

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

June 28, 2022
Virtual & In Person
7:00 PM

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <https://juneau.zoom.us/j/82308126726> and use the Webinar ID: 823 0812 6726, or join by telephone, calling: 1-253-215-8782 and enter the Webinar ID. You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, AK

I. LAND ACKNOWLEDGEMENT

II. ROLL CALL

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

A. May 10, 2022 Draft Minutes, Regular Planning Commission - APPROVED

B. May 24, 2022 Draft Minutes, Regular Planning Commission - APPROVED

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. ITEMS FOR RECONSIDERATION

VIII. CONSENT AGENDA

A. USE2022 0008: A proposed Conditional Use Permit for a 33-unit apartment building - REMOVED FROM CONSENT AND APPROVED AS RECOMMENDED ON THE REGULAR AGENDA

IX. UNFINISHED BUSINESS

A. APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD - Continued from the May 24, 2022 Planning Commission Meeting

X. REGULAR AGENDA

A. USE2022 0007: A Conditional Use Permit for a marijuana retail store - APPROVED AS RECOMMENDED

XI. OTHER BUSINESS

XII. STAFF REPORTS

XIIICOMMITTEE REPORTS

XIV.LIAISON REPORT

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVIPLANNING COMMISSION COMMENTS AND QUESTIONS

XVIEXECUTIVE SESSION

- A. APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD, if needed - THE PLANNING COMMISSION FINDS THAT THE DIRECTOR ERRED IN HER INTERPRETATION OF CBJ 49.70.300(a) (3) AND REMANDS APL2021 0006 TO CDD TO WORK WITH THE GLORY HALL TO INITIATE THE CONDITIONAL USE PERMIT

XVISUPPLEMENTAL MATERIALS

- A. Additional Materials for June 28, 2022 Planning Commission

XIXADJOURNMENT

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

May 10, 2022 Draft Minutes, Regular Planning Commission - APPROVED

ATTACHMENTS:

Description	Upload Date	Type
▣ May 10, 2022 Draft Minutes, Regular Planning Commission	6/20/2022	Minutes

DRAFT MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Michael LeVine, Chairman

May 10, 2022

I. LAND ACKNOWLEDGEMENT – Read by Commissioner Voelckers

II. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:05 p.m.

Commissioners present: Commissioners present in Chambers – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Erik Pedersen

Commissioners present via video conferencing – Mandy Cole; Joshua Winchell

Commissioners absent: None

Staff present: Jill Maclean, CDD Director; Irene Gallion, CDD Senior Planner; Chelsea Wallace, CDD Administrative Assistant II; Ryan Roguska, CDD Administrative Assistant I; Sherri Layne, Law Assistant
Municipal Attorney

Assembly members: Alicia Hughes-Skandijs

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – At the request of Commissioner Voelckers, Other Business was moved up the agenda to precede Regular Agenda items.

IV. APPROVAL OF MINUTES

A. Draft Minutes for April 12, 2022, Committee of the Whole Planning Commission

MOTION: *by Mr. Arndt to approve the April 12, 2022 Committee of the Whole Planning Commission minutes.*

B. Draft Minutes for April 12, 2022, Planning Commission Regular Meeting

MOTION: *by Mr. Arndt to approve the April 12, 2022 Planning Commission Regular Meeting minutes.*

- V. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Chair LeVine explained the rules and procedures for participating via Zoom and in person
- VI. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None
- VII. **ITEMS FOR RECONSIDERATION** – None
- VIII. **CONSENT AGENDA** – None
- IX. **UNFINISHED BUSINESS** – None
- X. **OTHER BUSINESS** – Mr. Levine took a moment to announce Mr. Dye will be leaving the PC and thanked him for his years of service. May 24 will be Mr. Dye’s last meeting.

Mr. Voelckers, Mr. Winchell, and Ms. Cole piled on with kind words. He will be missed on the panel.

- XI. **REGULAR AGENDA** – Note: The items were heard and discussed together and then voted on separately.

SMP2021 0007: Subdivision of one tract of land into four
Applicant: Creative Development
Location: Tract A, Blacktail Mountain Estates, A Fraction of U.S. Survey 471

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **DENY** the requested preliminary plat for the Blacktail Mountain Estates, Tract A. This permit would allow the applicant to submit for the final plat application.

If the Planning Commission approves the private shared access subdivision, this approval should be subject to the following conditions:

- ~~1. Prior to approval of the final plat, the private shared access must be revised to meet the Land Use Code, not create double frontage lots [CBJ 49.15.420(b)], and not create more than four (4) lots total [CBJ 49.35.260]. [Removed on Motion]~~

2. Prior to approval of the final plat, the developer shall submit a final drainage plan to be approved by CBJ Engineering & Public Works. This drainage plan must be prepared by an Alaskan licensed engineer in accordance with CBJ 49.35.510.
3. Prior to approval of the final plat, Certification from the CBJ Treasurer is required showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.
4. Prior to approval of a final plat, the applicant shall submit a complete set of construction plans for all required improvements to the Community Development Department for review by the Director of Engineering & Public Works for compliance with CBJ 49.35.140.
5. Prior to approval of the final plat, the applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.

If the Planning Commission approves the subdivision, this approval should be subject to the following plat notes:

AT THE TIME OF PLAT RECORDING, DEVELOPMENT, INCLUDING FURTHER SUBDIVISION OR USE, OF LOTS IN THIS SUBDIVISION IS SUBJECT TO CBJ 49.35 ARTICLE II DIVISION II 'PRIVATE SHARED ACCESS'. SEE THE CITY AND BOROUGH OF JUNEAU LAND USE CODE FOR CURRENT REGULATIONS.

THE USE OF EACH LOT SERVED BY THE SHARED ACCESS SHALL BE LIMITED TO ONE SINGLE-FAMILY RESIDENCE AND ONE ACCESSORY APARTMENT [CBJ 49.35.262(b)(5)]

WETLANDS MAY EXIST ON PARTS OF THIS SUBDIVISION. SPECIAL REGULATIONS MAY APPLY. (Met, note 8 on preliminary plat)

ACCESS SUBJECT TO CBJ 49.35 ARTICLE II DIVISION II 'PRIVATE SHARED ACCESS' REQUIREMENTS. ACCESS TO LOTS A1, A2, A3, and A4 SHALL BE RESTRICTED TO A SINGLE DRIVEWAY IN THE SHARED ACCESS EASEMENT. USE OF THE ACCESS EASEMENT DELINEATED ON THIS PLAT IS SUBJECT TO THE REQUIREMENTS SET FORTH IN THE COMMON DRIVEWAY ACCESS, JOINT USE, AND HOLD HARMLESS AGREEMENT RECORDED WITH THIS SUBDIVISION. (Note 9 on preliminary plat, needs modification)

THE STORMWATER RUNOFF IS ACCEPTABLE PER BLACKTAIL MOUNTAIN ESTATES TRACT A DRAINAGE PLAN IN APPROVED CONSTRUCTION PLAN SET. ALL REQUIRED PUBLIC IMPROVEMENTS INCLUDING SURFACE DRAINAGE, DRIVEWAYS AND ROADSIDE DRAINAGE SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE FOR MAINTENANCE BY CBJ PUBLIC WORKS. MODIFICATIONS TO THE APPROVED PLANS WILL NOT BE ALLOWED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ 19.12.120 BEST MANAGEMENT PRACTICES. (Note 7 on preliminary plat, needs modification)

SMP2021 0008: Subdivision of one tract of land into four
Applicant: Creative Development
Location: Tract B, Blacktail Mountain Estates, A Fraction of U.S. Survey 471

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **DENY** the requested preliminary plat for the Blacktail Mountain Estates, Tract B. This permit would allow the applicant to submit for the final plat application.

If the Planning Commission approves the private shared access subdivision, this approval should be subject to the following conditions:

1. Trail from Bonnie Brae Estates to Treadwell Ditch Trail is relocated off of Tract B prior to final plat approval.
- ~~2. Optional: Plat 60-foot right-of-way access from the south end of Wee Burn Drive to the west for access to CBJ land. [Removed on Motion]~~
3. Prior to approval of the final plat, the developer shall submit a final drainage plan to be approved by CBJ Engineering & Public Works. This drainage plan must be prepared by an Alaskan licensed engineer in accordance with CBJ 49.35.510.
4. Prior to approval of the final plat, Certification from the CBJ Treasurer is required showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.
5. Prior to approval of a final plat, the applicant shall submit a complete set of construction plans for all required improvements to the Community Development Department for review by the director of Engineering & Public Works for compliance with CBJ 49.35.140.
6. Prior to approval of the final plat, the applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.

If the Planning Commission approves the subdivision, this approval should be subject to the following plat notes:

AT THE TIME OF PLAT RECORDING, DEVELOPMENT, INCLUDING FURTHER SUBDIVISION OR USE, OF LOTS IN THIS SUBDIVISION IS SUBJECT TO CBJ 49.35 ARTICLE II DIVISION II 'PRIVATE SHARED ACCESS'. SEE THE CITY AND BOROUGH OF JUNEAU LAND USE CODE FOR CURRENT REGULATIONS.

THE USE OF EACH LOT SERVED BY THE SHARED ACCESS SHALL BE LIMITED TO ONE SINGLE-FAMILY RESIDENCE AND ONE ACCESSORY APARTMENT [CBJ 49.35.262(b)(5)].

WETLANDS MAY EXIST ON PARTS OF THIS SUBDIVISION. SPECIAL REGULATIONS MAY APPLY. (Met, note 8 on preliminary plat)

ACCESS SUBJECT TO CBJ 49.35 ARTICLE II DIVISION II 'PRIVATE SHARED ACCESS' REQUIREMENTS. ACCESS TO LOTS B1, B2, B3 and B4 SHALL BE RESTRICTED TO A SINGLE DRIVEWAY IN THE SHARED ACCESS EASEMENT. USE OF THE ACCESS EASEMENT DELINEATED ON THIS PLAT IS SUBJECT TO THE REQUIREMENTS SET FORTH IN THE COMMON DRIVEWAY ACCESS, JOINT USE, AND HOLD HARMLESS AGREEMENT RECORDED WITH THIS SUBDIVISION. (Note 9 on preliminary plat, needs modification)

THE STORMWATER RUNOFF IS ACCEPTABLE PER BLACKTAIL MOUNTAIN ESTATES TRACT B DRAINAGE PLAN IN APPROVED CONSTRUCTION PLAN SET. ALL REQUIRED PUBLIC IMPROVEMENTS INCLUDING SURFACE DRAINAGE, DRIVEWAYS, AND ROADSIDE DRAINAGE SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE FOR MAINTENANCE BY CBJ PUBLIC WORKS. MODIFICATIONS TO THE APPROVED PLANS WILL NOT BE ALLOWED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ 19.12.120 BEST MANAGEMENT PRACTICES. (Note 7 on preliminary plat, needs modification)

SMP2021 0009: Subdivision of one tract of land into four
Applicant: Creative Development
Location: Tract C, Blacktail Mountain Estates, A Fraction of U.S. Survey 471

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **DENY** the requested preliminary plat for the Blacktail Mountain Estates, Tract C. This permit would allow the applicant to submit for the final plat application.

If the Planning Commission approves the private shared access subdivision, this approval should be subject to the following conditions:

- ~~1. Prior to approval of the final plat, the private shared access must be revised to meet the Land Use Code, not create double frontage lots [CBJ 49.15.420(b)], and not create more than four (4) lots total [CBJ 49.35.260]. [Removed on Motion]~~
2. Prior to approval of the final plat, the developer shall submit a final drainage plan to be approved by CBJ Engineering & Public Works. This drainage plan must be prepared by an Alaskan licensed engineer in accordance with CBJ 49.35.510.
3. Prior to approval of the final plat, Certification from the CBJ Treasurer is required showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.
4. Prior to approval of a final plat, the applicant shall submit a complete set of construction plans for all required improvements to the Community Development Department for review by the Director of Engineering & Public Works for compliance with CBJ 49.35.140.

5. Prior to approval of the final plat, the applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.

If the Planning Commission approves the subdivision, this approval should be subject to the following plat notes:

AT THE TIME OF PLAT RECORDING, DEVELOPMENT, INCLUDING FURTHER SUBDIVISION OR USE, OF LOTS IN THIS SUBDIVISION IS SUBJECT TO CBJ 49.35 ARTICLE II DIVISION II 'PRIVATE SHARED ACCESS'. SEE THE CITY AND BOROUGH OF JUNEAU LAND USE CODE FOR CURRENT REGULATIONS.

THE USE OF EACH LOT SERVED BY THE SHARED ACCESS SHALL BE LIMITED TO ONE SINGLE-FAMILY RESIDENCE AND ONE ACCESSORY APARTMENT [CBJ 49.35.262(b)(5)].

WETLANDS MAY EXIST ON PARTS OF THIS SUBDIVISION. SPECIAL REGULATIONS MAY APPLY. (Met, note 8 on preliminary plat)

ACCESS SUBJECT TO CBJ 49.35 ARTICLE II DIVISION II 'PRIVATE SHARED ACCESS' REQUIREMENTS. ACCESS TO LOTS C1, C2, C3 and C4 SHALL BE RESTRICTED TO A SINGLE DRIVEWAY IN THE SHARED ACCESS EASEMENT. USE OF THE ACCESS EASEMENT DELINEATED ON THIS PLAT IS SUBJECT TO THE REQUIREMENTS SET FORTH IN THE COMMON DRIVEWAY ACCESS, JOINT USE, AND HOLD HARMLESS AGREEMENT RECORDED WITH THIS SUBDIVISION. (Note 9 on preliminary plat, needs modification)

THE STORMWATER RUNOFF IS ACCEPTABLE PER BLACKTAIL MOUNTAIN ESTATES TRACT C DRAINAGE PLAN IN APPROVED CONSTRUCTION PLAN SET. ALL REQUIRED PUBLIC IMPROVEMENTS INCLUDING SURFACE DRAINAGE, DRIVEWAYS, AND ROADSIDE DRAINAGE SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE FOR MAINTENANCE BY CBJ PUBLIC WORKS. MODIFICATIONS TO THE APPROVED PLANS WILL NOT BE ALLOWED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ19.12.120 BEST MANAGEMENT PRACTICES. (Note 7 on preliminary plat, needs modification)

STAFF PRESENTATION – By Director Maclean presented **SMP2021 0007**, **SMP2021 0008**, and **SMP2021 0009** together.

APPLICANT PRESENTATION

Bruce Griggs, President, Creative Development Incorporated and Peter Peel presented their plan for the Blacktail Mountain Estates subdivision.

Mr. Peel presented their stance on the CDD reasons for denial. Mr. Peel disagreed with CDD's conclusions that (1) the development circumvents development standards, (2) the shared access bisects Lot A1 creating a double frontage lot, and (3) the double frontage results in five lots where only four are allowed.

Mr. Peel explained their stance on the three points. (1) They are not circumventing standards as they followed procedures as suggested to them by CDD staff. (2) The shared access code quoted by CDD relates to streets and roads and not to private easements. Therefore, it does not apply to this request. (3) A private easement does not create a new lot.

QUESTIONS FOR APPLICANT

Mr. Voelckers asked whether any blasting would result in debris removal or if the debris would remain to build the sites. Mr. Peel said a blasting plan has been submitted and is currently under review with CDD and Engineering. They do plan to blast and to use material from that site to build the subdivisions.

Mr. Hickok asked why the easements are not located closer to the property lines to maximize the lot sizes. Mr. Peel explained they are located in the only place they can be due to design and construction limitations regarding grading and drainage.

Mr. Alper asked how the road would be treated between the lots. Mr. Peel explained it would be owned jointly between the owners of the lots and will be managed and maintained jointly.

Mr. Arndt asked if each bisected lot (A1, C1, and C2) would have single legal descriptions, or would each half have a separate description. Mr. Peel said they would each have single legal descriptions. Bisecting the lots will not create second lots.

Mr. Pedersen asked if there was any objection to the conditions or plat notes suggested. Mr. Peel said he objects in particular to condition #1 in Tract A.

Mr. Winchell asked for clarification if their position is that code **CBJ 49.35.262(b)(2)** refers only to three lots or less. Mr. Peel explained the shared access is limited to four or fewer lots. Since no subsequent common wall subdivision is intended and their private shared access easement already serves four lots, this code does not apply to their application.

Mr. Dye asked if there was a preferred right-of-way width and if the PC were to allow that reduction, would it have an impact on the amount of blasting and fill that would be needed. Mr. Peel had originally requested thirty to forty feet and that would require slightly less fill.

Mr. Hickok asked if their intent is to sell the lots developed and if they were sold undeveloped, is there potential that the buyer would build an attached home or common wall. Mr. Peel answered the plan is to sell the lots minimally developed and buyers would be made well aware of the restriction disallowing further subdivision of the lots.

Mr. Alper asked why they did not just take the uphill side of the lot and make it lot A2. Mr. Peel said one reason was this plan provides some privacy for Lot A1.

PUBLIC COMMENT

Margie Vador, 7595 North Douglas Highway – spoke in support of the project saying this will provide needed building lots to the community. They will be large lots that will bring an infusion of investment dollars and will help maintain property values to the neighborhood and surrounding area.

Emily Palmer, Bonnie Brae resident - spoke against the project saying Juneau is experiencing a housing crisis and she does support more development but putting only twelve houses on such a large tract of land does not meet the need. She felt the lots should be built to a higher density. Ms. Palmer felt that the project should be viewed as a single project and not broken into three separate parcels. She said the impact on the neighborhood will be the same as a twelve-unit subdivision and should be required to meet the rules for such. She said breaking this into multiple phases was akin to cheating the system.

Mr. Voelckers asked Ms. Palmer for specific examples of where shortcuts were being taken. She said there have been many dump trucks passing by her home from the site already and people have already supposedly purchased the lots. She feels the applicant is not following the rules.

Kevin Sledge, 9077 North Douglas Highway, SJS Creative Development – Mr. Sledge is an employee of the applicant and spoke in support of the project saying the applicant is reputable and their work improves neighborhoods.

Emily Thompson, Bonnie Brae resident – spoke against the project saying the applicant knew what he was getting into when he purchased it and added if it is that expensive to develop, then how will it add to affordable housing.

Seth Koch, 6147 Marguerite Street – spoke in support of the project as proposed saying it would be cost prohibitive to build to a higher density due to topography, drainage, and other problems.

Mr. Dye asked is there any feasible way to develop this property to more than twelve lots. Mr. Koch said it is 'possible' but would not make sense considering the terrain.

David Love, Bonnie Brae resident – spoke saying he has concerns regarding the possible increase in vehicle traffic as there are a lot of children in the area. If this is approved, he would hope the city would increase the road maintenance in the area. He also would like to see the park area protected.

Mr. Alper asked how the park near the proposed subdivision is currently used and what is its status. Mr. Love said the CBJ parcel viewer identifies it as park designation. His primary interest is that he enjoys spending time in the woods.

Andrew Kalk, 2908 Simpson Avenue – Mr. Kalk is a potential buyer for one of the lots and would like this to be approved. As a commercial fisherman, these lots have extra room where he can store his commercial fishing gear.

Mackenzie Wilson, Juneau resident – Mr. Wilson spoke in support of the project saying he is a Juneau resident who had to move to Fairbanks in part due to the lack of reasonably priced housing. He likes the idea of the larger lot sizes.

Stephen Clark, 12200 Mendenhall Loop Road – Mr. Clark spoke in support of the project saying he and his family have been looking for housing. During their housing search, a local realtor told him about this project. He and his family are hoping to purchase one of the proposed lots and they are working with a contractor hoping to break ground soon. He said they understand and support the restrictions on further subdivision.

Terry Schwarz, 6742 Sherry Street – Mr. Schwarz is a hydrologist and expressed concerns regarding the drainage impacts that would come from the proposed subdivision. He said the culverts in the neighborhood are already undersized and inadequate during rain on snow events. His major concern is how the development and paving will affect and divert the drainage through the muskeg. There is already flooding in the area during weather events. He would like it written into the lot descriptions that the lots cannot be subdivided further saying that could overwhelm the existing infrastructure.

Mr. Voelckers asked what would be an appropriate interval for a storm event plan. Mr. Schwarz said 100 years is typical and he would prefer to see a plan for more than just a rain event. A rain on snow event would be better.

Josh Anderson, 8544 North Douglas Highway – spoke in support of the proposed subdivision saying it takes into consideration adjacent neighborhoods and zoning and would add high end homes with scenic views to the area. He feels CDD is proposing denial based on their interpretation of unclear codes and he would like it to be reconsidered.

Wayne Coogan, Auke Bay – spoke to support the project. Mr. Coogan said the applicant was being characterized as circumventing the rules but they had actually strictly conformed to Title 49. Addressing the concern that that would not be affordable housing, Mr. Coogan said every housing unit built contributes to solving the housing problems.

Dave Jones, 1634 2nd Street, Douglas – spoke in support of the development as he hopes to purchase one of the lots. He grew up in Juneau and wants to raise his family here. He added his job is relocatable and if he cannot find housing in Juneau, he would consider moving to Anchorage or Fairbanks.

Paul DeSloover, Bonnie Brae resident – spoke with concerns saying Bonnie Brae has many children and no sidewalks. He expressed concern that the increase in truck and heavy equipment traffic during the construction phase would create a dangerous situation. He cited a lack of stop signs and yield signs at the ends of Wee Burn and Bonnie Doon streets as contributing to the danger. He was also concerned that if there is blasting, his house is about 400 feet from where the blasting would occur and wants the commission to be aware of that and to consider ways to mitigate impacts of blasting on neighbors.

Evan Morgan, 6725 Marguerite Street – spoke in support of the project. He owns a business that relies on SJS Construction. He and his wife are potential buyers. If they purchase a lot and build a home there, then the house he currently lives in would be available for rent.

Kaity Morgan, 6725 Marguerite Street – spoke in support saying this development would help them to achieve the home of their dreams. They have considered moving out of Juneau if they are not able to build the house they want here. She did not think the addition of twelve houses to the area would negatively impact the neighborhood.

Kate Dempsey, 2769 Sherwood Lane – spoke in support of the development saying she is a potential buyer. She was having trouble finding housing options when she heard about Blacktail Estates about a year and a half ago and the applicant has offered to work with her so she could stay in Juneau and build her home. She loves that the property will not be further subdivided.

Chris Hinkley, 5994 Pine Street – is a potential buyer and spoke in support of the development. He said the restrictions on the lots and the shared access and shared utilities, snow plowing, etc. have been made clear to him and, he thinks all buyers are aware of them. He expressed frustration at how long the process has taken saying the longer it takes, the more it will cost owners to build on the land. While he can understand the concerns of the residents of the neighborhood, he feels the new construction will have minimal impact on the existing neighborhood.

Amanda Compton, 301 Cordova Street – spoke in support saying buying a house in Juneau is difficult and housing is needed. She heard about the proposed subdivision last year and would like to purchase one of the lots. She has reviewed a proposed purchase agreement and understands the restrictions on subdividing. She stated she is a professional working in Juneau and has been looking for housing for several years. This would give her the opportunity for a home of her own. If she is unable to purchase or build a home of her own then she may be forced to leave Juneau.

Craig Brown, 5383 North Douglas Highway - spoke in support saying this is an opportunity for his family to own land and build a home.

Gabe Hayden, 17001 Towers Road – Mr. Hayden is the design engineer for the subdivision and wanted to make himself available for questions. He drew most of the plans for the shared access easement alignments and were based on the land topography.

Mr. Voelckers asked Mr. Hayden to explain design assumptions used in the rain models. Mr. Hayden said the CBJ standards require ditches be designed for a 25-year 24-hour rain event.

Mr. Dye asked if they had looked at the effects of reducing the easements. Mr. Hayden said he would be reluctant to reduce them to less than 40 feet.

Mr. Pedersen asked if the shared accesses could be moved to the lot line and still achieve the required 12% grade. Mr. Hayden said they located the shared accesses in such a way that they would not increase flow to non-CBJ rights-of-way.

Doug Peel, 800 6th Street – Mr. Peel read his previously submitted written comments in support of the development.

Paul Martz – expressed concern regarding drainage saying the proposed shared drive road could cause drainage from the muskeg along the Treadwell Ditch access to the homes along Wee Burn Drive.

Dave Hanna, 11495 Mendenhall Loop – spoke in favor of the subdivision saying Juneau has a housing crisis and this needs to be approved. He said this proposal has taken over two years and there are several other proposed subdivisions he knows of that have been more in process for more than a year that are not yet approved. This proposal will meet a need in the community. He has no direct connection to this proposal and is speaking only as a member of the development community and encouraged the PC to support any reasonable proposals that come before them.

Anies Sadeghi, 4104 Taku Boulevard - spoke in support saying he is a recent homebuyer in Juneau and affordable housing is hard to find. He said this is an opportunity for needed housing in the area.

At Ease 9:35 p.m. – 9:47 p.m.

ADDITIONAL APPLICANT COMMENTS

Mr. Peel stated the proposals do not violate CBJ code or development standards. As for the public comment, he feels this project is a compromise regarding lot sizes, drainage considerations, and other factors.

Mr. LeVine asked if he had any comments regarding the plat notes. Mr. Peel said he has no problem with the proposed plat notes as listed. As for the conditions, he disagrees with Tract B condition #2 saying it would muddy the process of the application being accepted and is potentially unnecessary.

Mr. Dye asked if the proposed access easement would be within the private shared access. It would. Mr. Pedersen clarified it is not an easement, it would be a right-of-way. Mr. Hickok asked the size of the easement. It would be 43 feet long by 60 feet wide.

Addressing the conditions in Tract C, Mr. Peel said they reject condition #1 saying the code citations do not apply.

QUESTIONS FOR STAFF

Regarding the blasting plan, Ms. Maclean explained it is reviewed by CCFR and CBJ Engineering and the final permit is issued by the fire marshal and not by CDD. The construction plans are under review but they cannot be approved until the preliminary plat is approved. This is in accordance with **CBJ 49.15.401(d)**.

Mr. LeVine asked about the email from Planner Gallion and asked what other possible concerns CDD has regarding phasing. Ms. Maclean answered, explaining the tiered approach to private shared access was intended to allow access for smaller narrow lots and not for a large 90-acre lot. Therefore, the tiered approach was used to divide the large lot into smaller lots as the first 'tier'. Ms. Maclean felt the project as proposed did not meet the code but the Commission has more discretion than she does and that is, in part, why staff proposed an alternative with phasing and plat notes. She cautioned the PC against overly constraining the lots considering the need for housing.

Mr. Hickok asked if the lots are sold, are they being sold as conforming or nonconforming. Ms. Maclean referred it to the PC saying her recommendation was DENIAL because she does not believe it conforms with code, but CDD has included alternatives in case the PC finds it does comply with the code.

Mr. Voelckers noted the drives had a grading at 12 per cent and asked if there is something the PC needs to do to ensure that is followed. Ms. Maclean suggested stating "the subdivision must meet emergency access standards."

