Other – Please explain: _____ <input checked="" type="checkbox"/> Financial Statement – <u>Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</u> <input type="checkbox"/> Surety Information – Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in you organization holding more than a 10% interest <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance. <input type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt. <input type="checkbox"/> Pending Litigation – Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.

9.	Partnership Statement N/A	<input type="checkbox"/> <u>If the applicant is a partnership, please provide the following:</u> Date of organization: _____ Type: <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership Statement of Partnership Recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____ Has partnership done business in Alaska? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____ Name, address, and partnership share. If partner is a corporation, please complete corporation statement. <i>Please attach a copy of your partnership agreement.</i>																						
10.	Corporation Statement	<input checked="" type="checkbox"/> <u>If the applicant is a corporation, please provide the following:</u> Date of Incorporation: <u>07//19/2017</u> State of Incorporation: <u>Alaska</u> Is the Corporation authorized to do business in Alaska? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Is so, as of what Date? <u>Business License: Dec 17, 2018-Dec 17, 2020</u> Corporation is held? <input type="checkbox"/> Publicly <input checked="" type="checkbox"/> Privately If publicly held, how and where _____ is _____ the _____ stock _____ traded? Officers & Principal Stockholders [10%+]: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Name</u></th> <th style="text-align: left;"><u>Title</u></th> <th style="text-align: left;"><u>Address</u></th> <th style="text-align: left;"><u>Share</u></th> </tr> </thead> <tbody> <tr> <td>Grover L Hill III (Trey)</td> <td>CEO/President</td> <td>3850 Heath St., Homer, AK</td> <td>41%</td> </tr> <tr> <td>Alyssa Hill</td> <td>Vice President</td> <td>3850 Heath St, Homer, AK</td> <td>40%</td> </tr> <tr> <td>Grover Hill Jr.</td> <td>Shareholder</td> <td>3194 E Coles Rd, Wasilla AK</td> <td>10%</td> </tr> </tbody> </table> <input checked="" type="checkbox"/> Please furnish a copy of Articles of Incorporation and By-laws. Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments. <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Name</u></th> <th style="text-align: left;"><u>Title</u></th> </tr> </thead> <tbody> <tr> <td>Grover Hill III (Trey)</td> <td>CEO/President</td> </tr> <tr> <td>Alyssa Hill</td> <td>VP/Secretary</td> </tr> </tbody> </table>	<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Share</u>	Grover L Hill III (Trey)	CEO/President	3850 Heath St., Homer, AK	41%	Alyssa Hill	Vice President	3850 Heath St, Homer, AK	40%	Grover Hill Jr.	Shareholder	3194 E Coles Rd, Wasilla AK	10%	<u>Name</u>	<u>Title</u>	Grover Hill III (Trey)	CEO/President	Alyssa Hill	VP/Secretary
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11. Applicant References

Please list four persons or firms with whom the Applicant or its owners have conducted business transactions with during the past three years. Two references named shall have knowledge of your financial management history, of which at least one must be your principal financial institution. Two of the references must have knowledge of your business expertise.

Name: Laura Albright

Firm: N/A

Title: Landlord

Address: 100 Kenai St., Whittier, AK

Telephone:

Nature of business association with Applicant: We are currently renting an apartment in Whittier from the Albrights. This apartment is housing for our captains working in Whittier.

Name: Yolanda Ochoa

Firm: Heath Street Investments

Title: Property Manager

Address: 127 W. Pioneer Ave, Homer, AK

Telephone: 907-299-8555

Nature of business association with Applicant: Sea Tow is currently leasing an office space from Heath Street Investments. Office is located at 3850 Heath St.,

Name: Renee Bronson

Firm: Petro Marine

Title: Accounts Receivable

Address: 4755 Homer Spit Rd.

Telephone: 907-235-8818

Nature of business association with Applicant: Sea Tow has a commercial Fuel account with Petro Marine Services.

Name: Shoreside Petroleum- Megan

Firm: Shoreside Petroleum

Title: Accoutns Receivable

Address: 700 Port Ave, Seward, AK

Telephone: 907-224-8040

Nature of business association with Applicant: Sea Tow has a commercial Fuel account with Shoreside Petroleum.

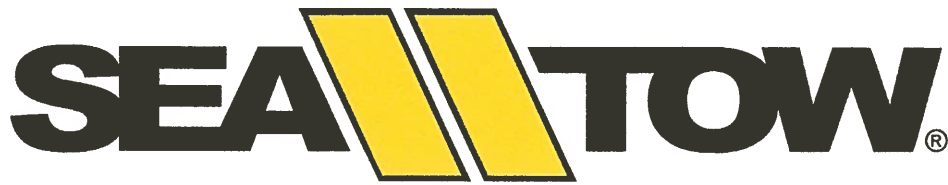
I hereby certify that the above information is true and correct to the best of my knowledge.

Signature:

Date:



3-12-20



Proposed use of property

(Portion of Lot 48, 4667 Homer Spit Rd.)

