

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

November 9, 2021
Virtual Meeting Only
7:00 PM

This virtual meeting will be held by video and telephonic participation only. To join the webinar, paste this URL into your browser: <https://juneau.zoom.us/j/82646379779>. To participate telephonically, call: 1-346-248-7799 or 1-669-900-6833 or 1-253-215-8782 or 1-312-626-6799 or 1-929-436-2866 or 1-301-715-8592 and enter Webinar ID: 826 4637 9779.

I. LAND ACKNOWLEDGEMENT

II. ROLL CALL

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. ITEMS FOR RECONSIDERATION

VIII. CONSENT AGENDA

- A.** USE2016 0005: A Marijuana Cultivation License 5-Year Renewal for Tree Logic, LLC - (USE2021 0018) - APPROVED AS RECOMMENDED
- B.** USE2016 0012: A Marijuana Manufacturing License 5-Year Renewal for Top Hat, LLC - (USE2021 0012) - APPROVED AS RECOMMENDED
- C.** USE2016 0013: A Marijuana Cultivation License 5-Year Renewal for Top Hat, LLC - (USE2021 0013) - APPROVED AS RECOMMENDED
- D.** USE2016 0017: A Marijuana Cultivation License 5-Year Renewal for The Fireweed Factory - (USE2021 0014) - APPROVED AS RECOMMENDED
- E.** USE2016 0026: A Marijuana Retail License 5-Year Renewal for Fireweed Factory, LLC - (USE2021 0015) - APPROVED AS RECOMMENDED
- F.** USE2016 0027: A Marijuana Cultivation License 5-Year Renewal for Green Elephant - (USE2021 0019) - APPROVED AS RECOMMENDED
- G.** USE2016 0028: A Marijuana Retail License 5-Year Renewal for Green Elephant - (USE2021 0020) - APPROVED AS RECOMMENDED

IX. UNFINISHED BUSINESS

X. REGULAR AGENDA

- A.** USE2021 0011: A Conditional Use Permit for a cold weather emergency shelter to be located at Resurrection Lutheran Church - APPROVED AS AMENDED
- B.** SMP2021 0005: A subdivision of a 20.49 acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3221 Mendenhall Loop Road. The proposed wrestling center lot is 0.94 acres. - CONTINUED TO NOVEMBER 23, 2021 PLANNING COMMISSION UNLESS A SPECIAL MEETING IS SCHEDULED PRIOR TO THAT DATE

XI. OTHER BUSINESS

XII. STAFF REPORTS

XIII. COMMITTEE REPORTS

XIV. LIAISON REPORT

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION

XVIII. SUPPLEMENTAL MATERIALS

- A.** Additional Materials for November 9, 2021 Planning Commission

XIX. ADJOURNMENT

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

USE2016 0005: A Marijuana Cultivation License 5-Year Renewal for Tree Logic, LLC - (USE2021 0018) -
APPROVED AS RECOMMENDED

AGENDA ITEM:

Case No.: USE2016 0005
Applicant: Tree Logic, LLC
Location: 5763 Glacier Highway
Proposal: A Marijuana Cultivation License 5-Year Renewal for Tree Logic, LLC

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow a Marijuana Cultivation License five-year renewal without amended conditions.

ATTACHMENTS:

	Description	Upload Date	Type
▣	Staff Report for USE2016 0005 5-Year Renewal (USE2021 0018)	11/2/2021	Staff Report
▣	Notice of Decision for USE2016 0005/USE2021 0018	11/19/2021	Notice of Decision



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD

155 S. Seward Street • Juneau, AK 99801

DATE: November 2, 2021

TO: Michael LeVine, Chair, Planning Commission

BY: Joseph Meyers, Planner 

THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a five-year renewal of Special Use Permit (USE2016 0005) for a marijuana cultivation facility.

STAFF RECOMMENDATION: Approval

KEY CONSIDERATIONS FOR REVIEW:

- Notice of Decision was issued on the original Special Use Permit (USE2016 0005) on April 13, 2016.
- One enforcement action has been taken against this facility through ENF2019 0003 on January 17, 2019.
- State Marijuana License #27531 is current; CBJ Marijuana License MJL-027 is current.
- Two inspections were failed for MJL-002 for FY19.
- The facility transferred ownership on March 4, 2020.
- The current owner has passed administered inspections, has no enforcement issues on record, and licenses are maintained current.

GENERAL INFORMATION	
Property Owner	Spruce Holdings, LLC
Applicant	Casey Wilkins/Tree Logic
Property Address	5763 Glacier Highway
Legal Description	USMS 609 TR 2A1
Parcel Number	5B1201060112
Zoning	Industrial
Land Use Designation	TTC (Traditional Town Center)
Lot Size	48,470 square feet
Water/Sewer	CBJ
Access	Glacier Highway
Existing Land Use	Commercial Misc.
Associated Applications	USE2016 0005; USE2016 0006 (Rainforest Farms Retail – inactive)
Type of Facility	Cultivation Facility

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 49.65.1245
 - o 49.15.330
 - o 49.80

The Commission shall hear and decide the case per 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.

Fostering excellence in development for this generation and the next.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES

North (D15)	MH Park
South (I)	Residential
Southeast (I)	Misc. Commercial
West (D15)	MH Park

SITE FEATURES

Anadromous	Yes
Flood Zone	Zone X, AE
Hazard	None
Hillside	None
Wetlands	None
Parking District	None
Historic District	None
Overlay Districts	None

BACKGROUND INFORMATION

Project Description – The applicant seeks to renew USE2016 0005.

Background – The Planning Commission approved a Special Use Permit (USE2016 0005), effective April 13, 2016, to allow a Marijuana cultivation facility in the Industrial zoning district with the following conditions:

1. Wastewater generated by the marijuana cultivation facility is prohibited from entering the CBJ sewer system.
2. Parking spaces shall meet CBJ 49.40.210(b)(1); 4 spaces including 1 ADA signed space shall be marked and maintained for Rainforest Farms; and 1 space shall be signed for the accessory dwelling unit.
3. If/when the owners expand to make deliveries, all deliveries must be undertaken during normal business hours, Monday through Sunday, and must not cause undue burden to the abutting properties.
4. The 50-foot streamside setback shall be maintained—fencing and parking are not allowed in the setback.
5. The CO₂ generator shall have an automatic shut off.
6. A propane sensor shall be installed in the cultivation building.
7. RC-48 Carbon-grade filters shall be replaced no less than once annually.
8. All CO₂ enrichment processes, plant extraction processes, fumigation and the use and storage of pesticide, fungicide, miticides, and thermal insecticidal fogging shall be approved by the Fire Marshal and meet the requirements of the International Fire Code (IFC) and NFPA where applicable.
9. Structures must meet the Sound Transmission Classification requirements as provided in the International Building Code.
10. All windows to the cultivation facility will be opaque and armed with an alarm system.
11. Lighting shall be installed to illuminate all access points—doors, windows—to the cultivation facility.
12. No offsite glare shall be produced by exterior doorway lights.
13. Each door shall have either a grade 2 lock with deadbolt or grade 1 lock.

November 2, 2021

USE2021 0018

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14. Security cameras shall record in no less than high definition 720dpi resolution, with a minimum of 20 frames per second, with the ability to record in the infrared spectrum.
15. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
16. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures or other equipment in the processing building and cultivation building.
17. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
18. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational.
19. The applicant shall obtain a CBJ marijuana business license if and when applicable.
20. The property owner shall schedule an annual inspection to ensure conditions of this permit are met.
21. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
22. The applicant has notice of pending legislation (Ordinance 2015-38) that may affect this approval. The applicant will comply with all requirements that Ordinance 2015-38 imposes when it is passed even if more restrictive than the approved conditions of USE2016 0005. If the Director determines that Ordinance 2015-38 imposes more substantial submittal requirements and/or more restrictive approval requirements than what was analyzed or imposed by this permit the Director may schedule USE2016 0005 for further review by the Planning Commission within three months of the adoption of Ordinance 2015-38.

In January 2019, this facility was issued a citation for operating without a license, modification of the floor plan without approval, security camera obstruction, and not meeting Conditions 16 and 17 of the Conditional Use Permit.

In January 2019, this facility was reinspected to ensure corrections were made to bring the facility into compliance with applicable regulations and required permit conditions. The facility failed the correction inspection for two reasons: an exterior door was unlocked with no alarm present and obstruction of security cameras. During this inspection, a citation was issued. An appeal of this citation was requested by the owner, and in February 2019, it was determined that the citation was legally issued. However, because the owner immediately attempted to remedy the issue, a warning was issued in lieu of a citation.

A third inspection was conducted and passed in January 2019.

In 2020, the marijuana license for Rainforest Farms cultivation (MJL-002) expired. The ownership of the facility was transferred, and a new Marijuana Facility License (MJL-027) was issued to Tree Logic through USE2016 0005.

The new owner passed the licensure inspection and received a license for FY2021.

ANALYSIS

CBJ 49.65.1220 establishes the requirements for this renewal.

1. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee.
2. No outstanding corrective orders or enforcement actions.
3. Proof of inspection.
4. In compliance with the applicable Conditional Use Permit.

Requirement: Has the applicant applied for and remitted the fee for renewal of a Special Use Permit timely?

Analysis: Yes. The application for renewal of USE2016 0026 was received on October 25, 2021, and the fee remitted timely.

Requirement: At least ten days prior to the hearing, notice of the renewal request must be mailed to adjacent property owners. At least two days prior to the hearing, a general notice shall be printed in the newspaper of general circulation in the municipality.

Analysis: Yes. The Public Notice requirements of Title 49 have been met for this renewal.

Requirement: Conditions contained in the Special Use Permit cannot be changed unless the Commission amends or adds conditions to ensure compliance with this title. Have the conditions been changed to ensure compliance with Title 49?

Analysis: Conditions placed on the Special Use Permit have not been changed.

PUBLIC COMMENTS

CDD conducted a public comment period between October 25, 2021 and November 9, 2021. 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 public comments have been submitted as of the writing of this report.

FINDINGS

Special Use Permit Renewal Criteria – Per CBJ 49.15.250, Development Permit Extension, the Director makes the following findings on the criteria for granting the requested Special Use permit extension:

1. *Was the application for the requested Special Use Permit renewal complete and received timely?*

Analysis: No Further analysis needed.

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

2. *Have there been any corrective or enforcement issues for this facility in the past five years?*

Analysis: Under the previous ownership, a citation was issued (ENF2019 0003). This citation was formally appealed, and a warning was issued in lieu. Current ownership does not have any corrective or enforcement issues on record.

Finding: No. The issued citation was dismissed on February 26, 2019.

3. *Have all inspections been passed?*

Analysis: Under the previous ownership, this facility failed two inspections for FY2019. A third inspection was conducted and passed. Previous inspections from 2016-2018 were passed. Current ownership passed the licensure inspection for FY2021.

Finding: Yes. The facility passed the licensure inspection for FY2021 under current ownership. Past failed inspections were the responsibility of the previous owner.

4. *Are State and CBJ marijuana licenses being maintained current?*

Analysis: State and CBJ licenses are being maintained. Copies of each permit are located in Attachment B.

Finding: Yes. State and CBJ marijuana licenses are current.

5. *Have any modifications been made to the Special Use Permit?*

Analysis: No further analysis required.

Finding: No. No major modifications have been made to the Special Use Permit.

6. *Have the conditions of the Special Use Permit been met and maintained?*

Analysis: No further analysis needed.

Finding: Yes. The conditions of the Special Use Permit are being met and maintained under the current ownership.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow a Marijuana Cultivation License five-year renewal without amended conditions.

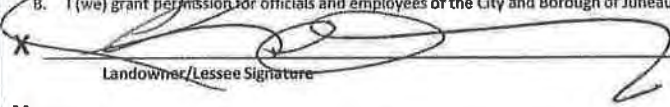
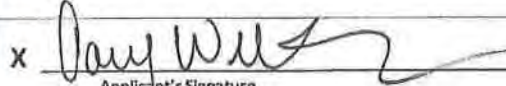
STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Supporting Documents
Attachment C	Public Notice



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION	
	Physical Address 5763 Glacier Hwy. Juneau, AK 99801	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) USMS 609 TR 2A1	
	Parcel Number(s) 5B1201060112	
	This property located in the downtown historic district This property located in a mapped hazard area, if so, which _____	
	LANDOWNER/ LESSEE	
	Property Owner Spruce Holdings	Contact Person Charlie Moline
	Mailing Address	Phone Number(s) 907-321-4689
	E-mail Address molineak@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  Landowner/Lessee Signature 10/15/21 Date		
X _____ Landowner/Lessee Signature _____ Date		
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 Casey Wilkins/TreeLogic	Contact Person Casey Wilkins	
Mailing Address P.O. Box 240122 Douglas, AK 99824	Phone Number(s) 907-957-3877	
E-mail Address		
X  Applicant's Signature 10/15/21 Date of Application		

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Intake Initials JPM	Date Received 10/25/21
Case Number USE 21-018	



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

Renewal of marijuana cultivation facility conditional use permit at existing facility.

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: 14.245 Marijuana Cultivation >500 sq ft

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # USE2016 0005

☐ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 48,470 square feet

Total Area of Existing Structure(s) 2750 square feet

Total Area of Proposed Structure(s) N/A 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

☐ 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)

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

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

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>250</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>400.00</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

USE20210018

10/25/21

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

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION

Date: April 13, 2016

File No.: USE2016 0005

Rainforest Farms, LLC.
Attn: James Barrett
PO Box 21714
Juneau, AK 99801

Application For: A Conditional Use Permit for a Marijuana Cultivation Facility in an Industrial Zone.

Legal Description: USMS 609 Tract 2A1

Property Address: 5763 Glacier Highway

Parcel Code No.: 5-B12-0-106-011-2

Hearing Date: April 12, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 29, 2016 and approved the Marijuana Cultivation Facility to be conducted as described in the project description and project drawings submitted with the application (and with the following conditions:)

1. Wastewater generated by the marijuana cultivation facility is prohibited from entering the CBJ sewer system.
2. Parking spaces shall meet CBJ 49.40.210(b)(1); 4 spaces including 1 ADA signed space shall be marked and maintained for Rainforest Farms; and 1 space shall be signed for the accessory dwelling unit.
3. If/when the owners expand to make deliveries, all deliveries must be undertaken during normal business hours, Monday through Sunday, and must not cause undue burden to the abutting properties.
4. The 50-foot streamside setback shall be maintained—fencing and parking are not allowed in the setback.
5. The CO₂ generator shall have an automatic shut off.
6. A propane sensor shall be installed in the cultivation building.
7. RC-48 Carbon-grade filters shall be replaced no less than once annually.
8. All CO₂ enrichment processes, plant extraction processes, fumigation and the use and storage of pesticide, fungicide, miticides and thermal insecticidal fogging shall be approved by the Fire Marshal and meet the requirements of the International Fire Code (IFC) and NFPA where applicable.
9. Structures must meet the Sound Transmission Classification requirements as provided in the International Building Code.
10. All windows to the cultivation facility will be opaque and armed with an alarm system.

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.
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3. **Project Narrative:** A detailed narrative describing the project.
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 - A. Site plan, floor plan and elevation views of existing and proposed structures
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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

Rainforest Farms, LLC.
 File No.: USE2016 0005
 April 13, 2016
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19. The applicant shall obtain a CBJ marijuana business license if and when applicable.
20. The property owner shall schedule an annual inspection to ensure conditions of this permit are met.
21. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
22. The applicant has notice of pending legislation (Ordinance 2015-38) that may affect this approval. The applicant will comply with all requirements that Ordinance 2015-38 imposes when it is passed even if more restrictive than the approved conditions of USE2016 0005. If the Director determines that Ordinance 2015-38 imposes more substantial submittal requirements and/or more restrictive approval requirements than what was analyzed or imposed by this permit the Director may schedule USE2016 0005 for further review by the Planning Commission within three months of the adoption of Ordinance 2015-38.

Attachments: March 29, 2016, memorandum from Jill Maclean, Senior Planner, Community Development, to the CBJ Planning Commission regarding USE2016 0005.

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 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, April 12, 2016.

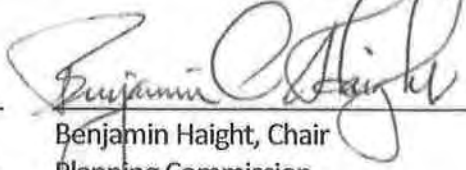
Expiration Date: The permit will expire 18 months after the effective date, or October 12, 2017 if no Building Permit has been issued and substantial construction progress has not been

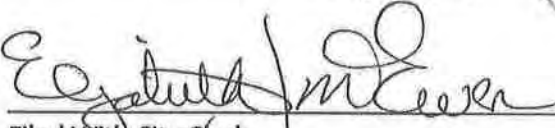
Rainforest Farms, LLC.
 File No.: USE2016 0005
 April 13, 2016
 Page 3 of 3

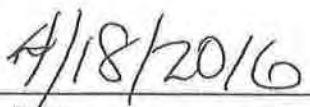
made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


 Jill Maclean, Senior Planner
 Community Development Department


 Benjamin Haight, Chair
 Planning Commission


 Filed With City Clerk


 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.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: March 29, 2016

TO: Planning Commission

FROM: Jill Maclean, Planner *Jill Maclean*
Community Development Department

FILE NO.: USE2016 0005

PROPOSAL: Conditional Use Permit for a Marijuana Cultivation Facility in an Industrial Zone

GENERAL INFORMATION

Applicant: Rainforest Farms, LLC.

Property Owner: Charles Moline

Property Address: 5763 Glacier Highway

Legal Description: USMS 609 Tract 2A1

Parcel Code Number: 5-B12-0-106-011-2

Site Size: 1.11 acres

Comprehensive Plan Future Land Use Designation: Heavy Industrial (HI)

Zoning: Industrial (I)

Utilities: CBJ Water and Sewer

Access: Glacier Highway

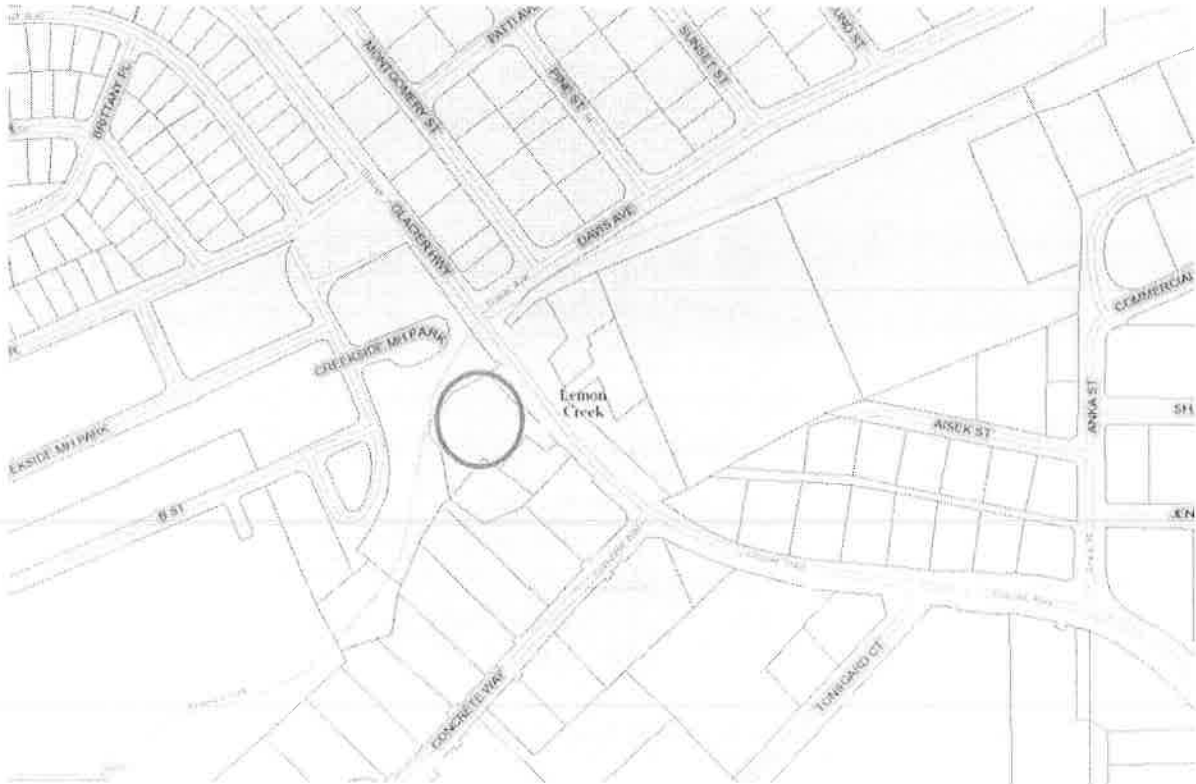
Existing Land Use: Commercial and Storage; Residential unit above

Surrounding Land Use:

North	-	Lemon Creek
South	-	JAG Rental – Trucking (Industrial zone)

East - Glacier Hwy/Storage (General Commercial zone)
West - JAG Rental – Trucking (Industrial zone)

Insert Vicinity Map Here



ATTACHMENTS

- Attachment A – Conditional Use Permit Application
- Attachment B – As-Built Survey
- Attachment C – Site Plan
- Attachment D – Parking & Surveillance
- Attachment E – Site Photos
- Attachment F – Public Comment

Planning Commission
 File No.: USE2016 0005
 March 29, 2016
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PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a marijuana cultivation facility located at 5763 Glacier Highway, in an Industrial-zoned area (Note – the application mistakenly identifies the zoning of this lot as General Commercial). The applicant proposes to cultivate and prepare marijuana for sale to another licensed marijuana establishment.

BACKGROUND

In November 2015, the Assembly passed Ordinance 2015-39 amending CBJ 49.25.300 Table of Permissible Uses (TPU) to include marijuana uses. Marijuana uses allowed by the TPU include marijuana cultivation, marijuana product manufacturing, marijuana testing, and marijuana retail. Marijuana cultivation is allowed in industrial zoned districts with a conditional use permit. The state will be issuing standard marijuana cultivation facility licenses with no size restrictions.

In order to complete amendments to the TPU, a moratorium was placed on applications for marijuana establishments within the CBJ through December 31, 2015. The moratorium was not extended, and the Community Development Department scheduled this application for a public hearing in accordance with CBJ 49.15.330 Conditional Use permit.

In addition to the amendments to the TPU, the CBJ Marijuana Committee recommended a Special Use Ordinance for the Planning Commission to consider pursuant to amendments to Title 49. Ordinance 2015-38 contains Conditional Use Permit application requirements specific to marijuana including odor management standards, and a local license requirement for marijuana uses. At their February 23, 2016 meeting, the Planning Commission forwarded a positive recommendation to the Assembly on Ordinance 2015-38.

While Ordinance 2015-38 has not yet been adopted by the Assembly, CDD staff recommended the applicant submit the additional materials consistent with the Planning Commission's recommendation to the Assembly. Additional information requested for this proposal includes:

- Security plans that indicate compliance with State law
- Ventilation and filtration plan
- Waste management plan
- Carbon dioxide use disclosure
- Health and Sanitation (mold prevention methods)

The applicant has addressed these topics in the application narrative.

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INTERNAL REVIEW & COMMENTS

The application was provided to applicable CBJ departments and external agencies for review and comment. The Building Division, General Engineering, and Police Department did not have any comments on this application. The Alaska State Department of Transportation, and the Department of Fish and Game did not have any comments on this application.

The Fire Department made the following comment: "All CO₂ enrichment processes, plant extraction processes, fumigation and the use and storage of pesticide, fungicide, miticides and thermal insecticidal fogging shall be approved by the fire marshal and meet the requirements of the International Fire Code (IFC) and NFPA where applicable". Staff recommends adding this comment as a condition.

See Attachment F for public comment received.

ANALYSIS

Project Site -

The proposed site is located at 5763 Glacier Highway, and is bordered by Lemon Creek on the north side (see Attachment B and C). The site is located in an Industrial-zoned district. City water and sewer are available. The site is 48,470 square feet or 1.11 acres. Setbacks in Industrial zoning districts are 10 feet in the front and rear, and 0 feet for the side yards. The lot has a 30-foot access agreement to Glacier Highway as shown on the site plan provided in Attachment B. The Industrial zoning district does not have a minimum vegetative cover requirement. The site is located adjacent to Lemon Creek, an anadromous stream, with a 50' streamside setback. The existing structure is located outside the 50-foot streamside setback, and parking is not allowed in the setback area.

Project Design -

The applicant proposes using the ground floor of the existing building, 2,750 square feet for cultivation of marijuana. All windows to the cultivation facility will be opaque and armed with an alarm system. Three primary doors will allow entrance to the restricted access areas will be secured with commercial grade doors and locks. Exterior motion lighting will be installed to facilitate surveillance in addition to the existing exterior lighting. Exterior motion lights will be placed at each corner of the premises and will be detect motion within 25' of the building.