MOTION: *by Mr. Winchell to accept staff's findings, analysis and recommendations and approve SMP2021 0007 striking Condition # 1, retaining Conditions #2-5 and all plat notes.*

Proposed findings to support the motion:

- Mr. Alper: *Although per **CBJ 49.15.420(b)** double frontage lots should be ‘avoided’ the circumstances of topography of this parcel make this configuration in the proposal appropriate.*
- Mr. Winchell: ***CBJ 49.35.262(b)(2)** only applies if subsequent common wall residential subdivision is intended and the record shows it is not intended. Therefore, it does not apply.*
- Mr. Pederson: *Shared access is within a private easement. The private easement does not constitute or create a property boundary. Additional lots are therefore not created.*
- Mr. Arndt: *The proposal does conform to CBJ 49.15.411; CBJ 49.15.420; and CBJ 49.35.260.*

Mr. LeVine said this conversation is on record and sufficient to justify the motion.

Mr. Voelckers, Mr. Dye, and Mr. Pedersen spoke to support the motion. Mr. Voelckers thanked the community for coming out and testifying.

Mr. LeVine will support the motion but shares the concerns of the director saying it is consistent with the code but they would like to have seen more than twelve houses.

The motion passed on Roll Call vote with no objection.

MOTION: *by Mr. Winchell to accept staff’s findings, analysis and recommendations and approve SMP2021 0008 striking condition #2 and retaining Conditions #1, 3, 4, 5, 6 and all plat notes.*

The motion passed with no objection.

MOTION: *by Mr. Winchell to accept staff’s findings, analysis and recommendations and approve SMP2021 0009 striking condition #1, retaining Conditions #2-5 and all plat notes.*

Mr. Pedersen added the finding: Shared access is within a private easement. The private easement does not constitute or create a property boundary. Additional lots are therefore not created.

The motion passed with no objection.

XII. OTHER BUSINESS – None

XIII. STAFF REPORTS

Director Maclean reported:

- Title 49 meeting at Noon this Thursday
- Tomorrow at 4:30 p.m. DOT meeting regarding north channel crossing
- The housing specialist position has posted
- Assembly COW meeting June 6 to discuss housing pressures

Mr. Voelckers asked about the status of a joint meeting with the assembly. Ms. Maclean said it is looking like August but a date has not yet been confirmed.

XIV. COMMITTEE REPORTS

- Title 49 – Mr. Arndt reported the committee is meeting Thursday.
- Mr. Arndt reminded the commission that the Glory Hall appeal will be back in two weeks.
- JCOS – Mr. Voelckers reported CBJ Engineering is acquiring seven or eight new electric buses and EV stations installed.
- Lands, Housing and Economic development – Ms. Cole reported the committee met May 2 and forwarded two recommendations to the assembly

XV. LIAISON REPORTS

Ms. Hughes-Skandijs reported

- Assembly COW has discussed adjusted maps for street vendoring and the 1% sales tax projects and other topics
- They are currently working on the budget

Mr. Voelckers asked the status with mass wasting and avalanche issues hazard mapping. She will make a note and get back to the Commission.

XVI. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Dave Hanna spoke to say a joint meeting with the Assembly should be more than a couple of hours to discuss the housing crisis.

XVII. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. LeVine spoke, wishing Mr. Dye well.

XVIII. EXECUTIVE SESSION – None

XIX. ADJOURNMENT – 10:38 p.m.

Next regular meeting May 24, 2022, 7:00 p.m.

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

May 24, 2022 Draft Minutes, Regular Planning Commission - APPROVED

ATTACHMENTS:

Description	Upload Date	Type
May 24, 2022 Draft Minutes, Regular Planning Commission	6/20/2022	Minutes

DRAFT MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Paul Voelckers, Clerk; Acting Chairman

May 24, 2022

I. LAND ACKNOWLEDGEMENT – Read by Commissioner Voelckers

II. ROLL CALL

Paul Voelckers, Acting Chair, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:03 p.m.

Commissioners present: Commissioners present in Chambers – Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Joshua Winchell; Erik Pedersen

Commissioners Present via video conferencing – Nathaniel Dye, Vice Chairman

Commissioners absent: Michael LeVine, Chairman

Staff present: Jill Maclean, CDD Director; Irene Gallion, CDD Senior Planner; Breckan Hendricks, CDD Administrative Officer; Ryan Roguska, CDD Administrative Assistant I; Sherri Layne, Law Assistant Municipal Attorney; Adam Gottschalk, Law Assistant Municipal Attorney

Assembly members: Alicia Hughes-Skandijs

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – None

IV. APPROVAL OF MINUTES

A. Draft Minutes for April 26, 2022, Planning Commission Regular Meeting

MOTION: *by Mr. Arndt to approve the April 26, 2022 Planning Commission Regular Meeting minutes.*

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Acting Chairman Voelckers explained the rules and procedures for participating via Zoom and in person

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

VII. ITEMS FOR RECONSIDERATION – None

VIII. CONSENT AGENDA – None

IX. UNFINISHED BUSINESS – None

X. REGULAR AGENDA

AME2018 0004: Revision to the Alternative Development Overlay District (ADOD)
Applicant: City & Borough of Juneau
Location: Downtown Juneau

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to **APPROVE** the proposed text amendment to revise the Alternative Development Overlay District.

STAFF PRESENTATION – By Irene Gallion

PUBLIC COMMENT

Ke Mell – spoke in support of the ADOD saying this is a big step forward in dealing with the unique topography downtown and she is in favor of the proposed revisions.

Commented [K1]: 7:10 p.m. in person

Rob Roys 215 W 11th Street –spoke to say he supports the ADOD saying it is needed and is a huge step forward.

Commented [K2]: 7:11 p.m. via Zoom

MOTION: *by Mr. Winchell to accept staff's findings, analysis and recommendations and approve AME2018 0004.*

The motion passed with no objection.

APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD
Applicant: Juneau Cooperative Christian Ministry, dba The Glory Hall
Location: 247 South Franklin Street

Commented [KJ3]: 7:12 p.m.

Prior to hearing APL2021 0006, Mr. Voelckers turned the gavel over to Commissioner Arndt. Mr. Dye recused himself as this is his last PC meeting and he would not be available if the appeal decision was brought back or contested. Ms. Cole declared a conflict stating she has served as a board member with Housing First but she had gone out of her way to remain impartial on this topic but had to recuse herself based on the CDD and Law request that she be disqualified from the case. Mr. Voelckers disclosed a potential for conflict as his firm was involved in the construction of Housing First. The involvement had nothing to do with the case currently before them and he could remain impartial. He was allowed to remain and participate.

Mr. Winchell said for the record that he would like to ask Ms. Cole if she had ever received remuneration for her services. His question was disallowed.

Commented [KJ4]: Mr. Arndt disallowed the question. Should I remove it from the minutes?

Mr. Arndt explained the appeal process and cautioned the audience members in attendance that there would be no public testimony and if there were disruptions, they commission would stop the meeting and reschedule the hearing.

APPELLANT PRESENTATION

Mary Alice McKeen, representing the Glory Hall, began by stating the ordinance at issue is CBJ 49.70.300(b)(1). She explained under that ordinance a development may not occur on a parcel in a severe avalanche area as designated on 1987 CBJ hazard maps if the development would "...increase the density of that parcel..." She said the key issue is how each party defines 'density'.

Ms. McKeen explained the Glory Hall, when operating as a homeless shelter, housed up to fifty-three people. They are proposing converting the building to seven small apartments which would house a maximum of fourteen residents.

It is their position that this will not increase density. The number of structures is not changing and the number of people housed will not increase. In fact, the number housed will decrease. Ms. McKeen said the CDD has interpreted 'density' to mean the number of dwelling units. Ms. McKeen conceded that the number of dwelling units is relevant, but added it is not the only relevant factor. Dwelling unit is defined in Title 49 as "*a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping, and toilet facilities for one family.*" When the Glory Hall was a homeless shelter, CDD treated it as zero dwelling units. By this definition, the proposed development will create seven dwelling units where previously there were none.

Ms. McKeen said CDD is interpreting density in the Ordinance to mean no development can increase the number of dwelling units. However, she noted the Ordinance does not contain the phrase 'dwelling unit' in it. Rather, it has the term 'density'. Density is not defined in Title 49. The Glory Hall defines density by considering all factors while CDD is defining it simply by the number

of dwelling units. The purpose of the ordinance is to limit the number people at risk of avalanche damage. She said their interpretation of the code puts less people at risk and CDD's interpretation will prevent that. For this reason, Ms. McKeen called the CDD interpretation arbitrary.

Ms. McKeen said the proposed project implements the Comprehensive Plan by adding needed rental units.

COMMISSIONER QUESTIONS FOR APPELLANT

Mr. Voelckers asked for some background on the R&M survey conducted in 1989 or 1990 which addressed CBJ 49.70.300(a)(3) and whether they consider it to be relevant.

Ms. McKeen explained that at the time of issuing its decision, CDD had not seen the R&M study. The Glory Hall commissioned R&M Engineering to conduct the study at a time when the Glory Hall was rebuilding and enlarging the shelter. The study evaluated the potential for hazards on the parcel and concluded the potential for damage from mass wasting was minimal.

Mr. Winchell asked Ms. McKeen if her position is that the independence of each dwelling unit is not a factor in determining density.

Ms. McKeen answered that it is only one factor. The CDD should look at whether dwelling units are increasing and often that will suggest more people might be subject to avalanche danger. They should look at it but it is not the only factor.

The appellant reserved fourteen minutes for rebuttal.

CDD PRESENTATION

CBJ Attorney Adam Gottschalk, presenting on behalf of CDD, opened by explaining CBJ 49.70.300 and its purpose to minimize the loss of life and property are at the core of the appeal hearing. In this case, he said, the CDD was limited as to whether it could grant the building permit because the Glory Hall parcel is located with an area designated under the adopted maps as a severe landslide/avalanche area. CDD is required to use the adopted maps and there is no dispute that the Glory Hall is within the severe landslide/avalanche area under these maps. CDD is required to follow the Code and it did so.

Mr. Gottschalk said the Glory Hall may still be approved for a permit if it obtains a site-specific report showing the parcel is safe, the Assembly may adopt new maps showing the parcel is not within a severe landslide/avalanche area, or 49.70.300 may be amended. None of this has happened. Therefore, CDD rejected the Glory Hall's permit.

The PC should uphold CDD's decision because CBJ 49.20.110(b) reads *"...the decision of the department shall be upheld if there is substantial evidence in support thereof and no policy error or abuse or discretion therein."*

There is no dispute the parcel is within the severe avalanche/landslide area on the 1987 maps which are the maps CDD is required to use under CBJ 49.70.30 (a)(2). According to CBJ

49.70.300(b)(1) “...no development ...which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel...”. There are currently zero dwelling units at that location and this conversion would make seven dwelling units.

CDD used dwelling units in density because Title 49 does. Throughout Title 49, dwelling units per acre is the measure of density. It would be inconsistent to use a unique definition of density for one provision in Title 49.

Mr. Gottschalk pointed out that the appellant claimed CDD’s interpretation of density conflicts with the Comprehensive plan. According to CBJ 49.5.200(b) “...Where there is a conflict between the comprehensive plan and any ordinance adopted under or pursuant to this title, such ordinance shall take precedence over the comprehensive plan...”

Mr. Gottschalk reminded the PC the issues to be decided in an appeal are whether CDD had substantial evidence supporting their decision, or there was any abuse in that discretion or policy error. He said there is not because CDD decided in accordance with Title 49.

He stated affordable housing is important to the assembly and to CDD. However, CDD also has a responsibility to ensure development complies with city code. This is especially true regarding safety-based code provisions such as CBJ 49.70.300.

COMMISSIONER QUESTIONS FOR CDD

Mr. Voelckers asked how the CBJ interpreted the R&M survey conducted in 1989 or 1990 and whether they consider it to be relevant. Mr. Gottschalk answered this would involve speculation as it is a more than thirty-year-old study and nobody with the department has personal experience with it. He added that this is a shelter with zero dwelling units and therefore did not increase density as CDD defines density as dwelling units. This report does not discuss avalanche risk but only mentions mass wasting. Adding to the challenge with this study is that there has been development since that time and Gastineau Avenue has been substantially altered. CDD’s position is that they would still need the site-specific report from an engineer with avalanche experience to evaluate the site. They could use information from the R&M report as well as from the Tetra Tech maps that were not adopted in the required site-specific report.

Mr. Winchell asked if they removed the kitchens from the apartments and had a communal kitchen, would this reduce the dwelling units to zero. Mr. Gottschalk answered that would essentially turn it back into a shelter as it was before and would create zero dwelling units.

Mr. Alper asked is it the City’s position that any residential use of the Glory Hall would be rejected as an increase in dwelling units? Mr. Gottschalk said a single-family dwelling unit would be allowed.

Mr. Pedersen noted that it seems the addition of the kitchen units is what is driving the increase in dwelling unit count and asked if that is accurate. Mr. Gottschalk said that is based on the code definition of dwelling unit as having independent cooking, sleeping and sanitation area.

Mr. Arndt asked if a restaurant with seating occupancy for fifteen hundred people would be allowed since that is 'occupancy' and not 'density.' Mr. Gottschalk answered that under this specific provision, that would be allowed.

Mr. Alper referenced the appellant's viewpoint that because density is not defined in Title 49, it should not be applied in this case. Mr. Gottschalk answered that there are a lot of words not defined in the definition section of Title 49. However, 'density' is used consistently throughout Title 49 to refer to dwelling units per an area.

Mr. Winchell asked Mr. Gottschalk for his opinion on the policy if the location has resided fifty-three persons for decades and is now reducing it to a maximum of fourteen. Notwithstanding the density, does he see policy concerns about the viability of fifty-three with a communal kitchen versus fourteen under the housing crunch? Mr. Gottschalk answered of course it is preferable to have fewer people in a high hazard area. In this case, though, the shelter housing fifty or more people may have involved other risk factors related being unhoused or housed in a shelter. However, CDD is still concerned with the lives of the up to fourteen people that would be living in the proposed housing in a high hazard area. CDD followed CBJ 49.73.300 to protect those up to fourteen people.

Mr. Voelckers mentioned the appellant had stated they had tried to do a site-specific mass wasting study with Tetra Tech, but Tetra Tech was concerned that their responsibility was to the CBJ because they had already done the mapping for CBJ and asked for the CBJ stance on this. Mr. Gottschalk said this had been determined to be outside of the scope. CDD is not authorized to grant or deny permission to Tetra Tech regarding entering into contracts with the appellant.

Mr. Alper said the more recent Tetra Tech maps seem to show less risk than prior maps and asked if there is value to using the newer maps. Mr. Gottschalk said until or unless the Assembly adopts those maps, CDD is not authorized to use them. CDD is limited to the adopted 1987 maps.

APPELLANT REBUTTAL

Ms. McKeen said CDD is supposed to interpret provisions in Title 7 to promote the comprehensive plan and the statute is ambiguous in that 'density' is not clearly defined. If there are two possible interpretations, they are supposed to interpret their actions in a way that *further*s the plan. Specifically, the Comprehensive Plan contains the policies that guide and direct public and private land use activities in the borough. She said the record shows CDD did not consider the benefits of the project in terms of affordable housing. The PC should take affordable housing into account.

She said CDD stated this is a question of safety but they did not deny the permit because the project is unsafe. The denial was based on the increase in density. Ms. McKeen said they are decreasing the number of people potentially exposed to an avalanche. The Glory Hall obtained an engineering hazard study in 1989 and the Gastineau project increased the retaining wall since then. Ms. McKeen took exception with Mr. Gottschalk's assertion that density is determined by dwelling units throughout Code. However, he only cited CBJ 49.25.500 to support his stance. CBJ

49.25 is the zoning district section of the Code. The relevant portion of Code, she said, is CBJ 49.70.

She said CDD denied the applicant the ability to house seven to fourteen people with independent apartments, but they would allow a shelter with up to fifty-three people. Why? Is it because they are homeless people? Or is it because the fifty-three did not have independent facilities, that now the fourteen also cannot? She felt this is arbitrary and unreasonable.

She urged the PC to remove the zero (dwelling units determination) and to recognize that the building had housed and would go down to up to fourteen. Ms. McKeen added that the parcel is located within a Mixed Use (MU) district. MU districts have no maximum density limitations. Her position is that CDD did commit error and does not have evidence to support its position that the development will increase density. It does not increase structures and it lessens the number of persons.

ADDITIONAL COMMISSIONER QUESTIONS FOR APPELLANT

Mr. Alper said the CDD brief claims the Glory Hall had tried to circumvent the process, saying they could have just obtained an engineering study to prove it is not hazardous.

Ms. McKeen replied that a study is not necessary as they are not increasing density. They did obtain a study in 1989 and they have attempted to get an updated study. She also felt if it were required, it would place an undue burden on a small nonprofit organization.

Mr. Hickok asked how many people are currently in the avalanche area. Ms. McKeen did not know but there are several.

At this point, the appellant time expired. CDD allowed some of their remaining time for additional commissioner questions for the appellant.

Mr. Winchell asked, for clarity, if the Glory Hall argument is there are two ordinances each with a potential difference of definition of the term 'density'. Ms. McKeen replied their stance is that the ordinance which prescribes the maximum number of dwelling units per acre in CBJ 49.25 does not apply to whether there is an increase in density in CBJ 49.70.

ADDITIONAL COMMISSIONER QUESTIONS FOR CDD

Mr. Winchell asked whether CBJ 49.70.300(b) is vague as to the definition of density. Mr. Gottschalk answered that CDD has never considered it to be vague as density is understood as composed of dwelling units throughout CBJ 49 including other sections such as CBJ 49.60.140. He added it seems notable that the appellant's definition of density would incorporate the comprehensive plan's goal of increasing housing just for this one code provision which is specifically about decreasing the people at risk in a severe landslide and avalanche area.

Mr. Arndt closed arguments and explained the PC will take this under advisement in accordance with CBJ 01.51.40 and their written draft decision will be circulated within forty-five days. At that point, the appellant will have five days to file written objections.

Mr. Arndt returned the gavel to Mr. Voelckers.

****AT EASE 8:24 p.m. – 8:28 p.m.****

XI. OTHER BUSINESS – None

XII. STAFF REPORTS

Ms. Maclean thanked Mr. Dye for his service and wished his family safe travels. She will be on leave traveling for a bit and Mr. Ciambor will be acting director.

- Seawalk was repealed over a year ago, but the Assembly directed them to look at whether it should be in code in some format. The Title 49 committee and staff determined this really is infrastructure and should be under 49.35. It will be coming back June 14.
- Title 49 projects include looking at code and updating sections of code that she described as ‘quick fixes.’

Mr. Voelckers asked if there was any new information regarding the Assembly joint meeting. Jill said it is still looking like August but no date has been confirmed

XIII. COMMITTEE REPORTS

Mr. Arndt reported Title 49 is meeting on Thursday via Zoom.

XIV. LIAISON REPORTS

Assembly member Hughes-Skandijis reported the maps are not calendared as of yet. She reported recent assembly activities include:

- Adoption of the street vending ordinance.
- They have mostly concluded the budget and have set the Mill Rate.
- Introduction of removal of sales tax on food. This will be addressed at the next Committee of the Whole.

Said she will miss Mr. Dye on the Commission and thanked him for his work on the PC.

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Pedersen said he and Mr. Voelckers attended a Chamber of Commerce luncheon regarding the current PEL study for the North Crossing to North Douglas crossing. There is a website and this is the time for public comment.

MOTION: *by Mr. Winchell to enter Executive Session for Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD.*

The motion passed with no objection.

****AT EASE 8:43 p.m. – 8:51 p.m. preceding Executive Session****

XVII. EXECUTIVE SESSION

Commented [KJ5]: 8:51

- A. Executive Session for Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD, if needed

Executive Session 8:51 p.m. – 10:16 p.m.

MOTION: *by Mr. Alper to remand APL2021 0006 to CDD for decision within 30 days with the following findings:*

1. *CDD acted in error by not incorporating previous engineering work in their analysis under CBJ 49.70.300(a)(5). CBJ Engineering accepted the site specific 1989 R&M geophysical hazard assessment. The assessment established that the Glory Hall property was not in a severe hazard zone. The assessment amends the 1987 CBJ hazard maps for this property.*
2. *The Planning Commission has determined the intent of CBJ 49.70.300 is to provide for the safety of occupants within a structure regardless of use. As density is not specifically defined in Title 49, according to CBJ 49.20.300, the PC hereby provides the following interpretation. For the purposes of CBJ 49.70.300(b)(1), the phrase 'shall not increase density' shall be interpreted to mean 'shall not increase the total quantity of people in a structure.'*

The motion passed with no objection on roll call vote.

XVIII. ADJOURNMENT – 10:18 p.m.

Next regular meeting June 14, 2022 7:00 p.m.

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

USE2022 0008: A proposed Conditional Use Permit for a 33-unit apartment building - REMOVED FROM
CONSENT AND APPROVED AS RECOMMENDED ON THE REGULAR AGENDA

AGENDA ITEM:

Case No.: USE2022 0008
Applicant: Alaska State Legislature
Location: 211 Fourth Street
Proposal: A proposed Conditional Use Permit for a 33-unit apartment building

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 33-unit apartment building.

DIRECTOR'S REPORT

The applicant requests a Conditional Use Permit for a 33-unit, multi-family development, in a Mixed Use Zone located in Downtown Juneau. The building is currently used as commercial office space; this proposal would convert the existing office spaces into apartments. No changes to the footprint or height of the building are proposed. The apartments would be used for State Legislators and staff.

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve the requested Conditional Use Permit.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for USE2022 0008	6/20/2022	Staff Report
☐ Notice of Decision for USE2022 0008	7/1/2022	Notice of Decision



PLANNING COMMISSION STAFF REPORT
CONDITIONAL USE PERMIT USE2022 0008
HEARING DATE: JUNE 28, 2022

(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

DATE: June 20, 2022

TO: Michael LeVine, Chair, Planning Commission

BY: Adrienne Scott, Planner I *Adrienne Scott*

THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Conditional Use Permit for a 33-unit apartment building.

STAFF RECOMMENDATION: Approval.

KEY CONSIDERATIONS FOR REVIEW:

- Multi-family developments of more than 12 dwelling units require a Conditional Use Permit in the Mixed Use (MU) zoning district.
- The proposal would convert the existing office spaces into apartments for State Legislators and staff.
- No changes to the footprint or height of the building are proposed.

GENERAL INFORMATION	
Property Owner	Alaska State Legislature
Applicant	Jensen Yorba Wall, Inc
Property Address	211 Fourth Street
Legal Description	Juneau Townsite Block 9 Lot 6 Fraction, 7 & 8
Parcel Number	1C070A090060
Zoning	MU
Land Use Designation	Traditional Town Center (TTC)
Lot Size	9,809 Square Feet
Water/Sewer	Public Water and Sewer
Access	Seward and Fourth Street
Existing Land Use	Commercial Office
Associated Applications	N/A

ALTERNATIVE ACTIONS:

1. **Amend:** Require additional conditions, delete, or modify the recommended conditions.
2. **Deny:** Deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** To a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision.
- Requires five (5) affirmative votes for approval.
- Code Provisions:
 - o CBJ 49.15.330
 - o CBJ 49.80

The Commission shall hear and decide the case per CBJ 49.15.330(a) Conditional Use Permit. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (MU)	Legislative offices
South (MU)	Commercial misc.
East (MU)	Office
West (MU)	State of Alaska offices

SITE FEATURES	
Anadromous	N/A
Flood Zone	N/A
Hazard	N/A
Hillside	N/A
Wetlands	N/A
Parking District	PD-1
Historic District	N/A
Overlay Districts	Alternative Development Overlay District, Town Center Parking Area

BACKGROUND INFORMATION

Project Description – The applicant requests a Conditional Use Permit for a 33-unit multi-family development. Currently, the lot has a three-story structure containing commercial offices. The existing structure will be renovated to convert the office spaces into dwelling units. The footprint of the building will not change.

Background – The lots were platted in 1934 as part of the Juneau Townsite Survey. The structure, known as the Assembly Building, was constructed in 1934. In 1973, the building was converted into commercial offices.

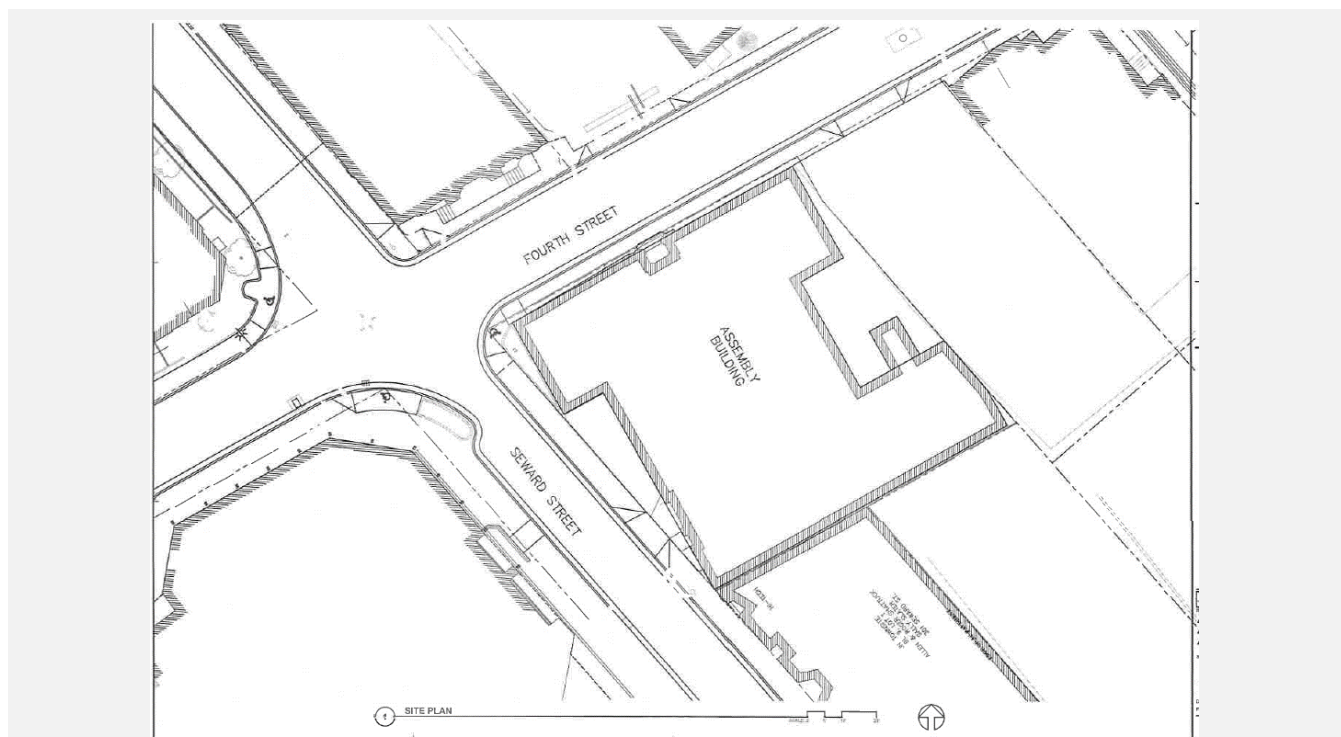
The table below summarizes relevant history for the lot and proposed development.