City of Homer,

As you may know the property, 4667 Homer Spit Rd, is comprised of a ground level office and the second story of the main building. We intend on using the ground level office as our main Sea Tow office. This office will serve as our dispatch office and a place where our customers can walk in to discuss matters pertaining to Sea Tow and our services. The office itself will consist of desks, Sea Tow marketing material and VHF radio base stations. We will also have a lifejacket loaner station in front of our building to encourage safe boating. This is will be a self-help display with various sizes of lifejackets for borrow. Our dispatcher and other Sea Tow personnel will attend to daily Sea Tow administrative duties using this office, as well as, monitoring the radio, answering phone calls and providing customer relations.

For the second story, we would like to use this space as housing and captain's quarters. As you may know, Sea Tow is open 24/7/365. We have captains on-call year round, 24 hours a day, 7 days a week. Many of our captains work rotation between Homer, Seward, and Whittier from April 15th to Oct 1st. We provide all of our captains housing in all the aforementioned areas. As it is now, the second floor of the property has a lobby area, breakroom, two bathrooms, and three offices. Our plan is to essentially have a 3 bedroom/2 bath accommodation for owners and captains.

We would like to invest in this property by making upgrades to the second floor. We would suggest a fresh coat of paint on all interior walls and new flooring throughout the second floor. We would like to convert one of the bathrooms to accommodate a shower and washer/dryer unit. We want to keep

the second bathroom as is with a toilet and sink. We would also like to upgrade the breakroom into a more functional kitchen and dining area. The breakroom currently has a very small kitchenette space i.e. countertop, sink, and cabinets. We would like to install more cabinet space or island, and install kitchen appliances i.e. range and refrigerator.

We would make great improvements to the second story with these upgrades. The improved second floor will make a great space for the owners, employees, and on-call captains of our company. In our business, being close to the harbor and our Sea Tow vessels is a must. This location gives us the ability to respond to distress calls and provide boat watch in a timelier manner.

Move-In Schedule:

We would like to move in ASAP. We have told our current landlord for our existing Sea Tow office in Homer that we will be moving out and not renewing our 2020 lease contingent upon this lease opportunity. As well as gave them a tentative date of Mid-April.

Upgrades Timeline:

The 1st floor office and the second story are move in ready and the upgrades we have suggested are not items that we feel need to be completed quickly or needing to be done before we inhabit the building.

With this said, there are items we will perform right away. Painting the interior walls and laying down new flooring will take priority and will be completed within a week of occupying the building.

Remodeling one of the bathrooms into a laundry/shower room and upgrading the kitchenette will likely be done a 1-6 months after we occupy the building. These two items are higher in value and we will need to get bids from the individuals we seek to perform the work.

Bid:

We would like a 3 year minimum lease with the option to renew. Our proposed bid is \$1.50 per sq. ft. per year.

3096 sq. ft. X \$1.50= \$4633/Year (\$387/Month)

Insurance:

In the applications supporting documents you will find our current insurance declarations and proof of insurability. We will add the building to the insurance if we are granted the opportunity to lease. Along with the City of Homer listed as additionally insured.

Contact Information:

Trey Hill: 907-315-6688, thill@seatow.com

Alyssa Hill: 907-726-3929, ahill@seatow.com



MaritimeProgramGroup

70 Essex Rd.
Westbrook, CT 06498
800-366-8086
www.maritimepg.com

Insured's Representative:

Sea Insure

P.O. Box 727
Westbrook, CT 06498
8603992801

OCEAN MARINE PACKAGE POLICY DECLARATIONS

POLICY NUMBER: OHL92013181

Effective From: 8/22/2019 TO: 8/22/2020
at 12:01 A.M. Standard time at place of issuance

NAMED INSURED: Sea Assist Alaska, Inc.

ADDRESS: 19111 Second Street, Eagle River, AK 99577

PART I. – PROPERTY COVERAGE

SECTION A – HULL AND MACHINERY

PREMIUM: \$3,535

SCHEDULED VESSELS

Vessel #	Vessel	Value	Deductible
1	1986 25' Boston Whaler	\$55,000	\$2,500
2	1989 27' Boston Whaler	\$45,000	\$2,500
3	1992 27' Boston Whaler	\$65,000	\$2,500

*If more than three vessels see attached schedule

SECTION B – INLAND MARINE

PREMIUM: \$150

SCHEDULED EQUIPMENT

Item #	Description	Value	Deductible

*If more than three items see attached schedule

UNSCHEDULED EQUIPMENT

Limit: \$10,000	Max Any One Item: \$1,000	Deductible: \$500
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PART II. – LIABILITY COVERAGE

Combined Single Limits Apply - Applicable to all Part II. Coverage Sections

It is understood and agreed that in the event of an occurrence involving more than one policy form, section, or endorsement the maximum limit of liability under this policy for any one occurrence shall not exceed \$1,000,000.