The facility will consist of a vegetative room (plants are grown in this location until they mature), a flower room (plants are moved to this room once mature and flowering as they require different amounts of light), a trim room, a cure room, and an office for where security equipment and holdings will be secured (see Attachment A). The applicant estimates the structure will accommodate a total canopy (the uppermost spreading layer of the plants) of approximately 1000 square feet. The applicant intends to have a retail store located in downtown Juneau, as well as, a processing facility in the future.

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The facility will be supported by a fresh air exchange, an air conditioning and heating unit, and dehumidifiers, to provide for the atmospheric conditioning required to yield a successful marijuana crop. The heating and cooling system along with fans will also protect against mold, mildew and pesticides. Additional equipment includes carbon filters for odor control and LED grow lights. The carbon filters are designed to scrub the air clean and are designed for commercial operations in other industries, as well as, marijuana (see Attachment A).

Four small propane fueled Carbon Dioxide (CO₂) generators will be installed to assist in cultivation. Plant growth is accelerated by increasing the CO₂ parts per million (ppm) in the grow room and therefore is a common feature in commercial facilities. There is an automatic shut off once CO₂ levels reach a certain point. Handlers will also have the ability to shut off the fuel source to the generator inside and outside the building. The applicant intends to maintain 4x25 gallon propane tanks onsite for CO₂ generation. The International Fire Code requires propane tanks of 125 gallons to have 5 foot separation from a building. According to the Capital City Fire and Rescue, the CO₂ generator will require an annual inspection.

Normal ambient air has anywhere from 250 to 350 CO₂ ppm. CO₂ used in marijuana cultivation ranges from 800 to 1800 ppm. According to the Federal Department of Labor's Occupational Safety & Health Administration (OSHA), a general permissible exposure limit in an eight hour work day is CO₂ levels of 5,000 ppm.

Traffic -

Currently, the applicant does not plan to have employees beyond the three owners of the cultivation facility. In the future, the owners may hire a maximum of one or two full-time employees. The owners do not intend to deliver product; wholesale purchases will be made on site and the purchaser will be liable for the product after the sale is finalized. Given the existing industrial and commercial uses of this area, the traffic associated with the facility should not be a concern for this location. Should the owners expand to make deliveries, staff recommends that deliveries are undertaken during normal business hours, Monday through Sunday, and do not cause undue burden to the abutting properties.

Parking and Circulation -

The cultivation facility is 2,750 square feet, and the storage shed is 510 square feet, totaling 3,260 square feet of useable space. Per CBJ 49.40.210 Table of Minimum Parking Standards, this use (warehousing) requires 1 parking space per 1,000 square feet of gross floor area; and the accessory dwelling unit requires 1 parking space. Therefore, the cultivation facility requires four (4) parking spaces, including one (1) ADA parking space which must have a posted sign; and the accessory dwelling unit above is required to have one (1) parking space, which must also be signed for their use (see Attachment D).

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The five (5) total parking spaces must be 8.5-feet wide by 17-feet long, and must be painted accordingly [Note – the application narrative states the parking spaces are 8.5-feet wide by 16-feet long—this does not meet CBJ 49.40.210(b)(1)].

Per CBJ 49.40.210 (c) Off-street loading areas, this facility at a total of 3260 square feet, does not trigger the need for a loading space (5,000 square feet is the trigger for warehousing).

Noise -

The operation will be running 24 hours per day, with most of the work occurring during the daytime, regular business hours. All equipment for the operation will be inside the building. No externally perceptible noise is expected from the heating and cooling air to air system, fans, CO₂ generator, or dehumidifiers. Staff recommends as a condition of approval that the structures meet the Sound Transmission Classification requirements as provided in the International Building Code to eliminate any detectable noise from fans or generators outside of the structures.

Odor –

3 AAC 306.430(c)(2) and proposed Ordinance 2015-38 require marijuana cultivation licensees to prevent odor from being detectable outside of the licensed premise. The building will have carbon filters to absorb plant odor. Carbon filters are the primary method for odor elimination in marijuana facilities (see Attachment A). Staff recommends a condition that the filters be replaced no less than once annually to ensure their proper functioning.

Waste –

State regulations require each plant to be tracked from seed or the cloning stage to final sale or disposal. Licensees must give the state a minimum of three days' notice prior to rendering the marijuana unusable. Marijuana to be destroyed must be rendered unusable by grinding the plant waste and then mixing the ground material with compostable or non-compostable material. The compost will be stored in the storage building. Staff recommends that the storage building is outfitted with commercial grade doors and locks, and is under camera surveillance.

Public Health or Safety -

Security is a primary concern in the legal marijuana industry and the state regulations provide for processes and standards to ensure legal marijuana does not end up in the illegal market, is sold only to those 21 and over, and that licensed marijuana establishments are secure from theft. Proposed Ordinance 2015-38 requires that CUP applications include a security plan indicating how the applicant will comply with the requirements imposed by State law. Those requirements include;

- Exterior lighting
- Security alarm system on exterior doors

There will be 3 primary access doors that will allow entrance to the restricted access areas. Doak's will provide perimeter entrance security as well as window security. In the event that a break in occurs, both landowner, tenants, and JPD will be notified accordingly. Cash deposits will be held in a safe along with product in a secured room. This safe room will also hold business records.

Exterior motion lighting will be installed to facilitate surveillance in addition to the exterior lighting that is already in place. Exterior motion lights are placed at each corner of the premises and facing outward to detect motion within 25' of the building exterior.

A cellular phone will be kept on site for emergency calls and panic situations. In the event that there is an emergency, a phone will be available to employees and guests to make emergency phone calls.

A panic button is placed on the wall security panel to sound alarms if needed.

Employees will be required to be trained on site specific security protocols and procedures prior to employment.

An identification badge will be displayed and worn by each licensee, employee, or agent while on the premises.

Diversion of Product: Policies and procedures for preventing diversion of marijuana or marijuana product will include:

- RFID tags on all products and plants.
- A marijuana inventory tracking system designed by TraceWeed tracking systems, capable of sharing information with the system the board implements to ensure tracking for the reasons listed above, will be used.
- Products will be stored in a safe for the entire duration while awaiting sale.
- Signed manifest by the buyer of the goods will be kept for on-site record.
- Sound alarms will be installed.
- Security Systems signs will alert intruders of security measures.
- Lighting both indoors and exterior will allow for product to be monitored sufficiently via video surveillance.
- Products will be locked in a fire resistant safe.
- Access to safe will be limited only to owners and limited staff.
- Signed inventory declarations of products being stored will be accounted for and updated on a daily basis.
- A camera will be placed in the security room where the point of sale of product will take place.
- All marijuana packaged will be weighed on a scale certified in compliance with AS 3 AAC 306.745.

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- Continuous video monitoring
- Commercial grade door locks on exterior points of entry

The state security requirements are addressed in the security plan provided by the applicant (see Attachment A and D). Staff recommends as a condition that prior to issuance of a Certificate of Occupancy, staff ensure that each security element is operational.

The proposal includes video surveillance in all restricted access areas, operating 24 hours a day, seven days a week, both inside and outside the facility. Staff interviewed local security specialists to determine the resolution required to provide the necessary imaging should a burglary take place. Infrared recording would be necessary if electricity was shut off or someone entered either building while the lights were shut off. Staff recommends as a condition that high resolution cameras that have the ability to record in infrared spectrum be required. Staff recommends that access doors to the restricted areas are commercial grade with commercial grade locks. It should be noted that the accessory dwelling unit located above the cultivation facility has its own external stairway access, and does not have any access to the cultivation facility.

The proposal identifies the use of ventilation, pesticides and sanitation as methods to be used to reduce the chance of mold, mildew, fungus, or pests. Samples of marijuana and manufactured product must be tested in a state licensed facility prior to sale. Testing facilities are required to test for harmful contaminants and residual solvents from extraction processes. Therefore, any harmful chemicals or microbial will be detected prior to consumer consumption.

Habitat -

The site is located adjacent to Lemon Creek, an anadromous stream. The existing structure is located outside the 50-foot streamside setback, and no parking is proposed in the setback area. Staff recommends that the required parking spaces are marked appropriately to ensure that the streamside setback is not used for parking. The applicant will *not* be installing a fence as shown on the plan, however, if a fence is installed it cannot be located within the 50' setback.

Property Value or Neighborhood Harmony -

The facility is located within an Industrial zoning district, and is not located within the buffer zones of any schools, churches, or childcare facilities. Bordered by Lemon Creek and Glacier Highway on two sides, and with surrounding operations including industrial or commercial uses, i.e. the landfill, storage facility, electric repair company, and the Breeze-In, this site is an appropriate location for this use, and is in accord with neighborhood.

Conformity with Adopted Plans -

The property has a Comprehensive Plan designation of Heavy Industrial (HI). Chapter 11 of the 2013 City and Borough of Juneau Comprehensive Plan defines HI as the following:

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*Land to be developed for heavy industrial uses such as large scale food production and/or processing; large-scale or industrial-related repair activities; metal fabrication; **wholesale trade; manufacturing processes; warehousing**; outdoor storage; trucking; animal kennels; crematoria; repair and maintenance uses; resource extraction and processing such as gravel pits, rock crushing facilities, cement batch plants, asphalt plants, fuel tanks, stump dumps, salvage yards, landfill sites; aircraft facilities; and other similar large-scale or noisy and/or noxious industrial activities. Some recreational uses should be permitted, including sport vehicle, All Terrain Vehicle (ATV) or snowmobile motor-course facilities, shooting ranges, and other similar noise-generating uses. Residential, office, retail, and personal service uses are not to be allowed, except that residential caretaker facilities should be permitted.*

The subject site is provided with city water and sewer. The Planning Commission and Assembly deemed the cultivation facilities to be appropriate for industrial zoning districts. The site provides adequate space and security to operate a cultivation facility.

Staff further reviewed the 2013 Comprehensive Plan for policies that may be relevant to the proposal:

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS. Implementing Actions

Implementing Actions

5.1 – IA1 Work with private-sector industries and businesses and public sector agencies that are interested in locating or expanding within the City and Borough of Juneau, and consider offering land, tax incentives, or other benefits to encourage new development.

POLICY 5.4. TO ENCOURAGE AND SUPPORT REGIONAL ECONOMIC DEVELOPMENT IN OTHER CITIES AND LOCATIONS IN SOUTHEAST ALASKA TO CREATE A LOCAL ENVIRONMENT OF SERVICES AND OFFERINGS ATTRACTIVE TO COMMERCE ORIGINATING FROM OUTSIDE THE CBJ, AND TO ACTIVELY PARTICIPATE IN DEVELOPMENT AND IMPLEMENTATION OF REGIONAL SUSTAINABLE DEVELOPMENT GOALS.

Implementing Actions

5.4 - SOP2 Encourage regional marketing for locally-made goods and locally-provided services and encourage partnerships in producing and marketing regionally-made goods and services.

5.4 - SOP7 Strengthen Juneau's role as a regional services hub for such things as fisheries research, medical, retail, tourism, transportation, and education.

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POLICY 5.11. TO ENCOURAGE THE LOCATION AND GROWTH OF LOCALLY-BASED BASIC SECTOR INDUSTRIES THAT PROVIDE YEAR-ROUND, FULL-TIME EMPLOYMENT AND PROVIDE TAX REVENUES THAT SUPPORT PUBLIC SERVICES.

Implementing Actions

5.11 - IA1 The CBJ should establish a new Heavy Industrial zoning district category that allows light industrial and heavy industrial uses and restricts or prohibits retail, office and residential uses. The director of CDD should identify current Industrial zoning districts or other suitable area(s) that should be designated as heavy industry zoning district and so designate those lands.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

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?

Yes. Staff finds the application contains the information necessary to conduct full review of the

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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?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 4.220 for the Industrial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 1, 2016 and April 11, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. The proposal includes a 24 hours, 7 days a week surveillance and alarm system. The cultivation process will occur in a closed loop system and therefore no odor or product will be detectable offsite. The proposal includes necessary safety measures to ensure the product is free of contaminants and will further be tested prior to consumption according to State regulations. Therefore, as proposed, marijuana cultivation facility will not 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?

No. The facility is located within an Industrial zoning district, and is not located within the buffer zones of any schools, churches, or daycare facilities. Bordered by Lemon Creek and Glacier Highway on two sides, and with surrounding industrial and commercial uses, this use is in harmony with the neighborhood, and should not decrease the value of properties in the area.

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

Yes. Based on the preceding analysis, staff finds the proposal to generally conform to the land use plan and the 2013 Comprehensive Plan.

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Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow for the development of a marijuana cultivation facility in an industrial zoned area. The approval is subject to the following conditions:

1. Wastewater generated by the marijuana cultivation facility is prohibited from entering the CBJ sewer system.
2. Parking spaces shall meet CBJ 49.40.210(b)(1); 4 spaces including 1 ADA signed space shall be marked and maintained for Rainforest Farms; and 1 space shall be signed for the accessory dwelling unit.
3. If/when the owners expand to make deliveries, all deliveries must be undertaken during normal business hours, Monday through Sunday, and must not cause undue burden to the abutting properties.
4. The 50-foot streamside setback shall be maintained—fencing and parking are not allowed in the setback.
5. The CO₂ generator shall have an automatic shut off.
6. A propane sensor shall be installed in the cultivation building.
7. RC-48 Carbon-grade filters shall be replaced no less than once annually.
8. All CO₂ enrichment processes, plant extraction processes, fumigation and the use and storage of pesticide, fungicide, miticides and thermal insecticidal fogging shall be approved by the Fire Marshal and meet the requirements of the International Fire Code (IFC) and NFPA where applicable.
9. Structures meet the Sound Transmission Classification requirements as provided in the International Building Code to eliminate any detectable noise from fans or generators outside of the structures.
10. All windows to the cultivation facility will be opaque and armed with an alarm system.
11. Lighting shall be installed to illuminate all access points—doors, windows—to the cultivation facility.
12. No offsite glare shall be produced by exterior doorway lights.
13. Each door shall have either a grade 2 lock with deadbolt or grade 1 lock.
14. Security cameras shall record in no less than high definition 720dpi resolution, with a minimum of 20 frames per second, with the ability to record in the infrared spectrum.

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15. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
16. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixture or other equipment in the processing building and cultivation building.
17. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
18. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational.
19. The applicant shall obtain a CBJ marijuana business license if and when applicable.
20. The property owner shall schedule an annual inspection to ensure conditions of this permit are met.
21. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
22. The applicant has notice of pending legislation (Ordinance 2015-38) that may affect this approval. The applicant will comply with all requirements that Ordinance 2015-38 imposes when it is passed even if more restrictive than the approved conditions of USE2016 0001. If the Director determines that Ordinance 2015-38 imposes more substantial submittal requirements and/or more restrictive approval requirements than what was analyzed or imposed by this permit the Director may schedule USE2016 0001 for further review by the Planning Commission within three months of the adoption of Ordinance 2015-38.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 2/17/16
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description MARIJUANA CULTIVATION		
	PROPERTY LOCATION		
	Street Address 5763 GLACIER HWY	City/Zip 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) UMS 609 TR 2A2		
	Assessor's Parcel Number(s) SB1201060112		
	LANDOWNER/ LESSEE		
	Property Owner's Name CHARLES MOLINE	Contact Person: CHARLIE M.	Work Phone: 321-4689
	Mailing Address PO Box 210921	Home Phone: 321-4689	Fax Number: -
	E-mail Address	Other Contact Phone Number(s): -	
	PROJECT / APPLICANT	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			2/17/16
		Landowner/Lessee Signature	Date
X			
		Landowner/Lessee Signature	Date
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" and sign and date at X below			
Applicant's Name RAIN FOREST FARMS, LLC	Contact Person: JAMES BARRETT	Work Phone: 957-4751	
Mailing Address PO Box 21714, JUNEAU, AK 99802	Home Phone: 957-4751	Fax Number: -	
E-mail Address RAINFORESTJAMES@GMAIL.COM	Other Contact Phone Number(s): -		
X		2/16/2016	
	Applicant's Signature	Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	***SIGN	Date Received
	☐	Building/Grading Permit		
	☐	City/State Project Review and City Land Action		
	☐	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
	☐	Mining Case (Small, Large, Rural, Extraction, Exploration)		
	☐	Sign Approval (If more than one, fill in all applicable permit #'s)		
	☐	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	☒	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		2/17/16 USE 20160005
	☐	Variance Case (De Minimis and all other Variance case types)		
	☐	Wetlands Permits		
	☐	Zone Change Application		
	☐	Other (Describe)		
	***Public Notice Sign Form filled out and in the file.			
	Comments:			Permit Intake Initials JKL

TO BE COMPLETED BY THE APPLICANT

Page 1 of 2

**Site Plan and Location Narrative
5763 Glacier Highway
Juneau, AK**

Where: 5763 Glacier Highway, (UMS 609 TR 2A1), Juneau AK. 1st Level only.

Request: In accordance with State and local laws, we would like to apply for a conditional use permit for the purposes of Marijuana Cultivation.

Uses of Premises: Marijuana Cultivation. The site will be used for indoor cannabis cultivation.

Lease Holder: Rainforest Farms, LLC

Property Owner: Lemon Creek Holdings. LLC

Site/Project Information:

- Area - 2750 Sq Ft
- UMS 609 TR 2A1
- 1st Floor Only
- Zoning District - GC
- Building Height 18ft

Scope:

We are proposing and planning to use this space for cultivation of Marijuana. Marijuana will be cultivated and prepared for the sale to another licensed marijuana establishment. The cannabis will be grown under LED lights and use food grade nutrients as raw material for the operation. Plants will be grown in a soil medium. Low heat LED lights allow for cool temperatures in the facility. Product will also be dried, cured, and stored upon the premises. After product is sold, records will be retained on site and available for inspection per ordinance requirements.

Construction: Non-load bearing walls will be added to the primary room located at the entrance of the facility. Windows will be covered with a secured covering. Security Doors will be added to appropriate access points.

Hours of operation: This operation will be running for 24 hours per day. The plants will need to be maintained at any given time as needed. Most of the work will be done during the daytime during regular business hours.

Odor management: To ensure total odor air filtration, there are several important factors to consider. We will be using a carbon grade RC-48 filter for odor filtration. The RC-48 carbon is effective for the filtration of organic particles and other airborne materials. We will be using 3

- Marijuana product will be prepared, packaged, and secured for pick-up in child resistant, opaque bags. Bags will have a manifest with tracking and testing information attached at all times.
- Locked containers from purchaser will be required prior to product leaving facility.
- No product will be sold or given possession to anyone without a marijuana handlers card and manifest of transportation, and receipt of product paid.
- Commercial grade locks placed on all doors.

Guest and Visitors: Unescorted members of the public will be prohibited from entering restricted access areas and will not have access past the main entrance hallway. Security doors will be placed at the end of the hallway to prevent access to restricted access areas.

The processes for admitting visitors into and escorting them through restricted access areas will require guests to sign in with name, age, date and time of entrance and time of exit, name of person escorting visitor and guests' driver's license information. Employee or owner who has Marijuana handlers card will escort visitor at all times. Information will be stored in a locked file cabinet in the safe room for record keeping.

Guests will be required to wear a "visitor pass" connected to a lanyard for the entire duration of the visit.

Employees: We will start with just the owners and no employees. Eventually we plan to hire 1-2 full-time employees.

Each employee, or agent who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, shall obtain a marijuana handler permit from the Marijuana Control Board before beginning employment.

Hand washing sinks, bathrooms, and sanitation area will be available for employees.

Employees will be required to be trained on on-site specific security protocols and procedures prior to employment. Employee will be informed on how to handle each specific situation and how to stay safe when it occurs.

A detailed report will be made and saved on-site each time an action has been taken when security has been breached.

Parking: We have 4 parking spaces available to use.

Parking spaces are 8.5' wide by 16' long.

Delivery: Delivery Services will not be made available. Wholesale purchases will be made on site and the purchaser will be liable for the product after sale is finalised. All product will be tracked and taxed according to State Regulations. Once sale is final, records of the sale for both tax and tracking will be available on premises for inspection when needed.

Neighborhood Harmony: We have identified the neighborhood and found that this location meets all state regulations and current zoning ordinances. We have identified all school, churches, and daycare facilities and have found that this location is out of site and is outside of the buffer required by the State of Alaska. We have determined that our operations will not negatively affect the operations of surrounding homes or business. Of the immediate areas for consideration are the Landfill, Breeze-inn, a neighboring electric repair company and a storage rental business. Of these businesses, none will be negatively affected by our operation.

Signage: At this time, there will not be any significant signage other than a small sign indicating our business name and contact information near the front entrance to the building. The sign will be no larger than 24"X24" and will be placed next to the main entrance.

Signs will be placed on exterior of building to prevent loitering and theft.

Health and Sanitation: Cleaning of entire cultivation space will take place between crop rotations. We will be using food grade and non-toxic cleaning supplies. After each crop, the room will be swept, and mopped. All walls will be wiped down and surface areas will be dusted and washed as well. Watering containers and equipment will be inspected by managers once per month. Documents pertaining to cleaning schedules will be retained and saved for record keeping.

The use of small dehumidifiers will keep the air free of humidity and reduce the amount of mold and bacteria in the room. Properly cleaned carbon filtered ventilation will also allow for further sanitation to take place. Laborers are required to wash hands regularly. Before and after using bathroom as well as before and after leaving work.

Signs encouraging employees to wash hands will be placed in the bathroom and above wash areas.

By separating growing rooms, each room can be separate sanitized without affecting the other.

Utensils and tools will be cleaned as needed to prevent cross contamination.

Extractions: Extractions and concentrates will not be produced at this site. We will use small screens during trimming time to catch material for sale, however, this will not be considered an extraction technique.

License to Display: A copy of the State license will be displayed inside of the main entrance to the building, outside of the restricted access areas and will be directly in sight of the main entrance.

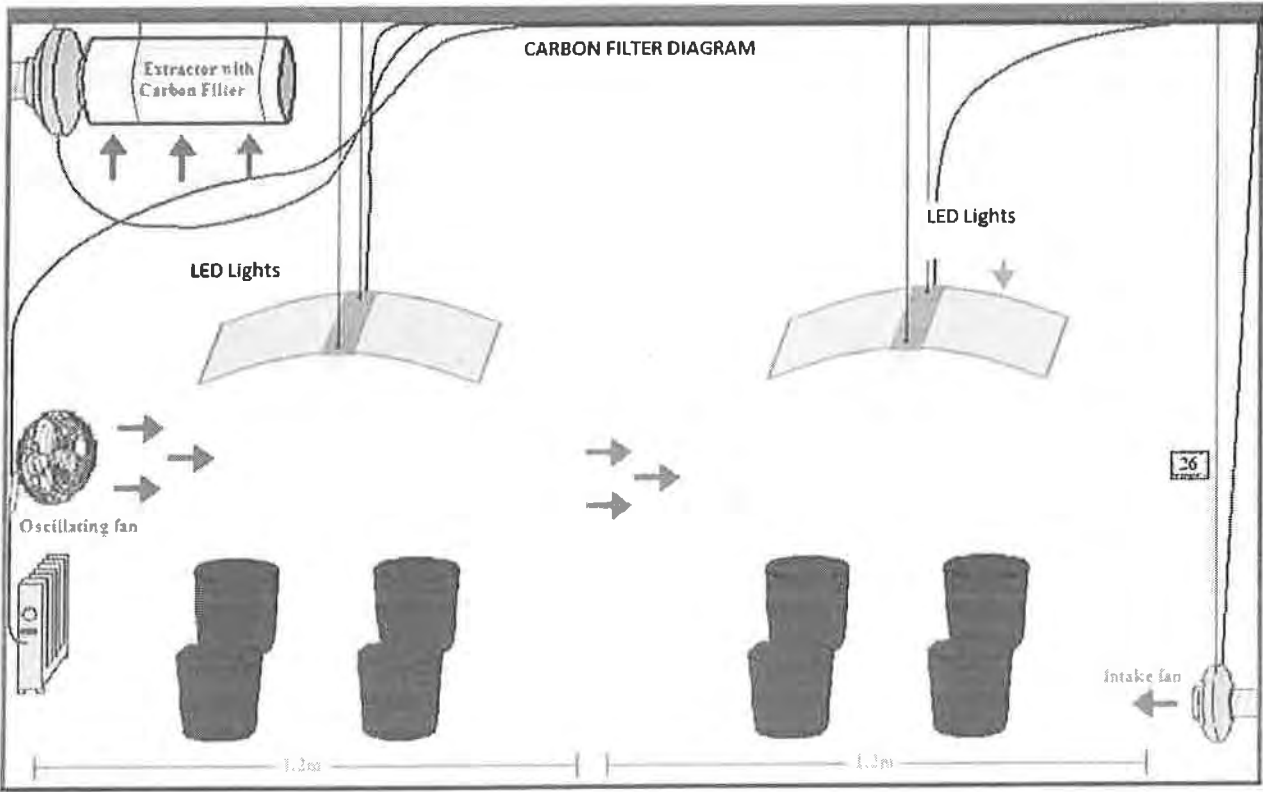
A copy of the local license will be displayed inside of the main entrance to the building, outside of the restricted access areas and will be directly in sight of the main entrance.