Item	Summary
Plat	Plat 1934-1 is a plat of the Juneau Townsite and shows the structure on the lots (Attachment E).
Building Permit	Building Permit 9514 converted the space from apartments to office use (Attachment F).
Ordinance	Ordinance 2022-04 establishes the Town Center and No Parking Required parking areas (Attachment D).

ZONING REQUIREMENTS

Standard		Requirement	Proposed	Existing	Code Reference
Lot	Size	4,000 square feet	No change	9,809 square feet	CBJ 49.25.400
	Width	50 feet	No change	103 feet	CBJ 49.25.400
Setbacks	Front	0 feet	No change	0 feet	CBJ 49.25.400
	Rear	0 feet	No change	0 feet	CBJ 49.25.400
	Side	0 feet	No change	0 feet	CBJ 49.25.400
	Street Side	0 feet	No change	0 feet	CBJ 49.25.400
Lot Coverage Maximum		No maximum	No change	~81%	CBJ 49.25.400
Vegetative Cover Minimum		No minimum	No change	0%	CBJ 49.50.300
Height	Permissible	No maximum	No change	three-story building	CBJ 49.25.400
	Accessory	No maximum	No change	N/A	CBJ 49.25.400
Maximum Dwelling Units		No maximum	33 units	0	CBJ 49.25.500
Use			Multifamily residential	Office	CBJ 49.25.300

SITE PLAN



ANALYSIS

Project Site and Design – The project site is a three-story commercial building with a basement level located on a corner lot in Downtown Juneau, with frontage on Fourth Street and Seward Street. The building is located on two lots, those being Lot 6 and a Fraction of Lots 7 and 8. The proposal involves converting the existing three stories of offices into apartments. The basement will continue to be used for parking and storage. The renovations will be mostly internal, with no changes to the building footprint proposed. Once renovations are complete, the site will contain 33 efficiency and one-bedroom apartment units. Per the applicant, the apartments will serve the State Legislators and staff, particularly during Legislative sessions.

Traffic – According to CBJ 49.40.300(a)(2), a Traffic Impact Analysis is not required. The proposed development is anticipated to generate 219.45 Average Daily Trips (ADTs), according to the International Traffic Engineers Trip Generation Manual (9th Edition). Traffic is not anticipated to be out of character with the existing neighborhood.

Use	Units	Trips Generated	Total Trips
Apartments	33	26.6 ADTs per unit	219.45
Total ADTs:			219.45

Vehicle Parking & Circulation – According to CBJ Ordinance Serial No. 2022-04, the property is located in the No Parking Required Area. No parking spaces are required. The applicant is proposing 21 parking spaces, including one (1) Americans with Disabilities Act (ADA) accessible space in the basement level of the building. A parking lot of 21 spaces requires a minimum of one (1) ADA accessible space per CBJ 49.40.210(3)(A). Access to the parking lot is through an existing garage door off of Seward Street.

Non-motorized Transportation – There are sidewalks along both sides of Seward and Fourth Street.

Proximity to Transit – There is a bus stop across the street on Fourth Street.

Noise – Noise is not expected to be out of character with the existing neighborhood. The property is surrounded by a mixture of uses.

Lighting – No changes to exterior lighting are proposed.

Vegetative Cover & Landscaping – There is no vegetative cover requirement in the MU zoning district.

Habitat – No habitat regulated by CBJ Title 49 will be affected by this proposal.

Drainage and Snow Storage – There are no changes to drainage or snow storage proposed.

Historic District – The property is not located in the Downtown Historic District.

Hazard Zones – The lot is not located within a mapped hazard area.

Public Health, Safety, and Welfare – No information has been submitted that suggests the proposed use will materially endanger the public health, safety, or welfare. The proposed development complies with Title 49 and will receive a building permit to comply with building code safety standards.

Property Value or Neighborhood Harmony – No information has been submitted that suggests the proposed use will negatively affect property values or neighborhood harmony.

AGENCY REVIEW

CDD conducted an agency review comment period between May 30 and June 13, 2022. Agency review comments can be found in **Attachment C**.

Agency	Summary
Capital City Fire & Rescue	Fire and sprinkler system will be required. This will be addressed during the Building Permit review.

PUBLIC COMMENTS

CDD conducted a public comment period between May 25 and June 24, 2022. Public notice was mailed to property owners within 500 feet of the proposed development. A public notice sign was also posted on site two weeks prior to the scheduled hearing. No comments were submitted before the staff report deadline.

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan and the 2016 Housing Action Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	11	147	Land Use Designation	Complies with the Traditional Town Center Land Use Designation.
	4	37	Policy 4.2	Policy encourages various housing types and sizes to accommodate future housing needs.
	5	44	Policy 5.1	Policy encourages development of new facilities or the replacement of existing structures to accommodate the government-based public service workforce.
	5	45	Policy 5.2	Implementing action 5.2-IA4 encourages developing housing for legislative personnel that does not result in the net loss of year-round rental housing.
	5	49	Policy 5.5	Implementing action 5.5-IA1 encourages high-density residential development as adaptive re-use of historic commercial or other non-residential buildings in Downtown Juneau.
2016 Housing Action Plan	2	35	Production Targets	The Housing Action Plan identifies housing as a need for Juneau. The plan sets an annual goal of 66 new dwelling units. The proposed developments adds 33 additional housing units towards the goal.

FINDINGS

Conditional Use Permit Criteria – Per CBJ 49.15.330(e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. *Is the application for the requested Conditional Use Permit complete?*

Analysis: No further analysis needed.

Finding: Yes. The application contains the information necessary to conduct a full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. *Is the proposed use appropriate according to the Table of Permissible Uses?*

Analysis: The application is for a multi-family development. The use is listed at CBJ 49.25.300, Section 1.300 for the MU zoning district.

Finding: Yes. The requested permit is appropriate according to the Table of Permissible Uses.

3. *Will the proposed development comply with the other requirements of this chapter?*

Analysis: No further analysis required.

Finding: Yes. The proposed development complies with Title 49, including parking, lighting, and vegetative cover.

4. *Will the proposed development materially endanger the public health, safety, or welfare?*

Analysis: No further analysis required.

Finding: No. There is no evidence to suggest that the requested multi-family development in the MU zoning district will materially endanger the public health or safety.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

Analysis: The proposed development is in a MU zone, and is surrounded by a mixture of uses.

Finding: No. There is no evidence to suggest that the requested multi-family development in a MU zoning district will substantially decrease the value or be out of harmony with the property in the neighboring area.

6. *Will the proposed development be in general conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?*

Analysis: The proposed development adds 33 dwelling units to the housing stock in Juneau and provides housing for the government-based public service workforce in Downtown Juneau. The Traditional Town Center Land Use Designation supports high density residential development.

Finding: Yes. The proposed multi-family development will be in general conformity with the Comprehensive Plan and the Housing Action Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 33-unit apartment building.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice and Public Notice Sign Photo
Attachment C	Agency Comments
Attachment D	Ordinance 2022-04(b)
Attachment E	Plat 1934-1
Attachment F	Building Permit 9514



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 211 4th St., Juneau, AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Lot 8, Lot 7 & Fr Lot 6, Block 9, Juneau Townsite		
	Parcel Number(s) 1C070A090060		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Alaska State Legislature	Contact Person Jessica Geary, Executive Director, Legislative Affairs Agency	
	Mailing Address State Capitol Room 3, Juneau, AK 99801	Phone Number(s) (907) 465-3800	
	E-mail Address Jessica.Geary@akleg.gov		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission, B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X _____ Landowner/Lessee Signature			
X _____ Landowner/Lessee Signature			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant Jensen Yorba Wall, Inc.	Contact Person Wayne Jensen		
Mailing Address 522 West 10th St., Juneau, AK 99801	Phone Number(s) (907) 586-1070, (907) 321-0838		
E-mail Address wayne@jensenyorbawall.com			
X _____ Applicant's Signature			
_____ Date of Application			

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Attachment A - Application Packet

Intake Initials AS
Case Number USE 22-cc 8
Date Received 5/10/22



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

PROJECT SUMMARY

Conversion of the Assembly Building into apartments for legislators and staff. The existing 32,000 sf 3-story building with basement parking is used for offices. The building will be remodeling into 33 efficiency and 1-bedroom apartments.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment – Accessory Apartment Application (AAP)

☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: Multifamily Dwellings 1.300

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____

☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 9,809 square feet Total Area of Existing Structure(s) 32,000 square feet

Total Area of Proposed Structure(s) NA square feet

EXTERNAL LIGHTING

Existing to remain

☐ No

☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed

☐ No

☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☒ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☐ Notice of Decision and case number
- ☐ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

☒ Plans including:

- ☒ Site plan
- ☒ Floor plan(s)
- ☒ Elevation view of existing and proposed buildings
- ☐ Proposed vegetative cover
- ☒ Existing and proposed parking areas and proposed traffic circulation
- ☐ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>1,000</u>	<u>01455 IV</u>		
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>1,150</u>			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number

USE 22-008

Date Received

5/10/22

Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline in CBJ 49.15.330

Pre-Application Conference: A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - A. Site plan, floor plan and elevation views of existing and proposed structures
 - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
 - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
 - D. Existing and proposed lighting (including cut sheets for each type of lighting)
 - E. Existing and proposed vegetation with location, area, height and type of plantings
 - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

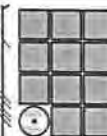
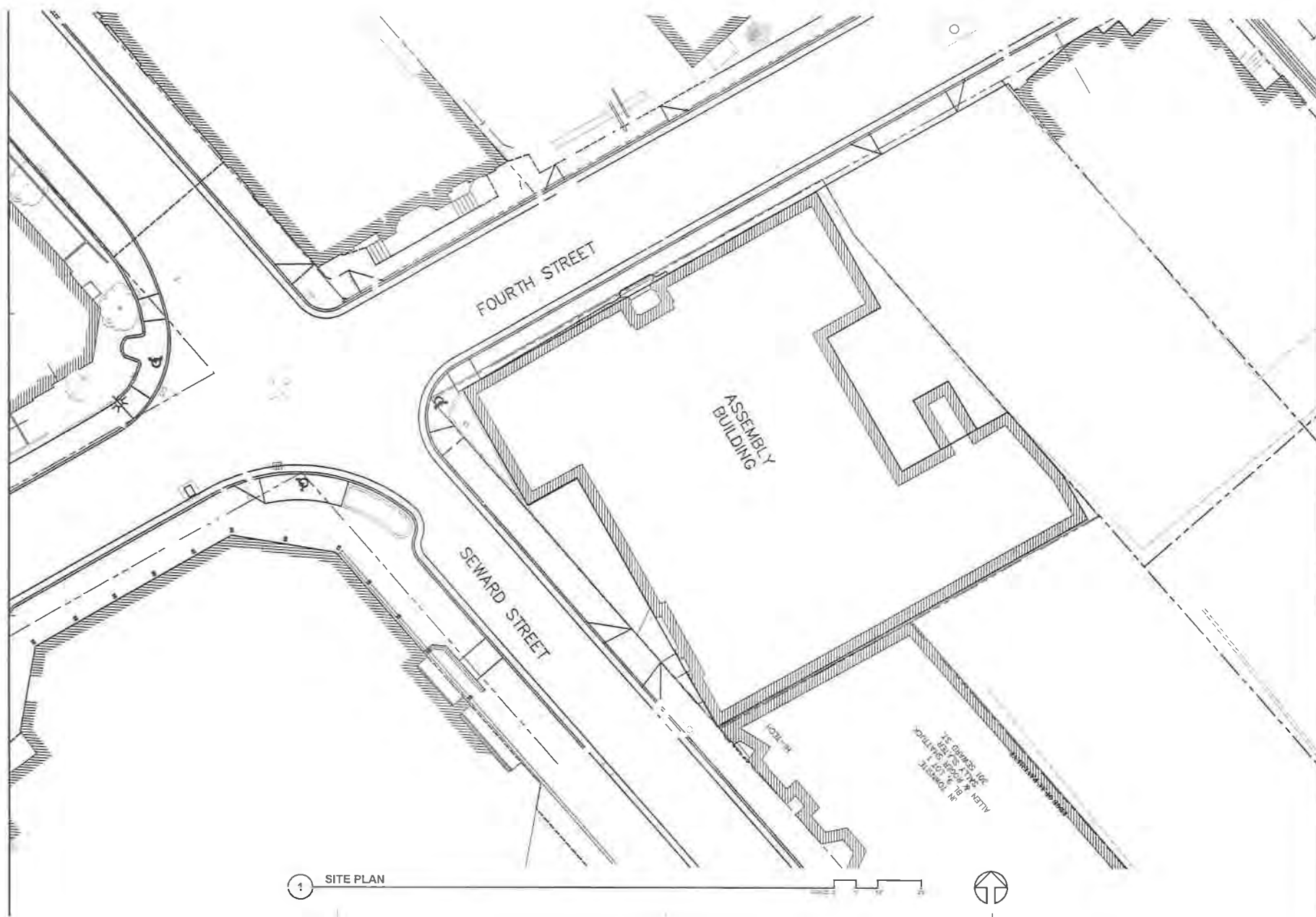
Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

The Community Development Department will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 500-feet of the project site.

The Applicant will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



Jensen
Yorba
Wall Inc.

522 West 10th Street
Juneau, Alaska 99801
907.596.1070
AECC137
jensenyorbawall.com

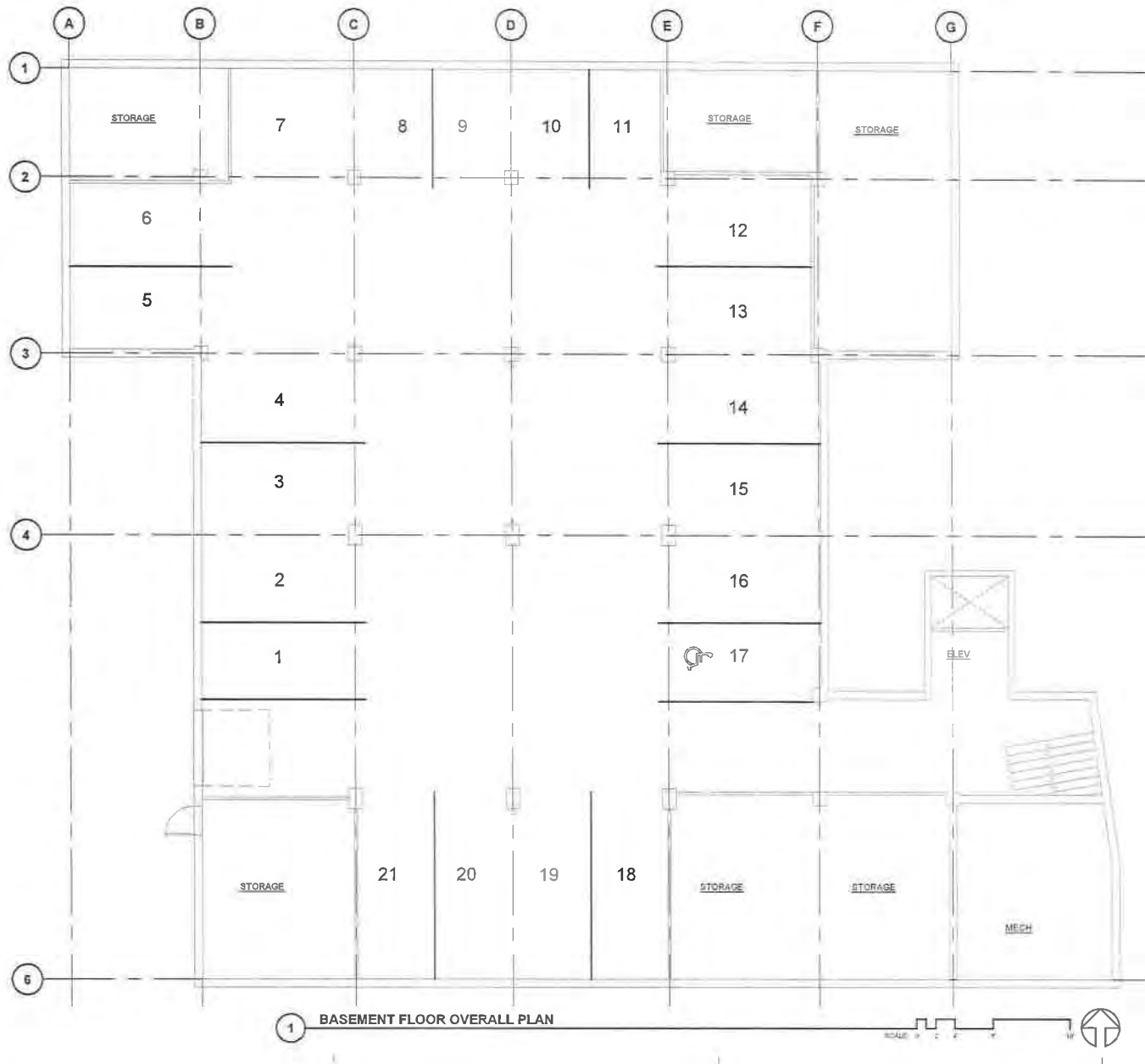
Legislative Affairs Agency
**Remodel of The
Assembly Building**
Juneau, Alaska



SHEET TITLE
SITE PLAN

DATE: FEBRUARY, 2022
FILE: 21032

A1.1



Jensen
Yorba
Wall Inc.

522 West 10th Street
Juneau, Alaska 99801
907.586.1070
AEOC137
jensenyorbawall.com

Legislative Affairs Agency
**Remodel of The
Assembly Building**
Juneau, Alaska

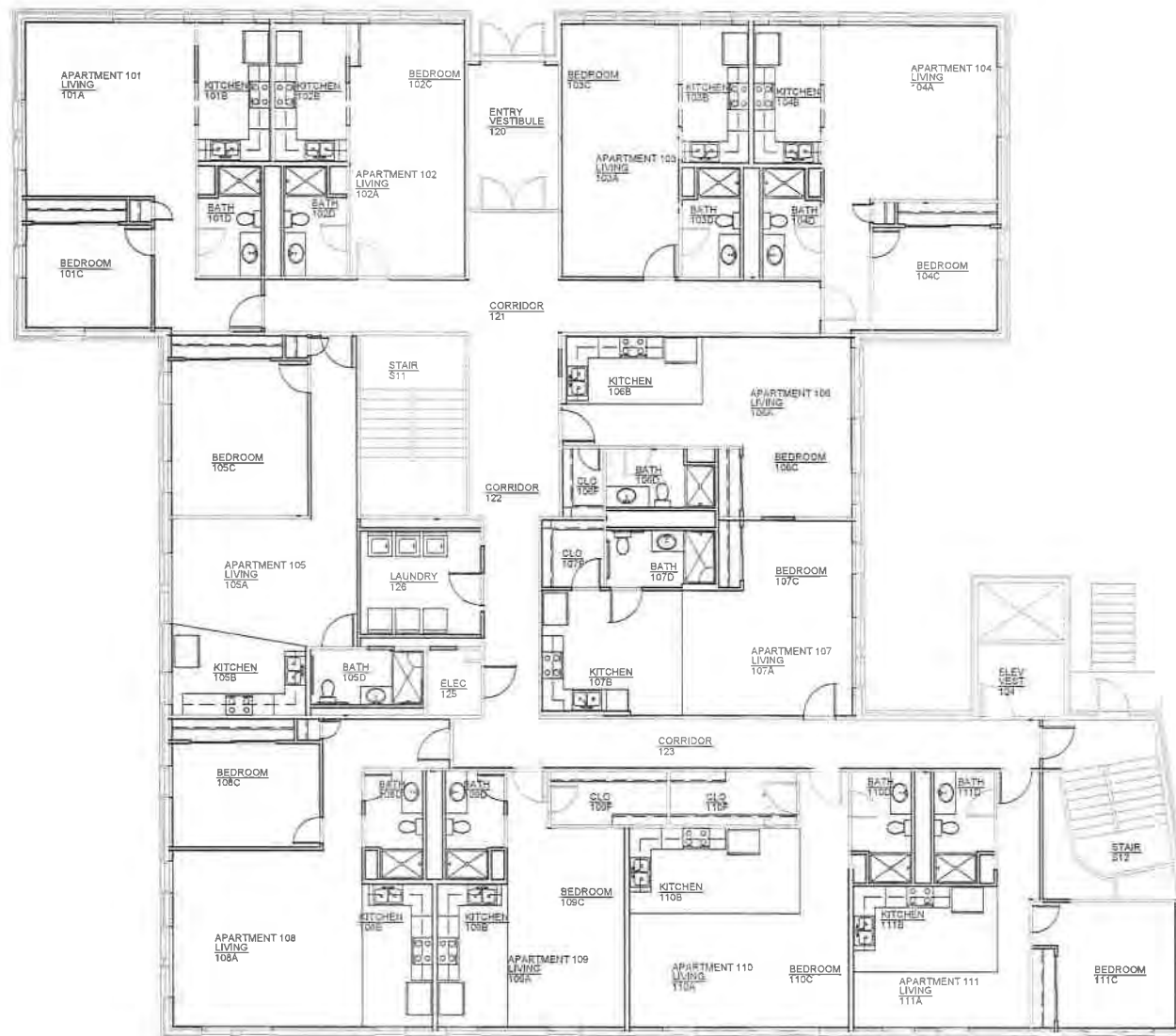
REVISIONS



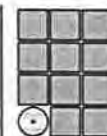
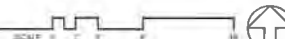
SHEET TITLE
BASEMENT FLOOR
OVERALL PLAN

DATE: FEBRUARY, 2022
FILE: 21032

A2.0



1 FIRST FLOOR OVERALL PLAN



Jensen
Yorba
Wall Inc.

522 West 10th Street
Juneau, Alaska 99901
907.586.1070
AEC00187
jensenyorbawall.com

Legislative Affairs Agency
**Remodel of The
Assembly Building**
Juneau, Alaska



SHEET TITLE
FIRST FLOOR
OVERALL PLAN

DATE: FEBRUARY, 2022
FILE: 21932

A2.1



Jensen
Yorba
Wall Inc.

522 West 10th Street
Juneau, Alaska 99801
907.596.1070
ASCC187
jensenyorbawall.com

Legislative Affairs Agency
**Remodel of The
Assembly Building**
Juneau, Alaska

REVISIONS

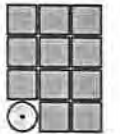


SHEET TITLE

SECOND FLOOR
OVERALL PLAN

DATE: FEBRUARY, 2022
FILE: 21032

A2.2



Jensen
Yorba
Wall Inc.

522 West 10th Street
Juneau, Alaska 99801
907.586.1070
ASCC187
jensenyorbawall.com

Legislative Affairs Agency
**Remodel of The
Assembly Building**
Juneau, Alaska

REVISIONS:



SHEET TITLE
THIRD FLOOR
OVERALL PLAN

DATE: FEBRUARY, 2022
FILE: 21032

A2.3



522 West 10th Street, Juneau, Alaska 99801 907.586.1070 jensenyorbawall.com

Designing Community Since 1935

Date: May 3, 2022
To: Jill MacLean, Director
Community Development Department
From: Wayne Jensen
SUBJECT
Assembly Building Apartments
Conditional Use Permit
Narrative

Current use of the Land: The 32,000 square foot building on the property was developed in the 1930's for residential apartments. The three floors above grade are currently used for offices and the basement is used for parking and storage.

Description of the Project and Proposed Use: The three floors above grade of the existing building will be converted from offices back to apartments to serve legislators and staffs particularly during legislative sessions. The plan is to have a mix of efficiency and 1-bedroom apartments resulting in 33 units. The basement will continue to be used for parking and storage. There will be approximately 20-21 parking spaces available in the basement. Access to the parking is via an existing garage door off Seward Street. An existing elevator serves all floors.

The exterior of the building will remain with only limited work planned, with the exception of new roofing. The interior work will include removal of walls, ceilings and flooring and new construction to create the apartment units. Utilities will be replaced and the exterior walls will be insulated to improve energy efficiency.

This project addresses a significant need for housing for legislators and their staff while serving in the Capitol.

Compliance with the Comprehensive Plan: The project is in compliance with the Comprehensive Plan and the MU Zoning District.



(907) 586-0715
 CDD_Admin@juneau.org
www.juneau.org/community-development
 155 S. Seward Street • Juneau, AK 99801

Legislative Housing; Assembly Building

Case Number: PAC2022 0021
 Applicant: Wayne Jensen
 Property Owner: Alaska State Legislature
 Property Address: 211 Fourth Street
 Parcel Code Number: 1C070A090060
 Site Size: 9,809 square feet
 Zoning: MU
 Existing Land Use: Commercial Office

Conference Date: 20 April 2022

Report Issued: 28 April 2022

DISCLAIMER: Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Wayne Jensen	Applicant	Wayne@jensenyorbawall.com
David Peterson	Planning	David.Peterson@juneau.org
Joseph Meyers		Joseph.Meyers@juneau.org
Charlie Ford	Building	Charlie.Ford@juneau.org
Dan Jager	CCFR	Dan.Jager@juneau.org
Eddie Quinto	Permits	Edward.Quinto@juneau.org

Attachment A - Application Packet

Revised 5/07/2021

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Project Overview

The applicant is seeking to convert an office building at 211 Fourth Street into 33 dwelling units for legislative housing.

Planning Division

1. **Zoning** – The site is within the MU (Mixed-Use) zoning district.
2. **Subdivision** – The structure is on two lots. If any external modification to the structure is made, lot consolidation is required – CBJ 49.30.250(c). Roof replacement and repair is exempt from this – CBJ 49.30.210(d). A nonconforming certification may be required because the structure crosses a lot line.
3. **Setbacks** – Zero feet on all sides.
4. **Height** – No restriction
5. **Access** – Fourth Street
6. **Parking & Circulation**– Currently in the PD-1 parking district; will be in the Town Center Parking District once Ordinance 2022-04 is adopted. Under the PD-1 parking district, parking is currently not required for existing structures. A parking minimum may occur on change of use; 13 parking spaces will be required under PD-1. Under Town Center Parking, 13 spaces will be required. There are currently 21 spaces on site.
7. **Lot Coverage** – None in MU
8. **Vegetative Coverage** – None in MU
9. **Lighting** – N/A
10. **Noise** – N/A
11. **Flood** – N/A
12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – N/A
13. **Wetlands** – N/A
14. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
15. **Plat or Covenant Restrictions** – No known
16. **Traffic** – N/A
17. **Nonconforming situations** – N/A
18. **Density** – The mixed-use district (MU) has no maximum density. 33 units is conforming under the MU zoning district.
19. **Historic District** – The structure is not within the Downtown Historic district.
20. **Housing Development incentives** –

Pre-Application Conference Final Report

- Juneau Affordable Housing Fund: a competitive grant/loan program; likely to have another round in fall upon Assembly approval. Private developers are eligible for loans (up to \$50,000K per unit) if agreeing to keep 20% units at affordable rental levels (80%AMI) for 10 years or the life of the loan.