MaritimeProgramGroup

SECTION A – PROTECTION & INDEMNITY**PREMIUM:** \$3,082

Includes Crew Coverage for Two (2) Crew Members

SCHEDULE VESSELS

Vessel #	Vessel	Occurrence Limit	Deductible
1	1986 25' Boston Whaler	\$1,000,000	\$1,000
2	1989 27' Boston Whaler	\$1,000,000	\$1,000
3	1992 27' Boston Whaler	\$1,000,000	\$1,000

*If more than three vessels see attached schedule

SECTION B – MARINE GENERAL LIABILITY**PREMIUM:** \$1,650**LOCATIONS:** 3850 Heath St. bldg. A, Homer AK 99603

Each Occurrence Limit:	\$1,000,000
General Aggregate Limit:	\$2,000,000
Products-Completed Operations Aggregate Limit:	\$1,000,000
Personal Injury & Advertising Injury Liability Limit:	\$1,000,000
Fire Damage Limit:	\$100,000
Medical Expense Limit:	\$5,000

Gross Receipts Rate: Flat Minimum Premium

Deductible: \$5,000 Each Occurrence, except:
\$25,000 For Sudden & Accidental Pollution Buy-Back Coverage

POLICY PARTS PREMIUM: \$8,417

TERRORISM PREMIUM (Additional, Optional): Excluded

TOTAL POLICY PREMIUM: \$8,417**FORMS & CONDITIONS: As per attached policy forms schedule.**

In consideration of the premium hereinafter stated, the Companies named herein agree to insure the assured named herein in the amount(s) and subject to the terms, conditions, stipulations, forms, clauses and endorsements attached hereto and which are hereby made a part of this Policy.

COUNTERSIGNED BY:

DATE: 8/22/2019

Alaska Business License # **1058250**

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

SEA TOW SOUTHCENTRAL ALASKA

3850 HEATH ST., BLDG A HOMER AK 99603

owned by

SEA ASSIST ALASKA INC.

is licensed by the department to conduct business for the period

December 27, 2018 through December 31, 2020
for the following line of business:

48 - Transportation and Warehousing



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Anderson

State of Alaska
Department of Commerce, Community, and Economic Development
Corporations, Business, and Professional Licensing

Certificate of Incorporation

The undersigned, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community, and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

Sea Assist Alaska Inc.



IN TESTIMONY WHEREOF, I execute the certificate
and affix the Great Seal of the State of Alaska
effective **July 19, 2017**.

A handwritten signature in cursive script, appearing to read "Chris Hladick".

Chris Hladick
Commissioner

CORPORATE BYLAWS
OF
Sea Assist Alaska Inc.

These are general Bylaws that have been customized with your company's information. These Bylaws should be reviewed and edited by the company's Board of Directors and/or attorney to meet your company's specific needs and to conform to any statutory changes before adoption.

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CORPORATE BYLAWS

OF

Sea Assist Alaska Inc.

Article 1---Organization

- 1.1 PRINCIPAL OFFICE. The principal office of the Corporation will be determined by the Board of Directors. Other offices may also be established at such places that the Board deems necessary for the conduct of business. A copy of these bylaws will be kept at the principal office.
- 1.2 REGISTERED AGENT. The name and address of the Registered Agent is provided in the Articles of Incorporation that was filed with the Secretary of State. The Registered Agent may only be changed by filling out the appropriate paperwork with the Secretary of State. Each change of Registered Agent must be approved by the Board of Directors.
- 1.3 BYLAWS AMENDMENTS. These Bylaws may be amended by the shareholders or Board of Directors. Notice of all changes must be given to the shareholders before the next Shareholder's meeting after the adoption of the changes.

Article 2---Shareholder's Meetings

- 2.1 ANNUAL MEETING. On the anniversary of the Corporation's formation, an annual meeting of the Shareholders will be held at the principal place of business or at an alternate location chosen by the Board of Directors.
- 2.2 PURPOSE OF ANNUAL MEETING. The purpose of the annual meeting will be the election of Board members and to address other issues that require shareholder approval.

2.3 TELEPHONE MEETINGS. When necessary or desired, Shareholders may elect to meet via conference call or any other means where all participants can hear each other. Decisions made at such meetings will have the same authority and power as a decision made at meetings where the participants were physically present.

2.4 ACTION WITHOUT A MEETING. Any action that may be taken at a meeting of the Shareholders may be taken without a meeting if all members entitled to vote, in writing, files consent to the action with the Secretary of the Corporation. All such actions will have the same authority and power as actions passed at meetings where the participants were physically present. Consent documents will be kept in the Corporate Record Book at the principal place of business.

2.5 NOTICE OF MEETING. The Board or person calling a meeting of the shareholders will provide notice of the meeting no less than 10 days before the meeting to all shareholders who have a right to vote. A shareholder or group of shareholders must hold at least 10 percent of the shares entitled to vote in order to call a meeting. The notice must include the date, time, and place of meeting. In the case of a special meeting the purpose of the meeting must be included in the notice.

2.6 VOTING. Voting rights will be determined by the Secretary based on the Corporation's Share Transfer books. Each share is entitled to one vote regardless of the class. Votes may be cast in person or by proxy executed in writing.