On-Site Record Keeping: In addition to standard operating procedures, several items will be stored on-site in a locked file cabinet. These files will be located in the safe room and will be restricted only to certain personnel and authority. Items to be stored on-site include:

- All books and records necessary to fully account for each business transaction conducted for the current year and three preceding calendar years (when applicable); records for the last six months are maintained on the marijuana establishment's licensed premises.
- A current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent.
- The business contact information for vendors that maintain video surveillance systems and security alarm.
- Systems for the licensed premises.
- Records related to advertising and marketing.
- A current diagram of the licensed premises including each restricted access area.
- A log recording the name, and date and time of entry of each visitor permitted into a restricted access area.
- All records normally retained for tax purposes.
- Accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed.
- Transportation records for marijuana and marijuana product as required under 3 AAC 306.750(f).
- Expiration dates of Marijuana Handler Cards for employees.

To prevent these records from being lost or destroyed, a copy of all records will be made and stored off-site after the period of required record retention expires. Copies of records and files will be constantly updated and made in duplicate for the purposes of having back-up copies available when needed.

CARBON FILTER DIAGRAM:



Commercial Lease Agreement

5763 Glacier Hwy, Juneau, AK 99801

This Commercial Lease Agreement ("Lease") is made and effective 01/17/16, by and between Lemon Creek Holdings LLC ("Landlord") and Rainforest Farms ("Tenant")

Landlord is the owner of land and buildings commonly known and numbered as 5763 Glacier Highway and legally described as follows (the "Building"); UMS 609 TR 2A1, Juneau, Alaska 99801.

Landlord makes available for lease a portion of building designated as: The first floor and commercial parking spaces (all parking spaces at the west entrance of the building and loading zone spaces at both South entrances), and 3 storage units (the "Leased Premises") Land to the North of the building is available for expansion of greenhouses if Tenant wishes.

Landlord desires to lease the Lease Premises to Tenant, and Tenant desires to lease the Leased Premises from Landlord for the Term, at the rental and upon the covenants, conditions and provisions herein set forth.

THEREFORE, in consideration of the mutual promises herein, contained and other good and valuable consideration, it is agreed;

1. Term.

- A. Landlord hereby leases the Leased Premises to Tenant, and Tenant hereby leases the same from Landlord, for and "initial Term" Beginning 1/17/16 ending 2/1/18.
- B. Landlord and Tenant may renew the Lease for extended terms at the end of first term. Tenant shall exercise such renewal option, if at all, by giving written notice to Landlord not less than ninety (90) days prior to the expiration of the initial Term.

2. Rental.

- A. Tenant shall pay to Landlord during the initial Term rental monthly Payments of [REDACTED] Each installment payment shall be due in advance on the first day of each calendar month during the lease term to Lemon Creek Holdings LLC.

- B. Payments not received by the 5th of each month shall be subject to \$75 dollar per day late fees enforceable by Alaska State Landlord Tenant Agreements.
- C. Taxes from CBJ are 5% sales tax which is due at time or monthly payments. Monthly Taxes for Leased space is \$[REDACTED] which is paid by Tenant.
- D. Security deposit shall be fifty percent (50%) of monthly lease amount due before Tenant takes over keys and has full access to Leased Premises.
- E. Tenants shall be in first place to lease additional space of second floor when existing Lease expires with current tenants. Lease for second floor shall be separate from commercial lease.

3. Sublease and Assignment.

Tenant shall have the right without Landlords' consent, to assign this Lease to a corporation with which Tenant may merge or consolidate, to any subsidiary of Tenant, to any corporation under common control with Tenant, or to a purchaser of substantially all of Tenant's assets. Except as set forth above, Tenant shall not sublease all or any part of the Leased Premises, or assign this Lease in whole or in part without Landlord's consent, such as consent not to be unreasonably withheld or delayed.

4. Repairs and Maintenance

During the Lease term, Landlord will make at the Landlords expenses all necessary repairs to the Leased premises regarding structural repairs, plumbing, mechanical system repairs, electrical failures due to normal use.

Landlord shall be responsible for landscaping, snow removal and exterior lighting of building.

5. Alterations and Improvements.

Tenant, at Tenant's expense, shall have the right following Landlords consent to remodel, redecorate, and make improvements and replacements of and to all or any part of leased Premises from time to time as Tenant may deem desirable, provided the same are made in a workmanlike manner and utilizing good quality materials. Tenant shall have the right to place and install personal property, trade fixtures, equipment and other temporary installations in and upon the Leased Premises, and fasten the same to the premises. All personal property, equipment, machinery, trade fixtures and temporary installations, whether acquired by Tenant at the commencement of the lease term or placed or installed on the Leased premises by Tenant thereafter, shall remain Tenants property free and clear or any claim by Landlord. Tenant shall have right to remove the same at any time during the

term of this Lease provided that all damage to the Lease Premises caused by such removal shall be repaired by Tenant at Tenant's expenses.

8. Insurance.

A. If the Leased Premises or any other party of the Building is damaged by fire or other casualty resulting from any act of negligence of Tenant or any of Tenant's agents, employees or invitees, rent shall not be diminished or abated while such damages are under repair, and Tenant shall be responsible for repairs not covered by owners insurance.

B. Landlord will carry insurance to cover building and all Leased Premises. Tenant shall be responsible, at its expenses, for fire and extended coverage insurance on all of its personal property.

C. Tenant shall be responsible for obtaining any additional insurance.

9. Utilities.

Tenant shall pay all charges for electricity, Telephone, cable, security, garbage/ recycling, Internet, any janitorial services used by tenant on Leased Premises during the term of this Lease unless otherwise expressly agreed in writing by Landlord. In the event that any utility or service provided to the Leased Premises is not separately metered, Landlord shall pay the amount due and separately invoice Tenant for Tenant's pro rata share of the charges. Tenant shall pay such amounts within thirty (30) days of invoice.

10. Signs.

Following Landlord's Consent, Tenant shall have the right to place on the Leased Premises, at Locations specified by Landlord, any signs which are permitted by applicable zoning ordinances and private restrictions. Landlord May refuse consent to any proposed signage that is in Landlord's opinion too large, deceptive, unattractive or otherwise inconsistent with or inappropriate to the Leased Premises or use of any other tenant. Tenant shall repair all damage to the Leased Premises resulting from the removal of signs installed by the Tenant.

11. Entry.

Landlord shall have the right to enter upon the Leased premises at reasonable hours and approval from Tenants to inspect the same, provided Landlord shall not thereby unreasonably interfere with Tenants business on the Leased Premises.

Tenant accepts this Lease subject and subordinate to any mortgage, deed of trust or other lien presently existing or hereafter arising upon the Leased Premises, or upon the Building and to any renewals, refinancing and extensions thereof, but Tenant agrees that any such mortgagee shall have the right at any time to subordinate such mortgage, deed of trust or other lien to this Lease on such terms and subject to such conditions as such mortgagee may deem appropriate in its discretion.

17. Notice.

Any Notice required or permitted under this Lease shall be deemed sufficiently given or served if sent by United States Certified mail, return receipt requested, addressed as follows;

Landlord:

Lemon Creek Holdings LLC

PO BOX 210921

Auke Bay, AK

99821

Tenant:

18. Successors.

The Provisions of this Lease shall be extended to and be binding upon Landlord and Tenant and their respective legal representatives, successors and assigns.

19. Consent.

Landlord shall not unreasonably withhold or delay its consent with respect to any matter which Landlord's consent is required or desirable under this Lease.

20. Compliance with Law.

Tenant shall comply with all laws, orders, ordinances and other public requirements now or hereafter pertaining to Tenants use of Leased Premises. Landlord shall comply with all laws, orders ordnances and other public requirements now or hereafter affecting the Leased Premises.

21. Final Agreement.

This Agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof. This Agreement may be modified only by further writing that is duly executed by both parties.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

Lemon Creek Holdings LLC, Landlord



Date 1/17/15

Rainforest Farms, Tenant



Date 1-17-16

Lemon Creek

Driveway

Employee
Parking

Licensed Premises

Licensed Premises

Storage

Driveway

40R

Neighboring
Building

Neighboring Building

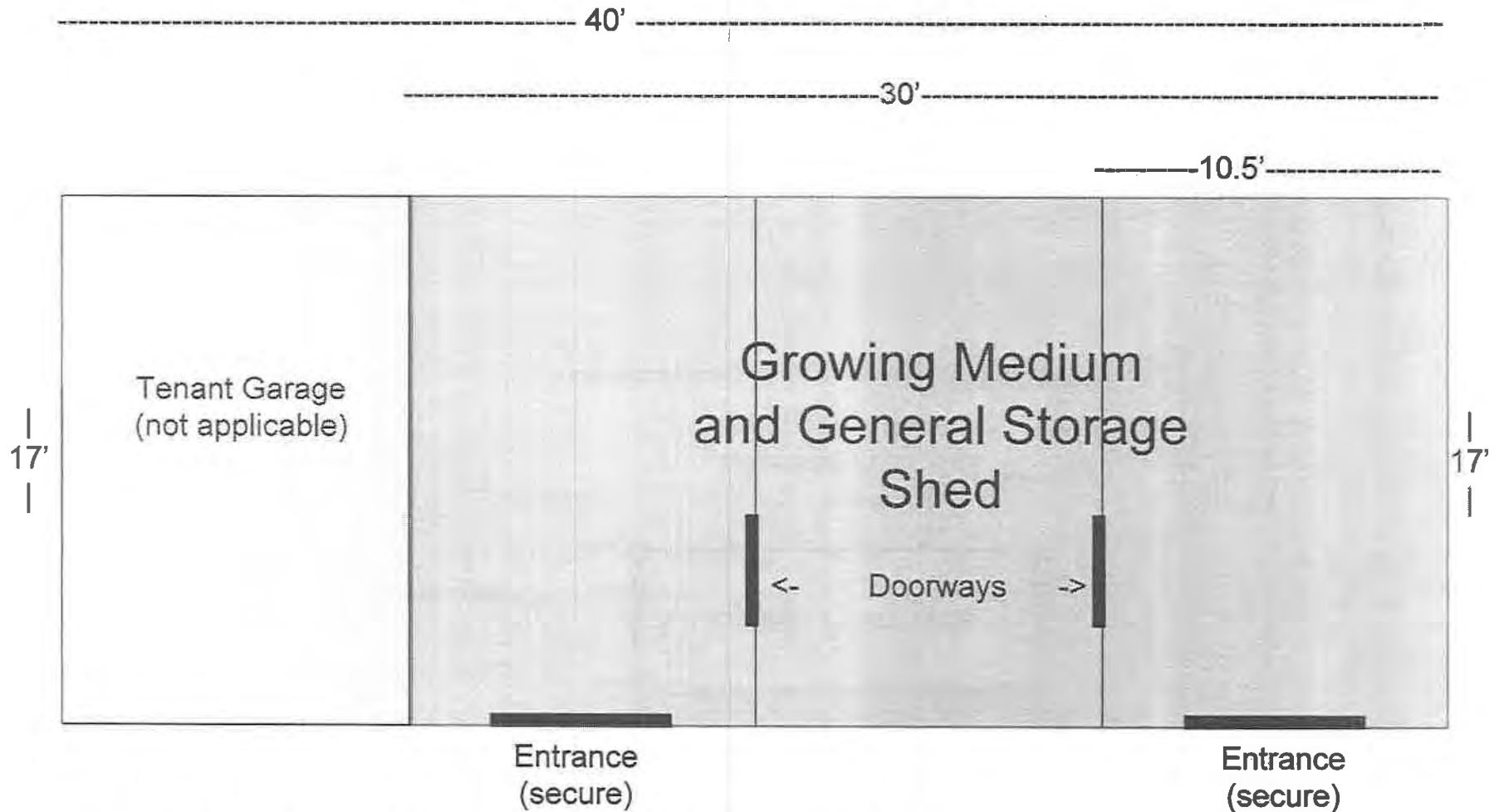
SITE PLAN

CULTIVATION AREA

Attachment C

Attachment A - Application Packet

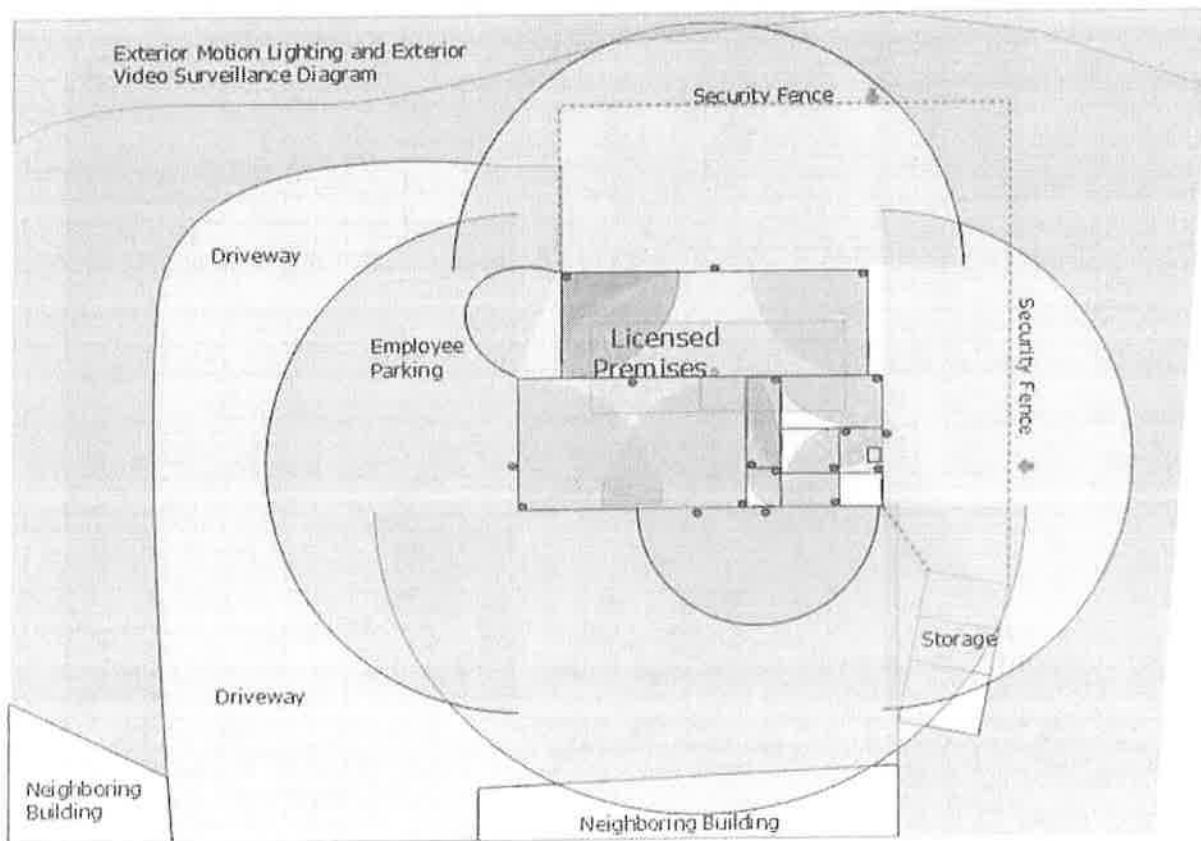
Supplemental Shed Layout

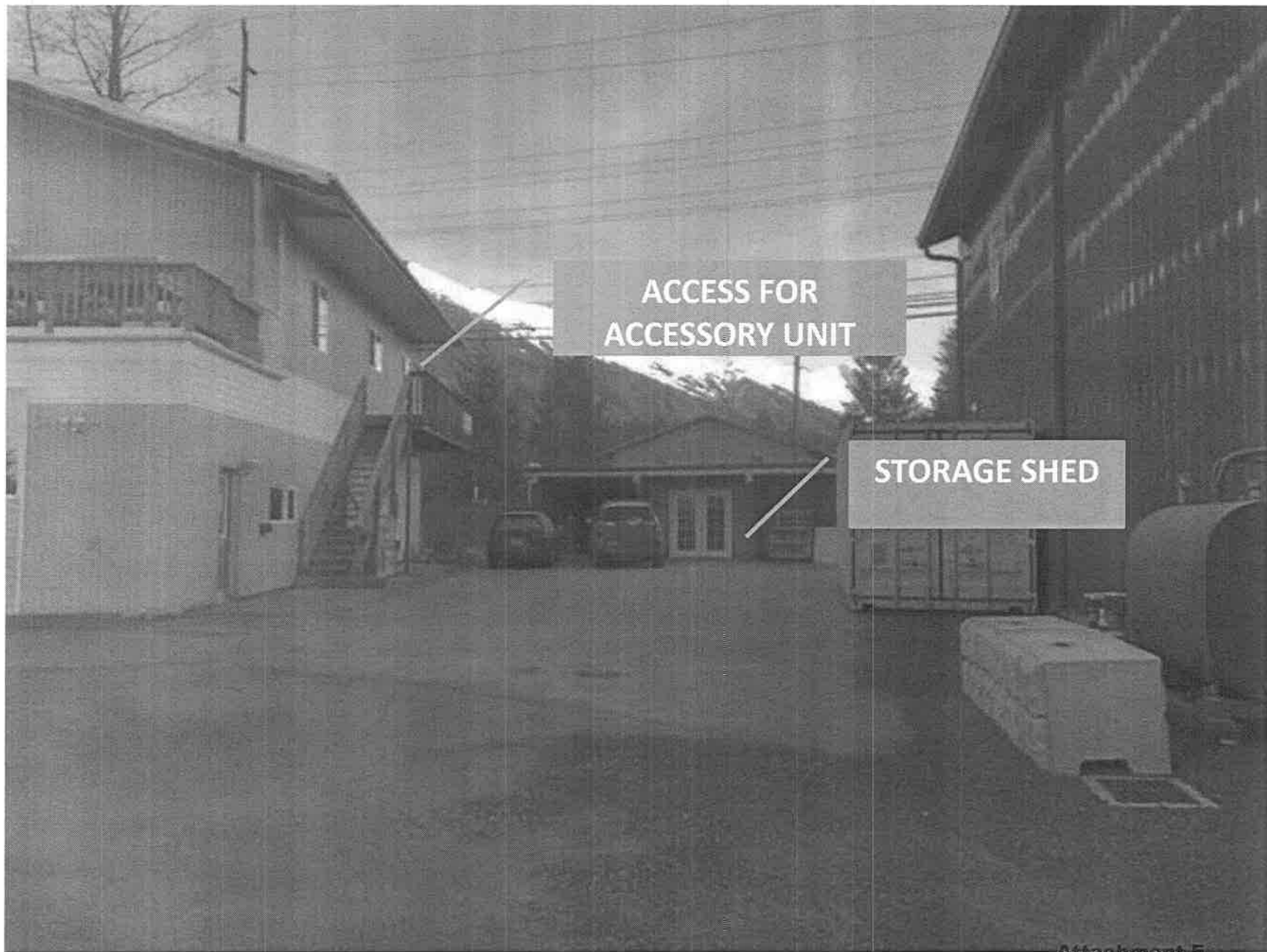


*Absolutely no cannabis will be stored or present in this shed at anytime. This shed is not part of the restricted access area and it mainly used for storage and growing medium. By keeping the growing medium in a separate building, we can eliminate pests and mold significantly.

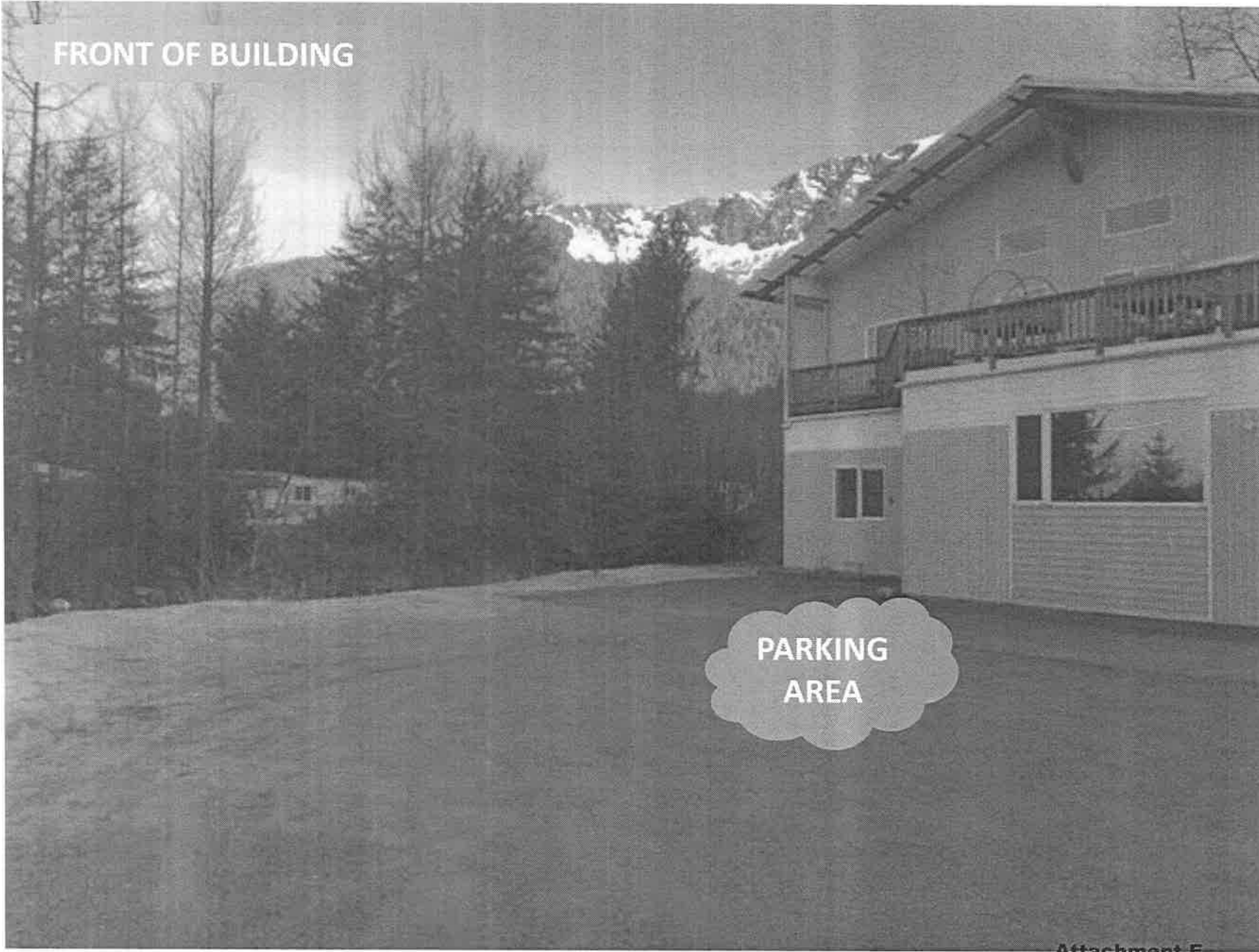
 = Usable Area

EXTERIOR CAMERAS AND LIGHTING DIAGRAM:

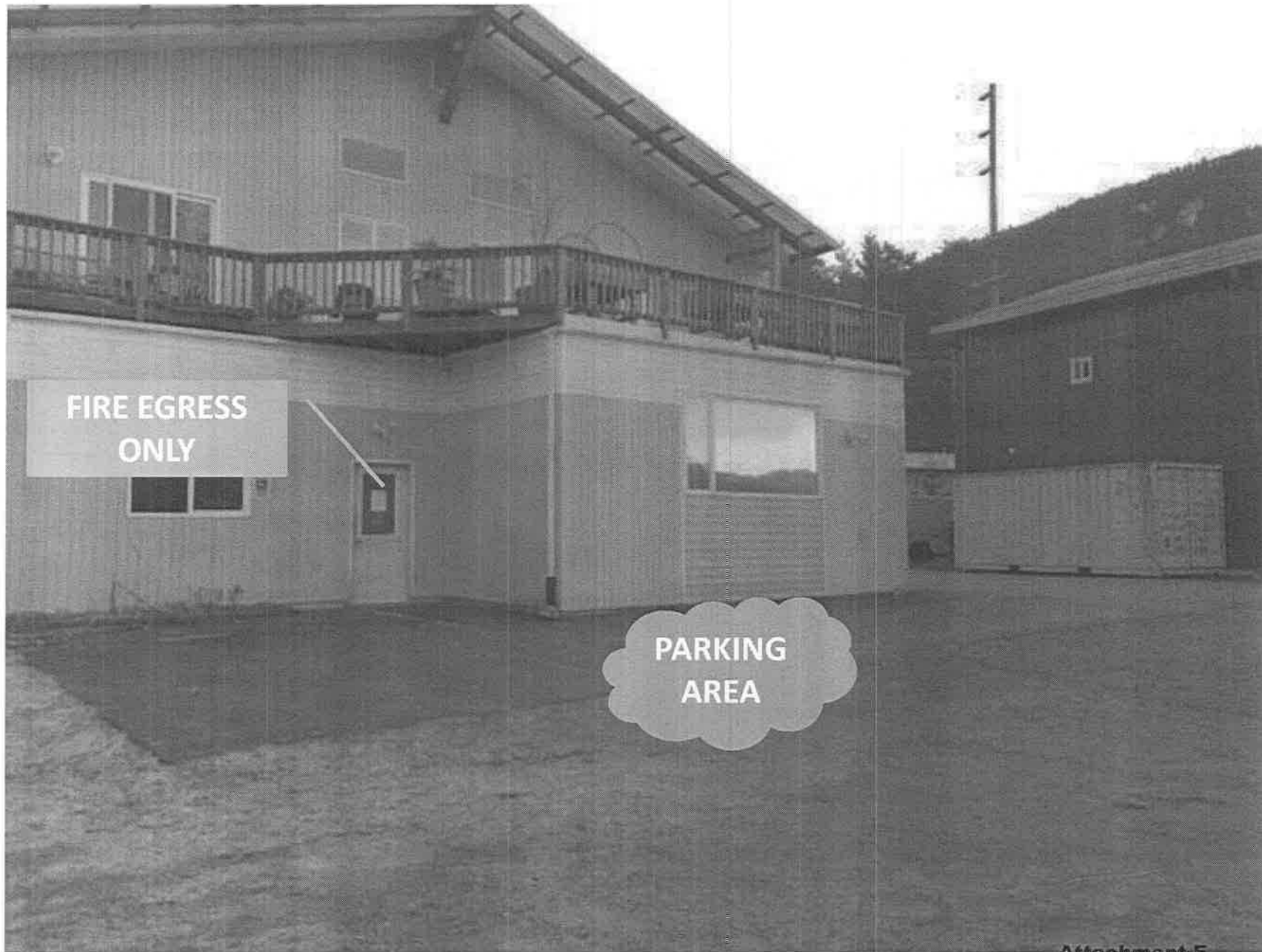




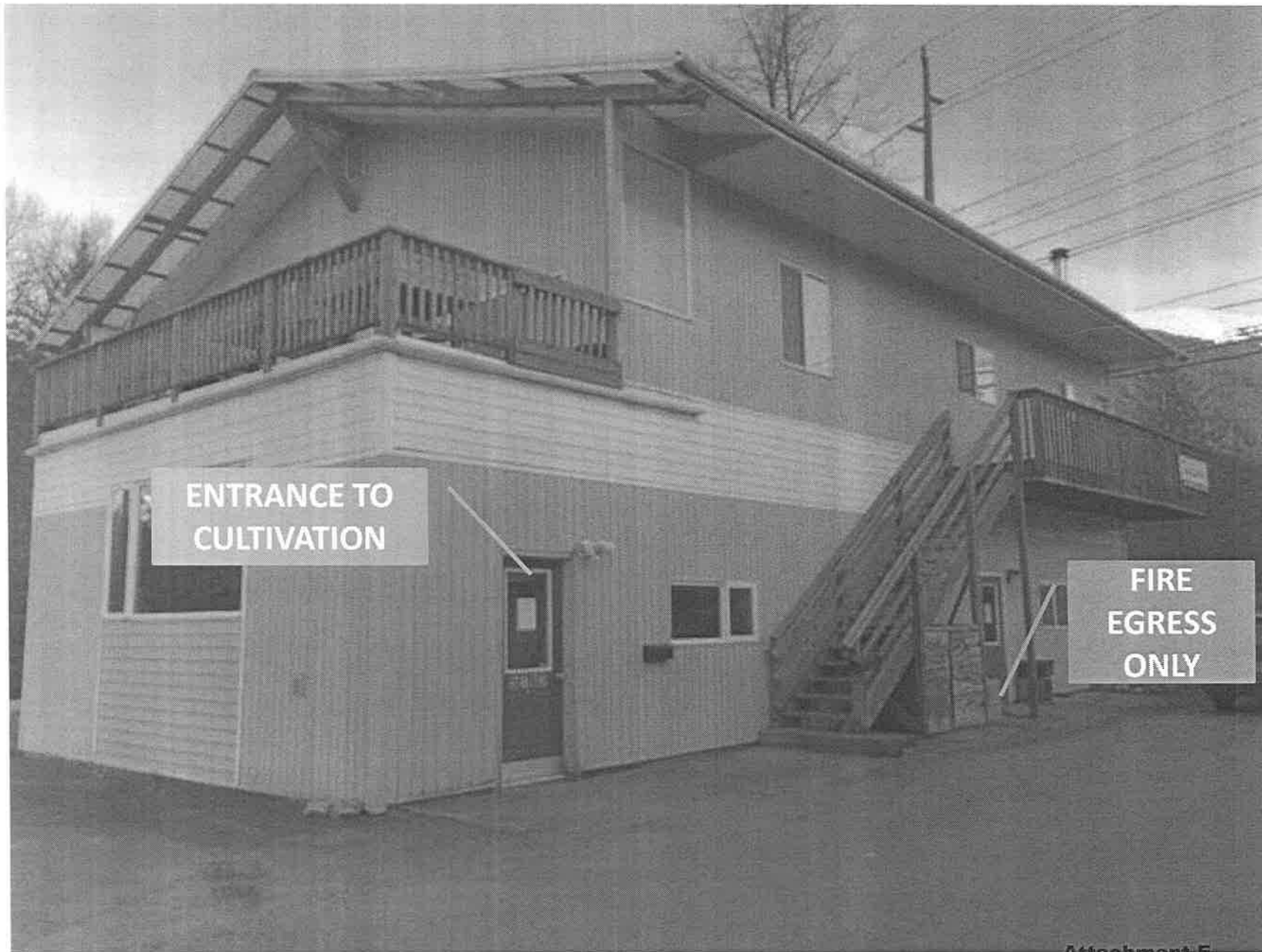
Attachment E



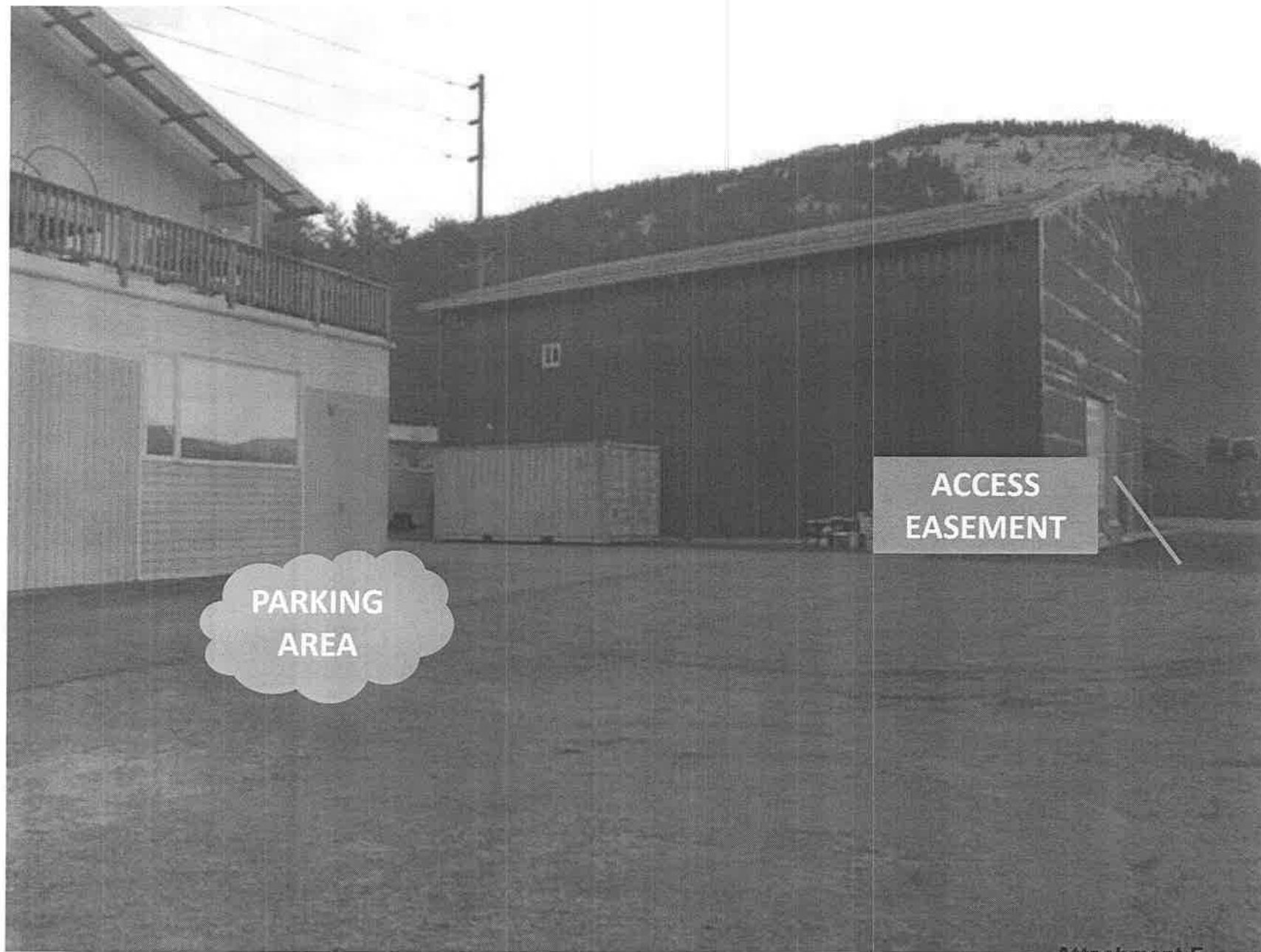
Attachment E

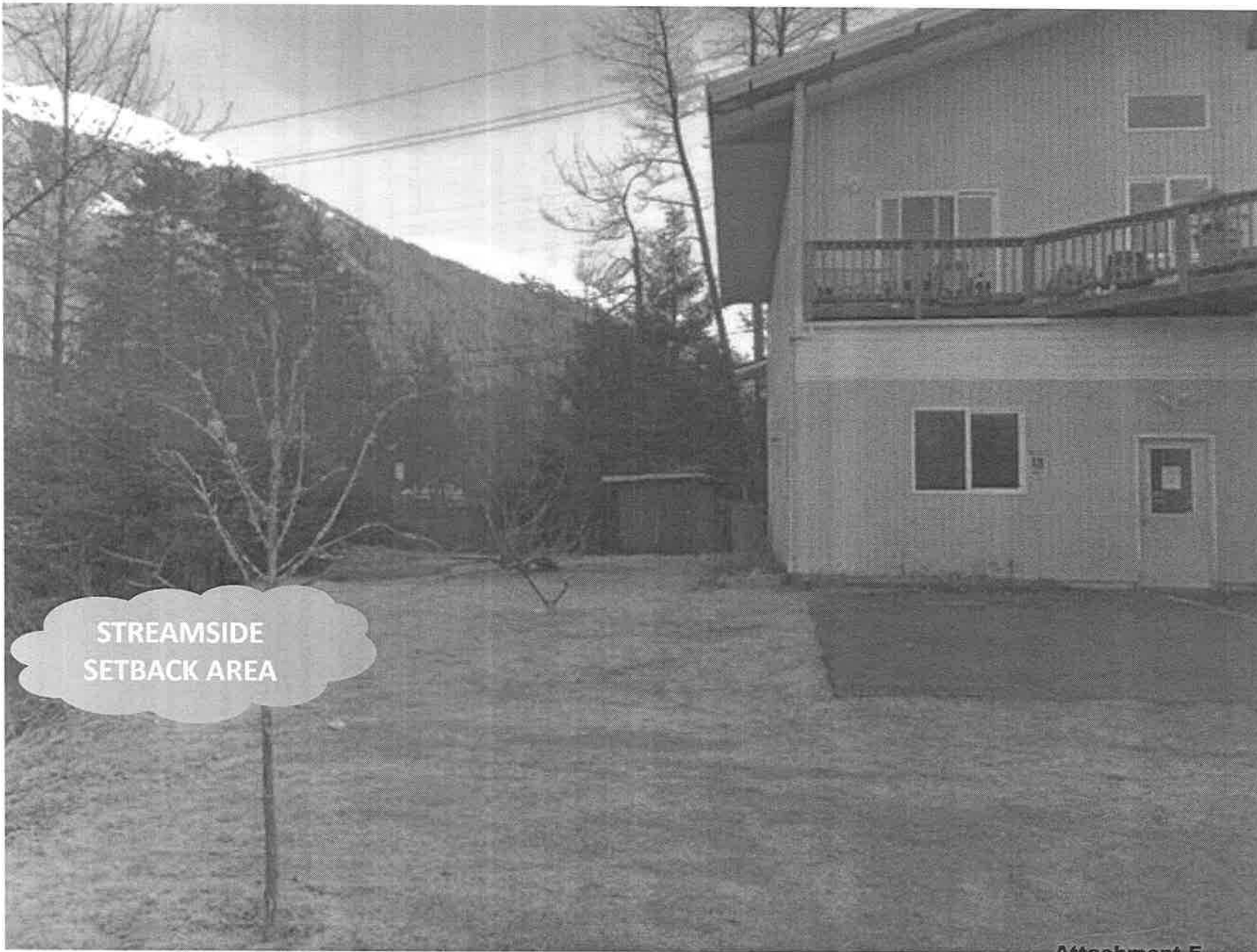


Attachment E



Attachment E





Attachment E

Jill Maclean

From: 4680 <rkhildre@aol.com>
Sent: Sunday, March 27, 2016 2:19 PM
To: Jill Maclean
Subject: Fwd: Rainforest Farms - PropertyPCN: 5-B12-0106-011-2

Follow Up Flag: Follow up
Flag Status: Flagged

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

From: 4680 <rkhildre@aol.com>
To: jill.Maclean <jill.Maclean@juneau.org>
Sent: Sun, Mar 27, 2016 3:09 pm
Subject: re Rainforest Farms - PropertyPCN: 5-B12-0106-011-2

Jill, my name is Kathy Hildre, I live at 5759 Glacier Hwy, 50 yards from the front door of the applicant that is applying for a license to grow marijuana in Lemon Creek that is zoned Industrial.

My husbands family at one time owned this entire acreage off of the glacier hwy. There is the house that we live in, a house across from us which is now a commercial bldg. that stores flooring. The bldg. in question was once my father in law's shop then my husbands & we sold to Jim & Adele Hamey so that they could operate Taku Graphics. There is a large apt/home used by the Hamey's upstairs from the area that is being considered for the permit.

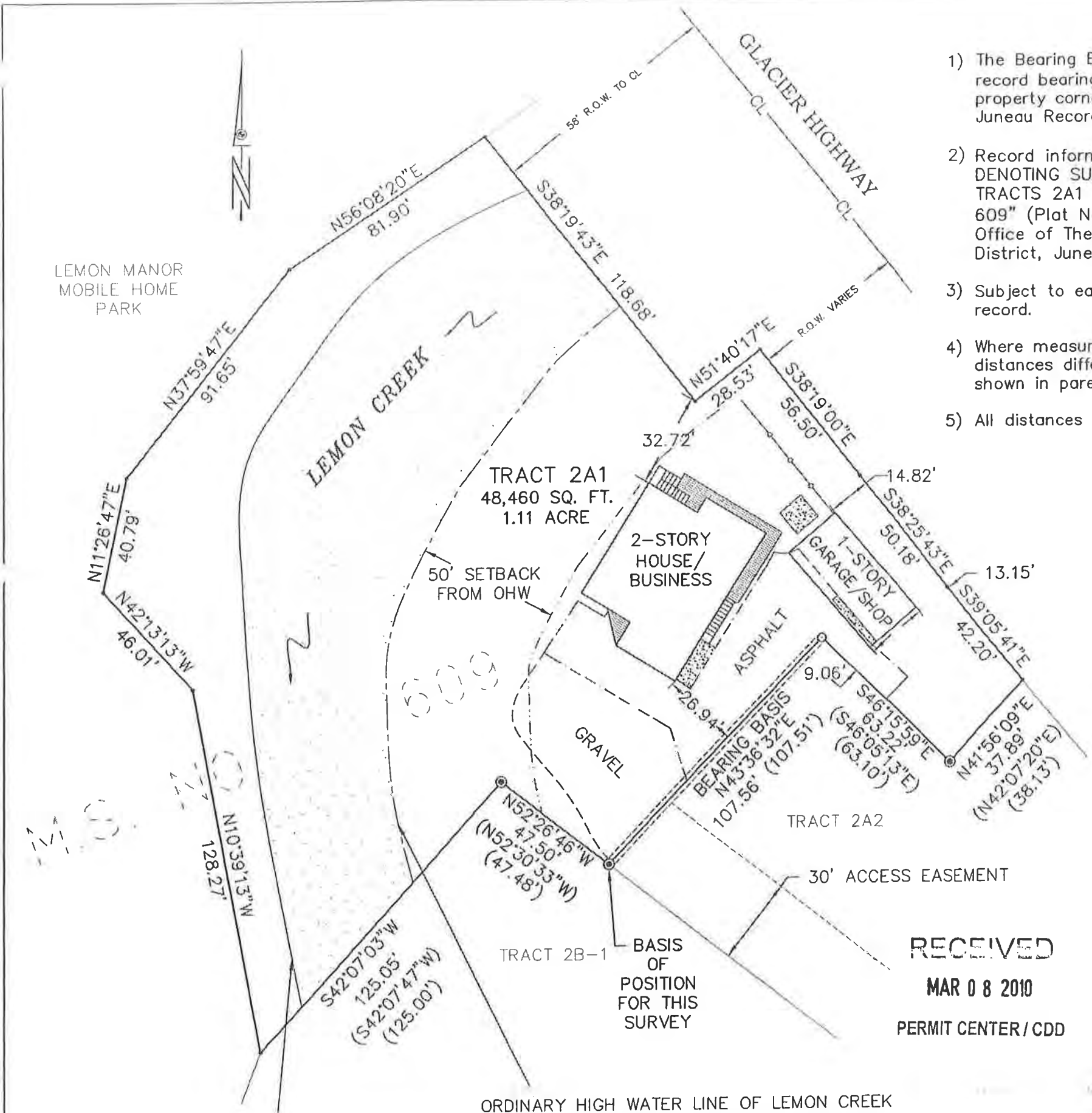
I realize that the CBJ made certain zone areas available for these types of businesses. I really don't care one way or the other where people do this growing, just not in my front yard & especially close to seniors that are making an effort to live here in Juneau for the balance of their lives. Pls don't make it my fault that I live in an industrial zone where this is suppose to be allowed. I was born & raised in Juneau as is my husband, the perception is that we, the seniors are costing the city money & situations like this will force more to move out.

I do believe that having something like this close to our home is NOT SAFE!! I feel that either the city or the state should have required any type of business like this to have a chain link fence around it to make it secure & safe for others. There is 1 driveway in & out of this property & once this business if granted a permit, the un-desirables knowing what type of business is here, will come & try to break in. We live in an area where these types of problems exist. Fortunately up until now we have had very little problems. Each of our bldgs. have great motion lights. I doubt that the safety of this area will continue.

I would request that the Planning Commission not issue this permit based on my comments. I would like to know if I need to formally write something similar to this to the Planning Commission as requested in the card that was mailed. I am also informing the Planning Commission that my husband & I are selling our home to our son James O Hildre. The property at 5759 Glacier Hwy is in his name even though we have several more years before we are paid in full, reason for continuing to live out our lives in this house.

Jill, please email me or call me if I need to do something more formal for the Planning Commission, ...
thanks. If there is any way to stop by & chat with you about this permit, I would appreciate it.

Kathy Hildre
rkchildre@aol.com
907-780-8622 - home
907-723-3621 - cell



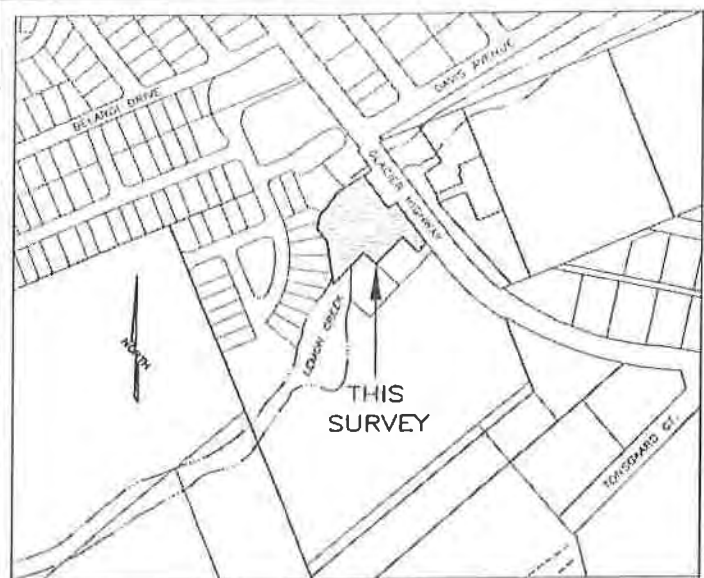
THIS BANK/SIDE OF LEMON CREEK WAS NOT MAPPED DURING THIS SURVEY, AND IS SHOWN FOR GRAPHICAL PURPOSES ONLY

NOTES

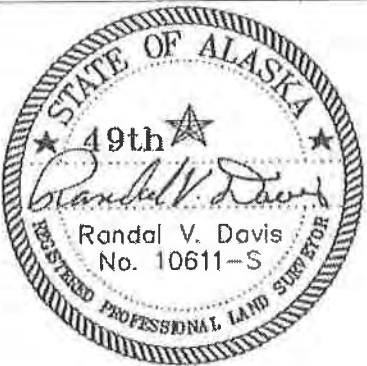
- 1) The Bearing Basis for this As-Built is the record bearing of N43°36'32"E between the property corners shown, per plat #2002-52, Juneau Recording District.
- 2) Record information derived from "A PLAT DENOTING SUBDIVISION OF TRACT 2a INTO TRACTS 2A1 & 2A2 MINERAL SURVEY No. 609" (Plat No. 2002-52), on file at the Office of The Recorder, Juneau Recording District, Juneau, Alaska.
- 3) Subject to easements and restrictions of record.
- 4) Where measured or calculated bearings and distances differ from record, that of record is shown in parenthesis.
- 5) All distances are measured in U.S. Survey feet.

LEGEND

- 50' OHW SETBACK LINE
- WOOD PLANK FENCE
- EDGE OF GRAVEL
- EDGE OF ASPHALT
- CONCRETE PAD
- 2ND STORY WOOD DECK
- PLASTIC CAP ON REBAR FOUND
- METAL "SURV SPIKE" FOUND
- POINT NOT FOUND/SET



VICINITY MAP
NOT TO SCALE; DATE: 1991
SOURCE: CBJ SERIES BASEMAPS



SURVEYOR'S CERTIFICATE

I hereby certify I am a Registered Land Surveyor licensed to practice land surveying in the State of Alaska, and this As Built represents a survey made by me or under my direct supervision, and all walks, roads, improvements, encroachments and overlaps are shown correctly to the best of my knowledge.
Date: February 23, 2010

RECEIVED

MAR 08 2010
PERMIT CENTER / CDD

AS-BUILT SURVEY

TRACT 2A1

BEING A SUDIVSION OF TRACT 2a,
WITHIN MINERAL SURVEY No. 609
WITHIN THE CITY & BOROUGH OF JUNEAU, AK

SURVEYOR:

RANDAL V. DAVIS, PLS
9240 N. DOUGLAS HIGHWAY
JUNEAU, ALASKA 99801
(907) 209-3400
RVDAVIS@GCI.NET

OWNERS:

JAMES AND ADELA HAMEY
5763 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

Approved for zoning 1/25 3/8/2010



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

January 14, 2020

City and Borough of Juneau

Via mail: 155 Seward Street
Juneau, AK 99801

License Number:	10026
License Type:	Standard Marijuana Cultivation Facility
Physical Address:	5763 Glacier Highway Juneau, AK 99801
Transferor:	Rainforest Farms, LLC
Doing Business As:	Rainforest Farms, LLC
Phone Number:	907-957-4751
Email Address:	rainforestjames@gmail.com

☒ Transfer of Ownership Application

☐ Transfer of Controlling Interest

3 AAC 306.080(c)(2) requires that the board deny an application for transfer of a license to another person if the transferor has not paid all debts or taxes arising from the operation of the licensed business unless the transferor gives security for the payment of the debts or taxes satisfactory to the creditor or taxing authority. Our records indicate that you are listed as a creditor or taxing authority for the above license.