21. **Conditional Use Permit** – A Conditional Use Permit is required for a project determined to be a major development. This project is considered a major development because it contains more than 12 units – CBJ 49.25.300(c)(3)(D).

Building Division

22. **Building** – A 30 minute fire separation between units will be required
23. **Outstanding Permits** – BLD20190027 – Remodel second floor offices into apartments (never issued, went inactive during plan review)

General Engineering/Public Works

24. **Engineering** – N/A – existing structure
25. **Drainage** – N/A
26. **Utilities** – (water, power, sewer, etc.) N/A

Fire Marshal

27. **Fire Items/Access** – A fire alarm and sprinkler system will be required, applicant has already been in contact with Fire Marshal Jager about specifications.

Other Applicable Agency Review

28. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections... N/A

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application
2. Subdivision and Development Plan Application
3. Conditional Use Permit Application

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report
2. Preliminary Plat
3. Preliminary Plat Checklist

Exceptions to Submittal Requirements

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

Pre-Application Conference Final Report

1. None

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Nonconforming Certification; \$150 – fee waived if applied for in conjunction with another land use permit.
2. Conditional use permit application; major development: \$1,000.00
3. \$50 public notice sign fee + \$100 sign deposit; \$150.00

TOTAL: \$1,150.00

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/community-development.

Submit your Completed Application

You may submit your application(s) online via email to permits@juneau.org
OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

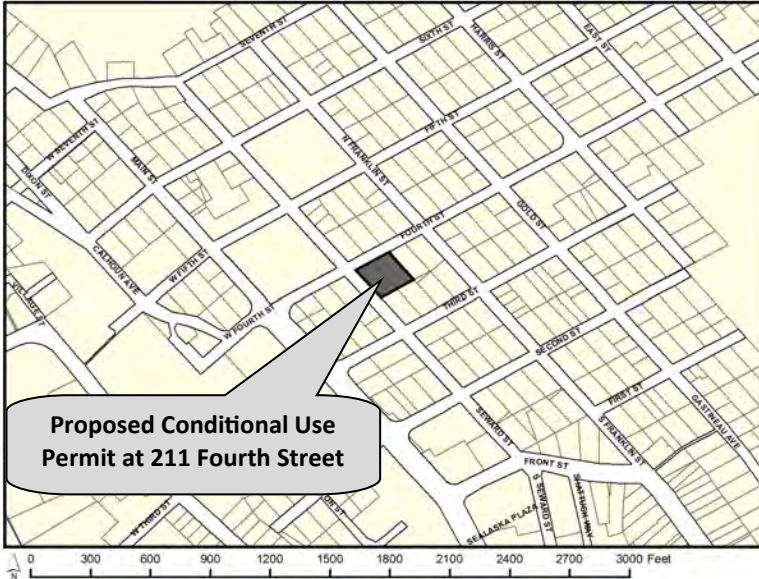
Phone: (907) 586-0715
Web: www.juneau.org/community-development

Attachments:

49.15.330 – if a Conditional Use Permit

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **proposed Conditional Use Permit for a 33-unit apartment building at 211 Fourth Street in a Light Commercial Zone.**

TIMELINE

Staff Report expected to be posted **June 20, 2022**, at <https://juneau.org/community-development/planning-commission>
Find hearing results, meeting minutes and more here as well.

Now through June 6	June 7 noon, June 24	HEARING DATE & TIME: 7:00 pm, June 28, 2022	June 29
Comments received during this period will be sent to the Planner, Adrienne Scott , to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting https://juneau.zoom.us/j/82308126726 and use the Webinar ID: 823 0812 6726 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above). You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska.*	The results of the hearing will be posted online.
FOR DETAILS OR QUESTIONS, Phone: (907)586-0715 ext. 4208 ♦ Email: pc_comments@juneau.org Mail: Community Development, 155 S. Seward St, Juneau AK 99801			
Printed May 25, 2022		Case No.: USE2022 0008 Parcel No.: 1C070A090060 CBJ Parcel Viewer: http://epv.juneau.org	



NOTICE 586-0715
A Conditional Use Permit for a
33-unit residential apartment building
HEARING DATE: 6/28/2022

Put the PRO Act
BUILD BACK
BETTER WITH
UNIONS

ENTRANCE
ON
4TH STREET



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Fire
STAFF PERSON/TITLE: Daniel Jager, Fire marshal
DATE: 6-9-22
APPLICANT: Jensen Yorba Wall Inc
TYPE OF APPLICATION: Conditional use permit
PROJECT DESCRIPTION:
Conditional Use Permit for a 33-unit apartment building

LEGAL DESCRIPTION: Lot 8, Lot 7 & FR Lot 6, Block 9, Juneau Townsite
PARCEL NUMBER(S): 1C070A090060
PHYSICAL ADDRESS: 211 4th St
SPECIFIC QUESTIONS FROM PLANNER:

AGENCY COMMENTS:

Fire alarm system and sprinkler system will be required. Applicant is already aware of this and will supply plans for those systems at later date.

Adrienne Scott

From: Charlie Ford
Sent: Wednesday, June 8, 2022 7:50 AM
To: Adrienne Scott
Subject: RE: Use permit for apartment building

Adrienne,
Buildings has no issues at this time.
I filled out the form but can't figure out how to send it back to you.
I saved it but can't figure out where it's at.

From: Adrienne Scott <Adrienne.Scott@juneau.org>
Sent: Tuesday, June 7, 2022 4:05 PM
To: Charlie Ford <Charlie.Ford@juneau.org>; Dan Jager <Dan.Jager@juneau.org>; General Engineering <General_Engineering@juneau.org>
Subject: Use permit for apartment building

Good afternoon,

Please see attached application for a remodel of the Assembly Building into a 33-unit apartment building at 211 4th St.
Please let me know if you have any comments or concerns by June 13.

Thank you,

Adrienne Scott (she/her/hers) | **Planner I**
[Community Development Department](#) | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 ext. 4208



Fostering excellence in development for this generation and the next.

AME20210003

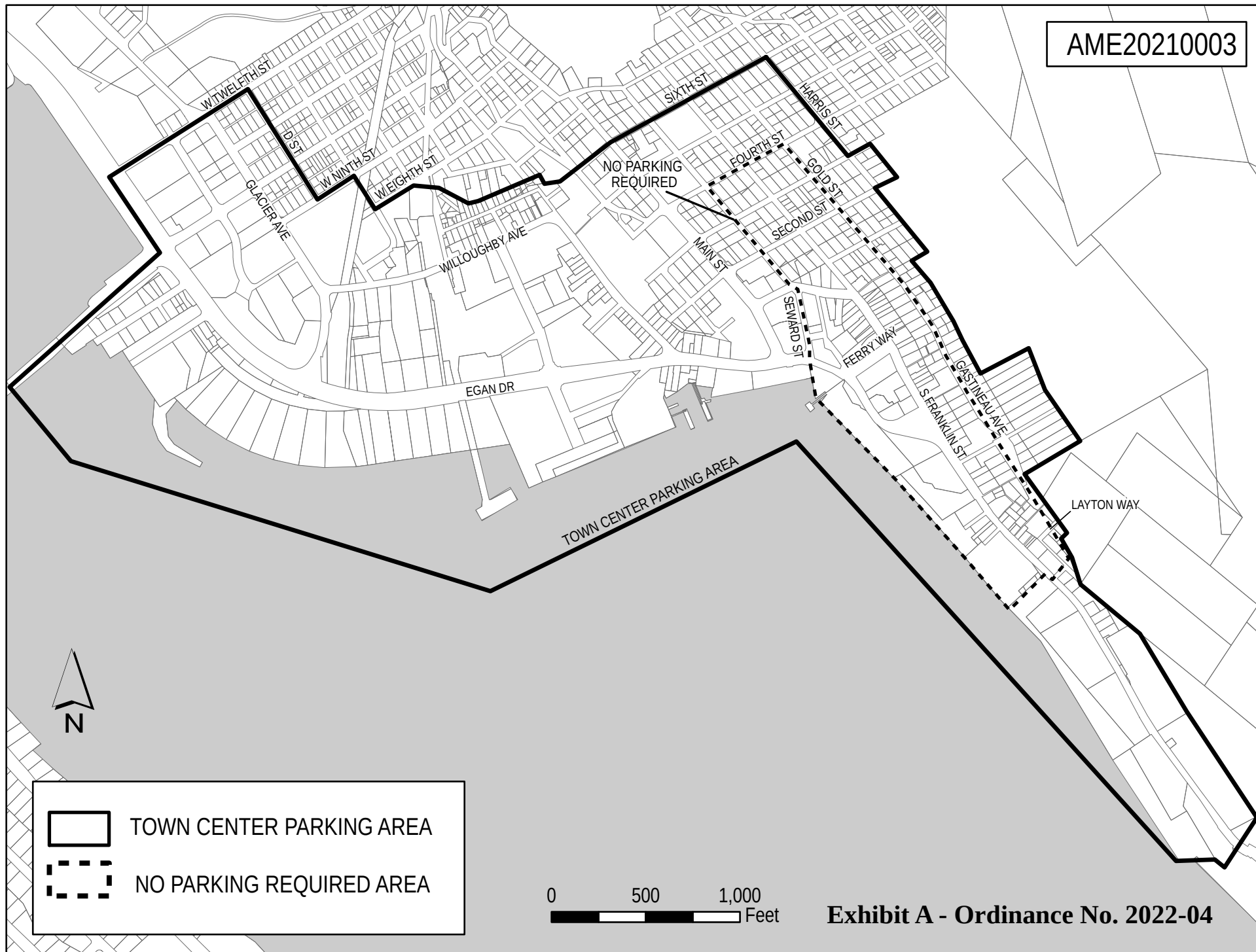


Exhibit A - Ordinance No. 2022-04

Presented by: The Manager
Presented: 02/07/2022
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-04(b)

An Ordinance Amending the Parking Requirements of the Land Use Code.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 49.40 Parking and Traffic, Article II Parking and Loading, is repealed and reenacted to read:

ARTICLE II: PARKING AND LOADING

49.40.200 General applicability.

Developers must provide off-street parking spaces for automobiles in accordance with the requirements set forth in this chapter at the time any structure is erected, expanded, or when there is a change in the principal use.

(a) Special Parking Areas.

(1) Town Center Parking Area. The Town Center Parking Area, as depicted in Ordinance 2022-04 is adopted. The Town Center Parking Area consists of the lots within the area bound by West Tenth Street, Egan Drive, West Twelfth Street, D Street, West Ninth Street, C Street and its projection, West Eight Street and its

projection, the rear lot lines of property between 370 through Distin Avenue, Sixth Street and its projection, Harris Street, projection of Third Street, projection of East Street, projection of Second Street, projection of Harris Street, the rear lot lines of property between 143 and 400 Gastineau Avenue, the rear lot lines of property between 511 and 889 South Franklin Street, and Gastineau Channel.

(2) *No Parking Required Area.* The No Parking Required Area, as depicted in Ordinance 2022-04 is adopted. The lots within the area bound by Gastineau Avenue, Fourth Street, Seward Street, Gastineau Channel, 490 South Franklin Street, and Layton Way are excluded from the parking requirements of this chapter. No additional parking is required for development in this area.

(b) *Conforming parking.* The requirements, alternatives and reductions of this chapter can be combined to meet parking requirements of a development.

(c) *Developer responsibility.* Developer must submit documentation to demonstrate that applicable parking code requirements have been met, in conformance with this chapter.

(d) *Owner/occupant responsibility.* The provision and maintenance of off-street parking and loading spaces required in this chapter is a continuing obligation and joint responsibility of the owner and occupants.

(e) *Determination.* The determination of whether the parking requirements of this chapter are satisfied, with or without conditions, and deemed necessary for consistency with this title, must be made by:

- (1) The director for minor development;
- (2) The commission for major development; or

(3) The commission if the development application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.

(f) *Expansion.* In cases of expansion of a structure on or after the effective date of Ordinance 2022-04,

(1) The number of additional off-street parking spaces required must be based on the gross floor area added.

(2) No additional parking spaces are required if the additional spaces would amount to less than ten percent of the total required for the development and amount to two or less spaces.

(3) For phased expansion, the required off-street parking spaces is the amount required for the completed development, as determined by the director.

(g) *Change in use.* In cases of a change in use on or after the effective date of Ordinance 2022-04, the number of spaces required will be based on this chapter.

(h) *Replacement and reconstruction of certain nonconforming structures.* Off-street parking requirements for the replacement and reconstruction of certain nonconforming structures in residential districts must be governed by chapter 49.30.

(i) *Mixed occupancy.* Mixed occupancy is when two or more of the parking uses in 49.40.210 share the same lot(s). For mixed occupancy, the total requirement for off-street parking facilities is the sum of the requirements for the uses computed separately.

(j) *Uses not specified.* The requirements for off-street parking in 49.20.320 are based on the requirements for the most comparable use specified, as determined by the director for minor development or by the commission for major development.

(k) *Location.* Off-street parking facilities must be located as provided in this chapter. If a distance is specified, such distance is the walking distance measured from the building being served to the parking provision. Off-street parking facilities for:

- (1) Single-family dwellings and duplexes must be on the same lot as the building served;
- (2) Multifamily dwellings may not be more than 100 feet distant, unless compliant with section 49.40.215; and
- (3) Uses other than those specified above, may be not more than 500 feet distant, unless compliant with section 49.40.215.

(l) *Off-street parking requirements for a lot accessible by air or water only.* Off-street parking requirements do not apply to a lot if it is accessible only by air or water. If the director determines that public access by automobile to the lot later becomes available, the owner of the property must be given notice and within one year must provide the required off-street parking.

49.40.210 Number of off-street parking spaces required.

(a) *General.* The minimum number of off-street parking spaces required must be as set forth in the following table. The number of spaces must be calculated and rounded down to the nearest whole number:

Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
Single-family and duplex	2 per each dwelling unit	1 per each dwelling unit
Multifamily units	1 per one bedroom unit	0.4 per one bedroom unit
	1.5 per two bedroom unit	0.6 per two bedroom unit
	2.0 per three or more bedroom unit	0.8 per three or more bedroom unit
Roominghouse, boardinghouse, single-room occupancies with	1 per 2 bedrooms	1 per 5 bedrooms

Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
shared facilities, bed and breakfast, halfway house, and group home		
Single-room occupancies with private facilities	1 per each single-room occupancy plus 1 additional per each increment of four single-room occupancies with private facilities	1 per 5 single-room occupancies, plus 1 per each increment of ten single-room occupancies with private facilities.
Accessory apartment	1 per each unit	0 per each unit
Motel	1 per each unit in the motel	1 per each 12 units in the motel
Hotel	1 per each four units	1 per each 12 units
Hospital and nursing home	2 per bed OR one per 400 square feet of gross floor area	2 per bed OR one per 400 square feet of gross floor area
Senior housing	0.6 parking spaces per dwelling unit	0.3 spaces per dwelling unit
Assisted living facility	0.4 parking spaces per maximum number of residents	0.4 parking spaces per maximum number of residents
Sobering center	1 parking space per 12 beds	2 parking spaces
Theater	1 for each four seats	1 for each 10 seats
Church, auditorium, and similar enclosed places of assembly	1 for each four seats in the auditorium	1 for each 10 seats in the auditorium
Bowling alley	3 per alley	1.2 per alley
Bank, office, retail commercial, salon and spa	1 per 300 square feet of gross floor area	1 per 750 square feet of gross floor area
Medical or dental clinic	1 per 200 square feet of gross floor area	1 per 400 square feet of gross floor area
Funeral Home	1 per six seats based on maximum seating capacity in main auditorium	1 per 15 seats based on maximum seating capacity in main auditorium
Warehouse, storage, and wholesale businesses	1 per 1,000 square feet of gross floor area	1 per 2,500 square feet of gross floor area
Restaurant and alcoholic beverage dispensary	1 per 200 square feet of gross floor area	1 per 750 square feet of gross floor area
Swimming pool serving general public	1 per four persons based on pool capacity	1 per 10 persons based on pool capacity
Shopping center and mall	1 per 300 square feet of gross leasable floor area	1 per 750 square feet of gross floor area
Convenience store	49.65 Article V	1 per 750 square feet of gross floor area
Watercraft moorage	1 per three moorage stalls	2 per 15 moorage stalls
Manufacturing uses; research, testing and processing, assembling, industry	1 per 1,000 square feet gross floor area except that office space must provide parking as required for offices	1 per 2,500 square feet gross floor area except that office space must provide parking as provided for offices.
Library and museum	1 per 600 square feet gross floor area	1 per 1,500 square feet of gross floor area

Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
School, elementary	2 per classroom	2 per classroom
Middle school or junior high	1.5 per classroom	1.5 per classroom
High school	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom
College, main campus	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
College, satellite facilities	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
Repair/service station	5 spaces per bay. For facilities with two or more bays, up to 60% of the required non-accessible parking spaces may be in a stacked parking configuration.	3 spaces per bay. All but two of the required non-accessible parking spaces may be in a stacked configuration.
Post office	1 per 200 square feet gross floor area	1 per 500 square feet of floor area.
Childcare Home	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Childcare Center	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Indoor sports facilities, gyms	1 per 300 square feet gross floor area	1 per 750 square feet gross floor area
Mobile Food Vendors	No parking requirement	No parking requirement.
Open air food service (TPU 8.3)	1 per 400 square feet of gross floor area.	Zero

(b) *Accessible parking spaces.* Accessible parking spaces must be provided as part of the required off-street parking spaces, according to the following table (Table 49.40.210(b)). Except, Accessible parking spaces are not required for residential uses that require fewer than ten parking spaces and there are no visitor parking spaces.

Table 49.40.210(b)	
Total Parking Spaces in Lot	Required Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total spaces
1,001 and over	20 plus 1 space for each 100 spaces over 1100 total spaces in lot

(c) *Facility loading spaces.* In addition to the required off-street parking requirements, a development must provide loading spaces as set forth in the following table:

Use	Gross Floor Area in Square Feet		Loading Space Required
	All other areas	Town Center Parking District	
Motels and hotels	5,000—29,999	6,000-60,000	1
	30,000—60,000		2
	Each additional 30,000	Each additional 30,000	1

	Gross Floor Area in Square Feet		
Use	All other areas	Town Center Parking District	Loading Space Required
Commercial	5,000—24,999	6,000-50,000	1
	25,000—50,000		2
	Each additional 30,000	Each additional 30,000	1
Industrial, manufacturing, warehousing, storage, and processing	5,000—24,999	6,000-50,000	1
	25,000—50,000		2
	Each additional 30,000	Each additional 30,000	1
Hospital	5,000—40,000	6,000-40,000	1
	Each additional 40,000	Each additional 40,000	1
School	For every two school buses		1
Home for the aged, convalescent home, correctional institution	More than 25 beds		1

49.40.215 Parking alternatives.

Parking alternatives are methods of accommodating required parking without building parking on site. A developer may apply for one or more parking alternatives. Parking alternatives may be combined with approved reductions.

(a) *Joint use.* Joint use occurs when the same off-street parking space is used to meet the parking requirement of different uses at different times. Joint use of off-street parking spaces may be authorized when the developer demonstrates there is no substantial conflict in the principal operating hours of the structures and uses involved and subject to the following requirements:

- (1) Any structure or use sharing the off-street parking facilities of another structure or use must be located within 500 feet of such parking facilities, unless a lesser radius is identified in this chapter. A developer may apply to provide off-street parking in an area greater than 500 feet distant, if approved by the commission.
- (2) The developer demonstrates with appropriate analysis or data that there is no substantial conflict in the principal operating hours of the structures or users for which joint use of off-street parking facilities is proposed.

The developer must present to the director a written instrument, proposed by the parties concerned, providing for joint use of off-street parking facilities. Upon approval by the director, such instrument must be recorded by the developer and documentation of recording provided to the director.

(b) *Loading spaces off-site.* The required loading space(s) may be met by an alternative private off-site loading parking space, if the alternate space is determined by the director of adequate capacity and proximity. In no case will the distance exceed standards established in 49.40.200(k).

49.40.220 Parking reductions.

A parking reduction reduces the required off-street parking spaces for a development. A developer may apply for one or more parking reductions. Accessible parking spaces must not be

reduced and must be provided in accordance with subsection 49.40.210(b). Loading spaces must not be reduced and must be provided in accordance with subsection 49.40.210(c).

(a) *Parking waivers.* The required number of parking spaces required by this chapter may be reduced if the requirements of this section are met.

(1) *Standards.* Any waiver granted under this section must be in writing and must include the following required findings and any conditions, such as public amenities, imposed by the director or commission that are consistent with the purpose of this title:

- (A) The effect of granting a waiver would result in more benefits than detriments to the neighboring area and community as a whole as identified by the comprehensive plan; and
- (B) The effect of granting a waiver will not materially endanger public health, safety, or welfare.

(2) *Relevant information.* The following information may be relevant for the director or commission's review:

- (A) Analysis or data relevant to the intended use and related parking demands.
- (B) Provision for alternative transportation.
- (C) Traffic mitigation measures supported by industry standards.
- (D) Bicycle and pedestrian amenities.

(3) *Applications.* Applications for parking waivers must be on a form specified by the director and must be accompanied by a one-time fee as provided in 49.85.

(4) *Public notice.* The director must mail notice of any complete parking waiver application to the owners of record of property located within a 250-foot radius of

the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications should be made concurrently in accordance with CBJ 49.15.230.

(5) *Expiration.* An approved parking waiver expires upon a change in use.

(b) *Town Center Parking Area, Fee-In-Lieu of off-street parking spaces.* In the Town Center Parking Area, a developer may pay a one-time fee in lieu of providing off-street parking spaces to satisfy the minimum parking requirements of this chapter. Fee in lieu can be used in any combination with other parking provisions of this chapter. Any fee in lieu due must be paid in full prior to the issuance of a temporary certificate of occupancy.

49.40.225 Dimensions and signage for Required Off-Street Parking Spaces.

(a) *Standard spaces.*

(1) Except as provided in this section, each standard parking space must consist of a generally rectangular area at least 8½ feet by 17 feet. Lines demarcating parking spaces may be drawn at any angle to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

(2) Spaces parallel to the curb must be no less than 22 feet by 6½ feet.

(b) *Accessible spaces.*

(1) Each accessible parking space must consist of a generally rectangular area at least 13 feet by 17 feet, including an access aisle of at least 5 feet by 17 feet. Two accessible parking spaces may share a common access aisle.

(2) One in every eight accessible parking spaces, but not less than one, must be served by an access aisle with a width of at least eight feet and must be designated “van-accessible.”

(3) Accessible parking spaces must be designated as reserved by a sign showing the symbol of accessibility. “Van-accessible” parking spaces must have an additional sign designating the parking space as “van-accessible” mounted below the symbol of accessibility. A sign must be located so it cannot be obscured by a vehicle parked in the space.

(4) Access aisles for accessible parking spaces must be located on the shortest accessible route of travel from parking area to an accessible entrance.

(c) *Facility loading spaces.*

(1) Each off-street loading space must be not less than 30 feet by 12 feet, must have an unobstructed height of 14 feet 6 inches, and must be permanently available for loading.

49.40.230 Parking area and site circulation review procedures.

(a) *Purpose.* The purpose of these review procedures is to ensure that proposed parking and related site access areas provide for adequate vehicular and pedestrian access and circulation; that parking spaces are usable, safe, and conveniently arranged; that sufficient consideration has been given to off-street loading and unloading; and that the parking area will be properly drained, lighted, and landscaped.

(b) *Plan submittal.* Development applications must include plans for parking and loading spaces. Major development applications must include plans prepared by a professional engineer or architect. These plans may be part of a plan submission prepared in conjunction with the required review of another aspect of the proposed development.

(1) *Contents.* The plans must contain the following information:

- (A) Parking and loading space plans drawn to scale and adequate to show clearly the circulation pattern and parking area function;
- (B) Existing and proposed parking and loading spaces with dimensions, traffic patterns, access aisles, and curb radii;
- (C) Improvements including roads, curbs, bumpers and sidewalks indicated with cross sections, designs, details, and dimensions;
- (D) A parking schedule indicating the number of parking spaces required, the number provided, and how such calculations were determined;
- (E) Topography showing existing and proposed contour intervals; and
- (F) Landscaping, lighting and sign details, if not provided in conjunction with the required review of another aspect of the proposed development.

(2) *Waiver of information.* The director may waive submission of any required exhibits.

(c) *Review procedure.* Plans must be reviewed and approved according to the procedures of this chapter and chapter 49.15.

(d) *Public improvements required.* As a condition of plan approval, the department may require a bond approved as to form by the municipal attorney for the purpose of ensuring the installation of off-site public improvements. As a condition of plan approval, the applicant is required to pay the cost of providing reasonable and necessary public improvements located outside the property limits of the development but necessitated by construction or improvements within such development.

49.40.230 Parking and circulation standards.

(a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent to the site must address layout of parking areas, off-street loading and unloading needs, and the

movement of people, goods, and vehicles from access roads, within the site, and between buildings and vehicles. Parking areas must be landscaped and must feature safely-arranged parking spaces.

(b) *Off-street parking and loading spaces; design standards.*

- (1) Access. There must be adequate ingress and egress from parking spaces. The required width of access drives for driveways must be determined as part of plan review depending on use, topography and similar considerations.
- (2) Size of aisles. The width of aisles providing direct access to individual parking stalls must be in accordance with the following table. Other angles may be approved by the director that satisfy the needs of this chapter.

Parking Angle	0°	30°	45°	60°	90°
One-way traffic aisle width	13'	11'	13'	18'	24'
Two-way traffic aisle width	19'	20'	21'	23'	24'

- (3) Location in different zones. No access drive, driveway or other means of ingress or egress may be located in any residential zone if it provides access to uses other than those permitted in such residential zone.
- (4) Sidewalks and curbing. Sidewalks must be provided with a minimum width of four feet of passable area and must be raised six inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground must be provided in appropriate locations. Parked vehicles

must not overhang or extend over sidewalk areas, unless an additional sidewalk width of two feet is provided to accommodate such overhang.

(5) Stacked parking. Stacked parking spaces may only be counted as required parking spaces for single-family residences, duplexes, and as otherwise specified for specific uses. In the case of single-family residences and duplexes with or without accessory uses and child care homes in a residential district, only a single parking space per dwelling unit may be a stacked parking space.

(6) Back-out parking. Parking space aisles must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way. If the director or the commission, when the commission has authority, determines back-out parking would not unreasonably interfere with the public health and safety of the parking space aisles and adjacent right-of-way traffic, back-out parking is allowed in the following circumstance:

- (A) In the case of single-family dwellings and duplexes with or without accessory uses located in residential and rural reserve zoning districts;
- (B) Where the right-of-way is an alley; or
- (C) In the case of a child care home in a residential district.