2.7 QUORUM. A majority of the qualified voting shareholders, in person or by proxy, will constitute a quorum. A quorum is required for actions taken to be considered Shareholder approved.

Article 3---Board of Director Meeting

3.1 MEETING LOCATION. Meetings shall be held at the Corporation's principal place of business or at an alternate location chosen by the Board.

3.2 REGULAR MEETINGS. Regular Meetings shall be held at a date and time that is acceptable to the Board members and at a frequency that promotes the growth of the Corporation.

3.3 SPECIAL MEETINGS. Special meetings may be called at any time by president of the Board of Directors. Notice of the meeting must be received by each Director at least 3 days before the meeting. The notice must include the agenda for the meeting along with the place and time of the meeting.

3.4 TELEPHONE MEETINGS. When necessary or desired, the Board may elect to meet via conference call or any other means where all participants can hear each other. Decisions made at such meetings will have the same authority and power as a decision made at meetings where the participants were physically present.

3.5 ACTION WITHOUT A MEETING. Any action that may be taken at a regular or special meeting of the Board may be taken without a meeting if all members of the Board, in writing, consent to the action. All such actions will have the same authority and power as actions passed at meetings where the participants were physically present.

3.6 QUORUM. A majority of the authorized Directors will constitute a quorum. A quorum is required for actions taken to be considered Board approved.

Article 4---Directors

4.1 AUTHORITY. The business and affairs of the Corporation shall be managed by a Board of Directors subject to any limitations in the Articles of Incorporation.

4.2 ELECTION. The members of the Board of Directors will be elected by the voting members at the annual meeting. The Director will serve for the time specified at his or her election but for no less than one year.

4.3 NUMBER OF DIRECTORS. The number of authorized directors will be determined by the Board. This number may be increased or decreased as needed by a vote of the Board. No decrease in the number of Directors may shorten the term of an incumbent Director.

4.4 RESIGNATION. At any time, a Director may resign by giving a letter of resignation to the Secretary of the Corporation. The resignation will become effective immediately or at the date specified without a vote of

the Board. A vote of a quorum of Directors or Shareholder will be required to remove a Director for cause.

4.5 VACANCIES. Vacancies on the Board will be filled by a vote of the Board. A majority vote of the current Directors will be required for election. Board elected directors will serve until the next Shareholder's annual meeting when a Board of Directors election will be held.

4.6 COMPENSATION. Directors will serve on a voluntary basis and will not receive compensation for their services except for expenses incurred and specified by Board resolutions. A Director may be compensated for services provided to the Corporation if he also serves in another position such as an officer, agent, or employee.

Article 5---Officers

5.1 NUMBER OF OFFICERS. The Corporation shall have at least a President and a Secretary. Other officers, along with titles and responsibilities, may be added by the Board of Directors. One person may be selected to serve in more than one position.

5.2 ELECTION. Officers' election, length of term, and compensation is set by the Board.

5.3 REMOVAL AND RESIGNATION. An officer may be removed or resign at any time, with or without cause. Removal requires an action of the Board. Resignation requires that the officer submit a written notice of his resignation to the Secretary.

5.4 PRESIDENT. The President will serve, at the discretion and under the supervision of the Board, as the general manager and chief executive officer of the corporation. The President will have the authority and power to run the day-to-day operations of the company under the guidelines provided by the Board. In the absence of a Treasurer, the President will also serve as the chief financial officer.

5.5 SECRETARY. The Secretary will be responsible for: (1) sending out notices for all meetings, (2) keeping minutes for all meetings, (3) maintaining the Corporate Record Book, (4) maintaining Corporation records and seal.

5.6 COMPENSATION. The Board of Directors will set the compensation for officers. No officer will be denied compensation due to the fact that they are also a shareholder, Director, or both.

Article 6---Authority to Execute

6.1 BINDING POWER. No shareholder, officer, agent, or any other person or company has the right or power to bind the Corporation by pledge, agreement, contract, or any other means without the expressed written permission of the Board of Directors.

6.2 SIGNATORIES. With authorization from the Board of Directors, the President and Secretary will sign all documents, including all financial documents that require the signature or endorsement of a corporate officer.

Article 7---Shares

7.1 CLASSES. The Corporation may issue one or more classes of shares. Each share in each class will have the same value, voting rights, and restrictions as any other share in the class.

7.2 CERTIFICATES. Certificates for shares will be issued only after the full value of the share has been paid to the Corporation. Acceptable forms of payment include donated property, work rendered, and money paid. Certificates will be signed by the Secretary or other officer as designated by the Board.

7.3 TRANSFER OF SHARES. Shares may be transferred when endorsed, written documentation from the shareholder is presented to the Secretary. The Secretary will issue a new certificate bearing the name of the new shareholder, cancel the old certificate, and record the transaction in the Corporate Record Book.

Article 8---Corporate Records

8.1 CORPORATE MINUTES. A record of all meetings of shareholders and directors will be kept at the principal place of business or at an alternate location chosen by the Board of Directors. The minutes shall include the

date, time, location, names of attendees, purpose, and acts of each meeting.