We have received an application for transfer of ownership for the above marijuana establishment license. For the purposes of 3 AAC 306.080(c)(2) and in compliance with 3 AAC 306.045(c)(1), this letter serves to provide written notice and request for status from the above referenced entity regarding the above application (see attached application documents for more information).

Please complete and return this form to the Alcohol & Marijuana Control Office at the email below.

NAME: Clinton Singletary, Sales Tax Administrator

PHONE: 907-586-0361

Do you have an objection to the transfer of this license?

☐ Yes

☒ No

AMOUNT OWED: \$123,804.72

DATE:

3-4-2020

COMMENTS: The above transferor still owes \$110,868.01 under a Confession of Judgment and is current on payments.

If you have any questions, please send them to marijuana.licensing@alaska.gov

Sincerely,



OFFICE OF THE MANAGER

Telephone: (907) 586-5240; Fax: (907) 586-5385

Mila.Cosgrove@juneau.org

February 26, 2019

Mr. Chris Peloso
Attorney at Law
533 Main Street
Juneau, AK 99801

RE: Citation No. JM655411
Marijuana Establishment License

Dear Mr. Peloso,

I am the City and Borough of Juneau's Citation Appeals Hearing Officer. This letter is in reference to the above captioned Citation issued to Rainforest Farms, LLC on January 17, 2019, for operating a marijuana establishment without a valid license.

I have reviewed your letter of appeal as well as the administrative record in this matter. The review supports that the citing officer, Mr. Nate Watts, Code Compliance Officer for the Community Development Department was within legal authority to issue a citation. Rainforest Farms did not comply with the licensure requirements in CBJ Code 49.65.1205(A).

However, Mr. Watts has also stated that Mr. James Barrett was cooperative during the inspection and immediately took corrective action to pass the inspection. Thus, the citation will be dismissed in lieu of a warning. In the future, please assure that all necessary steps for licensure renewal are completed prior to the end of the applicable calendar year, including scheduling required inspections at least 60 days prior to the end of the calendar year as required by code.

If you have questions or concerns, please do not hesitate to contact me.

Sincerely,

Mila Cosgrove
Deputy City Manager

cc: Nate Watts, Code Compliance Officer



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

January 17, 2019

Parcel No: 5B1201060112
Case No.: ENF2019 003

Rainforest Farms, LLC
P.O. Box 21714
Juneau, AK 99802

CORRECTIVE ORDER

Dear James Barret, Giono Barrett, and Michael Healy

In response to recent inspections and review of your Conditional Use permit USE2016 0005 issued on April 13, 2016 by the Community Development Department finds Rainforest Farms, LLC to be in violation of CBJ Title 49.65.1205 - *License Required*. The license for a marijuana cultivation establishment has not been issued because there are remaining corrections with regards to Condition #16. Your building permit BLD2017 0677 also requires follow up inspection to verify corrections were made as noted from your recent Building Final Inspection on 1/15/2019.

A Corrective Order as described under the City & Borough of Juneau Title 49.65.1225 states

(a) The Director may issue a corrective order whenever a licensee:

- *Has violated any provision of this chapter;*
- *Has failed, refused or neglected to comply with any provision of the license issued under this chapter, any conditional use permit issued for the marijuana establishment, or any provision of Alaska Statute Chapter 17.38 or regulations adopted pursuant to that chapter;*

Review of the Law and the Violations

1. Currently Rain Forest Farms, LLC is operating a Cultivation Marijuana Establishment without a City and Borough valid marijuana establishment license.

49.65.1205 - License required.

(a) No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska.

2. Currently Rain Forest Farms, LLC is engaged in business contrary to the conditions within the Conditional Use Permit requirements outlined under number 16 of USE 2016 0005.

49.65.1210 - Prohibited acts.

(a) It is unlawful for any licensee to engage in business contrary to any term or condition of any City and Borough of Juneau marijuana establishment license or any provision of this article.

3. Rain Forest Farms, LLC made a modification to their approved original camera and floor plan that was provided in their original application. The camera plan was not submitted for review and approval.

49.65.1245 - Marijuana establishment conditional use permits.

(b) If a licensee desires to modify the licensed premises by changes to equipment, increased use, such as in accordance with an approved state license endorsement, or any approved plan, an amendment to the original application and required fee shall be submitted for review and approval.

Corrective Action

- Make corrections to satisfy #16 of your Conditional Use Permit which states: *Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures or other equipment in the processing building and cultivation building.*
- Make corrections identified during your Building Final Inspection stated as:
 - a. Maintain working clearance at electrical panel's width of panel by 3' depth.
 - b. Provide accurate panel directories on both panels.
- Make the above corrections immediately without delay, and contact Community Development for inspections.

Notification of Penalties

THIS CORRECTIVE ORDER is a lawful order of the Community Development Department under CBJ 49.65.1225, and requires your immediate attention and action. Daily citations of \$500 per day per violation may be issued to secure your compliance with this order and with CBJ Title 49, if necessary.

Contesting a Corrective Order

The licensee may request an informal meeting before the director prior to suspension or revocation of the license in order to allow the licensee to contest the grounds for issuance of the corrective order and to provide the licensee the opportunity to provide information to the director relevant to the grounds for the corrective order.

Inspections of Premises

CBJ 49.65.1240 (a) a marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage, available for inspection by the director for the purpose of ensuring compliance with this chapter and any applicable marijuana establishment license. Inspection shall include access to any marijuana or marijuana product on the premises, equipment used in cultivating,

processing, manufacturing, testing or storing marijuana, and the inventory tracking system and business records of the licensee or applicant.

If you have questions regarding this Corrective Order, please contact me at 907-586-0752 between the hours of 8:00 am and 4:30 pm Monday through Friday. If you do not reach me directly you may leave a voicemail message and I will return your call.

Sincerely,

Nate Watts
Code Compliance Officer
(907) 586-0752, Nate.Watts@juneau.org

Encs.

cc: Jill Maclean, Community Development Director
Jane Mores, Law Department
Charlie Ford, Building Code Official

CERTIFICATE OF SERVICE

I certify that on this 17th day of January, ~~2017~~ ²⁰¹⁹ ^W, a true and correct copy of the Corrective Order to Rainforest Farms LLC and was served to the following in the manner selected:

James Barret 5763 Glacier Hwy	☐ <i>Certified mail</i> ☒ <i>Hand Delivered</i> ☐ <i>Facsimile</i> ☐ <i>First Class Mail</i> ☐ <i>Express Mail</i> ☐ <i>Email</i>
	☐ <i>Legal Messenger</i> ☐ <i>Hand Delivered</i> ☐ <i>Facsimile</i> ☐ <i>First Class Mail</i> ☐ <i>Express Mail</i> ☐ <i>Email</i>

By: 

Nate Watts, Code Compliance Officer



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained
- ☒ Floor plan matches what was approved under the CUP
- ☒ Check out alarm system – make sure all windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards
- ☒ Verify safe is installed in a secure room
- ☒ Verify property waste disposal method is in use
- ☒ Check out fertilizers
- N/A ☐ Verify storage of carbon dioxide (also part of Fire Dept. inspection) → may be applicable in 3-6 months
- ☒ Verify carbon filters are installed
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP
- ☒ **Passed inspection**
- ☐ **Incomplete inspection**

Items not complete:

Inspected by: Julie M. Nelson, Planner MJL# 600 0002

Date: 12.21.16



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☒ CBJ and State Licenses (for renewal inspection only)
 - ☒ Health warning
 - ☒ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits
- ☒ Check out alarm system – make sure all exterior windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Check out fertilizers
- ☒ ~~N/A~~ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP
- ☒ **Passed inspection**
- ☐ **Incomplete inspection**

Items not complete:

Inspected by: Allison Edkins, Planner MJL# 02- Rainforest Cultivation

Date: 12/19/17



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. **Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.**

✓ = pass

X = fail

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - CBJ and State Licenses (for renewal inspection only)
 - Health warning
 - Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections. *wall in veg/flower room not matching*
- ☒ Check out alarm system—all exterior windows and doors have an alarm sensors *(result from second inspection different)*
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered *some cameras obstructed*
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP *NOD for USE 16-05 conditions #17 & #16*

For cultivation or processing operations only:

- NA* Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☒ Verify fertilizers used and mold/pet control

☐ PASSED INSPECTION

☒ INCOMPLETE INSPECTION

Items not complete: *Floor plan does not match plans included for USE 16-05.*

Cameras not capturing activity bc lighting, fans, and plant obstructions.

Conditions #16 & #17 in USE 16-05 not met (effective cameras, change battery annually).

- ☐ Complete inspection in 'GOVERN Inspections'
- ☐ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items.
- ☐ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: Amy Liu, Planner MJL# MJL 02

Date: 12/21/18 Attachment B - Supporting Documents



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. **Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.**

For all marijuana establishments:

✓ = pass
X = fail

- ✓ Required signs are present in conspicuous place near main entrance:
 - CBJ and State Licenses (for renewal inspection only)
 - Health warning
 - Consumption and transportation warning
- ✓ Limited access areas are marked
- ✓ Verify visitor log is properly maintained and view that old sheets retained
- ✓ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- X exterior door unlocked and opened w/o alarm
X Check out alarm system –all exterior windows and doors have an alarm sensors
- X Verify security surveillance system is working and all doors/ regular work areas are covered
- ✓ Verify security surveillance system back up system (e.g. generator or batteries)
- ✓ Verify all entry and exit points to the facility are video monitored from inside and out
- ✓ Verify that there is no product visible from the public right-of-way
- ✓ Verify doors and locks meet regulatory standards (commercial grade locks)
- ✓ Verify safe is installed in a secure room
- ✓ Verify an approved waste disposal method is in use
- ✓ Verify carbon filters are installed/no noticeable odor outside building vents
- ✓ Verify ventilation system installed and operational
- X Any additional conditions imposed by CUP *condition #16 for USE 16-05*

exterior door unlocked and opened w/o alarm
some cameras obstructed

For cultivation or processing operations only:

- NA Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ✓ Verify fertilizers used and mold/pet control

☐ PASSED INSPECTION

☒ INCOMPLETE INSPECTION

Items not complete: *Exterior door unlocked & opened w/o alarm. Some cameras obstructed by plants, lights, fan.*

- ☐ Complete inspection in 'GOVERN Inspections'
- ☐ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items.
- ☐ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: Amy Liv, Planner MJL# m JL-02

Date: 1/16/19 Attachment B - Supporting Documents



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

For all marijuana establishments:

- ☐ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☐ Limited access areas are marked
- ☐ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☐ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☐ Verify security surveillance system back up system (e.g. generator or batteries)
- ☐ Verify all entry and exit points to the facility are video monitored from inside and out
- ☐ Verify that there is no product visible form the public right-of-way
- ☐ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☐ Verify safe is installed in a secure room
- ☐ Verify an approved waste disposal method is in use
- ☐ Verify carbon filters are installed/no noticeable odor outside building vents
- ☐ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

For cultivation or processing operations only:

- ☐ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☐ Verify fertilizers used and mold/pet control

☒ **PASSED INSPECTION**

☐ **INCOMPLETE INSPECTION**

Correction Inspection

Items not complete:

- ☐ Complete inspection in 'GOVERN Inspections'
- ☐ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items.
- ☐ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: N. Woltz, Compliance Planner MJL# 002

Date: 1/17/19 Attachment B - Supporting Documents



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

For cultivation or processing operations only:

- ☐ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☐ Verify fertilizers used and mold/pet control

☒ **PASSED INSPECTION**

☐ **INCOMPLETE INSPECTION**

Items not complete:

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items. *NA*
- ☒ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: NWATZ, Planner MJL# 0002

Date: 12/3/19



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
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- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

For cultivation or processing operations only:

- ☐ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☐ Verify fertilizers used and mold/pet control

☒ **PASSED INSPECTION**

☐ **INCOMPLETE INSPECTION**

Items not complete:

- ☐ Complete inspection in 'GOVERN Inspections'
- ☐ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items.
- ☐ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: NOVAH, Code Compliance Planner MJL# 27

Date: 5/19/21

City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date



Expiration Date
December 31, 2016

RAINFOREST FARMS
5763 GLACIER HWY
MJL00000002

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2018



Expiration Date

December 31, 2018

RAINFOREST FARMS
5763 GLACIER HWY
MJL00000002

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 17, 2019



Expiration Date

December 31, 2019

**RAINFOREST FARMS
5763 GLACIER HWY
MJL00000002**

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

City and Borough of Juneau

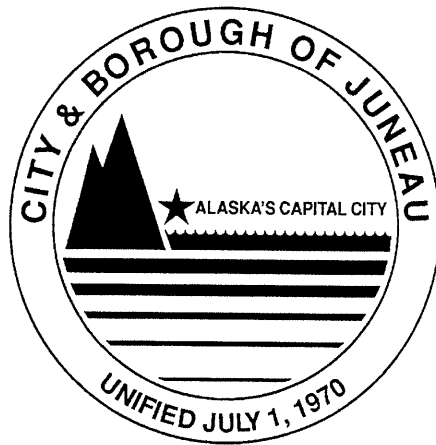
Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2020



Expiration Date

December 31, 2020

RAINFOREST FARMS
5763 GLACIER HWY
MJL00000002

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

City and Borough of Juneau

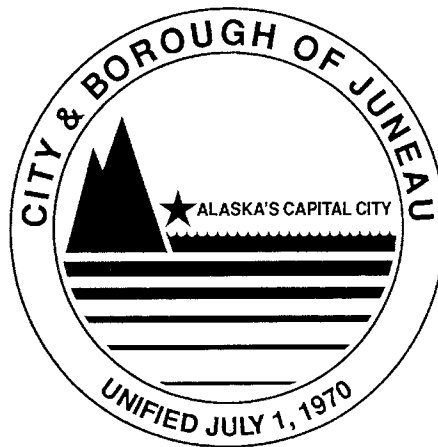
Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

June 08, 2021



Expiration Date

December 31, 2021

TREE LOGIC
5763 GLACIER HWY
MJL00000027

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER 27531

FORM CONTROL MJ-483

MARIJUANA ESTABLISHMENT LICENSE

2020 - 2021

TYPE OF LICENSE: Standard Marijuana Cultivation

RENEWAL APPLICATION DUE BY: 03/30/2021

ISSUE DATE: 05/20/2021

EXPIRATION DATE: 08/31/2021

EFFECTIVE DATE:

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: Stoned Salmon Farms
5763 Glacier Highway
Juneau, AK 99801

Mail Address:

Tree Logic LLC
PO Box 240122
Juneau, AK 99824

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

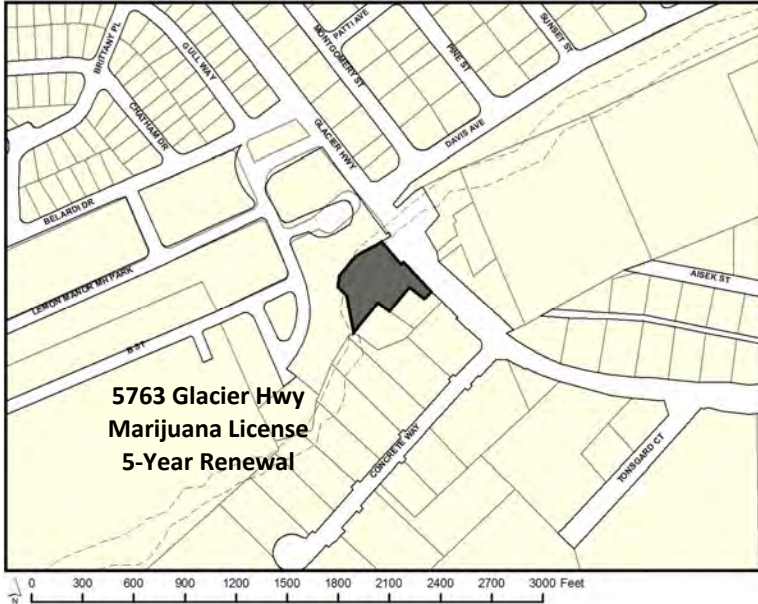
ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD

[Signature]
DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

A **Marijuana Cultivation License 5-Year Renewal** is up for consideration and public hearing by the Planning Commission for **Tree Logic, LLC** at **5763 Glacier Highway** in an **Industrial Zone**.

TIMELINE

Staff Report expected to be posted **Monday, November 1, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through noon, November 8

Comments received during this period will be sent to Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling this case, Joseph Meyers, will also read any written comments that are received. You may also contact him via the phone number listed below.

HEARING DATE & TIME: 7:00 pm, November 9, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/82646379779>. The Webinar ID is: 826 4637 9779. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

November 10

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed October 25, 2021

Case No.: USE2016 0005
Parcel No.: 5B1201060112
CBJ Parcel Viewer: <http://epv.juneau.org>

For more information
NOTICE 586-0715
pc_comments@juneau.org

**Marijuana Cultivation
5-year Renewal**
USE2016 0005

PROPOSAL: Five-year Renewal of a
Special Use Permit for a marijuana
Cultivation facility.

Hearing Date: 11/9/2021





Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: November 17, 2021
Case No.: USE2021 0018/USE2016 0005

Tree Logic
Attn: Casey Wilkins
P.O. Box 240122
Douglas, AK 99824

Proposal: A five-year renewal of Special Use Permit (USE2016 0005) for a marijuana cultivation facility

Property Address: 5763 Glacier Highway

Legal Description: USMS 609 Tract 2A1

Parcel Code No.: 5B1201060112

Hearing Date: November 9, 2021

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 9, 2021, and approved the renewal of a five-year Special Use Permit to be conducted as described in the project description and project drawings submitted with the application.

Attachments: November 1, 2021, memorandum from Joseph Meyers, Community Development, to the CBJ Planning Commission regarding USE2021 0018/USE2016 0005.

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

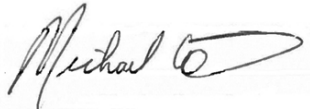
Tree Logic
Case No.: USE2021 0018/USE2016 0005
November 17, 2021
Page 2 of 2

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, November 9, 2021

Expiration Date: The permit will require review five (5) years after the effective date, or November 10, 2026 per CBJ 49.65.1245(e). Application for permit extension must be submitted thirty days prior to the expiration date.

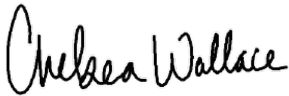
Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.



Michael Levine, Chair
Planning Commission

November 18, 2021

Date



Filed With City Clerk

November 19, 2021

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**

USE2016 0012: A Marijuana Manufacturing License 5-Year Renewal for Top Hat, LLC - (USE2021 0012)
- APPROVED AS RECOMMENDED

AGENDA ITEM:

Case No.: USE2016 0012
Applicant: Top Hat Concentrates, LLC
Location: 2315 Industrial Blvd
Proposal: A Marijuana Manufacturing License 5-Year Renewal for Top Hat, LLC

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow the renewal of a five-year Marijuana Manufacturing Special Use Permit without amended conditions.

ATTACHMENTS:

	Description	Upload Date	Type
▢	Staff Report for USE2016 0012 5-Year Renewal (USE2021 0012)	11/1/2021	Appeal
▢	Notice of Decision for USE2021 0016/USE2021 0012	11/19/2021	Notice of Decision



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

DATE: November 1, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Joseph Meyers, Planner 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a five-year renewal of Special Use Permit (USE2016 0012) for marijuana product manufacturing facility.

STAFF RECOMMENDATION: Approval

KEY CONSIDERATIONS FOR REVIEW:

- Notice of Decision was issued on the original Special Use Permit on May 24, 2016.
- This facility has no infractions on record.
- State Marijuana License #10271 is current; CBJ Marijuana License MJL-008 is current.
- One approved modification was made to this facility through USE2020 0009.
- Passed all administered inspections.

GENERAL INFORMATION	
Property Owner	SeaWeed Ventures, LLC
Applicant	Top Hat Concentrates, LLC
Property Address	2315 Industrial Blvd, Suite B
Legal Description	Mason Industrial Park 2 Lot 7A1
Parcel Number	4B1701080071
Zoning	Industrial
Land Use Designation	Heavy Industrial (HI)
Lot Size	15,148 square feet
Water/Sewer	CBJ
Access	Industrial Boulevard
Existing Land Use	Miscellaneous Commercial
Associated Applications	USE2016 0012; USE2016 0013 (cultivation facility); USE2021 0013 (cultivation extension); USE2020 0009 (modification)
Type of Facility	Product manufacturing

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 49.65.1245
 - o 49.15.330
 - o 49.80

The Commission shall hear and decide the case per 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 (I)	Vacant
South (I)	Miscellaneous Commercial
East (ROW)	Industrial Blvd
West (I)	Miscellaneous Commercial

SITE FEATURES	
Anadromous	None
Flood Zone	Zone X
Hazard	No known
Hillside	None
Wetlands	None
Parking District	None
Historic District	None
Overlay Districts	None

BACKGROUND INFORMATION

Project Description – This application is for a five-year renewal of the Special Use Permit for the Top Hat, LLC Manufacturing facility at 2315 Industrial Boulevard.

One modification was made to this facility through USE2020 0009. This modification shifted 77 square feet of office space to manufacturing space. The shift did not increase the footprint of the facility or change the use of the facility. This modification was approved by the Director on May 5, 2020. The Notice of Decision is available in Attachment B.

Background – The Planning Commission approved a Special Use Permit (USE2016 0012), effective May 24, 2016 to allow a Marijuana product manufacturing facility in the Industrial zoning district with the following conditions:

1. Parking spaces shall meet CBJ 49.40.210(b)(1); 8 spaces including 1 ADA signed space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
2. The applicant shall pass all CBJ Fire Marshall inspections.
3. No offsite glare shall be produced by exterior doorway lights.
4. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
5. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures, or other equipment in the processing building and cultivation building.
6. Security cameras shall have a battery backup system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
7. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational and required signage displayed.

ANALYSIS

CBJ 49.65.1220 establishes the requirements for this renewal.

1. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee.
2. No outstanding corrective orders or enforcement actions.
3. Proof of inspection.10/19..
4. In compliance with the applicable Conditional Use Permit.

Requirement: Has the applicant applied for and remitted the fee for renewal of a Special Use Permit timely?

Analysis: Yes. The application for renewal of USE2016 0012 was received on October 19, 2021 and the fee remitted timely.

Requirement: At least ten days prior to the hearing, notice of the renewal request must be mailed to adjacent property owners. At least two days prior to the hearing, a general notice shall be printed in the newspaper of general circulation in the municipality.

Analysis: Yes. The Public Notice requirements of Title 49 have been met for this renewal.

Requirement: Conditions contained in the Special Use Permit cannot be changed unless the Commission amends or adds conditions to ensure compliance with this title. Have the conditions been changed to ensure compliance with Title 49?

Analysis: No. Conditions placed on the Special Use Permit have not been changed.

PUBLIC COMMENTS

CDD conducted a public comment period between October 8, 2021 and November 9, 2021. 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 public comments were submitted at the writing of this report.

FINDINGS

Special Use Permit Renewal Criteria – Per CBJ 49.15.250, Development Permit Extension, the Director makes the following findings on the criteria for granting the requested Special Use permit extension:

1. ***Was the application for the requested Special Use Permit renewal complete and received timely?***

Analysis: No Further analysis needed.

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

2. ***Have there been any corrective or enforcement issues for this facility in the past five years?***

Analysis: No further analysis required.

Finding: No. There have been no enforcement of corrective issues for this facility in the last five years.

3. *Have all inspections been passed?*

Analysis: No further analysis required.

Finding: Yes. All conducted inspections have been passed.

4. *Are State and CBJ marijuana licenses being maintained current?*

Analysis: State and CBJ licenses are being maintained. Copies of each permit are located in Attachment B.

Finding: Yes. State and CBJ marijuana licenses are current.

5. *Have any modifications been made to the Special Use Permit?*

Analysis: One modification was made to the floor plan of the facility through USE2020 0009. This modified 77 square feet of office space into manufacturing space with no increase in footprint and no change in use.

Finding: No. No major modifications have been made to the Special Use Permit.

6. *Have the conditions of the Special Use Permit been met and maintained?*

Analysis: No further analysis required.