(c) *Drainage.*

(1) Parking areas must be suitably drained.

(2) Off-site drainage facilities and structures requiring expansion, modification, or reconstruction in part or in whole as the result of the proposed development must be subject to off-site improvement requirements and standards as established by the city.

(d) *Lighting.* Parking areas must be suitably lighted. Lighting fixtures must be “full cutoff” styles that direct light only onto the subject parcel.

(e) *Markings and access.* Parking stalls, driveways, aisles and emergency access areas and routes must be clearly marked.

(f) *General circulation and parking design.*

(1) Parking space allocations must be oriented to specific buildings. Parking areas must be linked by walkways to the buildings they serve.

(2) Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks must be clearly designated by pavement markings or signs. Crosswalk surfaces must be raised slightly to designate them to drivers, unless drainage problems would result.

Section 3. Amendment of Section. CBJ 49.65.530 Standards, is amended to read:

49.65.530 Standards.

(a) Stores may be approved in each of the areas shown on the convenience store use area maps A—B.

(b) Video rentals, a laundromat, and an automatic teller machine may be permitted as accessory uses. Automobile fuel sales may be permitted as an accessory use in locations with adequate space for queuing. The retail area for liquor sales may occupy no more than 50 percent of the gross floor area. Automotive service and exterior merchandising shall not be permitted. Drive-up window service may be permitted only if vehicle queues will not extend into adjacent streets.

(c) Except as authorized by the bonus provisions of this article, gross floor area shall be limited to 3,000 square feet.

(d) Vehicle access must be directly from an arterial or collector, and not from a local street.

(e) Height shall be limited to one story except that a second story may be allowed for residential use and for accessory office and storage uses, provided that any storage use must relate directly to the primary permitted use.

(f) The site perimeter and parking area shall be landscaped and screened with live material installed within ten months of the date of final construction permit approval or issuance of a certificate of occupancy, whichever is the later. The commission may authorize a bond or other security or collateral required pursuant to CBJ 49.15.330(g)(5) a provision specifying that the bond shall be forfeited if landscaping is not complete by the time required or if any plants dying within one year of installation are not replaced. Development abutting a lot zoned for residential use shall include landscaped strips or landscape boxes at least five feet wide unless the applicant demonstrates that a narrower landscape strip meets the intent of this section. The strips shall be covered with ground cover and shall be maintained throughout the year such that:

- (1) On a property line shared with the residential lot the strip shall include a continuous shrub screen, fence, or both, six feet high and 95% opaque. The screen shall include one tree at least six feet high at installation per 30 lineal feet;
- (2) On a property line adjacent to a street the strip shall include a continuous low shrub screen on a berm or other raised facility which is at least five feet wide, landscaped at a slope not greater than the natural angle of repose, and consistent with sight distance requirements for vehicle egress. The strip width may be reduced

to not less than 18 inches to accommodate planter boxes and sight obscuring fences.

The screen shall include one tree per 30 lineal feet;

- (3) On all other property lines except those along driveways the strip shall include a continuous low shrub screen with one tree per 30 lineal feet at least six feet high at installation.

- (g) Outside of the Town Center Parking Area, the minimum off-street parking requirement shall be one space per 250 square feet of gross floor area.

- (h) Exterior bear-resistant public litter cans shall be provided.

- (i) The exterior building appearance, including siding, roofline, windows, paint colors, and building massing shall be compatible on all sides with surrounding uses.

- (j) Exterior lighting may not shed light or glare above the roofline of the building or beyond the property line of the site.

- (k) The building shall be set back from any property line shared with a residentially zoned parcel by a distance of 20 feet or the distance required by the underlying zoning district, whichever is greater.

- (l) No more than 80 percent of the lot shall be covered by an impervious surface.

- (m) The layout of the store shall provide for views from the cash register of bicycle racks, telephones, seating areas, and other exterior public amenities.

- (n) The parking lot shall be paved and striped with spaces and a circulation pattern.

- (o) Headlight glare shall not be permitted onto residentially-zoned lots adjacent to the site.

- (p) Liquor sales shall not be permitted from drive-in window(s).

Section 4. Amendment of Section. CBJ 49.80.120 Definitions, is amended to include the following new definitions in alphabetical order, to read:

49.80.120 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Mobile food vendor means a type of food service that is located in a vehicle, trailer or cart, and is capable of moving easily daily. Unless a push cart, these units must be capable of being licensed by the state as a motor vehicle, and can be moved without special conditions (such as a pilot car, flagging, or restricted hours of movement). Mobile units must completely retain their mobility at all times.

...

Open air food service means a food service located in a structure or area that does not have a permanent means of heat. (Note that woodstoves are not considered a permanent means of heat by the building code official). The director can extend the operation period for cause, such as extended tourist season, community event, or emergency provisions.

...

Walking distance is the distance measured by the shortest route, using pedestrian facilities, from the public entrance of the building in which a use occurs to the outer boundaries of another use.

...

Section 5. Amendment of Section. Section 49.85.100 is amended to read:

49.85.100 Generally.

Processing fees are established for each development, platting and other land use action in accordance with the following schedule. If a public notice sign is required by the director, the fee is \$150 for the first sign, and \$25 for each additional sign. One hundred dollars of the sign fee can be refunded if the sign is returned within two (2) weeks of the decision being issued.

...

(21) Parking waiver, \$400. If the application is filed in conjunction with a major development permit the fee shall be reduced by 20 percent.

(22) Fee in lieu, \$10,000 per off-street parking space required.

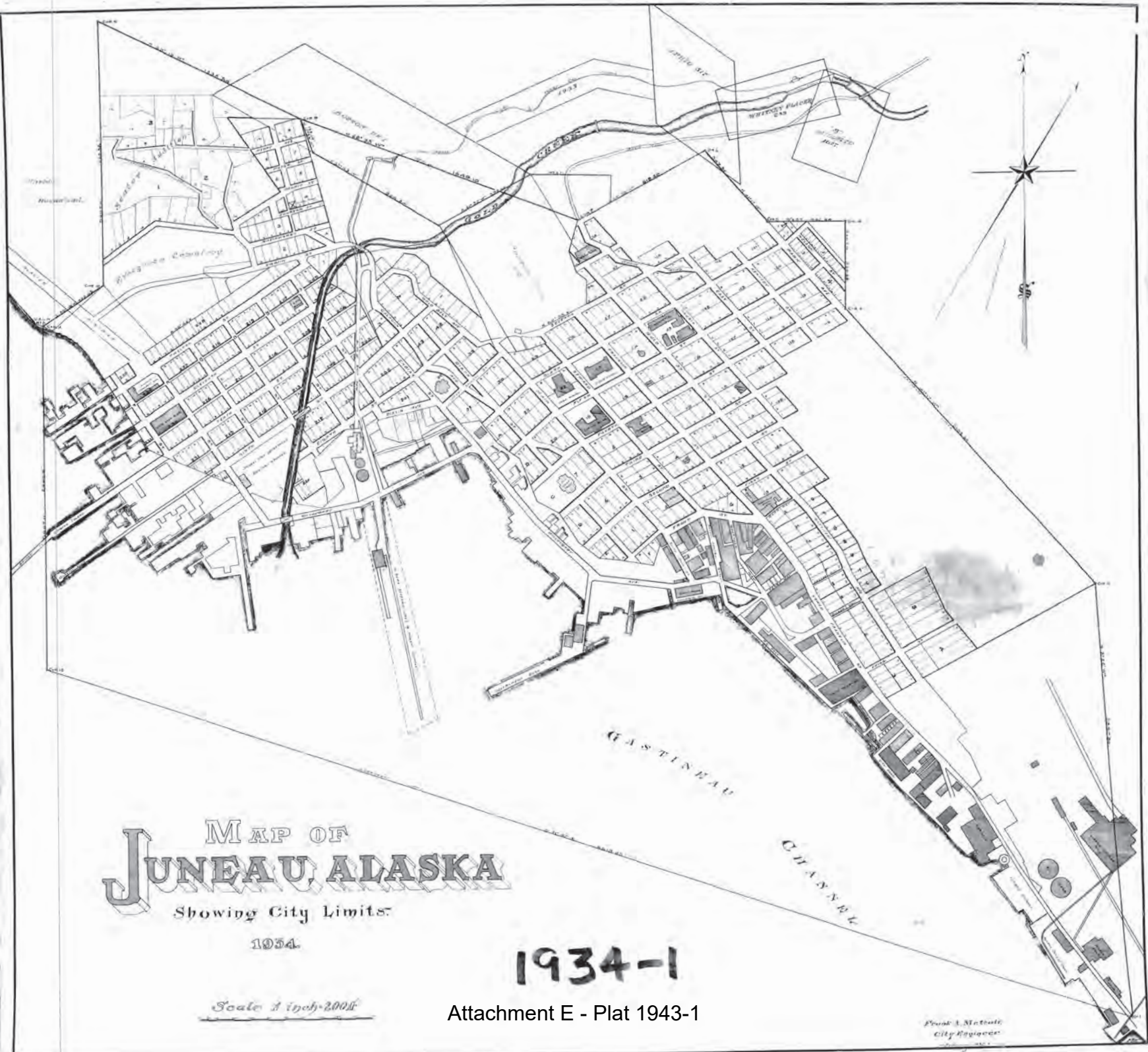
Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2022.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



MAP OF
JUNEAU, ALASKA
Showing City Limits

1934-1

Scale 1 inch = 200 ft

Attachment E - Plat 1943-1

Frank A. Mitchell
City Engineer

1-A-055-009-078
BUILDING PERMIT

1070A090060
City and Borough of Juneau, Alaska

Owner's Name STATE OF ALASKA
Address JUNEAU, ALASKA Phone 6-6411
Contractor's Name Superior Bldrs
Address/License _____ Phone 787-9115

BUILDING PERMIT NO. 9514
VALUATION \$78,900.00
FEES AMOUNT
Structure \$1,875.00
Plan Check N/A
Sewer _____
Water _____
Street _____
Sidewalk _____
Other Charges _____
Total 1875.00
RECEIPT NUMBER 16234
PLANS SUBMITTED 11-15-73

LOCATION OF PROJECT _____
Juneau (☒) Douglas () Rural ()
LOT 8 BLOCK 7 SUBDIVISION Transite
or _____

U. S. SURVEY _____ And Tract/Lot _____
Occupancy Group _____ Fire Zone _____
Construction Type _____ Building Zone _____

APPROVALS:
ZONING ADMINISTRATOR A.L.E. R.B.
FIRE MARSHAL G.B. R.Y.
SANITARIAN _____
PUBLIC WORKS _____
BUILDING OFFICIAL John A. Forrester

REMARKS: REMODEL 2ND FLOOR ASSEMBLY APTS.
EXTINGUISHERS & FIRE DOORS 1ST FLOOR PER
FIRE MARSHALL'S LETTER

PROTECTIVE INSPECTIONS

Building ☒
Plumbing ☒
Electrical ☒
Heating ☒
Air Conditioning _____

PUBLIC WORKS

Street (new) _____
Street Cut _____
Sidewalk _____
Sewer _____
Water _____

SCALE 1/4" = Ft.

CLASS OF WORK: New _____ Addition _____ Repair _____ Alteration ☒
Residential : _____
Mobile Home : _____
Commercial : OFFICE REMODEL
Industrial : _____

BUILDING TYPE AND USE	HEAT	PLUMBING	BUILT-IN'S
Single _____ Double _____	Stove _____ Space Heater _____	# B _____ 1st _____ 2nd _____	D. I. Stove & Oven _____
Other _____ # Stories _____	Floor Furnace _____	# Tubs _____	Oven Built-In _____
Basement _____ Frame _____	Hot Air Forced _____	# Toilets _____	Range Built-In _____
Concrete _____ Block _____	Radiant _____	# Basins _____	C. T. Range _____
Log _____ Other _____	Hot Water _____ Zoned _____	# Kitchen Sinks _____	Hood & Fan _____
FRAME	# Chimneys _____	# Shower Stalls _____	Dishwasher _____
Walls _____ X _____ o.c. _____	Kind _____	# Exhaust Fans _____	Disposal _____
Floor _____ X _____ o.c. _____	FIREPLACES	# Laundry Trays _____	
Roof _____ X _____ o.c. _____	Basement _____ Type _____	Hot Water Tanks _____	
	1st Floor _____ Type _____	# Gallons _____	
		Type _____	

DEMOLITION INFORMATION: REMODEL HOUSING DATA: APT. TO OFFICE
DATE DEMOLISHED: 11-15-73 No. of Living Units 12
No. of Bedrooms 12
Total Number _____

ALL WORK MUST BE INSPECTED PRIOR TO CONCEALMENT.
THIS DEPARTMENT MUST HAVE 24 HOURS NOTICE PRIOR TO ALL INSPECTIONS.

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION
AND STATE THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH
ALL APPLICABLE STATE LAWS AND CODES AND ORDINANCES OF
THE CITY AND BOROUGH OF JUNEAU.

SIGNATURE: Loren Stephens
(Owner/Applicant)



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/community-development/planning-commission

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: June 30, 2022
Case No.: USE2022 0008

Jensen Yorba Wall, Inc
Attn: Wayne Jensen
522 West 10th Street
Juneau, AK 99801

Proposal: The applicant requests a Conditional Use Permit for a 33-unit apartment building.

Property Address: 211 Fourth Street

Legal Description: Juneau Townsite Block 9 Lot 6 FR, 7 & 8

Parcel Code No.: 1C070A090060

Hearing Date: June 28, 2022

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 20, 2022 and approved the Conditional Use Permit for a 33-unit apartment building to be conducted as described in the project description and project drawings submitted with the application.

Attachments: June 20, 2022 memorandum from Adrienne Scott, Community Development, to the CBJ Planning Commission regarding USE2022 0008.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

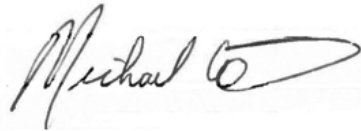
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any

Jensen Yorba Wall, Inc
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action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, June 28, 2022

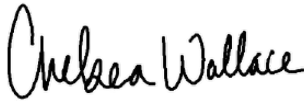
Expiration Date: The permit will expire 18 months after the effective date, or December 28, 2023, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.



Michael LeVine, Chair
Planning Commission

July 1, 2022

Date



Filed With City Clerk

July 1, 2022

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD - Continued from the
May 24, 2022 Planning Commission Meeting

ATTACHMENTS:

Description	Upload Date	Type
☐ Proposed Decision on Appeal	6/17/2022	Appeal
☐ CDD's Objection to the Proposed Decision	6/17/2022	Appeal

**BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU**

JUNEAU COOPERATIVE CHRISTIAN
MINISTRY, dba THE GLORY HALL,

Appellant,

vs.

CBJ COMMUNITY DEVELOPMENT,

Appellee.

APL2021-06

Appeal of:

BLD2021-0765

CDD Director's Decision dated
December 1, 2021

PROPOSED DECISION ON APPEAL

Appellants Juneau Cooperative Christian Ministry, d.b.a. The Glory Hall ("TGH"), appealed the CDD Director's ("Director") decision to deny their request for a building permit to convert TGH building at 2437 South Franklin Street from an "emergency shelter" into commercial use and residential rental units.

The Planning Commission ("Commission") accepted the appeal and voted to review the appeal on the record as provided under CBJ 49.20.110.

The record was prepared by CDD based upon the materials considered by the Director as required under CBJ 49.20.110(b). The record was supplemented with additional materials as requested by TGH, a hearing was held before the Commission on May 24, 2022, and both parties argued in support of their position.¹

Following arguments, the Commission deliberated in executive session as provided under CBJ 01.50.140(b)(3). After deliberations concluded, the Commission came out of executive decision and voted to remand the building permit to CDD for further consideration consistent with this opinion.

1. Burden of Proof and Standard of Review

This is an on the record appeal of the Director's decision. Pursuant to CBJ 49.20.110(b), the burden of proof is on the party challenging the decision. For an on the record appeal, no

¹ Commissioners Arndt, Voelckers, Pedersen, Alper, Hickok, and Winchell participated. MaryAlice McKeen presented argument on behalf of the appellants TGH and CBJ Attorney Adam Gottschalk presented argument on behalf of CDD.

evidence outside the record shall be admitted and the decision of the Director shall be upheld if there is substantial evidence in support thereof and no policy error or abuse of discretion is found therein. Under CBJ 01.50.010, “substantial evidence” means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Per CBJ 01.50.070(a)(1), this means “substantial evidence in light of the whole record, as supplemented at the hearing.” The Alaska Supreme Court has held that an abuse of discretion occurs only if the decision is “arbitrary, capricious, manifestly unreasonable, or the result of an improper motive.”² A decision will be upheld unless, after reviewing the whole record, the Commission is left with a definite and firm conviction that the Director erred in her decision.³

2. Relevant Facts

Extensive information regarding the building permit was presented by the parties at the hearing. Accordingly, the recitation of facts here is brief. On October 28, 2021, TGH’s executive director reached out to CDD expressing TGH’s intent to develop seven apartments on the second and third floors of TGH’s building in downtown Juneau. On November 9, 2021, a pre-application conference was held to provide a preliminary review of TGH’s proposed plans. On November 17, 2021, CDD issued a report regarding what was discussed at the pre-application conference. One of the key issues discussed was increasing density in a severe avalanche area. *R at 34*. CDD’s report indicated that TGH needed to obtain a site-specific study prepared by a licensed civil engineer experienced in avalanche and landslide analysis that would demonstrate the need for a hazard boundary relocation. *R at 36*. On November 23, 2021, TGH submitted a building permit showing the addition of seven dwelling units to the 247 South Franklin Street building. *R at 37*. TGH also submitted documents from its 1989 conditional use permit, as well as a geophysical hazard assessment from R&M Engineering dated December 28, 1989. *R at 116-142*. CDD denied TGH’s building permit on December 1, 2021 with the explanation that “increasing the number of dwelling units is prohibited by code in the hazard zone.” *R at 106*.

3. Legal Analysis

As provided above, TGH requested a building permit to convert its emergency shelter property into commercial use space and apartments, which is under the authority of the CDD

² Markham v. Kodiak Island Borough Board of Equalization, 441 P.3d 943, 949 (Alaska 2019).

³ Gold Country Estates Preservation Group, Inc. v. Fairbanks North Star Borough, 270 P.3d 787, 793 (Alaska 2012).

Director. Under CBJ 49.20.110 the decision of the Director may be appealed to the Planning Commission. The Commission reviews the appeal under the standards set forth in CBJ 49.20.110(b). Under these standards, the Commission does not independently review the building permit request and make a determination based on its own analysis. Rather, the Commission reviews the decision of the Director based on the evidence in the record and is required to uphold the decision “if there is substantial evidence in support thereof and no policy error or abuse of discretion therein.”

Several sections of CBJ 49.70.300 apply to this decision. CBJ 49.70.300(a) states:

- (1) Development in all landslide and avalanche areas shall minimize the risk of loss of life or property due to landslides and avalanches.
- (2) Boundaries of potential and severe avalanche areas will be as shown on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by the assembly by ordinance.
- (3) Notwithstanding any other provision, all subdivision other than a boundary line relocation and all development greater than a single-family dwelling within landslide or avalanche areas shall require a conditional use permit.
- (4) If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the opinion of the city engineer, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe avalanche area or outside any avalanche or landslide area, the department shall proceed accordingly.
- (5) The commission may require mitigating measures certified as effective by a professional engineer for development in landslide and avalanche areas. Such measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measures may also include reduction in the proposed density.

Further, CBJ 49.70.300(b)(1) states: Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.

After review of evidence in the record and taking into account arguments made in this appeal, the Planning Commission remands APL2021-0006 to CDD for a decision within 30 days, with the following findings:

1. CDD acted in error by not incorporating previous engineering work in their analysis under CBJ 49.70.300(a)(5). CBJ Engineering accepted the site specific 1989 R&M Geophysical Hazard Assessment. The assessment established that the Glory Hall property was not in a severe hazard zone. The assessment amends the 1987 CBJ hazard maps for this property.
2. The Planning Commission has determined the intent of CBJ 49.70.300 is to provide for the safety of occupants within a structure, regardless of use. As density is not specifically defined in Title 49, according to CBJ 49.20.300, the Planning Commission hereby provides the following interpretation: For the purposes of CBJ 49.70.300(b)(1), the phrase “shall not increase density” shall be interpreted to mean, “shall not increase the total quantity of people in a structure.”

DATED this _____ day of May, 2022.

PLANNING COMMISSION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

By: _____
 Presiding Officer
 Commissioner Travis Arndt

**BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU**

JUNEAU COOPERATIVE CHRISTIAN
MINISTRY d/b/a THE GLORY HALL,

Appellant,

v.

CBJ COMMUNITY DEVELOPMENT,

Appellee.

APL2021-0006

Appeal of:

BLD2021-0765

CDD Director's Decision dated
December 1, 2021

CDD'S OBJECTIONS TO THE PROPOSED DECISION

Appellee CBJ Community Development Department's primary objection to the Planning Commission's June 1, 2022 Proposed Decision on Appeal regards the Commission's second finding, that "density" as used in CBJ 49.70.300(b)(1) means "the total quantity of people in a structure."¹ Read in conjunction with the first finding—that CDD erred by not incorporating a 1989 assessment into its analysis—the Commission's intent is fairly clear: Further support the 1989 assessment's sufficiency by minimizing the severe avalanche area issue. However, as explained below, removing the second finding regarding density would not undermine the Commission's intent, but including this finding in a forthcoming final decision *would* undermine the intent of CBJ 49.70.300(b)(1).

I. CDD Seeks Clarity Regarding the Commission's Finding the Agency Should Incorporate the 1989 Assessment Into Its Analysis.

It is not entirely clear from the Proposed Decision what the Commission's first finding is or seeks. This finding indicates CDD erred by not incorporating the 1989

¹ Proposed Decision, 4.

assessment *and* that the 1989 assessment amends the adopted hazard maps as to TGH's property.² However, CDD has already incorporated the 1989 assessment into its decision and, if the Commission considers the 1989 assessment sufficient to establish TGH's property is not in a severe hazard zone, what is the Commission seeking through a remand?

As acknowledged in the Proposed Decision, CDD's decision "shall be upheld if there is substantial evidence in support thereof and no policy error or abuse of discretion therein."³ Per CBJ 01.50.010, "[s]ubstantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." And, as provided at CBJ 01.50.070(a)(1), the breadth is "substantial evidence in light of the whole record, as supplemented at the hearing...."

CDD has already expressed its position regarding the 1989 assessment. Responding to questions from the Commission, CDD stated the 1989 assessment does not address avalanche risks and there has been subsequent upslope development since the 1989 assessment was created.⁴ Self-evidently, the 1989 assessment does not disclose whether its recommended mitigation measures were taken.⁵ Still, CDD represented the

² Proposed Decision, 4 (stating in its entirety, "CDD acted in error by not incorporating previous engineering work in their analysis under CBJ 49.70.300(a)(5). CBJ Engineering accepted the site specific 1989 R&M Geophysical Hazard Assessment. The assessment established that the Glory Hall property was not in a severe hazard zone. The assessment amends the 1987 CBJ hazard maps for this property.").

³ Proposed Decision, 2-3 (referencing and quoting CBJ 49.20.110(b)).

⁴ May 24, 2022 Planning Commission Hearing, statements by counsel for CDD in response to questioning by Commissioner Voelckers.

⁵ R. 121 (recommended mitigation measures in 1989 assessment); R. 129 (1990 CDD recommendation the Commission grant a conditional use permit subject to the mitigation measures).

1 1989 assessment’s data could be used by an engineer toward an update.⁶ Rendering it less
 2 clear what the Commission seeks from a remand are the Commission’s statements that
 3 the 1989 assessment “established that the Glory Hall property was not in a severe hazard
 4 zone.”⁷ If the 1989 assessment established TGH’s property is not in a severe hazard zone,
 5 what further analysis is the Commission seeking?

6 If the Commission considers the 1989 assessment—despite being silent on
 7 avalanches, recent developments, and whether mitigating measures were taken,⁸ and
 8 despite being unable to secure a modern endorsement⁹ and being contradicted by the
 9 2020/2021 Tetra Tech Hazard Study that shows the property is within a severe landslide
 10 hazard area¹⁰—sufficient to establish that TGH’s property is not in a severe hazard zone,
 11 the Commission could find CDD’s decision was not supported by substantial evidence
 12 and reverse. Reversing would obviate remanding and re-airing of the same above-stated
 13 concerns CDD has regarding the 1989 assessment. As the Commission is aware, CDD is
 14 bound by the terms of Title 49; there is little leeway in CBJ 49.70.300 for the agency to
 15 weigh additional factors such as prior use or the need for affordable housing. Reversal on
 16 this issue would also eliminate the need to create an anomalous definition for density.
 17

18 **II. CDD Objects to the Commission’s Finding Density Should Be Defined As**
 19 **Occupancy for CBJ 49.70.300(b)(1) Purposes.**

20
 21 ⁶ May 24, 2022 Planning Commission Hearing, statements by counsel for CDD

22 ⁷ Proposed Decision, 4.

23 ⁸ To date, CDD does not know if the mitigation measures recommended were taken.

⁹ During the hearing, TGH represented it had been unable to obtain a site-specific report that would establish the site’s safety despite reaching out to 11 engineers.

¹⁰ While the 2020/2021 Tetra Tech Hazard Study should be considered outside the record, it has been raised repeatedly through this appeal. *See, e.g.* TGH Br., 2, 7, 22.

1 If the Commission reverses based on a finding the 1989 assessment clearly
 2 establishes TGH's property is not within a severe hazard zone, then the second finding—
 3 “density” as used in CBJ 49.70.300(b)(1) means “total quantity of people in a structure”—
 4 would be unnecessary to its final decision and this finding should be removed.

5 First, making this density an “occupancy in density’s clothing” would be
 6 unnecessary to the decision. If TGH's property is not within a severe hazard zone, then
 7 whether or not TGH's sought development increases density is irrelevant. So whether
 8 density means dwelling units, persons, property, or some vague combination of factors,
 9 if the 1989 assessment is sufficient, none of these are at risk.

10 Beyond being unnecessary, the Proposed Decision's density definition would
 11 make this density exceptional to Title 49, which consistently uses density to mean
 12 “dwelling units in an area.”¹¹ The Proposed Decision's stated definition would also be
 13 exceptional because buildings' occupancies are almost exclusively concerns of Title 19,
 14 not Title 49. Exceptional interpretations run counter to CBJ 01.15.020, the rule of
 15 construction that instructs words “not specifically defined shall be construed according to
 16 the context and customary usage of the language.” This discord would be especially acute
 17
 18

19
 20 ¹¹ “Density” appears 44 times in Title 49. In virtually every instance it represents the
 21 number of dwelling units in an area. *E.g.* CBJ 49.25.500-20 (regarding zoning and
 22 showing density as dwelling units per acre); CBJ 49.65.740 (regarding zoning and
 23 referring to density in accordance with CBJ 49.25); CBJ 49.60.140 (“The allowable
 density of dwelling units per acre...”); CBJ 49.15.760 (regarding zoning and showing
 density as dwelling units per lot area). While appearing significantly in CBJ 49.25, which
 regards zoning, the term also appears several times in CBJ 49.80.120—the definitions
 section. For example, “density bonus” is defined as “an increase in allowable density
 above that otherwise allowed in the zoning district in which the planned unit development
 is located.”