- 8.2 **SHARE RECORDS.** Share information will be kept at the principal place of business or at an alternate location chosen by the Board of Directors. The information to be kept includes the shareholder name and address, class and number of shares, date issued, date transferred, date cancelled, and certificate numbers.
- 8.3 **FINANCIAL RECORDS.** The chief financial officer will be responsible for maintaining accurate records of all corporate financial transactions. Industry acceptable accounting procedures are to be followed so that the records may be used in the preparation of the Corporation's tax returns.
- 8.4 **INSPECTION OF RECORDS.** Corporate records and Bylaws are available for inspection by Directors and Shareholders. Before examination, the inspecting party must sign an affidavit stating that the information will be kept confidential.
- 8.5 **FISCAL YEAR.** The Board of Directors will determine the fiscal year of the Corporation based on the prevailing guidelines of the Internal Revenue Service.

Article 9---Indemnification and Insurance

- 9.1 **INDEMNIFICATION.** The directors and officers will be indemnified to the fullest extent of the law by the Corporation. Any director or officer that is found to be negligent or guilty of misconduct will forfeit their indemnification.
- 9.2 **INSURANCE.** The Corporation shall have the power to purchase and maintain insurance for any agent of the Corporation including but not limited to directors, officers, and employees.

Article 10---Adoption

This is to certify that the foregoing is a true and correct copy of the Initial Bylaws duly adopted by undersigned Board of Directors.

Date: August 17, 2017

97-2017-2

Director

Alyssa Johnson
Director

Seal

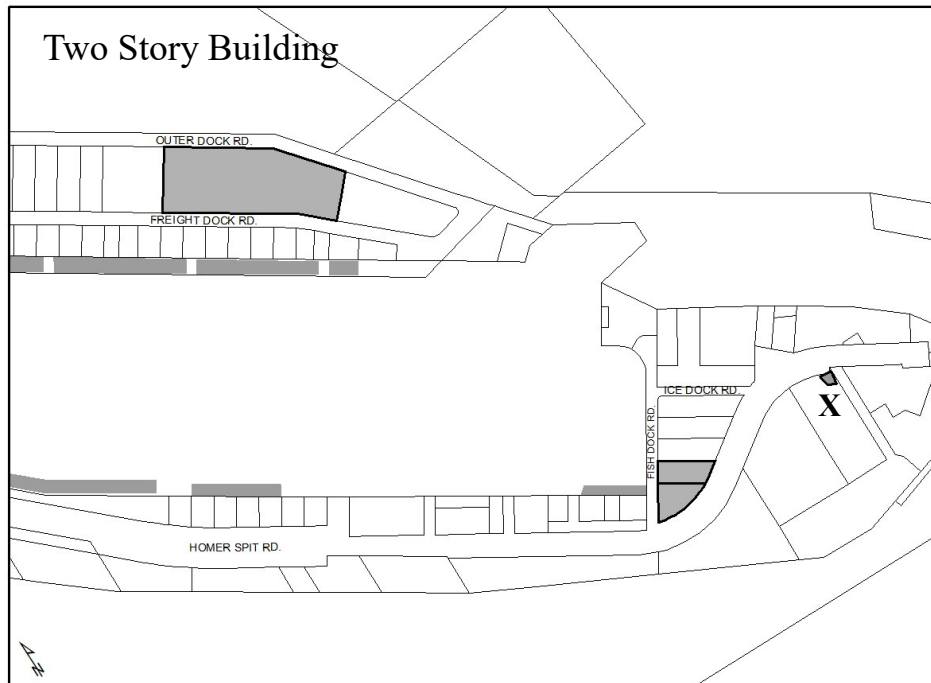
Director

Alyssa Johnson
Secretary

CITY OF HOMER LAND INFORMATION

Available for Lease

A-5



Designated Use: Lease Lands
Acquisition History:

Area: 1.05 acres (0.52 and 0.53 acres)

Parcel Number: 18103477, 78

2019 Assessed Value: Land value \$325,700

Legal Description:

Zoning: Marine Industrial

Infrastructure: Water, sewer, natural gas, paved road access

Address: 4667 Homer Spit Road

Prior to a long-term lease the site is appraised. The appraised lease rates for uplands is approximately \$0.90 per square foot, per annum. Lease rates vary; contact the Harbor Office at 907-235-3160.

Lower level of the building contains a large water pump and is part of the city water infrastructure. That portion of the building is not available for lease.

Finance Dept. Code:



Recent aerial imagery of Lot 48

4667 Homer Spit Rd. 1.18.2011



CERTIFICATE OF OWNERSHIP

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

Phil Shealy 8/10/87
CITY OF HOMER
by: PHIL SHEALY, City Manager
190 East Pioneer Avenue
HOMER, ALASKA 99603

JERRY ANDERSON
NOTARY PUBLIC
STATE OF ALASKA

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 10th day of Aug 1987

Jerry A. Anderson 11-7-87
Notary public for Alaska My Commission Expires

SURVEYORS CERTIFICATE

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

Jerry A. Anderson 8-8-87
Date

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 5-16-87

KENAI PENINSULA BOROUGH
BY Richard B. Tynge
Authorized Official

1.) All former Boundaries, Rights of Way and Easements within the boundaries of this Plat are vacated herein.