Finding: Yes. The conditions of the Special Use Permit have been met and maintained.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow the renewal of a five-year Marijuana Manufacturing Special Use Permit without amended conditions.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Supporting Documents
Attachment C	Public Notice



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 2315 Industrial BLVD, STE B, Juneau, AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Mason Industrial Park 2 LT 7A1		
	Parcel Number(s) 4-B17-0-108-007-1		
	This property located in the downtown historic district This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner	SeaWeed Ventures, LLC	
	Contact Person	Tracy LaBarge	
	Mailing Address	2315 Industrial BLVD, Juneau, AK 99801	Phone Number(s) 907-723-2004
	E-mail Address	tracy@kingcrabshack.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		10/14/21	
	Landowner/Lessee Signature	Date	
X	_____	_____	
	Landowner/Lessee Signature	Date	
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	Top Hat Concentrates, LLC		
Contact Person	John Nemeth		
Mailing Address	2315 Industrial BLVD, STE B, Juneau, AK 99801	Phone Number(s) 907-290-3433	
E-mail Address	john@thcalaska.com		
X		10/14/21	
	Applicant's Signature	Date of Application	

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

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 	Date Received 10/19/2021
Case Number USE 21-012	



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

5 year review of Conditional Use Permit as required by CBJ code 49.65.1245(e)

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: USE2016-12

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # USE2016-12

☐ NO

UTILITIES PROPOSED

WATER: ☐ Public ☒ On Site

SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 15,148.8 square feet Total Area of Existing Structure(s) 6300 square feet

Total Area of Proposed Structure(s) N/A 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>250</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ _____			
Pub. Not. Sign Deposit	\$ _____			
Total Fee	\$ _____			

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 <u>USE21-012</u>	Date Received <u>10/19/21</u>
---------------------------------	----------------------------------

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

John S Nemeth
Top Hat Concentrates, LLC
2315 Industrial BLVD, STE A
Juneau, AK 99801

October 14, 2021

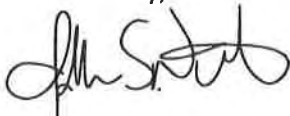
CBJ Planning Commission
155 S Seward St
Juneau, AK 99801

During the last 5 years, Top Hat Concentrates, LLC has performed at an outstanding level. Complying with all state and local laws, and codes. All annual state and CBJ inspections passed with flying colors and annual license renewals completed on time. No infractions reported.

The organization has taken a very active role in our community through numerous donations and volunteering efforts. Our plan is to do even more in the years ahead!

The two cannabis companies on site currently operate as they did on the date of CUP issuance.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Nemeth", written over a horizontal line.

John S Nemeth
President/Owner



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION

NOTICE OF DECISION

Date: May 27, 2016

File No.: USE2016 0012

Seaweed Ventures
2315 Industrial Boulevard
Juneau, AK 99801

Application For: Conditional Use permit for marijuana product manufacturing facility in the Industrial zone.
Legal Description: Mason Industrial Park 2 Lot 7A1
Property Address: 2315 Industrial Boulevard
Parcel Code No.: 4-B17-0-108-007-1
Hearing Date: May 24, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 11, 2016 and approved the development of a marijuana product manufacturing facility at 2315 Industrial Boulevard to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Parking spaces shall meet CBJ 49.40.210(b)(1); 8 spaces including 1 ADA signed space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
2. The applicant shall pass all CBJ Fire Marshall inspections.
3. No offsite glare shall be produced by exterior doorway lights.
4. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
5. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures, or other equipment in the processing building and cultivation building.
6. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
7. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational and required signage displayed.

Attachments: May 11, 2016 memorandum from Chrissy Steadman, Community Development, to the CBJ Planning Commission regarding USE2016 0012.

Genuine Ventures, LLC
 File No.: USE2016 0012
 May 27, 2016
 Page 2 of 2

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 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).

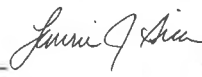
Effective Date: The permit is effective upon approval by the Commission, May 24, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or November 24, 2017 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.

Project Planner:


 Chrissy Steadman, Planner II
 Community Development Department


 Ben Haight, Chair
 Planning Commission


 Filed With City Clerk

June 3, 2016
 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.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: May 11, 2016

TO: Planning Commission

FROM: Chrissy Steadman, Planner II *Chrissy Steadman*
Community Development Department

FILE NO.: USE2016 0012

PROPOSAL: Conditional Use Permit for Marijuana Product Manufacturing Facility in the Industrial Zone

GENERAL INFORMATION

Applicant: Top Hat Concentrates, LLC

Property Owner: Genuine Ventures, LLC

Property Address: 2315 Industrial Boulevard

Legal Description: Mason Industrial Park 2 LT 7A1

Parcel Code Number: 4-B17-0-108-007-1

Site Size: 15,148 square feet

Comprehensive Plan Future Land Use Designation: Heavy Industrial

Zoning: Industrial

Utilities: City water and sewer

Access: Industrial Boulevard

Existing Land Use: Warehouses

Surrounding Land Use:	North	-	Industrial/Vacant
	South	-	Industrial/Auto repair
	East	-	Industrial/Industrial Blvd/Vacant
	West	-	Industrial/Lumber mill

Vicinity Map



ATTACHMENTS

- Attachment A: Conditional Use Permit
- Attachment B: Narrative
- Attachment C: As-Built Survey
- Attachment D: Floor Plan & Security Plan
- Attachment E: Photos of Warehouse
- Attachment F: Extraction Equipment
- Attachment G: Public Comment
- Attachment H: Public Notice

Planning Commission
File No.: USE2016 0012
May 11, 2016
Page 3 of 9

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a marijuana product manufacturing facility in the Industrial Zone.

BACKGROUND

The building to be used for the proposed marijuana cultivation and product manufacturing was originally used for an auto repair business. The structure on the south side of the lot is used for seafood processing and has a caretaker apartment on the second floor. The applicant has stated that an employee of the seafood processing business is currently the caretaker and they intend to only have employees of either facility as caretakers.

The site was granted a Variance in 2001 with VAR2001 00019 to the rear yard setback of 10 feet to 4.3 feet to construct an enclosure that runs between the two buildings. According to the building records, the original two buildings were constructed in 1984.

Two types of marijuana product manufacturing licenses exist under state regulations. Similar to standard cultivation licenses and limited cultivations licenses, applicants may apply for a standard marijuana product manufacturing license, but applicants may also apply for a marijuana concentrate manufacturing facility. This proposal is for a standard marijuana product manufacturing.

Ordinance 2015-38, the Special Use Regulations for Marijuana Establishments, was passed by the Assembly on May 2, 2016 and becomes effective June 2, 2016. This permit will be subject to the regulations contained in that ordinance. The applicant has addressed the marijuana specific Conditional Use Permit application submittal requirements in their application, as demonstrated in the listed attachments to this report.

ANALYSIS

Project Site – The subject lot was platted in 1985 as part of a lot consolidation of lots 7A and 8A. The As-built survey provided in attachment C identifies the original two lots that were later consolidated. The subject lot is 120 feet wide and 126.17 feet in length, totaling 15,148 square feet. The minimum lot size in the Industrial zone is 2,000 square feet.

There are two structures on the lot. The building on the north side of the property is proposed to be used for the marijuana cultivation and product manufacturing facility. There would be no other uses in the structure. That structure is 100 feet by 40 feet. The northern corner of the building is two feet from the rear lot line and the southern rear corner of the building is 2.6 feet from the rear property line.

The second 75 feet by 35 feet structure is located on the southern portion. This northern rear corner of this structure is 4.4 feet from the rear property line and the southern rear corner is 4.5 feet from the rear property line.

Planning Commission
File No.: USE2016 0012
May 11, 2016
Page 4 of 9

Setbacks in the Industrial zone are ten feet on the front and rear yards and zero feet on the side yards. When the buildings were constructed there were no side or rear yard setbacks and there was a twenty foot front yard setback in the Industrial zone. The structures meet those setback requirements and are therefore legally nonconforming. The structure to the north will be renovated for the cultivation and product manufacturing facility. There will be no changes to the footprint of the building. None of the marijuana uses will occur in the structure on the south end of the lot.

Project Design – The existing structure will undergo a major remodel and renovation to accommodate the proposed marijuana facilities. There is a second story that is approximately 700 square feet. To the west of the second floor the warehouse opens back up to a single story. This area is proposed to be used as an indoor loading and storage area accessed by a bay door. While suppliers will be allowed in this area, there will be no access to the rest of the facility where cultivation and product manufacturing will occur. The remaining first floor area will be secure and accessed only by those with a Marijuana Handlers Permit and a company issued Radio Frequency Identification (RFID) Card. The proposed structure currently has three bay doors, two man doors, and two windows on the south facing side. There are two windows on the east facing side. All windows will be removed and walled in. The western most man door and two eastern most bay doors will also be walled in. As previously stated, the third bay door will be used to access the indoor storage and loading area (Attachment E).

The product manufacturing portion of the building is proposed to be on the secure second floor and will occupy approximately 200 square feet of the 700 square foot second story. The second story will also have an office, a mother plant room (see USE2016 0013), a drying room, and packaging area (Attachment D).

The concentrate extraction process is conducted with four pieces of equipment; a CO2 extraction system, round bottom, vacuum oven, and freezer (Attachment F). The CO2 extraction compresses the cannabinoid rich oil out of the plant matter. The remaining plant material is rendered as waste. The extracted concentrate is then placed into the round bottom, a common laboratory system for chemical reactions, to dissolve into alcohol. The remaining substance is then filtered of any remaining plant material and frozen. The final step is to put the concentrate in the vacuum oven for a process typically referred to as “purging”. The remaining alcohol is evaporated from the concentrate and the substance is ready to package.

Traffic – Traffic to and from the site will consist of employees, supply delivery, including the CO2 supplier, and marijuana product deliveries to other locations. Traffic generated by the product manufacturing use will be that of the single employee, scheduled deliveries for CO2 refills, and product delivery off-site.

Planning Commission
File No.: USE2016 0012
May 11, 2016
Page 5 of 9

CO2 canisters would likely be refilled once to twice a month. The applicant owns and operates restaurants and has stated that the same canisters are used for beverages in the restaurant and need to be filled once a month. Other supply delivery will include soil, fertilizers, state required tracking tags, packaging material, and any professional services required of any large warehouse. These types of deliveries are not expected more than once every two weeks.

Parking and Circulation – According to CBJ 49.40.210, the proposed product manufacturing and cultivation facility requires 1 parking space for the office, 2 parking spaces for the cultivation and 1 parking space for the product manufacturing. The other building requires 1 parking space for the caretaker residence and 3 parking spaces for the seafood processing.

CBJ 49.40.210(b)(3) requires that for 1 to 25 parking spaces one space must be ADA accessible. Accessible spaces are required to be 13 feet by 17 feet, including an access aisle that measures 5 feet by 17 feet.

Therefore, the site requires a total 8 parking spaces, one of which is ADA accessible. Standard parking spaces are required to be 8.5 feet by 17 feet and parallel spaces are required to be 6.5 feet by 22 feet. There is space for four standard parking spaces with adequate circulation in front of the south building. Two spaces can be provided on the east side of the north building with two additional parallel spaces provided on the south side of the north building. Therefore, the site has adequate space to provide the required parking.

According to CBJ 49.40.210(c)(1) and (2), the site requires 1 off-street loading space. The off-street loading area is required to be a minimum of 30 feet by 12 feet and 14 feet high. In discussions with staff, the applicant proposes using the space between the two buildings as a loading space. There is also the indoor storage and loading area which will be used in addition to the outdoor loading space. Staff recommends as a condition of approval, that the applicant submit with the building permit plans a parking and circulation plan.

Noise – Noise is not expected to be of concern with the development of the marijuana product manufacturing facility. Surrounding uses include a lumber yard and warehouse adjacent to the west, a printing company adjacent to the south, a vacant lot directly across Industrial Boulevard to the east, two vacant lots adjacent to the north, and auto repair shops to the east, south, southeast. All activity for the concentrate extraction process will take place inside the building. The building will not have any windows and doors will be secure at all times. The HVAC system in the cultivation facility will produce noise within the building, but it is not expected to be audible outside the building. Noise is expected to be less than other uses that may be permitted outright in the Industrial zone.

Lighting – There is an existing downward facing light on the east side of the building which is on through the night. Additional LED flood lights will be added above the entry door and on the

Planning Commission
 File No.: USE2016 0012
 May 11, 2016
 Page 6 of 9

southeast corner of the building. The additional lights will be motion activated.

Public Health or Safety – CO2 will be used to extract the essential oils from the plant. This method is nonflammable and contains no chemical solvents. The matter extracted from the CO2 compressor could be consumed after that initial step. The applicant proposes to use nontoxic products for plant fertilizer and pest control. Therefore, the plant material used for extraction will be clear of any harmful contaminants.

Besides product quality control, security is a concern in the legal marijuana industry. State regulations provide for processes and standards to ensure legal marijuana does not end up in the illegal market, is sold only to those 21 and over, and that licensed marijuana establishments are secure from theft. Ordinance 2015-38 requires that Conditional Use Permit applications include a security plan indicating how the applicant will comply with the requirements imposed by State law. Those requirements include;

- Exterior lighting;
- Security alarm system on exterior doors;
- Continuous video monitoring;
- and,
- Commercial grade door locks on exterior points of entry.

The applicant has included a floor plan indicating where each camera, motion sensor, door sensor, and RFID card reader will be placed as part of the surveillance system. While not required, the applicant intends to use a RFID access system to the facility, adding an additional layer of security with its personnel tracking capabilities.

Staff recommends as condition of approval, that prior to a Certificate of Occupancy, staff conduct a site visit to ensure surveillance system is fully operational and all health and safety signs are displayed.

The proposal identifies the use of filtration, ventilation, pesticides, and sanitation as methods to be used to reduce the chance of mold, mildew, fungus, or pests. As described in the project narrative found in Attachment A, the air handling system provides contaminant filtration as well as odor filtration. Filtered air will exit the building through an exhaust. Samples of marijuana and manufactured product must be tested in a state licensed facility prior to sale. Testing facilities are required to test for harmful contaminants and residual solvents from extraction processes. Therefore, any harmful chemicals or microbial will be detected prior to consumer consumption.

Habitat – No habitat regulated by Title 49 is affected by this proposal. CBJ 49.50.300 requires five percent of the site be maintained with vegetative cover. For this site, 757 square feet of vegetative cover is required. By using aerial photography, staff

Planning Commission
File No.: USE2016 0012
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estimates the vegetative cover to be approximately 995 square feet, or 6.5 percent of the site. Therefore, the minimum vegetative cover requirement is met.

Property Value or Neighborhood Harmony – Existing uses in the neighborhood include several automotive repair shops, a printing company, and a lumber mill. This Use is expected to generate less daily traffic and noise than other uses in the area.

At the time this staff report was due, staff received comments from two community members in support of the proposal (Attachment G). The two letters were not property owners in the neighborhood.

Conformity with Adopted Plans – The subject site is located in Subarea 3 of the 2013 Comprehensive Plan and has a land use designation of Heavy Industrial (HI). According to the HI land use designation definition found on page 149 of the Comprehensive Plan, large scale food production and processing, and other manufacturing processes should be allowed on these lands. The proposed marijuana cultivation facility is a similar type of use.

Staff further reviewed the 2013 Comprehensive Plan for policies that may be relevant to the proposal:

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

The proposed development would help to diversify the economy and is a new business as encouraged by these policies.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

Planning Commission
 File No.: USE2016 0012
 May 11, 2016
 Page 8 of 9

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area;
 or,
3. Not be in general conformity with the Comprehensive Plan, Thoroughfare Plan, or other officially adopted plans.

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?

Yes. Staff finds 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?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 4.220 for the Industrial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 14, 2016 and May 23, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. The applicant has proposed a surveillance and security system that exceeds the minimum state and local regulations. Further, much of the use, aside from employee and other occasional delivery traffic, is contained indoors in a secure facility where non-employees are not permitted.

5. Will the proposed development substantially decrease the value of or be out of harmony

Planning Commission
 File No.: USE2016 0012
 May 11, 2016
 Page 9 of 9

with property in the neighboring area?

No. The use is adjacent to vacant lots and other industrial uses with similar and more intense off-site impacts such as noise and traffic. The proposed marijuana product manufacturing facility will not decrease the value of or be out of harmony with property in the neighborhood.

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

Yes. The development of private businesses in Juneau is supported by the Comprehensive Plan. Further the HI land use designation supports manufacturing uses.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a marijuana product manufacturing facility in the Industrial zone.

The approval is subject to the following conditions:

1. Parking spaces shall meet CBJ 49.40.210(b)(1); 8 spaces including 1 ADA signed space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
2. The applicant shall pass all CBJ Fire Marshall inspections.
3. No offsite glare shall be produced by exterior doorway lights.
4. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
5. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures, or other equipment in the processing building and cultivation building.
6. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
7. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational and required signage displayed.

DEVELOPMENT PERMIT APPLICATION

Project Number USE 16-12	CITY and BOROUGH of JUNEAU	Date Received: 3/30/16
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Marijuana Product Manufacturing Facility		
	PROPERTY LOCATION		
	Street Address 2315 Industrial Blvd	City/Zip Juneau, AK 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Mason Industrial Park, Block 2 Lt 7A1		
	Assessor's Parcel Number(s) 4-B17-0-108-007-1		
	LANDOWNER/LESSEE		
	Property Owner's Name Seaweed Ventures, LLC / Tracy LaBarge	Contact Person: Tracy LaBarge	Work Phone: 907-723-2004
	Mailing Address 2315 Industrial Blvd, Juneau, AK	Home Phone:	Fax Number:
	E-mail Address tracy@kingcrabshack.com	Other Contact Phone Number(s):	
	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	Tracy LaBarge Landowner/Lessee Signature	3/30/16 Date	
X	Landowner/Lessee Signature	Date	
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" and sign and date at X below			
Applicant's Name John S. Nemeth (Top Hat Concentrates) LLC		Contact Person: SAME	
Mailing Address 406 S. Franklin St, Juneau, 99801		Home Phone: 313-318-5322	
E-mail Address john@thealaska.com		Fax Number:	
Other Contact Phone Number(s):			
X	John S. Nemeth Applicant's Signature	3/30/16 Date of Application	

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	☒	Permit Type	Sign	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	☒	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	✓	3/30/16	USE 20160012
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
Comments:					Permit Intake Initials JKL

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received																																	
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED ☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW) ☒ Use Listed in §49.25.300 (USE) (Table of Permissible Uses) Please list the Table of Permissible Uses Category: <u>Marijuana Product 4.220</u> <u>Manufacturing Facility</u> ***An Accessory Apartment Application will also be required.																																				
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. <u>Marijuana product manufacturing facility</u>																																				
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES - Case # _____																																				
CURRENT USE OF LAND OR BUILDING(S): <u>Commercial machine shop</u>																																				
PROPOSED USE OF LAND OR BUILDING(S): <u>Marijuana product manufacturing with commercial marijuana cultivation</u>																																				
UTILITIES PROPOSED: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																																				
SITE AND BUILDING SPECIFICS: Total Area of Lot <u>15,148</u> square feet Total Area of Existing Structure(s) <u>7360</u> square feet Total Area of Proposed Structure(s) _____ 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																																				
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST: ☒ Site Plan ☒ Floor Plan of proposed buildings ☒ Elevation view of existing and proposed buildings ☒ Proposed Vegetative Cover ☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☒ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)																																				
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.		ALLOWABLE/CONDITIONAL USE FEES																																		
		<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:40%;"></th> <th style="width:10%;">Fees</th> <th style="width:10%;">Check No.</th> <th style="width:10%;">Receipt</th> <th style="width:10%;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ <u>350</u></td> <td>_____</td> <td><u>007854</u></td> <td><u>3/30/16</u></td> </tr> <tr> <td>Admin. of Guarantee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ <u>50</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$ <u>100</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ <u>500</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>			Fees	Check No.	Receipt	Date	Application Fees	\$ <u>350</u>	_____	<u>007854</u>	<u>3/30/16</u>	Admin. of Guarantee	\$ _____	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Pub. Not. Sign Fee	\$ <u>50</u>	_____	_____	_____	Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____	_____	Total Fee	\$ <u>500</u>	_____
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Total Fee	\$ <u>500</u>	_____	_____	_____																																

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

THC Alaska, LLC

2315 Industrial BLVD • Juneau, AK 99801 • Phone: 313.318.5322

*Mail: john@thcalaska.com

CBJ Conditional Use Permit Application for Top Hat Concentrates, LLC: Narrative and Site Plan, 3/28/2016

RECEIVED

MAR 30 2016

PERMIT CENTER/CDD

1 CBJ CUP PERMIT APPLICATION FOR TOP HAT CONCENTRATES, LLC

CONTENTS

-Business Structure & Operations

-Extraction Overview

-Site Construction / Development

-Safety & Security

-Equipment / HVAC Specs

-Site Plan & Drawings

-Attachments

BUSINESS & OPERATIONS

Top Hat Concentrates, LLC is comprised of three individuals, John S Nemeth, Benjamin Wilcox, and Tracy LaBarge, licensed by the State of Alaska and managed by JBT Development, LLC. The company seeks a Conditional Use Permit for a marijuana product manufacturing facility (table of permissible uses code 4.220). CEO John S Nemeth will oversee the company and VP Benjamin Wilcox will manage cultivation. Top Hat Concentrates, LLC strives to be the best cannabis extraction company in North America with the highest regard for quality production and the environment. The extracts produced under our own label will be Co2 extracted, free of chemical pesticides, and will always be Vegan/Organic. This company and its' equipment will be in secured access room inside the cannabis cultivation facility, Top Hat, LLC. Top Hat Concentrates, LLC will extract for Top Hat Cannabis, LLC as well as other properly licensed facilities within the CBJ.

EXTRACTION PROCESS

When you hear the word "extraction" or "processing" of cannabis what that is referring to in the case of Top Hat Concentrates, LLC is removing the cannabinoids (THC, CBD, CBG...) from the plant material. This process is extremely safe and requires a special closed loop botanical extractor and Co2 (the same substance used to carbonate your favorite soft drink). The extractor uses the compressed gas to remove the cannabinoids from the plant material. This is the same process used by other companies to make essential oils, perfumes, and other extracts. We chose the more expensive Co2 method to keep our cannabis, and others who use our extraction company, as healthy as possible. Co2 for the process is brought to the facility by a beverage gas supply company in the form of 60lb refillable tanks that attach to the side of the extractor.

After the product is extracted it goes through what's known as a winterization process. Simply stated this the process that stabilizes the product and separates any remaining plant material. Co2 extracted product is placed in a round bottom (same as you'd find in any lab) and dissolved into alcohol. This substance is then frozen in a laboratory freezer, filtered, and then placed in a laboratory vacuum oven to remove any remaining alcohol from the extraction. What you're left with is a clean THC/CBD product free of plant material that is ready to be used as is, placed in vaporizer cartridges, edibles, or capsules.

Alcohol is the only flammable and potentially dangerous substance in the entire facility (aside from a few house hold cleaners). Being that there are no open or any flames in the facility. Alcohol is just as safe to have around as it is in doctor's offices, hospitals, and art studios.

USE OF SITE

The extraction room will utilize approx. 200sqft in total of an existing structure located on lot 8A of the parcel 4-B17-0-108-007-1 in the Mason Industrial Park #2 (GPS coordinates 58.3664 (lat), -134.605 (long), zoned industrial) at 2315 Industrial Blvd, Juneau, AK 99801. The structure will be permitted and constructed to reflect the plans attached here following all State and CBJ guidelines for such facilities. Growing areas use approx. 1824 of the available 3000 square feet. The processing facility is located in a secure area behind a secured RFID access only door. During the expected operating hours of 8am - 12am the extraction facility will have 1, maybe 2 people working in the room at a time. ALL employees will be documented in accordance to State and Federal Law and possess marijuana handling certifications on their person at all times. There will also be photocopies of all employees' cards in the office.

Electrical usage for the extraction room has been factored into the electrical plan/upgrade for Top Hat, LLC. The entire building will be 480amp 3 phase and the extraction room will use 125 of those amps.

Parking for up to 8 vehicles will be provided on the south and east side of the structure.

Cooling will come from a "dry cooler" a majority of the time. Utilizing the cool ambient temperatures in Juneau as it's cooling source this makes for a very efficient, energy saving system. The system is ductless and connected by pipes vs. traditional ducting. All condensation water will be collected by dehumidification equipment and then re-used for watering plants.

Aiding in pest/microbial prevention the system is equipped with an Airoclean Microbial Environmental Control Kit. Similar to what's used in hospitals.

SUMMARY

Top Hat Cannabis, Top Hat Concentrates, and Kannavi will operate together as vertically integrated Alaskan cannabis companies operated by JBT Development, LLC. The primary goal is to produce the world's best and safest cannabis products, but education, medical research, and philanthropy are key drivers of success for the group. Through our educational programs at Kannavi, continued partnerships in medicine & lab research, and commitment to give back to numerous groups in the local community; current generations and businesses of other industry in the future to come will look up to our practices and business model.

We look forward to driving a successful future for Juneau and the cannabis industry!