1 in CBJ 49.70.300 where “density” is used twice; it is also used in CBJ 49.70.300(a)(5).
 2 Should CBJ 49.70.300(a)(5) be read as “proposed [occupancy]” even though it lists
 3 mitigating measures “certified as effective by a professional engineer”? This would make
 4 little sense as an engineer is not necessary to certify that having fewer people would
 5 mitigate risk. Or should CBJ 49.70.300(a)(5)’s density be consistent with the rest of Title
 6 49 but inconsistent with the very next subsection, CBJ 49.70.300(b)(1)?

7 As a practical matter, if the Commission renders CBJ 49.70.300(b)(1)’s density to
 8 mean occupancy, the Commission will open the door to substantial development within
 9 severe landslide and avalanche areas—many of the buildings in severe hazard areas have
 10 significant occupancies. By defining density as occupancy solely in the section of Title
 11 49 intended to minimize development in severe avalanche areas, the Commission would
 12 open the door to development where Title 49 seeks to limit development. Because
 13 occupancy will virtually always be greater than dwelling units, the Commission’s density
 14 definition would undermine CBJ 49.70.300(b)(1).
 15

16 A familiar legal maxim that applies to this case is “bad facts make bad law.”¹² In
 17 this case, TGH’s conversion will lead to fewer people living in a designated severe hazard
 18 area *even though* this same conversion will increase dwelling units. Thus, in this case, the
 19 Proposed Decision’s definition for CBJ 49.70.300(b)(1)’s density supports TGH’s
 20 conversion *and* the intent of CBJ 49.70.300(b)(1), which is to minimize risk to people
 21 and property. Further, as the Proposed Decision indicates, the 1989 assessment
 22
 23

¹² This includes unusual or exceptional facts.

sufficiently assured the Commission that this project will not place people and property at risk.¹³

However, it is the exceptional case in which increasing dwelling units will lead to fewer people living in a building—and this project’s exceptional character is furthered by its laudable purposes (e.g. increase affordable housing, provide income to a well-liked non-profit) and the existence of an earlier site-specific study and subsequent (but unadopted) hazard maps. By defining CBJ 49.70.300(b)(1)’s density as occupancy, the Commission is transferring the exceptional character of a single project to a Code provision affecting many potential projects. By rendering CBJ 49.70.300(b)(1)’s density exceptional, the Commission will essentially nullify CBJ 49.70.300(b)(1) and open the door to significant development in severe hazard areas—in virtually all other cases, dwelling units and inhabitants can increase even if overall occupancy decreases.

As mentioned above, defining density for CBJ 49.70.300(b)(1) purposes does not advance the Commission’s intent as it is represented in the Proposed Decision. Critically, the definition proposed undermines CBJ 49.70.300(b)(1) in virtually every other conceivable case. Even TGH stated dwelling units were a relevant factor in density.¹⁴ Because the Commission’s finding—that for CBJ 49.70.300(b)(1) purposes density means occupancy—is unnecessary to the Proposed Decision’s intent and this definition

¹³ Proposed Decision, 4 (“The assessment established that the Glory Hall property was not in a severe hazard zone.”).

¹⁴ May 24, 2022 Planning Commission Hearing, statements by counsel for TGH (at minute 23:55 on the audio recording).

undermines CBJ 49.70.300(b)(1), CDD objects to its inclusion in a forthcoming final decision.

III. Conclusion

For the above-provided reasons, CDD seeks clarity on the Commission's first finding, which seeks incorporation of the 1989 assessment, and CDD objects to the Commission's second finding, which seeks to create a one-off definition for "density" that will undermine CBJ 49.70.300(b)(1). Finally, as an alternative to remanding, the Commission may consider this project for a conditional use permit pursuant to CBJ 49.15.330 and CBJ 49.70.300(a)(3). While this process would not exempt TGH's project from CBJ 49.70.300 and CDD review, it would afford the Commission greater flexibility to make an individual determination appropriate for TGH's use and property.¹⁵

DATED this 8th day of June, 2022.

CBJ CDD

By: 
Adam R. Gottschalk
Assistant Municipal Attorney
Alaska Bar No. 2008079

CERTIFICATE OF SERVICE

I certify that on 8th of June, 2022, a true and correct copy of the foregoing document was served on:

ATTN: Mary Alice McKeen
212 West 9th Street

¹⁵ See CBJ 49.15.330(a) (stating in relevant part, "The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites.").

Juneau, AK 99801
via email to: ottokeen@gmail.com



Assistant Municipal Attorney

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

USE2022 0007: A Conditional Use Permit for a marijuana retail store - APPROVED AS
RECOMMENDED

AGENDA ITEM:

Case No.: USE2022 0007
Applicant: Kent & Deborah Hart
Location: 824 Front Street
Proposal: A Conditional Use Permit for a marijuana retail store

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the requested Special Use Permit. The permit would allow the development of a Marijuana Retail Facility.

The approval is subject to the following condition:

1 . Prior to operation, the applicant must receive the required State and CBJ Licenses. By approval of this Special Use Permit, the Planning Commission does not take a position as to whether the application to the State satisfies the requirements of the State License, including if the facility is within 500 feet of a school.

DIRECTOR'S REPORT

The applicant requests a Special Use Permit for a marijuana retail store in downtown Douglas, in a Light Commercial Zone. The proposal is for a new building on the lot, while the existing single-family dwelling would remain. In addition to the Special Use Permit, the applicant must also obtain the required State and CBJ licenses prior to opening.

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve with conditions the requested Special Use Permit.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for USE2022 0007	6/20/2022	Staff Report
☐ Notice of Decision for USE2022 0007	7/1/2022	Notice of Decision



PLANNING COMMISSION STAFF REPORT
SPECIAL USE PERMIT: USE2022 0007
HEARING DATE: JUNE 28, 2022

(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

DATE: June 20, 2022

TO: Michael LeVine, Chair, Planning Commission

BY: Adrienne Scott, Planner I *Adrienne Scott*

THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Special Use Permit for a marijuana retail store.

STAFF RECOMMENDATION: Approval with conditions.

KEY CONSIDERATIONS FOR REVIEW:

- Proposal is for a new marijuana retail store in downtown Douglas.
- There is an existing single-family dwelling on the lot, which would remain.
- Marijuana retail is a Special Use Permit in the Light Commercial (LC) zoning district.

GENERAL INFORMATION	
Property Owner	Kent and Deborah Hart
Applicant	Kent and Deborah Hart
Property Address	824 Front Street
Legal Description	Millsite Addition to Douglas Townsite Block 32 Tract A
Parcel Number	2D040T320091
Zoning	LC
Land Use Designation	Marine Mixed Use (M/MU)
Lot Size	15,828 Square Feet
Water/Sewer	Public Water/Sewer
Access	Front Street/Dock Street
Existing Land Use	Residential
Associated Applications	N/A

ALTERNATIVE ACTIONS:

1. **Amend:** Require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** Deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** To a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - o CBJ 49.65.1245
 - o CBJ 49.15.330
 - o CBJ 49.80
 - o CBJ 49.65

The Commission shall hear and decide the case per CBJ 49.65.1200 Marijuana Establishment Permit. *It is the purpose of this article to establish reasonable regulations that allow for the operation of marijuana establishments within the City and Borough in a manner that promotes public health, safety, and general welfare. It is not the intent of this chapter to authorize anything specifically prohibited by state law.*

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D18)	Residential
South (WI)	Residential/Storage
East (WI)	CBJ Dock
West (LC)	Residential

SITE FEATURES	
Anadromous	N/A
Flood Zone	Zone X
Hazard	N/A
Hillside	N/A
Wetlands	N/A
Parking District	N/A
Historic District	N/A
Overlay Districts	N/A

BACKGROUND INFORMATION

Project Description – The applicant requests a Special Use Permit for the development of a marijuana retail store in the LC zoning district. Currently, the lot has a single-family dwelling. The existing structure will remain, and a new structure will be constructed to accommodate the retail store.

Background – In 2015, CBJ Title 49 Land Use Code was amended to add Marijuana Retail Facilities to the Table of Permissible Uses [Ord. 2015-39(am)]. The application is reviewed as a Marijuana Retail Facility. The applicant is required to obtain a license for a Marijuana Retail Facility from the State of Alaska Alcohol and Marijuana Control Office, and a license from the City and Borough of Juneau.

The lot was rezoned from Waterfront Industrial (WI) to LC in 2017.

The table below summarizes relevant history for the lot and proposed development.

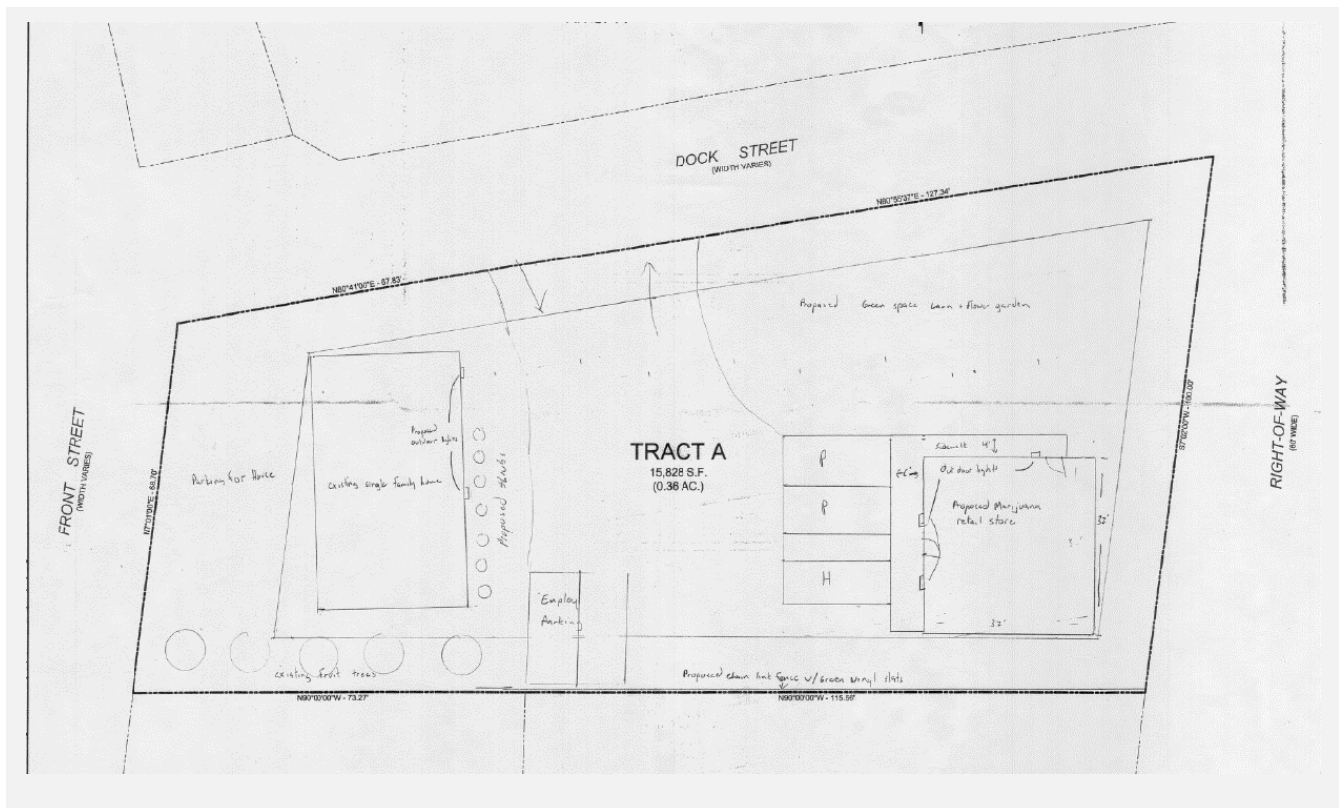
Item	Summary
Building Permit	BLD2018 0574 is a Building Permit for a single-family dwelling, which was finalized in 2019.
Building Permit	DMO2014 0020 is a permit to demolish a mixed-use, single-family dwelling.
Ordinance (Rezone)	Ordinance 2017-30 rezoned the lot from WI to LC.

ZONING REQUIREMENTS

The lot is zoned LC. The new structure as proposed would meet dimensional requirements for the LC zoning district.

Standard		Requirement	Proposed	Existing	Code Reference
Lot	Size	2,000 square feet	No change	15,828 square feet	CBJ 49.25.400
	Width	20 feet	No change	68.7 feet	CBJ 49.25.400
Setbacks (setbacks provided for existing and proposed structure, existing structure to remain)	Front (W)	25 feet	141.25 feet	25.6 feet	CBJ 49.25.400
	Rear (E)	10 feet	11.25 feet	126.9 feet	CBJ 49.25.400
	Side (S)	10 feet	10 feet	15 feet	CBJ 49.25.400
	Street Side (N)	10 feet, reduced using average of three adjacent buildings	46.25 feet	10 feet	CBJ 49.25.430(4)(K)
Lot Coverage Maximum		No maximum	8.2%	14.7%	CBJ 49.25.400
Vegetative Cover Minimum		15%	~16%	~5%	CBJ 49.50.300
Height	Permissible	45 feet	Single-story structure	2-story structure	CBJ 49.25.400
	Accessory	35 feet	N/A	N/A	CBJ 49.25.400
Maximum Dwelling Units (30 units/acre)		10	1	1	CBJ 49.25.500
Use			2.300 Marijuana retail store	1.110 Residential	CBJ 49.25.300

SITE PLAN



ANALYSIS

Project Site – The proposed retail space would be located on a corner lot in Douglas, adjacent to the Douglas Boat Harbor. The lot is 15,828 square feet and is located in a LC zoning district. The site is currently developed with a single-family residence that is rented out for short- and mid-term stays, which would remain. The retail store would be a new building on the lot. Access to the single-family dwelling is off of Front Street. Access to the retail store would be off of Dock Street.

Condition: Prior to operation, the applicant must receive the required State Licenses. By approval of this Special Use Permit, the Planning Commission does not take a position as to whether the application to the State satisfies the requirements of the State License, including if the facility is within 500 feet of a school.

Project Design – The applicant proposes a single-story marijuana retail store with a square footage of approximately 1,024 square feet. The design would include a customer retail area, a restroom, an office, and a secure storage room. Floor plans and security plans are on file with the Community Development Department.

Traffic – According to CBJ 49.40.300(2), a Traffic Impact Analysis is not required as the project will be expected to generate less than 250 Average Annual Daily Traffic (ADT).

The Institute of Transportation Engineers' Trip Generation Manual (9th Edition) does not have data specifically for the use proposed. For this application, we used Specialty Retail.

Use	Total Square Feet	Trips Generated	Total Trips
Specialty Retail	1,024	44.32 per 1,000 square feet	45.38
Single-Family Structure	N/A	9.52 per residence	9.52
Total ADTs:			54.9

Vehicle Parking & Circulation – According to CBJ 49.40.210, off-street parking spaces are required, including one (1) Americans with Disabilities Act (ADA) accessible space. The site plan provided by the applicant proposes five (5) parking spaces, including one (1) ADA space, in addition to the two (2) required spaces for the single-family dwelling.

Use	Total Square Feet	Spaces Required	Total Spaces
Retail	1,024	1 per 300 square feet	3
Residential	N/A	2 per dwelling unit	2
Total Parking Requirement:			5
Off-Street Loading Spaces Required:			0
ADA Accessible Spaces Required:			1

Non-motorized Transportation – Front Street and Dock Street do not have sidewalks. Sidewalks are provided on 3rd Street and Savikko Road, which connects to Front Street.

Proximity to Transit – The closest bus stop is located on 3rd Street, a walking distance of approximately a 250 feet.

Noise – Noise is not expected to be out of character with the existing neighborhood. The property is surrounded by a mixture of uses.

Lighting – Exterior lighting is required to be full cutoff design. The applicants have provided cut sheets for the proposed lighting that meet this requirement (**Attachment A**).

Vegetative Cover & Landscaping – The proposed plan will bring the lot into compliance for the 15% vegetative cover requirement for the LC zoning district (see site plan in **Attachment A**). Proposed vegetative cover includes a green space lawn and flower garden along the north side of the store, and shrubs along the east side of the single-family dwelling.

Habitat – No habitat regulated by CBJ Title 49 will be affected by this proposal.

Drainage and Snow Storage – No changes to snow storage are proposed. A drainage plan will be required to be submitted with the Building Permit application for the new structure.

Historic District – The lot is not located in the Downtown (Juneau) Historic District.

Hazard Zones – The lot is not located within a mapped hazard area.

Public Health, Safety, and Welfare – No information has been submitted that suggests the proposed use will materially endanger the public health, safety, or welfare.

Property Value or Neighborhood Harmony – No information has been submitted that suggests the proposed use will negatively affect property values or neighborhood harmony.

SPECIFIED USE REVIEW - CBJ 49.65 ARTICLE XI – MARIJUANA ESTABLISHMENTS

Topic and Code Reference	Summary	Complies	Recommended Condition
CBJ 49.65.1245(a)(1) Site Plan and Floor Plans	Applicant has submitted a floor plan showing restricted access areas and a site plan (Attachment A) .	☒ Yes ☐ No ☐ N/A	
CBJ 49.65.1245(a)(2) Security Plan	Applicant has submitted a security plan (Attachment F) . They will have a security alarm system mounted on all exterior windows and doors.	☒ Yes ☐ No ☐ N/A	
CBJ 49.65.1245(a)(3) Waste Disposal	Applicant has submitted a waste disposal plan indicating that they will comply with state law.	☒ Yes ☐ No ☐ N/A	
CBJ 49.65.1245(a)(4) Screening	Applicant has submitted a plan for screening marijuana product from the right-of-way (Attachment F) and provided further clarification in an email dated June 15, 2022 (Attachment G) . Applicant indicates that the windows will be located above the public's view (starting eight feet from the street level) and the doors will be solid or opaque.	☒ Yes ☐ No ☐ N/A	
CBJ 49.65.1245(a)(5) Septic System	Establishment will not be served by a private septic system.	☐ Yes ☐ No ☒ N/A	
CBJ 49.65.1245(a)(6) and CBJ 49.65.1260 Ventilation and Odor Control	Applicant has submitted a ventilation and odor control plan per CBJ 49.65.1260 (Attachment F) . CBJ 49.65.1245(a)(6) is not applicable as it is not a cultivation facility.	☒ Yes ☐ No ☐ N/A	

Topic and Code Reference	Summary	Complies	Recommended Condition
CBJ 49.65.1245(a)(7) Manufacturing Method or Cultivation Method	Not applicable.	☐ Yes ☐ No ☒ N/A	
CBJ 49.65.1245(a)(8) Fungicides, Pesticides, Fertilizers, and Harmful Molds	Not applicable.	☐ Yes ☐ No ☒ N/A	
CBJ 49.65.1245(a)(9) Other	Not applicable.	☐ Yes ☐ No ☒ N/A	
CBJ 49.65.1265(a) Owner/Manager Must Live On Site (D1 Zoning District)	The proposed store is not located in the D1 zoning district.	☐ Yes ☐ No ☒ N/A	
CBJ 49.65.1265(b) Setback Required (D1 Zoning District)	The proposed store is not located in the D1 zoning district.	☐ Yes ☐ No ☒ N/A	
CBJ 42.20.230(b)(4) and CBJ 36.60.030(a)(2) On-site Consumption	No on-site consumption is proposed.	☐ Yes ☐ No ☒ N/A	

Requirements Applicable to All Marijuana Establishments –

Code Reference	Requirement
CBJ 49.65.1245(d) State License Required	Prior to operation, the applicant shall submit a complete copy of the applicant's approved state license application to the department for review. If the Director determines there are substantive inconsistencies between the state license application and the Special Use Permit application, the Commission shall review the development for consistency with Title 49.
CBJ 49.65.1250 Hours of Operation - Retail	Unless otherwise specified by a Special Use Permit, licensed premises may not be open between the hours of 1:00 a.m. and 8:00 a.m., Monday through Sunday. No marijuana may be distributed, sold, or dispensed at a licensed premises when the licensed premises is required to be closed.
CBJ 49.65.1255 Documents Displayed	Prior to operating, the applicant shall display the original CBJ license and required health warnings in accordance with CBJ 49.65.1255. The signs must be displayed in conspicuous locations inside the licensed premises near the main entrance.

AGENCY REVIEW

CDD conducted an agency review comment period between May 30 and June 13, 2022. No agency concerns have been identified at the time of writing this staff report (**Attachment C**).

PUBLIC COMMENTS

CDD conducted a public comment period between May 25 and June 24, 2022. Public notice was mailed to property owners within 500 feet of the proposed development. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. Public comments submitted at time of writing this staff report can be found in **Attachment D**.

Name	Summary
Stephanie Ballard	Lives in the neighborhood, objects to development. States that the location is close to a daycare. Believes it would not be a beneficial addition to the community. In a follow-up, Stephanie Ballard clarified that she was referring to the Juneau Montessori School.
Jerri Lee Roe	Lives in the neighborhood, objects to development. Cites concerns about children in the neighborhood and students from the Montessori School walking through the neighborhood.
Britt Watters	Lives in the neighborhood, objects to the development due to it being a residential neighborhood with many children. Also has concerns about increased traffic.

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	11	148	Land Use Designation	Complies with the M/MU land use designation.
	5	44	Policy 5.1	Proposed development promotes a diverse economy and provides opportunities for employment.
	5	58	Policy 5.11	Proposed development will provide year-round employment and provide tax revenues to support public services.

FINDINGS

Special Use Permit Criteria – Per CBJ 49.15.330(e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. *Is the application for the requested Special Use Permit complete?*

Analysis: No further analysis needed.

Finding: Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. *Is the proposed use appropriate according to the Table of Permissible Uses?*

Analysis: The application is for a Marijuana Retail Facility. The use is listed at CBJ 49.25.300, Section 2.300 for the LC zoning district.

Finding: Yes. The requested permit is appropriate according to the Table of Permissible Uses.

3. *Will the proposed development comply with the other requirements of this chapter?*

Analysis: The proposed site design complies with Title 49 standards for Marijuana Establishments.

Finding: Yes. With the recommended condition, the proposed development will comply with Title 49, including parking, lighting, vegetative cover, and provisions for marijuana establishments listed in CBJ 49.65.

4. *Will the proposed development materially endanger the public health, safety, or welfare?*

Analysis: The applicant has provided required security, waste disposal, and screening plans indicating how they will comply with the requirements imposed by Alaska state law.

Finding: No. There is no evidence to suggest that with appropriate conditions, the subsequent Building Permit review process, and CBJ license process, the requested Marijuana Retail Facility in a LC zoning district will materially endanger the public health or safety.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

Analysis: The site is located within a mixed-use area.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested Marijuana Retail Facility in a LC zoning district will substantially decrease the value or be out of harmony with the property in the neighboring area.

6. *Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

Analysis: The Comprehensive Plan supports a diverse and innovative local economy. Additionally, the proposed use complies with the M/MU land use designation.

Finding: Yes. The proposed Marijuana Retail Facility, with the recommended condition, will be in general conformity with the 2013 Comprehensive Plan.

Kent and Deborah Hart
File No: USE2022 0007
June 20, 2022
Page 10 of 10

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the requested Special Use Permit. The permit would allow the development of a Marijuana Retail Facility.

The approval is subject to the following condition:

1. Prior to operation, the applicant must receive the required State and CBJ Licenses. By approval of this Special Use Permit, the Planning Commission does not take a position as to whether the application to the State satisfies the requirements of the State License, including if the facility is within 500 feet of a school.

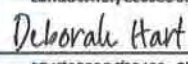
STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice and Public Notice Sign Photo
Attachment C	Agency Comments
Attachment D	Public Comments
Attachment E	Ordinance 2017-30
Attachment F	Security Plan, Waste Disposal Plan, Screening Plan
Attachment G	Clarification Email from Applicant Regarding Screening Plan

DocuSign Envelope ID: 051C067E-A0F7-4EF7-9A34-0DCA7639B02F

**DEVELOPMENT PERMIT APPLICATION**

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 824 Front Street, Douglas, Alaska 99824		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Millsite Addition to Douglas Townsite BL 32 TR A		
	Parcel Number(s) 2D040T320091		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Kent and Deborah Hart	Contact Person Kent Hart	
	Mailing Address 220 St Ann's Ave, Douglas, AK 99824	Phone Number(s) 907-723-4944	
	E-mail Address treadwellherbco@gmail.com		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X  Date April 26, 2022			
X  Date April 28, 2022			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant SAME	Contact Person		
Mailing Address	Phone Number(s)		
E-mail Address			
DocuSigned by: X  Date of Application April 26, 2022			

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Intake Initials JLS
Case Number USE22-007
Date Received 5-9-22



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY

Building a retail marijuana establishment

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment – Accessory Apartment Application (AAP)
- ☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)
- Table of Permissible Uses Category: 2.300 Marijuana Retail Store

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____ ☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 15828 square feet Total Area of Existing Structure(s) 1344 square feet

Total Area of Proposed Structure(s) 1024 square feet

EXTERNAL LIGHTING

Existing to remain
Proposed

- ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
- ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☒ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☐ Notice of Decision and case number
- ☐ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

☒ Plans including:

- ☒ Site plan
- ☒ Floor plan(s)
- ☒ Elevation view of existing and proposed buildings
- ☒ Proposed vegetative cover
- ☒ Existing and proposed parking areas and proposed traffic circulation
- ☒ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES			
	Fees	Check No.	Receipt
Application Fees	\$ <u>500.00</u>		
Admin. of Guarantee	\$ _____		
Adjustment	\$ _____		
Pub. Not. Sign Fee	\$ <u>50.00</u>		
Pub. Not. Sign Deposit	\$ <u>100.00</u>		
Total Fee	\$ <u>650.00</u>		

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Attachment A - Application Packet

Case Number	Date Received
<u>USE22-007</u>	<u>5-9-22</u>

CBJ Conditional Use Permit
Project Narrative

TREADWELL HERB COMPANY LLC

Current use of land or building(s):

Currently, 824 Front Street in Douglas, Alaska has one structure on the plot - a single family residence that is rented out for short and mid-term stays, generally through Airbnb. There are currently no other buildings on the land or uses of the property.