2.) The Boundaries Rights of Way and Easements instituted per this Plat constitute BOUNDARY AGREEMENTS among all Signators.

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

Basis of bearing is the City of Homer Coordinate system, as shown on plat 87-37RS HRD, "CITY OF HOMER AREA RECORD OF SURVEY".

Where Private Property is adjacent to the City Owned Tidelands, the meanders as established by ATS 612, Plat 77-64 have been adhered to as closely as possible.

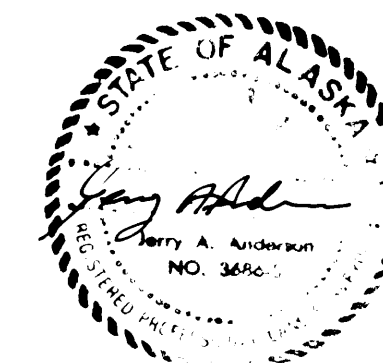
Pedestrian access shall be provided across all City-owned lands from the dedicated rights of way to the Shorelines. Such access-ways shall be at least twenty feet wide, and not be further than six hundred feet apart.

A five foot utility easement exists on each side of all electric, telephone, water, sewer or other utility lines existing as of the date of the filing of this plat.

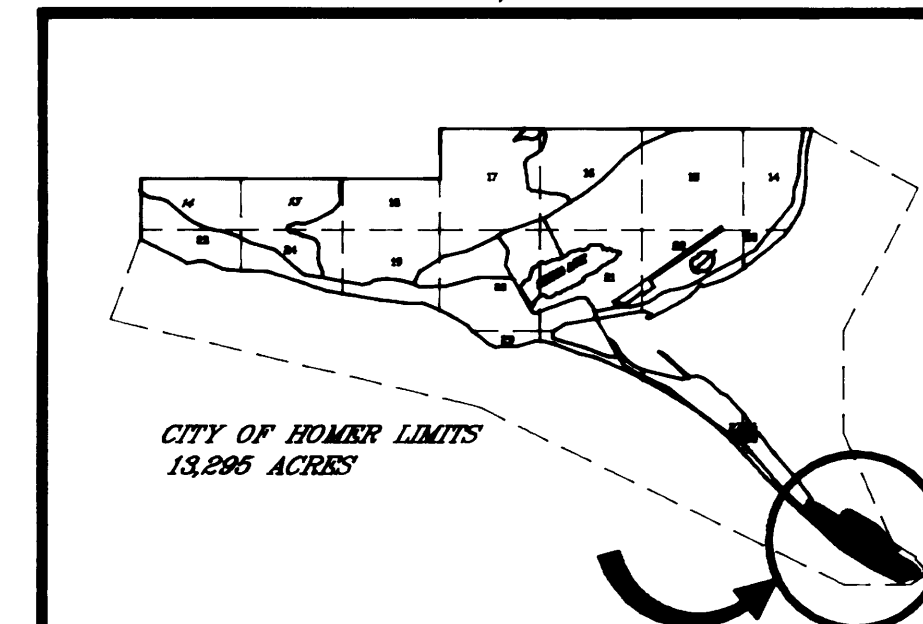
THE FOLLOWING AMENDMENT HAS BEEN MADE TO THIS PLAT: A FIFTEEN (15) FOOT WIDE ACCESS AND UTILITY EASEMENT HAS BEEN ADDED TO THE EXTERIOR OF LOT EIGHT. SAID LOT IS DEPICTED ON SHEET THREE HEREON. THE WORD "AMENDED" HAS BEEN ADDED TO THE TITLE BLOCK OF EACH SHEET.

THE ABOVE REVISION DOES NOT ALTER LOT AREAS, AND DOES NOT AFFECT OR INFLUENCE ANY CHANGE OF OWNERSHIP, DRAINAGE FEATURES, RIGHTS OF WAY, OR OTHER ITEMS WHICH WOULD ADVERSELY AFFECT THIS OR ADJACENT PROPERTIES. THIS NOTE AND THE ABOVE REFERENCED EASEMENT CONSTITUTE THE SOLE CHANGES MADE TO THIS PLAT.