*Top Hat, LLC; Top Hat Concentrates, LLC; Kannavi, LLC; and JBT Dev., LLC are all registered and trademarked entities by THC Alaska, LLC. Use of names or any proprietary information other than for the purpose of this application within this document is unlawful.

John S Nemeth
Owner/President
313.318.5322

john@thc-alaska.com

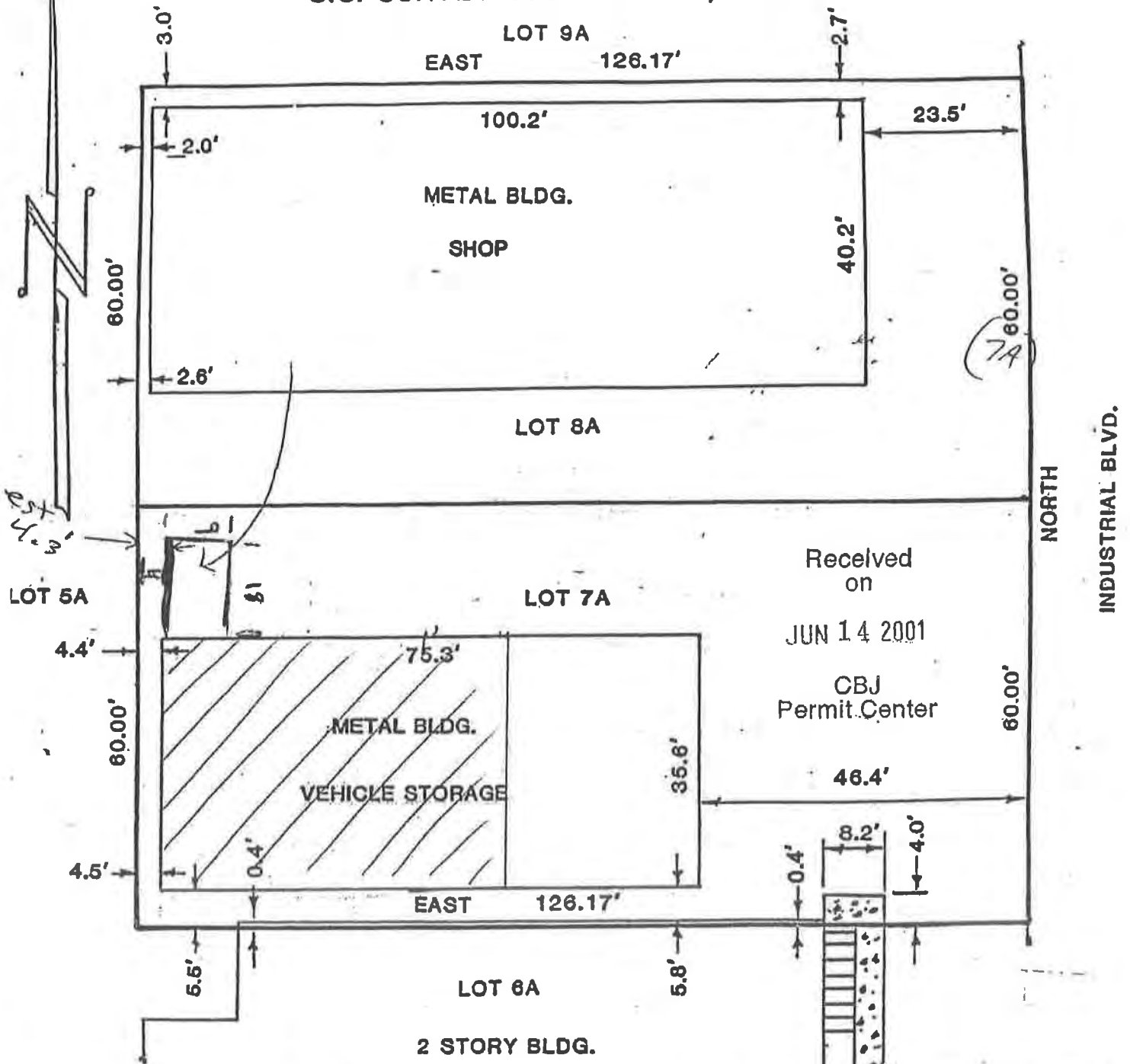
Benjamin Wilcox
Owner/Vice President
907.419.0065

ben@thc-alaska.com

Tracy LaBarge
Owner/ Secretary Treasurer
907.723.2004

tracy@thc-alaska.com

ASBUILT OF LOTS 7A & 8A MASON INDUSTRIAL PARK No. 2
U.S. SURVEY 1042 JUNEAU, ALASKA



4-617-0-108-007
008

CERTIFICATE OF REGISTERED LAND SURVEYOR

I hereby certify I am a registered professional land surveyor and that this plat represents the survey made by me or under my direct supervision and that all dimensions, encroachments, easements and other details are correct to the best of my knowledge.

Date: Jan 28, 1985

Attachment C

Attachment A - Application Packet



SCALE 1" = 20'
Received on

JUN 29 2001
VAR2001-00019
Attachment A

KEOPPLE SURVEYS
P.O. BOX 2758
JUNEAU, ALASKA 99803



Fully Automated Control System

- Touch Screen -Web Enabled
- No additional hardware or CPU needed

Quick Opening Hinged
Screw Closure
Faster setup between runs

Diaphragm Pumping System

- Single Phase 220v
- No Air Compressor Needed

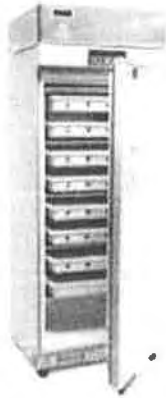
Built in leveling feet
with weight indication

Compact recirculating
water chiller/heater
Single unit multipurpose use

Cold Separation Valveless Expansion

- Prevents heat breakdown -Minimize down time
- Better terpene preservation

2000-5Lx5LD Complete Subcritical/Supercritical CO2
Extraction System



HELIX® FREEZERS

We provide small (5 cu ft) or large (10 cu ft) -20°C freezers, and a -80°C ultra-low-temperature freezer option.

Small Biomedical Freezer			›
Large Biomedical Freezer			▼
Attribute	Specification (Imperial)	Specification (Metric)	
External Dimension	71H x 24W x 27D in	180.4H x 61W x 66D cm	
Internal Dimension	49H x 19.5W x 15D in	124.5H x 49.5W x 38D cm	
External Space	71H x 24W x 15D in Place 3" from back wall and 21" from front wall	180.4H x 61W x 66D cm Place 76mm from back wall and 534mm from front wall	
Volume	8.3 ft ³ (Usable)	91 L	
Weight	200 lbs	91 kg	
Electrical Input	120VAC, 60Hz, 1.00A 240VAC, 50Hz, 0.50A		
Electrical Output	120VAC, 60Hz, 10A (10A only if connected device has its own power protection) 240VAC, 50Hz, 5A (5A only if connected device has its own power protection)		
Power Consumption	180W max		
Battery	12VDC, 1.3A, Sealed lead acid, qty 2		
Security Device	Electromagnetic Lock		
Access Control	EM4102/EM4200 Proximity Reader		
Environmental Protection	IPXO		
Sound Level	37dB		



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Equipment

[Home](#) [Equipment](#) [Coldfinger™ Units](#)



Double click on above image to view full picture

MORE VIEWS

Coldfinger™ Professional Round Bottom

[Email this Extraction System to a Friend](#)
[Be the first to review this product!](#)

Product Description

The Professional Round Bottom unit performs the same functions as the standard Professional unit with the added benefit of being able to pull a deep vacuum. The use of vacuum enables the user to distill at much lower temperatures and do extractions much faster. The unit comes complete with an integrated cold trap to capture solvent vapors and return the solvent to the main flask. It also comes with a high quality vacuum pump which pulls a vacuum of 20 microns and a CFM of 4, and a heating mantle with controls.

The use of vacuum enables distillation at low temperatures and creates faster extraction. Integrated cold trap captures solvent vapors and recirculates to the main flask.

12L capacity - 1.5L of herb

22L capacity - 2.25L of herb

50L capacity - 5.6L of herb

Please choose size below.



SVAC4 SHEL LAB Vacuum Oven, 4.5 Cu.Ft. (127 L)

Request Info

SHEL LAB vacuum ovens provide exceptional capabilities for fast and gentle drying of heat sensitive materials. They prevent residue accumulation on products and also allow safe drying of materials at lower temperatures than typically required when using convection ovens. All SHEL LAB vacuum ovens are built with a stainless steel chamber for exceptional durability. Our double plenum design meets CE safety requirements resulting in a cool outer surface. Our unique cross-flow ventilation forces inert gas to fill the entire chamber. To achieve required vacuum levels, users can choose from a 3/8 inch orifice or a KF25 fitting to withstand heavy use and minimize draw-down time. *Maximum permitted end vacuum is 10 mTorr. Leak rate is 10 mTorr per hour.*

The doors on these units have positive latch handles with spring-loaded glass to facilitate a good vacuum seal without hinge binds that shorten the gasket life. The tempered glass window allows for safe, continuous monitoring of samples.

The SHEL LAB Vacuum Ovens are equipped with silicone gaskets. While these gaskets resist a wide variety of temperatures and pressures, they can breakdown in the presence of solvents and acids. For solvent applications, we recommend using Buna gaskets. For acidic applications, we recommend using Fluorosilicone or Viton® gaskets.

For more information about the gaskets we offer, see our [Vacuum Oven Gasket Guide](#)

Please note that this vacuum oven does not include a pump or related accessories. Contact your SHEL LAB distributor for assistance with choosing the ideal pump and accessories for any application.

The SHEL LAB family of vacuum ovens are outstanding in any application.
Features include:

Watlow Controller Capable of 40 Step Ramp And Soak Profiles, Or 4 Files With 10 Steps Per File

Cross Ventilation Air Flow Design

Achieve Impressive Vacuum Levels

Sizes Range from 0.6 – 9 Cu.Ft.

Built-In Overtemperature Protection

24 Month Limited Warranty

Emily A. Kane, ND LAc

Naturopathic Doctor

Alaska License N° 22

May 5 2016

Licensed Acupuncturist

Alaska License N° 18

Dear Members of the CBJ Assembly and Planning Commission,

I am writing in support of the ongoing development of a wide variety of hemp and cannabis products in Juneau and state-wide. In particular I'm deeply interested in the therapeutic benefits of CBD, the non hallucinogenic phytocannabinoid, cannabidiol. I have seen positive responses to relatively low doses of CBD for insomnia, anxiety, mild to moderate depression, obsessive compulsive disorders, including eating disorders, which are notoriously difficult to treat, and pain. There is a large body of published research validating the medical uses of marijuana, particularly in the areas of managing pediatric epilepsy, and mitigating cancer pain and cancer growth.

As you are aware we are experiencing an epidemic of opioid abuse, leading to more overdose deaths than fatal car accidents in the US in the past months. CBD has no potential for addiction. It is a very exciting medicine and despite the US being nearly 70 years behind in scientific research because of years of unfortunate vilification of this beautiful and useful plant -- these barriers are lifting all over the country. Alaska, and Juneau, is poised to be a leader in moving forward with all things hemp. I applaud the work of the Assembly in carrying out the will of CBJ voters, which will not only bring jobs and revenue diversification to Juneau, but help stem the tragedies engendered by abuse of heroin, meth and alcohol.

The commercial leaders in the cannabis arena in Juneau are stellar citizens, mostly well known to you. Tracy LaBarge is arguably the most popular and steady restaurant owner in Juneau and has provided not only great dining options for the Borough for decades, but employs many people including younger folk during the summer months. John Nemeth, who has a background in restaurant development and urban planning, has been part of our community for only a few years but brings a great deal of business acumen to the Downtown Business Association Infrastructure Committee and plays an active role in DIG. He looks forward to being a generous contributor to the CBJ school district, and working with physicians to improve understanding of the therapeutic potential of cannabis. The third major partner is Ben Wilcox, a 20+ year Juneau resident who is passionate, as am I, about reducing the dependency on addictive substances we are witnessing in Juneau.

I recently heard JPD office Chris Sell say on the radio that to solve the heroin problem in Juneau we can't just focus on supply. We need to look at the demand side. Why are folks in such pain that they are willing to wreck their lives with quickly addictive substances? Cannabis is also known as "ditch weed." It grows easily, all over the world. It is an incredible gift from nature that can produce rope, clothing, fiber, animal feed, and gentle effective medicine. Moving forward with the cannabis industry is win-win-win. Please feel free to contact me if you are interested in scientific studies attesting to the healing powers of cannabis, particularly CBD, in an astonishing array of human ailments.

Sincerely,



Dr Emily A Kane

418 Harris Street, Suite 329 Juneau, AK 99801

Phone: 907-586-3655 FAX: 907-586-4326 email: DrEmilyKane@gmail.com

Attachment G

Attachment A - Application Packet

May 9, 2016

Dear Ladies and Gentlemen of the Juneau Assembly,

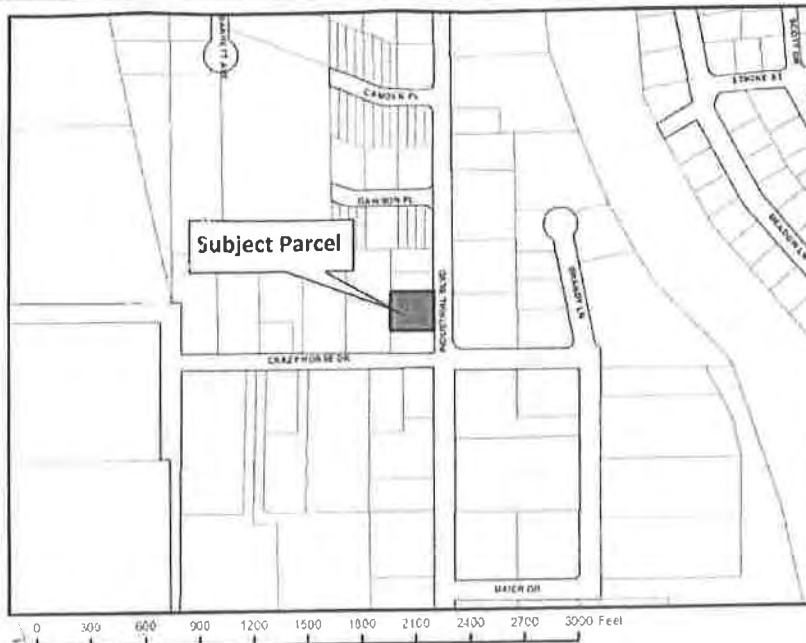
As a downtown retail store owner for nearly twenty years, I fully support the business plans and ideas of THC Alaska. John Nemeth, Tracy LaBarge and Benjamin Wilcox not only each have proven track records in creative concepts, but are also community members who care about the economic and social wellness of Juneau. This thoughtful, bright, focused team will spearhead a respectable, responsible cannabis business that I know I can feel comfortable with as a downtown neighbor and Juneau can be proud of as a top-notch operation.

Sincerely,

A handwritten signature in black ink, appearing to read "Tanja Cadigan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

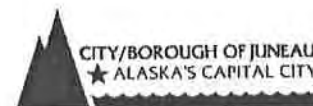
Tanja Cadigan
Caribou Crossings

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSALS: USE2016 0012: Conditional Use permit for marijuana product manufacturing facility in the Industrial zone.
USE2016 0013: Conditional Use permit for marijuana cultivation in the Industrial zone.

File No:	USE2016 0012 and USE2016 0013	Applicant:	Top Hat Concentrates, LLC.
To:	Adjacent Property Owners	Property PCN:	4-B17-0-108-007-1
Hearing Date:	May 24, 2016	Owner:	Seaweed Ventures, LLC
Hearing Time:	7:00 PM	Size:	15,148 Square Feet
Place:	Assembly Chambers	Zoned:	I - Industrial
	Municipal Building	Site Address:	2315 Industrial Boulevard
	155 South Seward Street	Accessed Via:	Industrial Boulevard
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Christine Steadman at Christine.Steadman@juneau.org or 586-0761.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Date notice was printed: April 21, 2016



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained
- ☒ Floor plan matches what was approved under the CUP
- ☒ Check out alarm system – make sure all windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries) *Industrial Blvd has back up through AELP*
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards
- ☒ Verify safe is installed in a secure room
- ☒ Verify property waste disposal method is in use
- ☒ Check out fertilizers
- ☒ Verify storage of carbon dioxide (also part of Fire Dept. inspection) *N/A*
- ☒ Verify carbon filters are installed
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP
- ☒ **Passed inspection**
- ☐ **Incomplete inspection**

Items not complete:

Inspected by: Chris A. Steadman Planner MJL# 05. 07

Date: 4/27/16



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☐ Required signs are present in conspicuous place near main entrance:
 - ☒ CBJ and State Licenses (for renewal inspection only) *needs name change*
 - ☒ Health warning
 - ☒ Consumption and transportation warning
- ☒ Limited access areas are marked *All of area.*
- ☒ Verify visitor log is properly maintained
- ☒ Floor plan matches what was approved under the CUP *- bit of a change - Check & D permit - BLD permit approved change in floor plan.*
- ☒ Check out alarm system – make sure all exterior windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards
- ☒ Verify safe is installed in a secure room *- In hallway.*
- ☒ Verify property waste disposal method is in use *- self compost - stored inside.*
- ☒ Check out fertilizers *Just compost -*
- ☒ Verify storage of carbon dioxide (also part of Fire Dept. inspection) *- no CO2 system installed*
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents *- few room air tight? No filters.*
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP *- Parking aisle is not clear. - was also meant to be available for loading zone.*
- ☒ Passed inspection
- ☒ Incomplete inspection

Items not complete: NOT NECESSARY FOR LICENSE, BUT... will be reviewed AGAIN FEB 2018 at which point area must be cleared.
 RENEWAL

- Parking aisle must remain clear at all times.
- ADA space to be reserved for ADA users. - should have been van-accessible

Inspected by: T. [Signature] Planner MJL# 07 208

Date: 12/6/17



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits
- ☒ Check out alarm system – make sure all exterior windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Check out fertilizers
- ☒ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

- ☒ **Passed inspection**
- ☐ **Incomplete inspection**

Items not complete:

Inspected by: A. Eddins, Planner MJL# 08

Date: 12/12/18



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. *Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.*

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☒ CBJ and State Licenses (for renewal inspection only)
 - ☒ Health warning
 - ☒ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system—all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out *ADDED camera plan because we didn't have copy.*
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

For cultivation or processing operations only:

- ☐ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☐ Verify fertilizers used and mold/pet control

☒ PASSED INSPECTION

☐ INCOMPLETE INSPECTION

Items not complete:

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- ☒ Work with business owner to address incomplete items.
- ☐ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: N. Watts, Planner MJL# 008

Date: 10-22-17

CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
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- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
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- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible form the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

For cultivation or processing operations only:

- ☒ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☒ Verify fertilizers used and mold/pet control

☒ **PASSED INSPECTION**

☐ **INCOMPLETE INSPECTION**

Items not complete:

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items. *NA*
- ☒ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: N. Watts, Planner MJL# 07 08

Date: 11/4/20

City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Manufacturing

Effective Date

January 01, 2018



Expiration Date

December 31, 2018

TOP HAT CONCENTRATES LLC

2315 INDUSTRIAL BLVD

MJL000000008

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Manufacturing

Effective Date

January 01, 2019



Expiration Date

December 31, 2019

TOP HAT CONCENTRATES LLC
2315 INDUSTRIAL BLVD
MJL000000008

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City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Manufacturing

Effective Date

January 01, 2020



Expiration Date

December 31, 2020

TOP HAT CONCENTRATES LLC
2315 INDUSTRIAL BLVD
MJL000000008

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City and Borough of Juneau

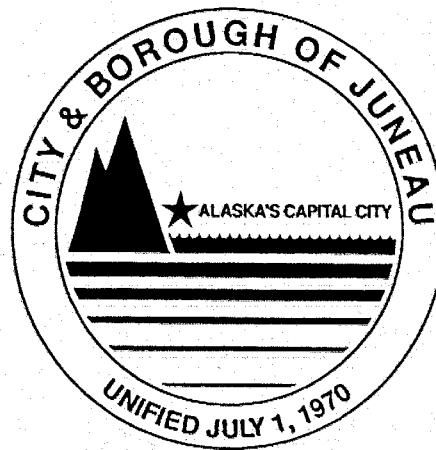
Community Development Department

Marijuana Establishment Business License

Manufacturing

Effective Date

January 01, 2021



Expiration Date

December 31, 2021

TOP HAT CONCENTRATES LLC

2315 INDUSTRIAL BLVD

MJL000000008

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This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER 10271

FORM CONTROL MJ-340

MARIJUANA ESTABLISHMENT LICENSE

2018 - 2019

TYPE OF LICENSE: Marijuana Product Manufacturing

RENEWAL APPLICATION DUE BY: 6/30/2019

ISSUE DATE: 08/17/2018

EXPIRATION DATE: 08/31/2019

EFFECTIVE DATE: 08/17/2018

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: Top Hat Concentrates, LLC
2315 Industrial Boulevard, Suite B
Juneau, AK 99801

Mail Address:

Top Hat Concentrates, LLC
P.O. Box 20842
Juneau, AK 99801

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD

Erika McConnell

DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10271**

FORM CONTROL MJ-100

MARIJUANA ESTABLISHMENT LICENSE

2019 - 2020

TYPE OF LICENSE: Marijuana Product Manufacturing

RENEWAL APPLICATION DUE BY: 6/30/2020

ISSUE DATE: 08/22/2019

EXPIRATION DATE: 08/31/2020

EFFECTIVE DATE: 08/22/2019

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: Top Hat Concentrates LLC
2315 Industrial Blvd., Suite B
Juneau, AK 99801

Mail Address:

Top Hat Concentrates, LLC
PO BOX 20842
Juneau, AK 99801

This license cannot be transferred without permission
of the Marijuana Control Board

☒ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD

Erika McConnell

DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - MARIJUANA CONTROL BOARD
FORM CONTROL MJ-128

LICENSE NUMBER 10271

MARIJUANA ESTABLISHMENT LICENSE

2020 - 2021

TYPE OF LICENSE: Marijuana Product Manufacturing

RENEWAL APPLICATION DUE BY: 6/30/2021

ISSUE DATE: 08/31/2020

EXPIRATION DATE: 08/31/2021

EFFECTIVE DATE: 08/31/2020

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: Top Hat Concentrates, LLC
2315 Industrial Blvd., Suite B
Juneau, AK 99801

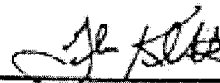
Mail Address:

Top Hat Concentrates, LLC
P.O. Box 20842
Juneau, AK 99801

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD



DIRECTOR

Attachment B - Supporting Documents

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES



**COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR
NOTICE OF DECISION**

Date: May 6, 2020
File No.: USE2020 0009

ATTN: John S. Nemeth
Top Hat Concentrates, LLC
2315 Industrial Blvd, Suite B
Juneau, AK 99801

Proposal: Modifying 77 square feet of office space into manufacture space. No overall increase in area or change in uses.

Property Address: 2315 Industrial Blvd

Legal Description: Mason Industrial Park 2 Lot 7A1

Parcel Code No.: 4B1701080071

Hearing Date: None: Director Approval per 49.15.220(1)

The Director adopted the analysis and findings listed in the attached memorandum dated May 1, 2020, and APPROVED the modification of 77 square feet of office space into manufacture space, to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Parking spaces on the lot shall meet CBJ 49.40.210(b)(1): 8 spaces including 1 ADA van-accessible signed space shall be marked and maintained. (Same as Condition 1 in USE16-12 and USE16-13).
2. No offsite glare shall be produced by exterior doorway lights. (Same as Condition 3 in USE16-12 and USE16-13).
3. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building. (Same as Condition 4 in USE16-12 and USE16-13).
4. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures, or other equipment in the processing building and cultivation building. (Same as Condition 5 in USE16-12 and USE16-13).

Top Hat Concentrates LLC
 File No.: USE2020 0009
 May 6, 2020
 Page 2 of 2

5. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually. (Same as Condition 6 in USE16-12 and USE16-13).

Attachments: May 1, 2020, memorandum from Irene Gallion, Community Development, to the CBJ Community Development Director regarding USE2020 0009.

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 Director. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110(a). Appeals must be filed by 4:30 P.M. on the day twenty days from the date of the decision, pursuant to CBJ 49.20.110(a). Any action by the applicant in reliance on the decision of the Director shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.110(b)).

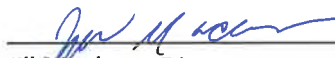
Effective Date: The permit is effective upon approval by the Director, May 5th, 2020.

Expiration Date: The permit will expire 18 months after the effective date, or November 5, 2021, 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.

Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) 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.