Description of project, project site, circulation, traffic, etc.:

This project is to build a retail shop that will be rented to Treadwell Herb Company (THC) LLC, a newly formed Alaskan entity with two founding members, both longtime Juneau and Douglas residents. We formed our business plan with the intention of serving the residents of Douglas, and the greater Juneau community, with a safe, convenient, welcoming, and creative retail cannabis store. The owners of the land will build the structure, and subsequently rent it to THC LLC through a legally binding and market rate rental agreement.

This conditional use permit will be for a single-story retail building on a plot located at 824 Front Street in Douglas, Alaska. The building will be built to comply with City and Borough of Juneau building code, as well as to adhere to the numerous State of Alaska regulations for cannabis retail stores as outlined in 3 AAC 306. The site is zoned light commercial (legal description - "Millsite addition to Douglas Townsite BL 32 TR A" Parcel #: 2D040T320091), with a total lot size of 15,828. The plans for the building include the required number of parking spaces, and the proposed circulation of traffic will not hinder adjoining residences or businesses. The front door of the building for customer access will be ADA compliant, and easily accessible for all customers. Employees will have a separate entrance that will be secured based on State and City regulations. The floor plan for the interior includes an open space for customers to browse products, with all marijuana items secured behind counters and/or in the secured inventory (restricted area) of the office.

Proposed use of land or building(s):

The proposed use of this portion of the land will be a retail building that will house a retail store that will sell marijuana and related products.

How the proposed use complies with the Comprehensive Plan:

The following excerpts are taken from the most recent (2013) Comprehensive Plan for the City and Borough of Juneau (in italics) and our project's response to those mandates for city enhancement.

Juneau's economy today consists of a mix of public and private sector industries. Important private industry sectors include commercial fishing, mining, manufacturing, transportation services, financial and business services, visitor services, wholesale and retail trade, and the businesses that support these industries. Juneau residents patronize local retail and service businesses. However, visitors to Juneau also shop and obtain services locally. In addition, Juneau's role as a regional center attracts residents of surrounding communities to Juneau to

shop, and to obtain medical, financial, repair, transportation and other services, thereby bringing outside money into the community.

•

Private yachting and small cruise ship visitors are another primarily summer market. The economic benefits come in the form of the use of air service, food service and overnight lodging as well as support services throughout town. As a major marine town along the Inside Passage, capital city, retail center and airline connection, these visitors find Juneau to be a coveted port to visit.

•

[There is] a need to expand the land available for retail and office uses, particularly in areas with high proximity to, and visibility from, major thoroughfares.

•

While Juneau has a significant number of local retail businesses, there is considerable "leakage" of retail sales, as well as leakage related to nonlocal goods and services consumed in Juneau that could potentially be produced or provided by local businesses.

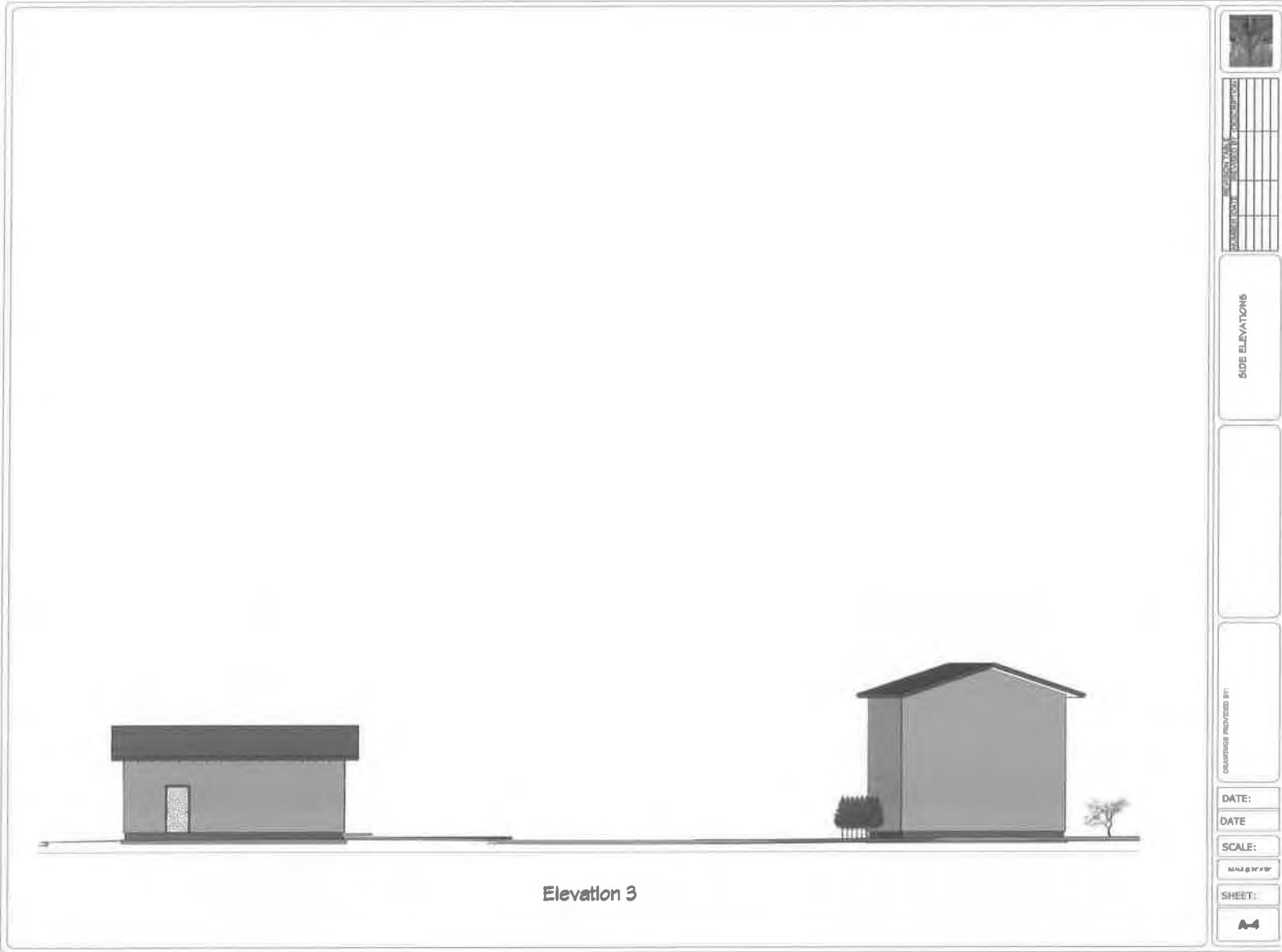
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The community recognizes the need for appropriate small-scale commercial development to serve neighborhoods. The Land Use Code contains specific provisions to allow small-scale commercial retail establishments to be located in residential areas. There are a number of locations in the borough where additional such "Mom and Pop" stores would be appropriate to provide convenience goods and services for nearby residents to walk or cycle to patronize.

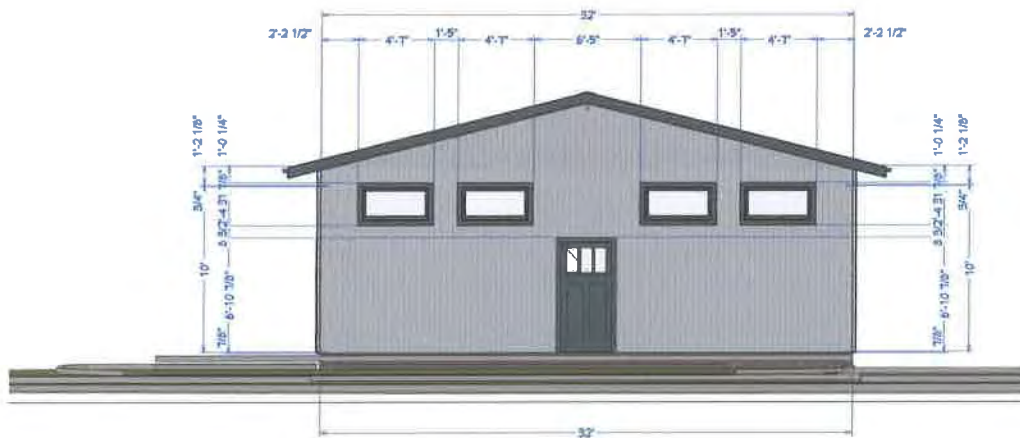
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Encourage recognition of the value of historic resources and their preservation to tourism in the community and promote accurate representation of the Juneau area's unique cultures. Utilize the Juneau-Douglas City Museum, and work with the Alaska State Museum and other groups such as the Gastineau Historical Society and Juneau Convention and Visitor's Bureau for dissemination of accurate Juneau area history.

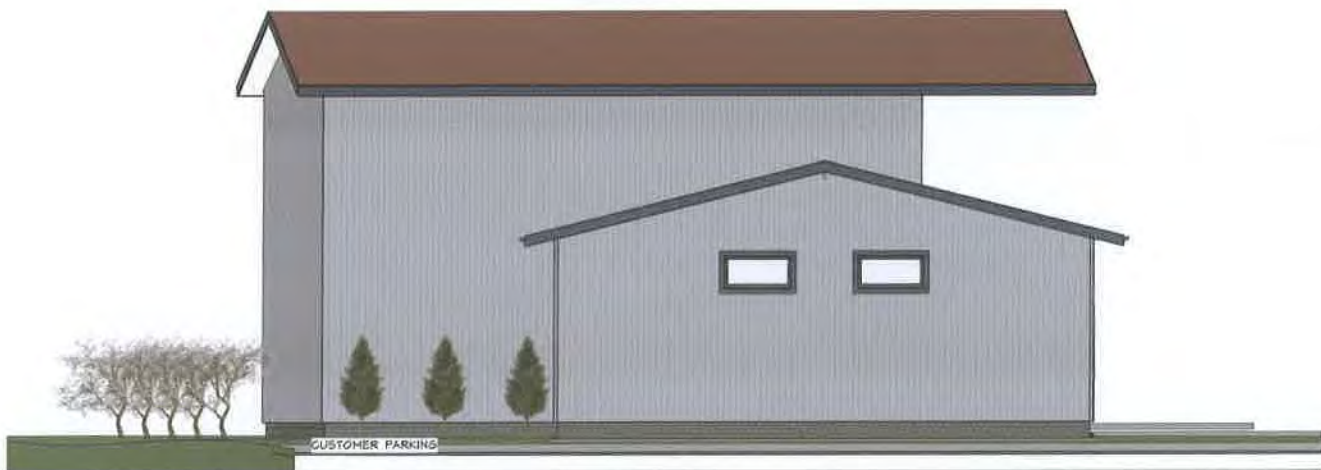
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PROJECT NO. _____	
DATE _____	
DRAWN BY _____	
CHECKED BY _____	
SIDE ELEVATIONS	
DRAWINGS PROVIDED BY:	
DATE:	DATE:
SCALE:	SCALE:
SHEET:	SHEET:
A-4	



Elevation 1



Elevation 2



WALLPACK LARGE - FULL CUTOFF

Project Name:

Catalog #:

Job Type:

Prepared by:

Notes:

Product Information

The LITELUME™ Wallpack Large - Full Cutoff (LL-WPLFC) is a Dark Sky compliant LED fixture with a durable polycarbonate optical lens.

Applications: Entryways, Pathway, Perimeter and Security lighting.

Ratings & Certifications

- ✧ UL Wet location listed
- ✧ DLC qualified

Performance Summary

- ✧ Lumen Output: 9,300 - 9,500lm
- ✧ Lumen Per Watt (typical): 109 - 111lm/W
- ✧ CCT: 4000K, 5000K
- ✧ Distribution: Type III
- ✧ Lifespan: Features Philips Lumileds with up to 100,000 running hours.

Fixture Information

- ✧ Size: 85W
- ✧ Housing: Die-cast aluminum housing
- ✧ Finish: Protective powdercoat
- ✧ Colors: Standard: Bronze
Custom Options: Black (BK), White (WH), Gray (GY)
- ✧ Mounting: Standard: Wall mount
- ✧ Lens: Polycarbonate
- ✧ Surge Protector: Standard: 10 kVA
- ✧ Voltage: Standard: 120-277V
Custom 347-480V
- ✧ Sensors: Standard: No sensor
Custom Options: Button Photocell (120-277V)
- ✧ Warranty: 10-Year Limited Warranty



FIXTURE ORDERING INFORMATION

Item #	Part #	Wattage	Lumens	Kelvin	Voltage	Type Distribution	Custom Options Available*
2310	LL-WPLFC-85-50-UNV-BZ	85	9,500	5000	120-277V	Type III	Yes
2311	LL-WPLFC-85-40-UNV-BZ	85	9,300	4000	120-277V	Type III	Yes

*Please contact LITELUME for all Custom Option Requests

Attachment A - Application Packet



(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

Treadwell Herb Company

Case Number: PAC2022 0019

Applicant: Treadwell Herb Company, LLC: Ken Hart and Julie Hamilton

Property Owner: Ken Hart, Deborah Hart

Property Address: 824 Front Street

Parcel Code Number: 2D040T320091

Site Size: 15,828 Square Feet

Zoning: LC

Existing Land Use: Bed and Breakfast

Conference Date: April 6, 2022

Report Issued: April 22, 2022

DISCLAIMER: Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Kent Hart Julie Hamilton	Applicant	TreadwellHerbco@gmail.com
Irene Gallion	Planning	Irene.Gallion@juneau.org
Charlie Ford	Building	Charlie.Ford@juneau.org
Ken Hoganson	General Engineering	Ken.Hoganson@juneau.org
Sydney Hawkins	Permit Technician	Sydney.Hawkins@Juneau.org

Attachment A - Application Packet

Revised 5/07/2021

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

We are proposing a drive-up window: *Allowable uses are addressed under the Table of Permissible Uses (CBJ 49.25.300). Paragraph 8.000 addresses drive-throughs, and does not include marijuana retail. Because marijuana retail is not specifically listed, it is not an allowed or conditional use. Note that liquor stores share the same restriction.*

Can we get a unique address for the new building that will house the marijuana retail operation? *Yes, CBJ can facilitate that when a building permit is submitted.*

Project Overview

(Provide a brief description of the proposed project. *Note to Planners: be aware if there have been any previous PACs for this customer or site.*)

The applicant proposes marijuana retail on a lot with a current structure. The new structure will need to meet setbacks, and may have construction restraints depending on how close it is proposed to the existing structure.

There is a degree of interplay between the state processes and city processes for authority to operate a marijuana facility. For CBJ, we require a Conditional Use Permit and a Marijuana license.

1. Apply for a Conditional Use Permit. You can submit a building permit for review at the same time, but the building permit will not be issued until a Conditional Use Permit is received. The risk is that the Planning Commission may ask for modifications to the building permit.
2. After Conditional Use Permit approval, the building permit can be issued if the structure meets all the requirements of building code and any conditions on the Conditional Use Permit.
3. Structure inspections are conducted through the building process.
4. Once the building permit is "finaled," CBJ will need a copy of the Applicant's AMCO license to start the Marijuana License application.

Marijuana establishments are required to produce certain documents during the application process. Often times applicants submit their State documents to meet some of these requirements:

Topic and Code Reference	Summary
49.65.1245(a)(1) Site Plan and Floor Plans	Provide plans.
49.65.1245(a)(2) Security Plan	Note that the security plan will be made available to the Planning Commission, but not to the general public.
49.65.1245(a)(3) Waste Disposal	Submit a narrative discussing how marijuana waste is handled. Unused marijuana products will be disposed of according to state regulations.

Pre-Application Conference Final Report

Topic and Code Reference	Summary
49.65.1245(a)(4) Screening	Submit a plan that shows materials are not visible from the right-of-way.
49.65.1245(a)(6) and 49.65.1260 Ventilation and Odor Control	Provide a plan.

Requirements Applicable to All Marijuana Establishments per 49.65 –

Code Reference	Requirement
49.65.1245(d) State license required	Prior to operation, the applicant shall submit a complete copy of the applicant's approved state license application to the department for review. If the Director determines there are substantive inconsistencies between the state license application and the Special Use Permit application, the Commission shall review the development for consistency with Title 49.
49.65.1245(e) Commission review required	The requested special use permit shall be subject to review by the Commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the Commission may only amend or add conditions if necessary to ensure compliance with this title. If an appeal challenging the amendments to a Use permit is filed, the new conditions shall be stayed and the existing permit shall govern the operations of the marijuana establishment until the conclusion of the appeal. The scope of review on appeal is restricted solely to the amended conditions.
49.65.1250 Hours of operation - retail	Unless otherwise specified by a Special Use Permit, licensed premises may not be open between the hours of 1:00 A.M. and 8:00 A.M., Monday through Sunday. No marijuana may be distributed, sold, or dispensed at a licensed premise when the licensed premise is required to be closed.
49.65.1255 Documents displayed	Prior to operating, the applicant shall display the original CBJ license and required health warnings in accordance with CBJ 49.65.1255. The signs must be displayed in conspicuous locations inside the licensed premise near the main entrance.

Planning Division

1. **Zoning** – Light Commercial. Marijuana retail requires a Conditional Use Permit (Table of Permissible Uses, Paragraph 2.3), and a marijuana retail license. Cultivation, manufacture and testing require separate licenses.
2. **Setbacks** – New structure will have to meet setback requirements.
 - a. **Front (West):** 25 feet

- b. **Street side:** Reduced to 10 feet under BLD20180574, using 49.25.430(4)(K), average of three adjacent buildings.
 - c. **Side (South):** 10 feet
 - d. **Rear (East):** 10 feet
- 3. **Height –**
 - a. **45 feet** – Permissible use
 - b. **35 feet** – Accessory use
- 4. **Access** – Front yard access to Front Street was established under BLD20180574. The lot is also bordered by Dock Street to the north.
- 5. **Parking & Circulation**– Two parking spaces are required for the existing structure. The proposed new structure would be approximately 1,030 square feet. Retail commercial is required to have one parking space per 300 square feet [CBJ 49.40.210(a)]. The proposed structure would require 3 parking spaces. This would include:
 - a. **Two regular spaces, 8.5x17 feet** [CBJ 49.40.210(b)]
 - b. **One van-accessible ADA space, 13x17 feet.** That space must include a five foot wide access aisle appropriately marked, and signage indicating “VAN ACCESSIBLE.” [CBJ 49.40.210(b)(3)].
- 6. **Lot Coverage** – There is no maximum lot coverage in LC.
- 7. **Vegetative Coverage** – 15% vegetative cover is required for the lot.
- 8. **Lighting** – Lighting should be full cut off and not shine on to neighboring property.
- 9. **Noise** – Marijuana retail is not anticipated to create more noise than anticipated in a Light Commercial district under normal circumstances.
- 10. **Flood** – The lot is not in a flood zone (Panel 02110C 1569E, 9/18/2020).
- 11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The lot is not in a mapped hazard area and has slopes less than 18%, so will not require a Hillside Endorsement.
- 12. **Wetlands** – There are no wetlands on the lot.
- 13. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
- 14. **Plat Restrictions** – There are no evident restrictions on Plat 2004-017.
- 15. **Traffic** – A Traffic Impact Analysis is not anticipated. Marijuana retail is considered “specialty retail” under the institute of Traffic Engineers’ Trip Generation Manual, resulting in 44.32 Average Annual Daily Traffic per 1,000 square feet.

Building Division –

- 16. **Building** – The proposed distance of more than 50ft between the existing building and proposed marijuana retail meets the minimum requirement of 10ft between the structures.
- 17. **Outstanding Permits** – None.

General Engineering/Public Works

Pre-Application Conference Final Report

18. **Engineering** – Construction plans will be required prior to approval of a final plat. Drainage and grading plans shall be provided with the preliminary plat.
19. **Drainage** – Connection to existing stormwater drainage in the area is required. Topography shall be shown on a site plan which also shows the proposed lot lines.
20. **Utilities** – (water, power, sewer, etc.) Connection to existing water and sanitary sewer required. Should an alternative connection for sewer be proposed, the proposal is immediately to be presented to General Engineering for review.

Fire Marshal

21. **Fire Items/Access** – N/A

Other Applicable Agency Review

22. Alaska Marijuana Control Board licensure is required before CBJ licensure.

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application
2. Conditional Use Permit Application
3. Marijuana Establishment License

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.

Exceptions to Submittal Requirements

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. None.

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Conditional Use Permit: \$500
2. Public Notice Sign Permit: \$150 - \$100 is refundable if the sign is returned by the Monday after the Planning Commission meeting; \$50 is refundable if returned within two weeks.
3. Marijuana license fee: \$250

Pre-Application Conference Final Report

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/community-development.

Submit your Completed Application

You may submit your application(s) online via email to permits@juneau.org

OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715

Web: www.juneau.org/community-development

Attachments:

49.70 Article XI: Marijuana Establishments

49.15.330 –Conditional Use Permit

Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline in CBJ 49.15.330

Pre-Application Conference: A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - A. Site plan, floor plan and elevation views of existing and proposed structures
 - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
 - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
 - D. Existing and proposed lighting (including cut sheets for each type of lighting)
 - E. Existing and proposed vegetation with location, area, height and type of plantings
 - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

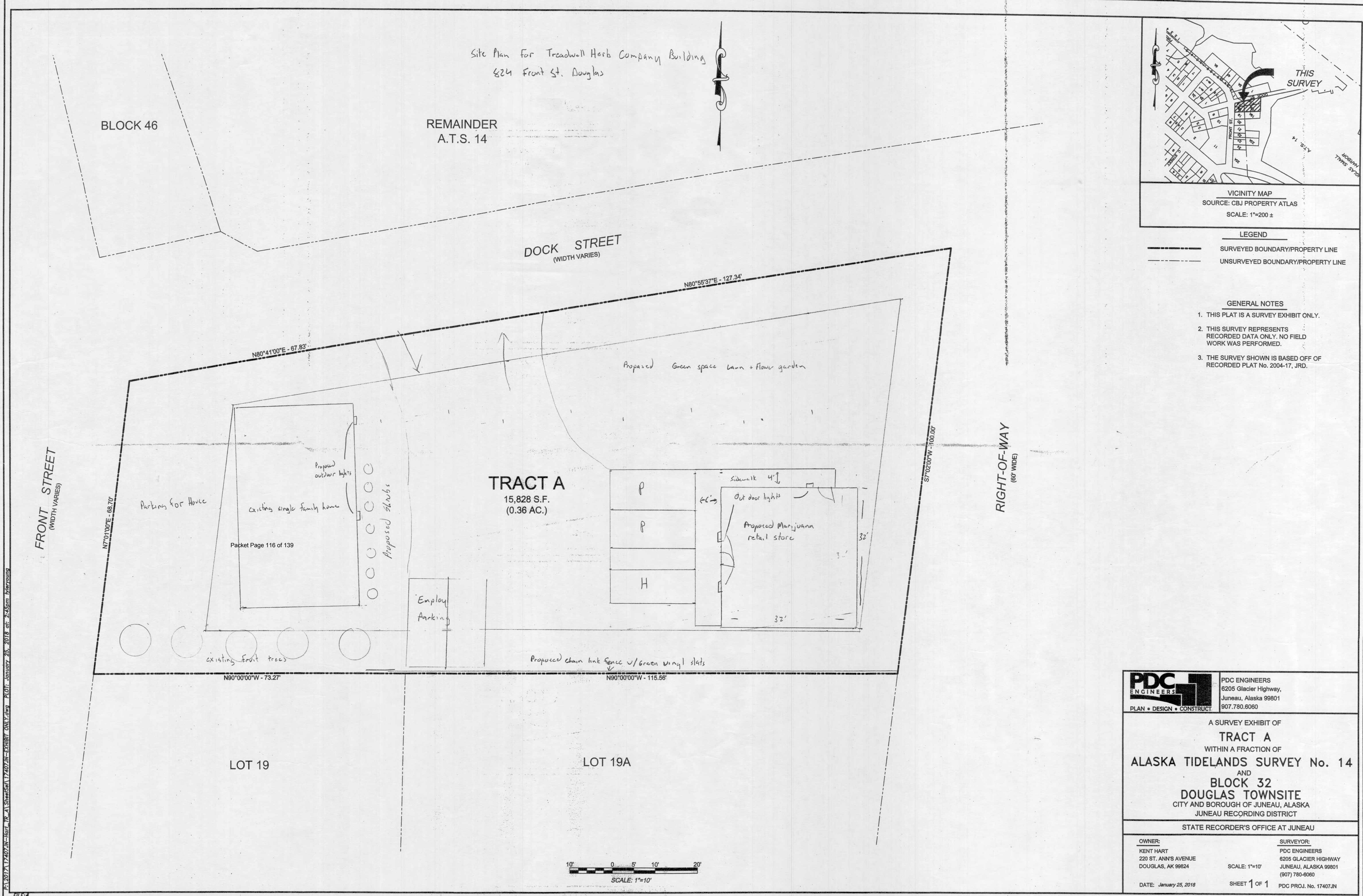
Public Notice Responsibilities: Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

The Community Development Department will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 500-feet of the project site.

The Applicant will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

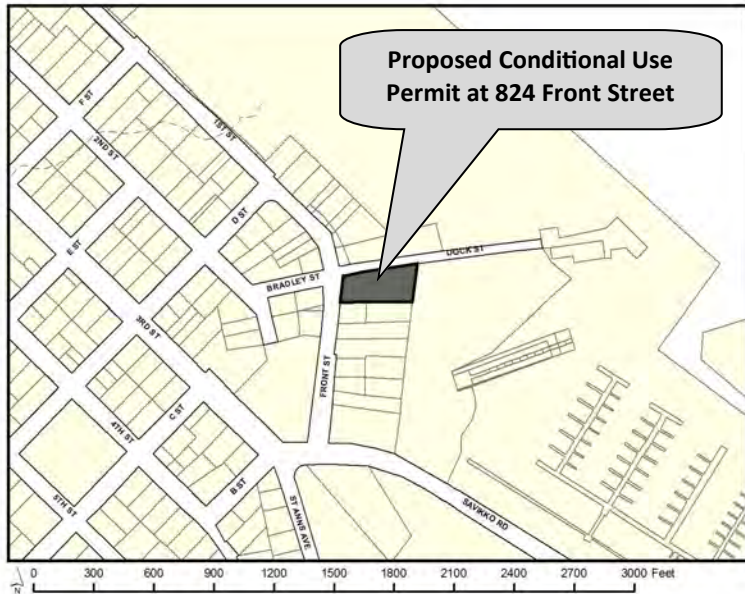
FILE: 201717407JN-17407JN-EXHIBIT ONLY.dwg PLOT: January 25, 2018 at 2:45pm Wersong



Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit Application for a marijuana retail store at 824 Front Street** in a **Light Commercial Zone**.

TIMELINE

Staff Report expected to be posted **June 20, 2022**, at <https://juneau.org/community-development/planning-commission>
Find hearing results, meeting minutes and more here as well.

Now through June 6

Comments received during this period will be sent to the Planner, **Adrienne Scott**, to be included as an attachment in the staff report.