Jerry A. Anderson PLS No. 3686-S



VICINITY MAP 1" = 10,000'



DATE MAY 1986

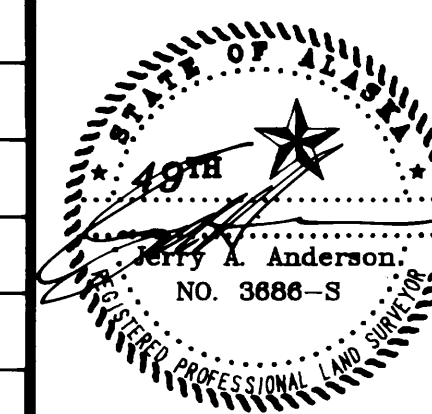
SCALE 1" = 300

GRID No. H 1 THRU 5

FLD. BK. No. 176

DISK No. C.1.18

JOB No. 1776



HOMER SPIT

A RESUBDIVISION OF PORTIONS OF SEC. 35 AND 36 TWP. 6S, AND PORTIONS OF SEC. 1 AND 2, TWP. 7S ALL WITHIN RGE. 13W, S.M. AND WITHIN THE CITY OF HOMER, ALASKA; HOMER RECORDING DISTRICT

C.TNG. 199.429 ACRES TOTAL

ABILITY SURVEYS
JERRY A. ANDERSON PLS

HANSON & CO.
MARVIN L. HANSON PLS
(A JOINT-VENTURE)

(907) 235-8440
BOX 378, HOMER ALASKA 99603

HOMER

SHEET ONE

SPIT

(INDEX SHEET)

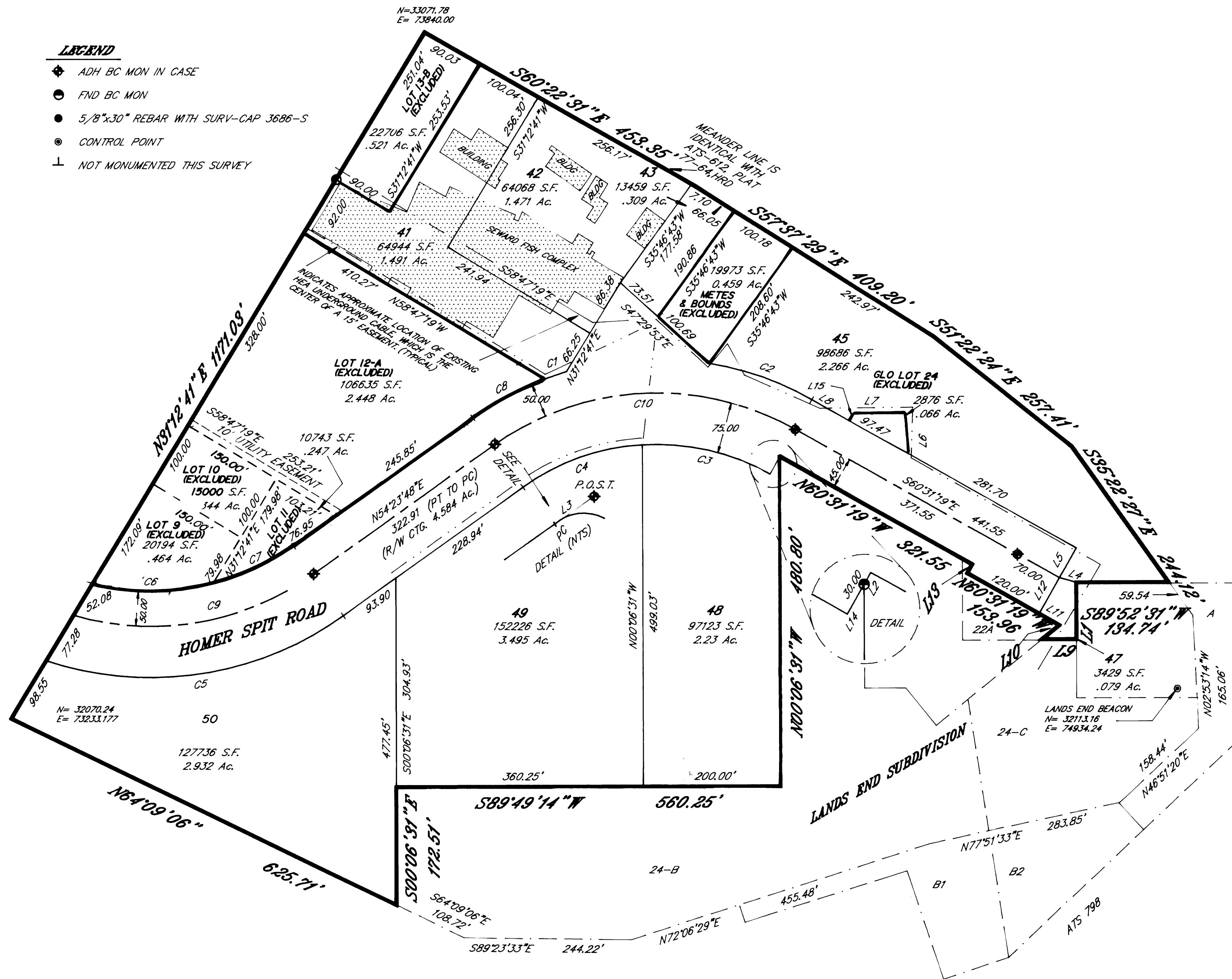
NOTE: SHEET 6 THROUGH SHEET 18 ARE SIGNATURE SHEETS ONLY.