June 7 noon, June 24

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 7:00 pm, June 28, 2022

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <https://juneau.zoom.us/j/82308126726> and use the Webinar ID: 823 0812 6726 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska.*

June 29

The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0715 ext. 4208 ♦

Email: pc_comments@juneau.org

Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed May 25, 2022

Case No.: USE2022 0007

Parcel No.: 2D040T320091

CBJ Parcel Viewer: <http://epv.juneau.org>



Adrienne Scott

From: Charlie Ford
Sent: Wednesday, June 8, 2022 7:54 AM
To: Adrienne Scott
Subject: RE: Use permit for marijuana retail store

Buildings has no issues with this project at this time.
Can't find the saved form.

From: Adrienne Scott
Sent: Tuesday, June 7, 2022 4:01 PM
To: General Engineering ; Charlie Ford ; Dan Jager ; David Campbell ; 'Johnson, Steven M (CED)' ; 'marijuana.licensing@alaska.gov' ; 'carl.uchytil@gmail.com'
Subject: Use permit for marijuana retail store

Good afternoon,

Please see attached application for a new marijuana retail store at 824 Front Street in Douglas. Please let me know if you have any comments or concerns by June 13.

Thank you,

Adrienne Scott (she/her/hers) | **Planner I**
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 ext. 4208



Fostering excellence in development for this generation and the next.

Adrienne Scott

From: Stephanie Ballard <steph.e.ballard@gmail.com>
Sent: Thursday, June 16, 2022 1:46 PM
To: Adrienne Scott
Subject: Re: Conditional Use Permit Application for 824 Front Street

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Yes of course, I was talking about the Juneau Montessori School which serves kids 16 months to 6 years old.

https://www.google.com/search?gs_ssp=eJzj4tZP1zcsr0w2MTCNN2C0UjWoMDUxMDQysEwzSUzNTezNLUyqEgyNTIyMjRLMjUxNzIySTbyksgqzUtNLFXIzc8rSS0uzi_KVChOzsPzwEAOjgXFA&q=juneau+montessori+school&rlz=1CDGOYI_enUS758US758&oq=juneau+montes&aqs=chrome.1.0i355i512j46i175i199i512l2j69i57j0i390.3674j0j7&hl=en-US&sourceid=chrome-mobile&ie=UTF-8

On Wed, Jun 15, 2022 at 11:01 AM Adrienne Scott <Adrienne.Scott@juneau.org> wrote:

Hi Stephanie,

Thank you for your comment, which will be provided to the Planning Commission as part of our Staff Report. I was wondering if you could provide any more information about the location of the daycare that you referenced?

Thank you,

Adrienne Scott (she/her/hers) | **Planner I**

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 ext. 4208



Fostering excellence in development for this generation and the next.

From: Stephanie Ballard <steph.e.ballard@gmail.com>
Sent: Sunday, June 05, 2022 10:37 AM
To: PC_Comments <PC_Comments@juneau.org>
Subject: Conditional Use Permit Application for 824 Front Street

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Thank you for the opportunity to comment on this proposal. As a homeowner and member of this neighborhood, I do not think this permit should be approved. Juneau has more than enough dispensaries to meet the community's needs, and this specific location is very close to a daycare. The approval of this permit would not be a beneficial addition to our community.

Thank you for your consideration,

Stephanie Ballard

--

Stephanie Ballard
steph.e.ballard@gmail.com
205.522.0914

--

Stephanie Ballard
steph.e.ballard@gmail.com
205.522.0914

From: Stephanie Ballard <steph.e.ballard@gmail.com>
Sent: Sunday, June 05, 2022 10:37 AM
To: PC_Comments
Subject: Conditional Use Permit Application for 824 Front Street

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Thank you for your consideration,
Stephanie Ballard

--

Stephanie Ballard
steph.e.ballard@gmail.com
205.522.0914

Regarding Case No. USE 2022 0007
Parcel No. 2D040T320091

To the Planning Commission:

As a resident at 820 Front St. in Douglas, I do not want a marijuana retail store as my neighbor.

824 Front St is a corner lot. Two of the other corner lots at the intersection of Front and Dock Streets have children in residence. The Montessori School brings their young students on walks across the new harbor parking lot, up Dock St and then along Front St. on their return to the school.

A neighborhood coffee shop might be a more appropriate business for this area and Douglas Harbor patrons might appreciate it.

RECEIVED

JUN 06 2022

Permit Center/CDD

Thank You,
Terri Lee Roe
Terri Lee Roe

From: Britt Watters <watters@gci.net>
Sent: Monday, June 06, 2022 3:49 PM
To: PC_Comments
Subject: Marijuana store at 824 Front Street, Douglas

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello,

As a resident in the neighborhood where the marijuana store is being proposed, I object to allowance of a permit for this type of business at this location. This is a heavily residential neighborhood, with many children. The streets are used by the kids for play thanks to the current low traffic, and many people walk to Sandy Beach down 1st St. A pot shop on Front St. will increase the traffic load in the neighborhood, which will be detrimental to the residents (except the shop owners).

Besides the traffic issue, I don't think a pot shop should be in the middle of a primarily residential area. None of the other marijuana dispensaries are in such a location.

Thank you for the opportunity to comment.

Britt Watters

On 1st St in Douglas

Presented by: The Manager
 Introduced: 10/16/2017
 Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-30

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Millsite Addition to Douglas Townsite, Block 32, Tract A, Located at 824 Front Street, from WI to LC.

WHEREAS, the CBJ Comprehensive Plan supports the facilitation of housing; and

WHEREAS, the Land Use Maps of the CBJ Comprehensive Plan identifies the subject area proposed for rezoning as Marine Mixed Use (M/MU); and

WHEREAS, M/MU is described as appropriate for lands characterized by high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas; and neighborhoods serving marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as medium - and high density residential uses at densities ranging from ten to 60 residential units per acre; and

WHEREAS, the current zoning designation of Waterfront Industrial (WI) is intended for industrial and port uses which need or substantially benefit from a shoreline location, and where residential uses are restricted to caretaker residences; and

WHEREAS, LC zoning districts accommodate residential development alongside mixed-use development; and

WHEREAS, the area of the proposed rezone is directly adjacent to an existing LC zoning district; and

WHEREAS, LC zoning provides for up to 30 units per acre; and

WHEREAS, rezoning the lot from WI to LC conforms to the maps of the Comprehensive Plan.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

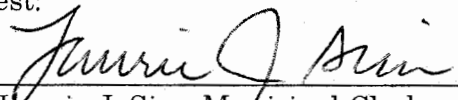
Section 2. Amendment to the Official Zoning Map. The Official Zoning Map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Millsite Addition to Douglas Townsite, Block 32, Tract A, from WI to LC.

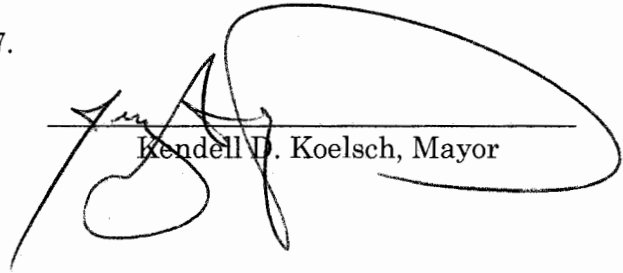
The described rezone is shown on the attached Exhibit "A" illustrating the area of the proposed zone change.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 6th day of November, 2017.

Attest:


 Laurie J. Sica, Municipal Clerk


 Kendell D. Koelsch, Mayor

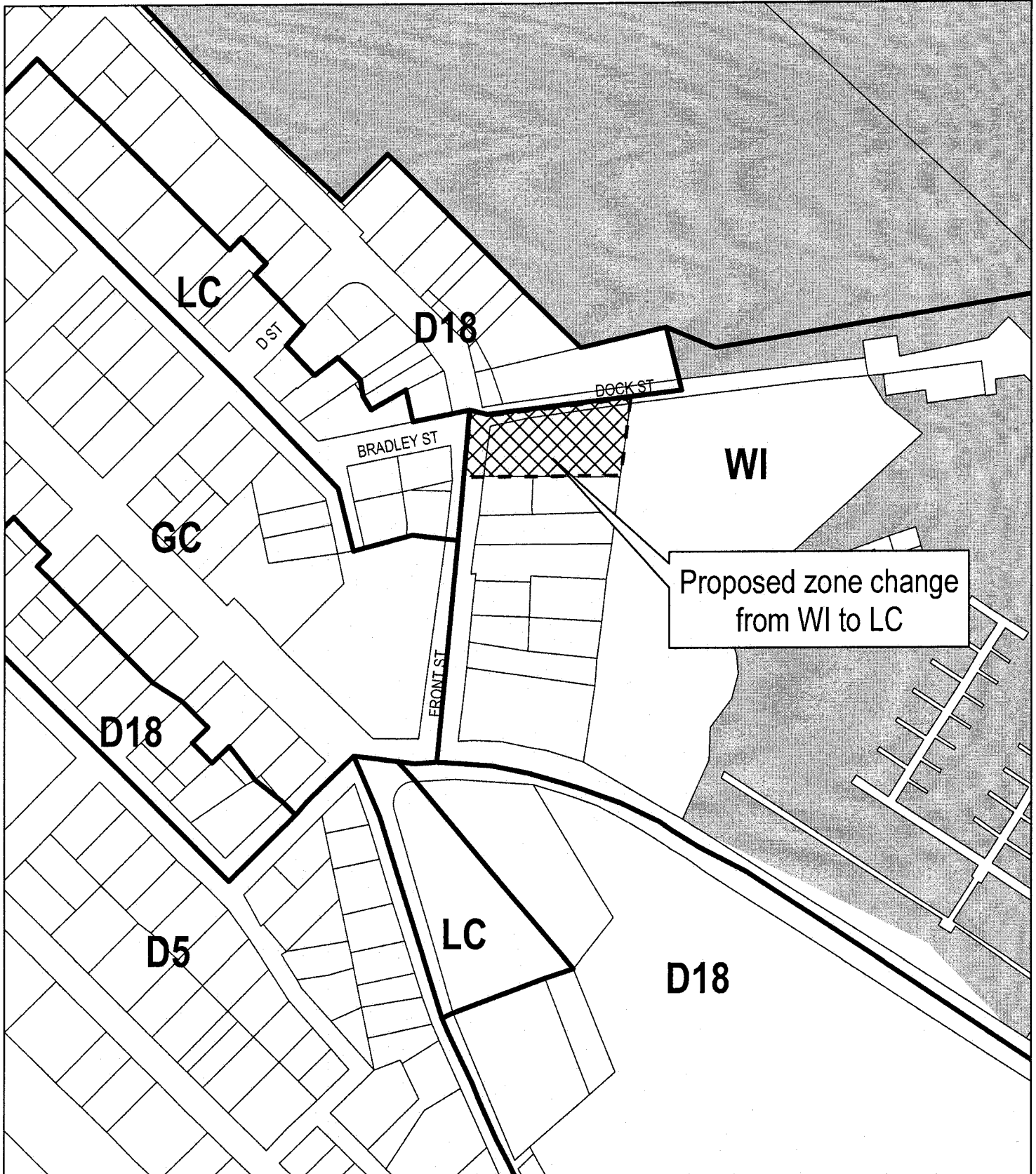


Exhibit A - Ordinance No. 2017-30
 Zone Change for TRACT A, BLOCK 32,
 MILLSITE ADDITION to DOUGLAS TOWNSITE
 from WI (Waterfront Industrial) to LC (Light Commercial)

0 125 250
 Feet



CBJ Conditional Use Permit
Additional Information

TREADWELL HERB COMPANY LLC

1. *Security plan indicating how the applicant will comply with the requirements imposed by state law:*



2. *Waste disposal plan indicating how the applicant will comply with the requirements imposed by state law:*

Treadwell Herb Company will store, manage, and dispose of any solid or liquid waste, including wastewater generated during marijuana retail sales, in compliance with applicable federal, state, and local statutes, ordinances, regulations, and other laws. Any marijuana or a marijuana products that are found to be unfit for sale or consumption as well as any expired marijuana products will be disposed of in accordance with all applicable laws. Once marijuana products are determined to be waste, our company will give the AMCO Board notice no later than three days before making the waste unusable and disposing of it. All waste will be recorded in the inventory tracking system regarding its disposal. Any marijuana plant waste will be made unusable by grinding the marijuana plant waste and mixing it with at least an equal amount of other compostable or non-compostable materials.

3. *Screening plan illustrating the applicants compliance with AS 17.38.070 making it unlawful to display marijuana or marijuana products in a manner that is visible to the general public from a public right-of-way:*

According to AS 17.38.070, section (a)(1), marijuana and marijuana products may not be displayed in a manner that is visible to the general public from a public right-of-way. The design of our store includes windows that are well above the general public and any public right-of-way, which will prevent any individuals from seeing inside the store.

4. *Ventilation and odor control plan showing how the applicant is meeting the requirements of [CBJ 49.65.1260](#):*

Treadwell Herb Company will utilize a ventilation and odor system that prohibits the detection of noxious odors from outside the licensed premises. As the building is designed and built, any ventilation systems will be considered for odor emissions, and will be appropriately filtered.

Adrienne Scott

From: Treadwell Herb Company <treadwellherbco@gmail.com>
Sent: Wednesday, June 15, 2022 4:25 PM
To: Adrienne Scott
Subject: Re: Screening plan for USE22-07
Attachments: image001.jpg; 20220615_162430.jpg

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Adrienne

Yes that is correct, the bottom of all windows will be 8' above ground level and the doors will be solid or opaque. I have attached and elevation drawing

Thanks. Kent

On Wed, Jun 15, 2022, 4:02 PM Adrienne Scott <Adrienne.Scott@juneau.org> wrote:

Hi Kent,

I just spoke with you regarding your screening plan for the retail marijuana store in Douglas. You indicated on the phone that the bottom of the windows would be 8 feet from the sidewalk level and that if the front door is clear glass, an opaque film would be placed over the glass to shield products from view.

Please confirm these details.

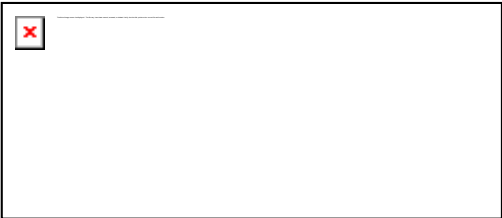
Thank you, I hope you are enjoying the sun!

Adrienne Scott (she/her/hers) | **Planner I**

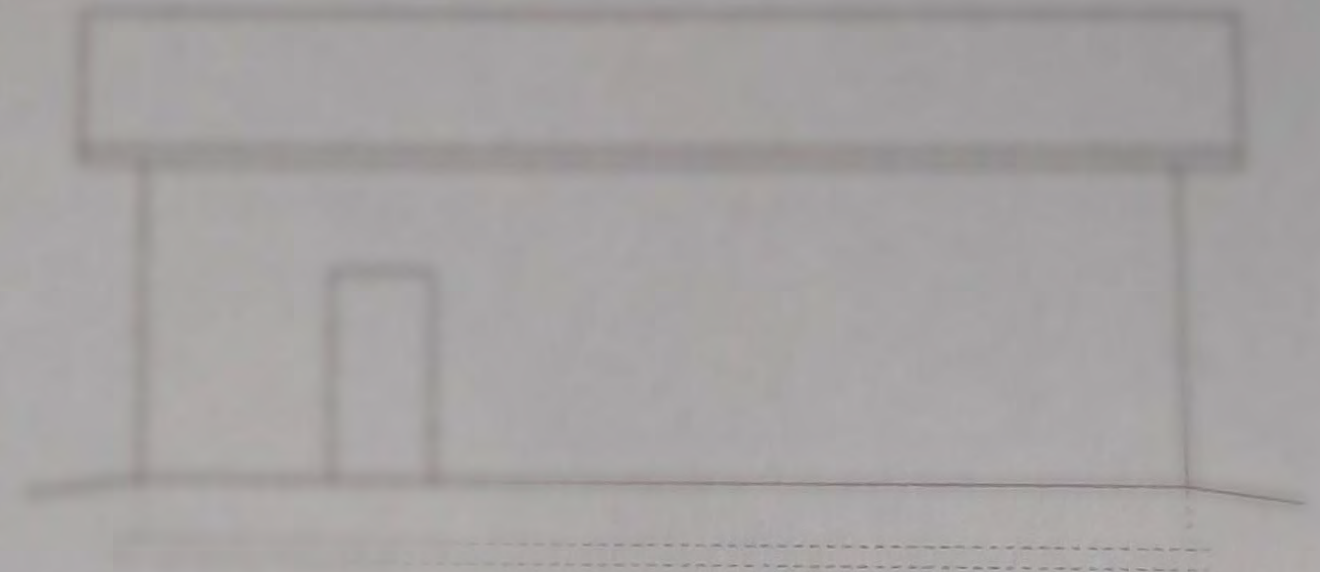
[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

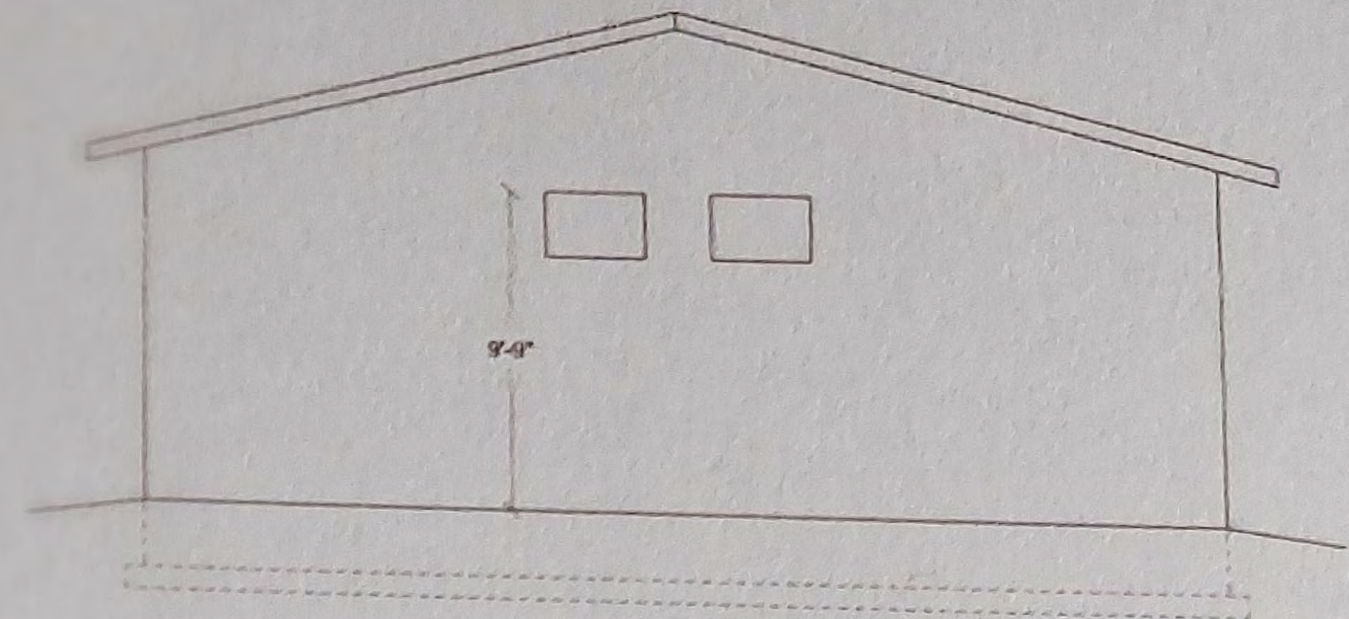
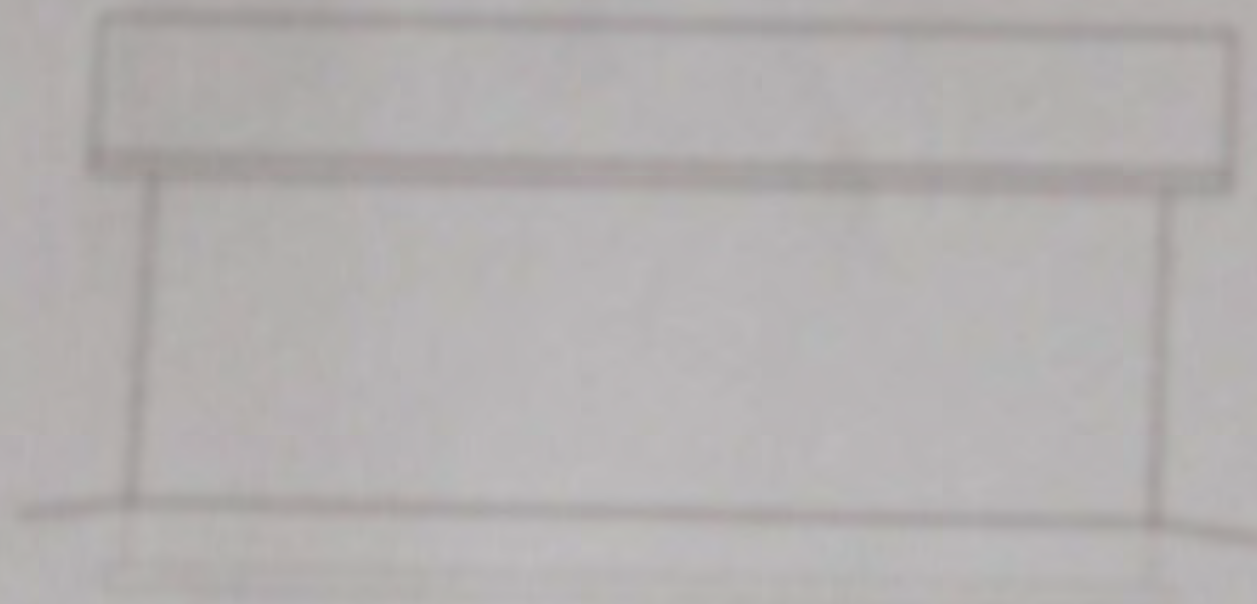
Office: 907.586.0753 ext. 4208



Fostering excellence in development for this generation and the next.



2 LEFT ELEVATION
1/4" = 1'-0"



4 BACK ELEVATION
1/4" = 1'-0"



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/community-development/planning-commission

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: June 30, 2022
File No.: USE2022 0007

Kent and Deborah Hart
220 Saint Ann's Avenue
Douglas, AK 99824

Proposal: Applicant requests a Special Use Permit for a marijuana retail store.

Property Address: 824 Front Street

Legal Description: Millsite Addition to Douglas Townsite Block 32 Tract A

Parcel Code No.: 2D040T320091

Hearing Date: June 28, 2022

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 20, 2022 and approved the Special Use Permit for a marijuana retail store to be conducted as described in the project description and project drawings submitted with the application and with the following condition:

1. Prior to operation, the applicant must receive the required State and CBJ Licenses. By approval of this Special Use Permit, the Planning Commission does not take a position as to whether the application to the State satisfies the requirements of the State License, including if the facility is within 500 feet of a school.

Attachments: June 20, 2022 memorandum from Adrienne Scott, Community Development, to the CBJ Planning Commission regarding USE2022 0007.

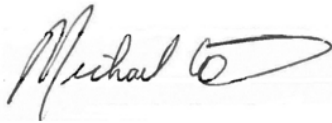
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required Building Permits.

Kent and Deborah Hart
 File No.: USE2022 0007
 June 30, 2022
 Page 2 of 2

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030(c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, June 28, 2022.

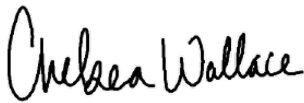
Expiration Date: The permit will expire 18 months after the effective date, or December 28, 2023, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.



Michael Levine, Chair
 Planning Commission

July 1, 2022

Date



Filed With City Clerk

July 1, 2022

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD, if needed - THE
PLANNING COMMISSION FINDS THAT THE DIRECTOR ERRED IN HER
INTERPRETATION OF CBJ 49.70.300(a)(3) AND REMANDS APL2021 0006 TO CDD TO WORK
WITH THE GLORY HALL TO INITIATE THE CONDITIONAL USE PERMIT

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Additional Materials for June 28, 2022 Planning Commission

ATTACHMENTS:

Description		Upload Date	Type
▣	Additional Materials for June 28, 2022 Planning Commission	6/24/2022	Miscellaneous

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: June 28, 2022

1. USE2022 0008:

- a. Public Comment – Jessie Kiehl and Andi Story, received 6/15/22 (page 2)

2. USE2022 0007:

- a. Public Comment – Richard Boehl, received 6/24/2022 (page 3)



SENATOR JESSE KIEHL

June 15, 2022

Mr. Mike Levine, Chair
Juneau Planning Commission
155 S. Seward St
Juneau, AK 99801

re: USE2022 0008

Dear Chair Levine and Members of the Commission,

We strongly support the conditional use permit application to renovate the Assembly Building as legislative housing. It will help make Juneau a better capital city. We work closely with lawmakers around the state to maintain support for the capital city. The number one request legislators make is for reliable housing.

The 2013 Comprehensive Plan speaks in several places to making Juneau a welcoming capital city for legislators and staff from around Alaska. Chapter 4 speaks directly to the need for legislative housing, and its sometimes difficult interaction with summer workforce housing. Too often we hear from colleagues at the hectic, stressful end of a 121-day session about needing to move because their apartments are promised to tourism industry workers. Special sessions compound the problem. Renovating underused space for legislative apartments will do a lot to mitigate it.

The economic development chapter of the plan also supports this application. Under Policy 5.2, standard operating procedure #1 speaks to meeting visiting legislators' needs. In the same segment, implementing actions #3 & 4 were practically written to support a high-density legislative housing effort literally across the street from a Capital Transit stop. Even more remarkable, the proposal will not eliminate a single year-round housing unit.

The building's location immediately across the street from the Capitol Complex designated in Map M makes it an ideal location for the project. In fact, the next time you revise the plan's maps, we recommend including it within the complex as suggested in the plan at 5.2 – 1A1(A).

We respectfully request your approval of this conditional use permit. Thank you for all you do to serve our capital city. Please don't hesitate to contact us if we can help.

Sincerely,

Sen. Jesse Kiehl

Rep. Andi Story

ALASKA SENATE

STATE CAPITOL • JUNEAU, ALASKA 99801 • (907) 465-4947 • FAX (907) 465-2108
SENATOR.JESSE.KIEHL@AKLEG.GOV

From: [Richard Boehl](#)
To: [PC Comments](#)
Subject: Pot shop at 814 front st. Douglas
Date: Thursday, June 23, 2022 10:10:58 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

I read the notice with surprise and shock. A business of this nature would drag the neighborhood down to a depth that is unimaginable to me.

My reaction is "NO, NOT IN MY NEIGHBORHOOD."

Lets review a couple of things:

This is a family neighborhood with small children living here.

There is a Montessori school at the end of the block, and the children take walks down from street.

The quality of the people frequenting this neighborhood will decrease, and the quantity of people frequenting this neighborhood will increase. A bad combination for children.

Richard Boehl
814 Front St.
Douglas