89-34
HOMER REC. DIST
9-21-89
10-22-A
Ability

89-15
CORD FILED 40
HOMER REC. DIST
DATE 5-19-89
TIME 1:50 P.M.
REQUESTED BY: ABILITY SURVEYS
ADDRESS: P.O. BOX 378
HOMER, ALASKA 99603

LEGEND

- ADH BC MON IN CASE
- FND BC MON
- 5/8"x30" REBAR WITH SURV-CAP 3686-S
- CONTROL POINT
- NOT MONUMENTED THIS SURVEY



No.	Bearing	Distance
L1	S00°08'29"E	82.50'
L2	S29°28'41"W	1.22'
L3	S54°23'48"W	3.03'
L4	N74°28'00"W	25.89'
L5	S29°28'41"W	50.00'
L6	S03°13'34"E	59.69'
L7	S89°51'04"W	75.03'
L8	N60°31'19"W	62.38'
L9	S89°52'31"W	50.36'
L10	N50°48'03"E	32.58'
L11	N60°31'19"W	33.96'
L12	N29°28'41"E	60.00'
L13	S29°28'41"W	15.00'
L14	N29°28'41"E	28.78'
L15	N29°28'41"E	13.14'

No.	Delta	Radius	Arc Length
C1	04°11'43"	459.69	33.66
C2	19°57'03"	459.69	160.07
C3	33°06'20"	334.69	193.38
C4	31°59'25"	334.69	186.87
C5	54°01'23"	484.1	456.45
C6	28°22'28"	359.1	177.84
C7	21°04'26"	359.1	132.08
C8	14°48'30"	459.69	118.81
C9	51°37'34"	409.1	368.62
C10	63°04'53"	409.69	465.36

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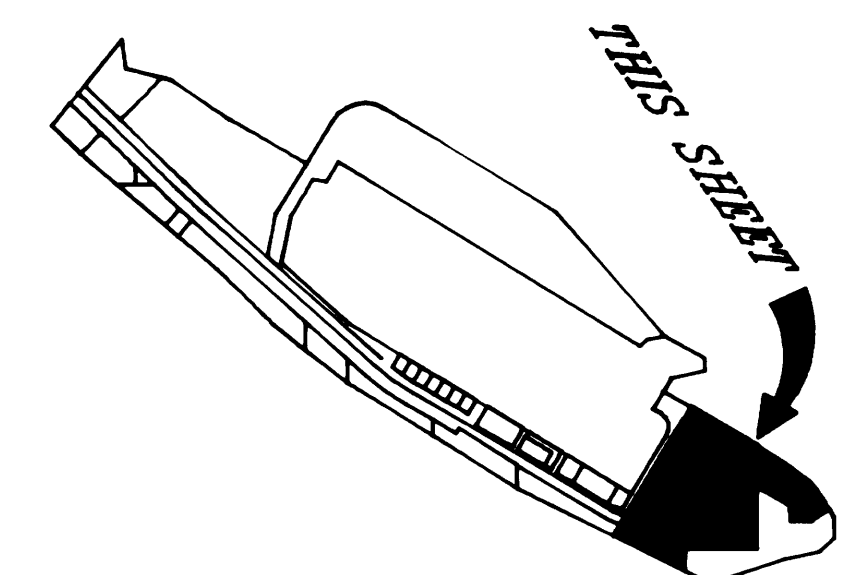
89-34

RECORDED
Homer
DATE 9-21-89
TIME 10:22 A
FILED
Ability

89-15

RECORDED
Homer
DATE 9-19-89
TIME 9:50 A
FILED
Ability

VICINITY MAP



DATE MAY 1986

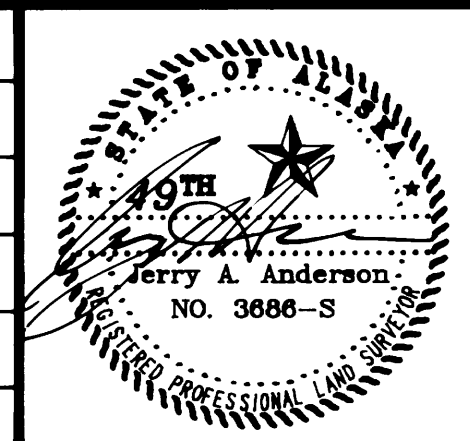
SCALE 1" = 100'

GRID No. H 1 THRU 5

FLD. BK. No. 176

DISK No. G.1.18

JOB No. 1776



HOMER SPIT

A RESUBDIVISION OF PORTIONS OF SEC. 35 AND 36 TWP. 6S, AND PORTIONS OF SEC. 1 AND 2, TWP. 7S ALL WITHIN RGE. 13W, S.M. AND WITHIN THE CITY OF HOMER, ALASKA

THIS SHEET SHOWING 18,857 ACRES

ABILITY SURVEYS

JERRY A. ANDERSON PLS

HANSON & CO.

MARVIN L. HANSON PLS

(A JOINT-VENTURE)

(907) 235-8440

BOX 378, HOMER ALASKA 99603

SHEET FIVE