Project Planner:


 Irene Gallion, Planner
 Community Development Department

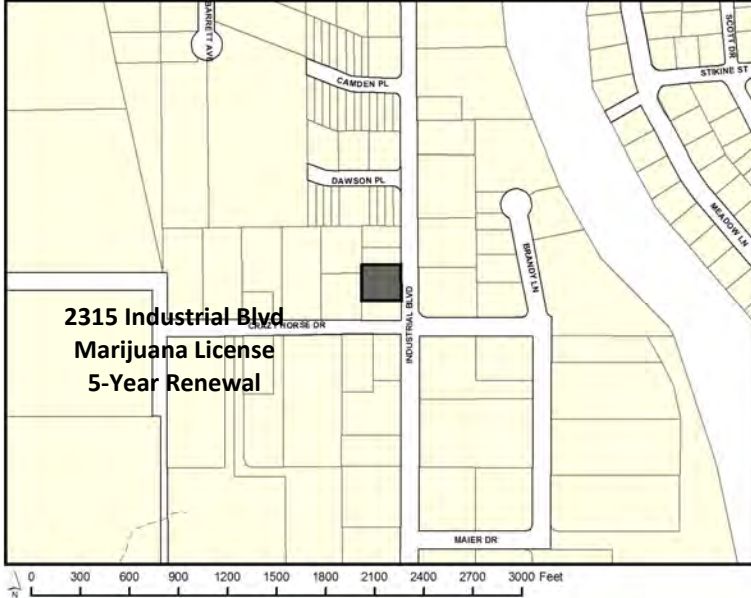

 Jill Maclean, Director
 Community Development Department

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.

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:

**2315 Industrial Blvd
Marijuana License
5-Year Renewal**

A Marijuana Manufacturing License 5-Year Renewal and a Marijuana Cultivation License 5-Year Renewal are up for consideration and public hearing by the Planning Commission for **Top Hat, LLC** at **2315 Industrial Boulevard** in an **Industrial Zone**.

TIMELINE

Staff Report expected to be posted **Monday, October 18, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through Oct. 4

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

Oct. 5 — noon, Oct. 25

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

HEARING DATE & TIME: 7:00 pm, October 26, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/89613819418>. The Webinar ID is: 896 1381 9418. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

October 27

The results of the hearing will be posted online.

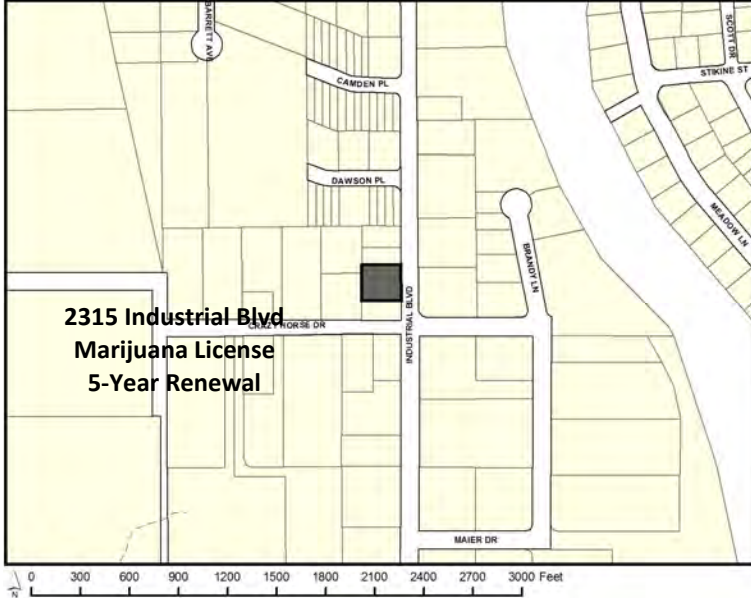
Phone: **(907)586-0715** ♦ Email: pc_comments@juneau.org
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed September 24, 2021

Case No.: USE2016 0012; USE2016 0013
Parcel No.: 4B1701080071
CBJ Parcel Viewer: <http://epv.juneau.org>

Revised Notice

Re: Marijuana Retail & Cultivation License 5-Year Renewals
Hearing Rescheduled



155 S. Seward Street Juneau, Alaska 99801

TO:

**2315 Industrial Blvd
Marijuana License
5-Year Renewal**

POSTPONED

You are receiving this notice regarding applications being heard by the Planning Commission for a **Marijuana Manufacturing License 5-Year Renewal** and a **Marijuana Cultivation License 5-Year Renewal** for **Top Hat, LLC** at **2315 Industrial Boulevard**. Originally, the hearing was set for October 26, 2021. The hearing has been rescheduled for **November 9, 2021**.

TIMELINE

Staff Report expected to be posted **Monday, November 1, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through noon, November 8

Comments received during this period will be sent to Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling these cases, Joseph Meyers, will also read any written comments that are received. You may also contact him via the phone number listed below.

HEARING DATE & TIME: 7:00 pm, November 9, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/82646379779>. The Webinar ID is: 826 4637 9779. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

November 10

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed October 22, 2021

Case No.: USE2016 0012; USE2016 0013
Parcel No.: 4B1701080071
CBJ Parcel Viewer: <http://epv.juneau.org>



2315
A & B



PUBLIC NOTICE

**BAYLISMAN
MANUFACTURING
& CULTIVATION**

Baylisman Manufacturing & Cultivation
is a proposed new business and
manufacturing facility located at
2315 A & B, Baylisman, Ontario.
HEARING DATE
11/19/2021

For more information, please contact
the Planning Department at 905-882-2200
ext. 2200 or visit the website at
www.baylisman.ca



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: November 17, 2021
File No.: USE2021 0012/USE2016 0012

Top Hat Concentrates, LLC
Attn: John Nemeth
2315 Industrial Blvd
Juneau, AK 99801

Proposal: A five-year renewal of Special Use Permit (USE2016 0012) for marijuana product manufacturing facility.

Property Address: 2315 Industrial Boulevard

Legal Description: Mason Industrial Park 2 Lot 7A1

Parcel Code No.: 4B1701080071

Hearing Date: November 9, 2021

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 1, 2021, and approved the renewal of a five-year Special Use Permit to be conducted as described in the project description and project drawings submitted with the application.

Attachments: November 1, 2021, memorandum from Joseph Meyers, Community Development, to the CBJ Planning Commission regarding USE2021 0012/USE2016 0012.

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

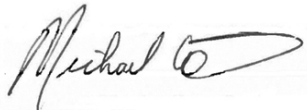
Top Hat Concentrates, LLC
 File No.: USE2021 0012/USE2016 0012
 November 17, 2021
 Page 2 of 2

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, November 9, 2021

Expiration Date: The permit will require review five (5) years after the effective date, or November 10, 2026 per CBJ 49.65.1245(e). Application for permit extension must be submitted thirty days prior to the expiration date.

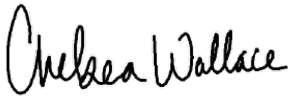
Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.



Michael Levine, Chair
 Planning Commission

November 18, 2021

Date



Filed With City Clerk

November 19, 2021

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**

USE2016 0013: A Marijuana Cultivation License 5-Year Renewal for Top Hat, LLC - (USE2021 0013) -
APPROVED AS RECOMMENDED

AGENDA ITEM:

Case No.: USE2016 0013
Applicant: Top Hat Concentrates, LLC
Location: 2315 Industrial Blvd
Proposal: A Marijuana Cultivation License 5-Year Renewal for Top Hat, LLC

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow the renewal of a five-year Marijuana Cultivation Special Use Permit without amended conditions.

ATTACHMENTS:

	Description	Upload Date	Type
▣	Staff Report for USE2016 0013 5-Year Renewal (USE2021 0013)	11/1/2021	Staff Report
▣	Notice of Decision for USE2021 0013	11/19/2021	Notice of Decision



PLANNING COMMISSION STAFF REPORT
SPECIAL USE PERMIT RENEWAL USE2021 0013
HEARING DATE: NOVEMBER 9, 2021

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

DATE: November 1, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Joseph Meyers, Planner 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a five-year renewal of Special Use Permit (USE2016 0013) for marijuana cultivation facility.

STAFF RECOMMENDATION: Approval

KEY CONSIDERATIONS FOR REVIEW:

- Notice of Decision was issued on the original Special Use Permit on May 24, 2016.
- This facility has no infractions on record.
- State Marijuana License #10270 is current; CBJ Marijuana License MJL-007 is current.
- No major modifications have been made to this facility.
- Passed all administered inspections.

GENERAL INFORMATION	
Property Owner	SeaWeed Ventures, LLC
Applicant	Top Hat Concentrates, LLC
Property Address	2315 Industrial Blvd, Suite A
Legal Description	Mason Industrial Park 2 Lot 7A1
Parcel Number	4B1701080071
Zoning	Industrial
Land Use Designation	Heavy Industrial (HI)
Lot Size	15,148 square feet
Water/Sewer	CBJ
Access	Industrial Boulevard
Existing Land Use	Miscellaneous Commercial
Associated Applications	USE2016 0013; USE2016 0012 (manufacturing); USE2021 0012 (manufacturing extension)
Type of Facility	Cultivation

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 49.65.1245
 - o 49.15.330
 - o 49.80

The Commission shall hear and decide the case per 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.

Fostering excellence in development for this generation and the next.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (I)	Vacant
South (I)	Miscellaneous Commercial
East (ROW)	Industrial Boulevard
West (I)	Miscellaneous Commercial

SITE FEATURES	
Anadromous	None
Flood Zone	Zone X
Hazard	No known
Hillside	None
Wetlands	None
Parking District	None
Historic District	None
Overlay Districts	None

BACKGROUND INFORMATION

Project Description – This application is for a five-year renewal of the Special Use Permit for the Top Hat, LLC Marijuana Cultivation facility at 2315 Industrial Boulevard.

Background – The Planning Commission approved a Special Use Permit (USE2016 0013), effective May 24, 2016 to allow a Marijuana cultivation facility in the Industrial zoning district with the following conditions:

1. Parking spaces shall meet CBJ 49.40.210(b)(1); 8 spaces including 1 ADA signed space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
2. The applicant shall pass all CBJ Fire Marshall inspections.
3. No offsite glare shall be produced by exterior doorway lights.
4. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
5. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures, or other equipment in the processing building and cultivation building.
6. Security cameras shall have a battery backup system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
7. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational and required signage displayed.

ANALYSIS

CBJ 49.65.1220 establishes the requirements for this renewal.

1. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee.
2. No outstanding corrective orders or enforcement actions.
3. Proof of inspection.
4. In compliance with the applicable Conditional Use Permit.

Requirement: Has the applicant applied for and remitted the fee for renewal of a Special Use Permit timely?

Analysis: Yes. The application for renewal of USE2016 0013 was received on October 19, 2021 and the fee remitted timely.

Requirement: At least ten days prior to the hearing, notice of the renewal request must be mailed to adjacent property owners. At least two days prior to the hearing, a general notice shall be printed in the newspaper of general circulation in the municipality.

Analysis: Yes. The Public Notice requirements of Title 49 have been met for this renewal.

Requirement: Conditions contained in the Special Use Permit cannot be changed unless the Commission amends or adds conditions to ensure compliance with this title. Have the conditions been changed to ensure compliance with Title 49?

Analysis: No. Conditions placed on the Special Use Permit have not been changed.

PUBLIC COMMENTS

CDD conducted a public comment period between October 8, 2021 and November 9, 2021. 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 public comments were submitted at the writing of this report.

FINDINGS

Special Use Permit Renewal Criteria – Per CBJ 49.15.250, Development Permit Extension, the Director makes the following findings on the criteria for granting the requested Special Use Permit extension:

1. ***Was the application for the requested Special Use Permit renewal complete and received timely?***

Analysis: No Further analysis needed.

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

2. ***Have there been any corrective or enforcement issues for this facility in the past five years?***

Analysis: No further analysis required.

Finding: No. There have been no enforcement of corrective issues for this facility in the last five years.

3. *Have all inspections been passed?*

Analysis: No further analysis required.

Finding: Yes. All conducted inspections have been passed.

4. *Are State and CBJ marijuana licenses being maintained current?*

Analysis: State and CBJ licenses are being maintained. Copies of each permit are located in Attachment B.

Finding: Yes. State and CBJ marijuana licenses are current.

5. *Have any modifications been made to the Special Use Permit?*

Analysis: No further analysis required.

Finding: No. No major modifications have been made to the Special Use Permit.

6. *Have the conditions of the Special Use Permit been met and maintained?*

Analysis: No further analysis required.

Finding: Yes. The conditions of the Special Use Permit have been met and maintained.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow the renewal of a five-year Marijuana Cultivation Special Use Permit without amended conditions.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Supporting Documents
Attachment C	Public Notice



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 2315 Industrial BLVD, STE A, Juneau, AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Mason Industrial Park 2 LT 7A1		
	Parcel Number(s) 4-B17-0-108-007-1		
	This property located in the downtown historic district This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner	SeaWeed Ventures, LLC	Contact Person Tracy LaBarge
	Mailing Address	2315 Industrial BLVD, Juneau, AK 99801	Phone Number(s) 907-723-2004
	E-mail Address	tracy@kingcrabshack.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 <u></u> Landowner/Lessee Signature		<u>10/14/21</u> Date	
X _____ Landowner/Lessee Signature		_____ Date	
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	Top Hat, LLC	Contact Person John Nemeth	
Mailing Address	2315 Industrial BLVD, STE A, Juneau, AK 99801	Phone Number(s) 907-290-3433	
E-mail Address	john@thcalaska.com		
X <u></u> Applicant's Signature	<u>10/14/21</u> Date of Application		

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	USE2021 0013
Intake Initials	
Date Received	10/19/2021



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

5 year review of Conditional Use Permit as required by CBJ code 49.65.1245(e)

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: USE2016-13

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

YES – Case # USE2016-13

NO

UTILITIES PROPOSED

WATER: ☐ Public ☒ On Site

SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 15,148.8 square feet

Total Area of Existing Structure(s) 6300 square feet

Total Area of Proposed Structure(s) N/A 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

☐ 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)

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

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

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ _____			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ _____			
Pub. Not. Sign Deposit	\$ _____			
Total Fee	\$ _____			

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	Date Received
USE2021 0013	10/19/2021

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

John S Nemeth
Top Hat, LLC
2315 Industrial BLVD, STE A
Juneau, AK 99801

October 14, 2021

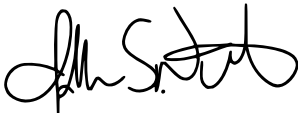
CBJ Planning Commission
155 S Seward St
Juneau, AK 99801

During the last 5 years, Top Hat, LLC has performed at an outstanding level. Complying with all state and local laws, and codes. All annual state and CBJ inspections passed with flying colors and annual license renewals completed on time. No infractions reported.

The organization has taken a very active role in our community through numerous donations and volunteering efforts. Our plan is to do even more in the years ahead!

The two cannabis companies on site currently operate as they did on the date of CUP issuance.

Sincerely,

A handwritten signature in black ink, appearing to read 'John S Nemeth', written in a cursive style.

John S Nemeth
President/Owner



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION NOTICE OF DECISION

Date: May 27, 2016
File No.: USE2016 0013

Seaweed Ventures
2315 Industrial Boulevard
Juneau, AK 99801

Application For: Marijuana Cultivation Facility
Legal Description: Mason Industrial Park 2 LT 7A1
Property Address: 2315 Industrial Boulevard
Parcel Code No.: 4-B17-0-108-007-1
Hearing Date: May 24, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 11, 2016 and approved the development of a marijuana cultivation facility at 2315 Industrial Boulevard to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Parking spaces shall meet CBJ 49.40.210(b)(1); 8 spaces including 1 ADA signed space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
2. The applicant shall pass all CBJ Fire Marshall inspections.
3. No offsite glare shall be produced by exterior doorway lights.
4. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
5. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures, or other equipment in the processing building and cultivation building.
6. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
7. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational and required signage displayed.

Attachments: May 11, 2016 memorandum from Chrissy Steadman, Community Development, to the CBJ Planning Commission regarding USE2016 0013.

Genuine Ventures, LLC
 File No.: USE2016 0013
 May 27, 2016
 Page 2 of 2

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.

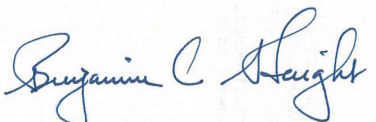
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any 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, May 24, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or November 24, 2017 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.

Project Planner:


 Chrissy Steadman, Planner II
 Community Development Department


 Ben Haight, Chair
 Planning Commission


 Filed With City Clerk

June 3, 2016

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.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: May 11, 2016

TO: Planning Commission

FROM: Chrissy Steadman, Planner *Chris Steadman*
Community Development Department

FILE NO.: USE2016 0013

PROPOSAL: Conditional Use permit for marijuana cultivation in the Industrial zone.

GENERAL INFORMATION

Applicant: Top Hat, LLC

Property Owner: Genuine Ventures, LLC

Property Address: 2315 Industrial Boulevard

Legal Description: Mason Industrial Park 2 Lot 7A1

Parcel Code Number: 4-B17-0-108-007-1

Site Size: 15,148 square feet

Comprehensive Plan Future Land Use Designation: Heavy Industrial (HI)

Zoning: Industrial (I)

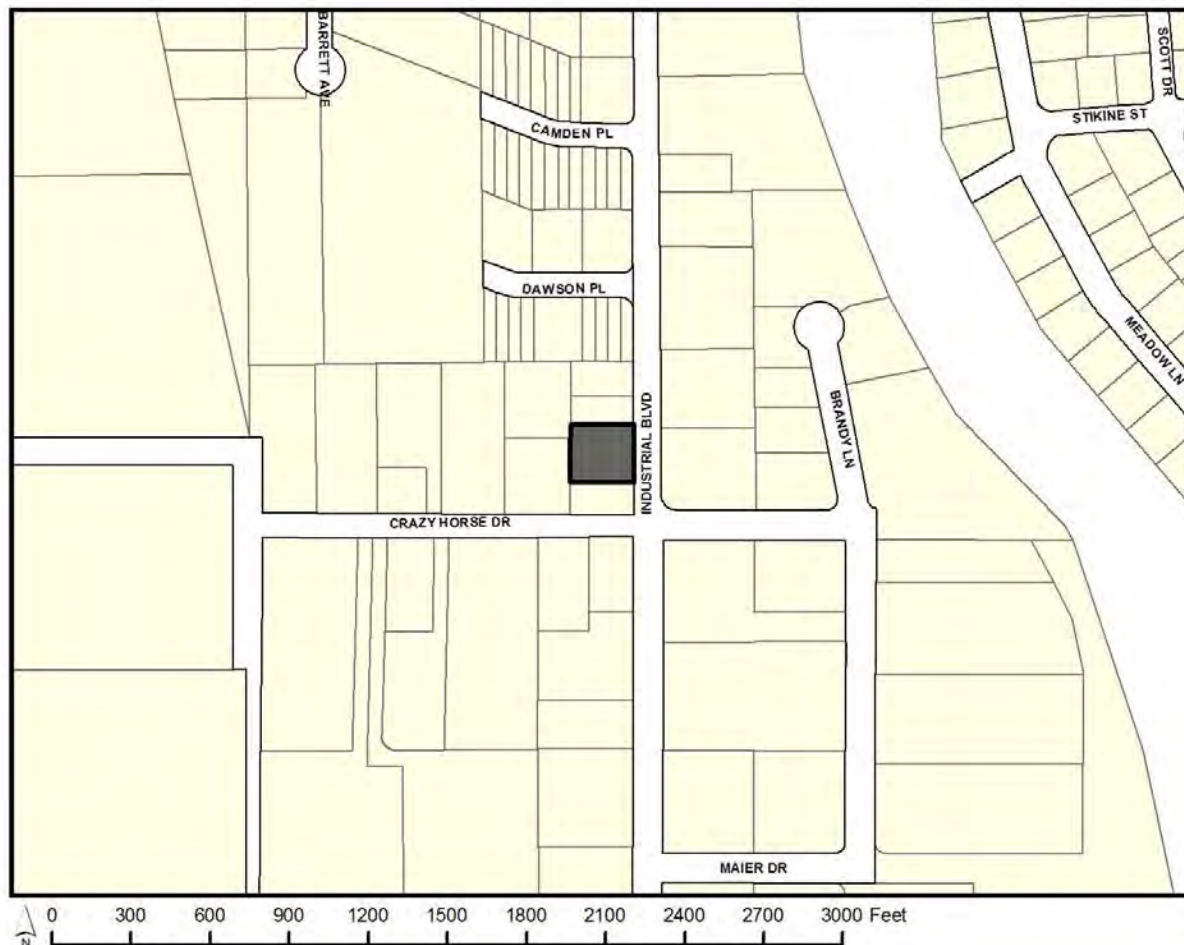
Utilities: City Water and Sewer

Access: Industrial Boulevard

Existing Land Use: Warehouse

Surrounding Land Use:	North	-	Industrial/Vacant
	South	-	Industrial/Auto repair
	East	-	Industrial/Industrial Blvd/Vacant
	West	-	Industrial/Lumber mill

Vicinity Map



ATTACHMENTS

- Attachment A: Conditional Use Permit Application
- Attachment B: Narrative
- Attachment C: As-Built Survey
- Attachment D: Floor Plan & Security Plan
- Attachment E: Photos of Warehouse
- Attachment F: Public Comment
- Attachment G: Public Notice

Planning Commission
File No.: USE2016 0013
May 11, 2016
Page 3 of 10

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a 1,600 square foot marijuana cultivation facility in the Industrial Zone.

BACKGROUND

The building for the proposed marijuana cultivation and product manufacturing was originally used for an auto repair business. The structure on the south side of the lot is used for seafood processing and has a caretaker apartment on the second floor. The applicant has stated that an employee of the seafood processing business is currently the caretaker and they intend to only have employees of either facility as caretakers.

The site was granted a Variance in 2001 with VAR2001 00019 to the rear yard setback of 10 feet to 4.3 feet to construct an enclosure that runs between the two buildings. The two original buildings were constructed in 1984.

Ordinance 2015—38, the Special Use Regulations for Marijuana Establishments, was passed by the Assembly on May 2, 2016 and becomes effective on June 2, 2016. This permit has been reviewed for conformity with the regulations contained in that ordinance. The applicant has addressed the marijuana specific conditional use permit application submittal requirements in their application as demonstrated in the listed attachments to this report.

ANALYSIS

Project Site - The subject lot was platted in 1985 as part of a lot consolidation of lots 7A and 8A. The As-built survey provided in attachment C identifies the original two lots that were later consolidated. The subject lot is 120 feet wide and 126.17 feet in length, totaling 15,148 square feet. The minimum lot size in the Industrial Zone is 2,000 square feet.

There are two structures on the lot. The building on the north side of the property is proposed to be used for the marijuana cultivation and product manufacturing facility. There would be no other uses in the structure. That structure is 100 feet by 40 feet. The northern corner of the building is two feet from the rear lot line and the southern rear corner of the building is 2.6 feet from the rear property line.

The second structure on the southern portion of the lot is 75 feet by 35 feet. This northern rear corner of this structure is 4.4 feet from the rear property line and the southern rear corner is 4.5 feet from the rear property line.

Setbacks in the Industrial zone are ten feet on the front and rear yards and zero feet on the side

Planning Commission
File No.: USE2016 0013
May 11, 2016
Page 4 of 10

yards. When the buildings were constructed there were no side or rear yard setbacks and there was a 20 foot front yard setback in the Industrial Zone. The structures meet those setback requirements and are therefore legally nonconforming. The structure to the north will be renovated for the cultivation and product manufacturing facility. There will be no changes to the footprint of the building. None of the marijuana uses will occur in the structure on the south end of the lot.

Project Design – The existing structure will undergo a major remodel and renovation to accommodate the proposed marijuana facilities. There is an existing second story that is approximately 700 square feet. To the west of the second floor the warehouse opens back up to a single story. This area is proposed to be used as an indoor loading and storage area accessed by a bay door. While suppliers will be allowed in this area, there will be no access to the rest of the facility where cultivation and product manufacturing will occur. The remaining first floor area will be secure and accessed only by those with a Marijuana Handlers Permit and company issued radio frequency identification (RFID) card. The proposed structure currently has three bay doors, two man doors, and two windows on the south facing side. There are two windows on the east facing side. All windows will be removed and walled in. The western most man door and two eastern most bay doors will also be walled in. As previously stated, the third bay door will be used to access the indoor storage and loading area (Attachment E).

The marijuana cultivation proposal requires three separate rooms for the cultivation process. The approximately 72 square foot mother plant room (those plants that remain in state of constant vegetation in order to be cloned) will be on the second floor adjacent to the approximately 66 square foot drying room. The second floor will also have a secure office, packaging area, and the proposed concentrate extraction room, which are addressed in USE2016 0012. The second story extends over a portion of the first story; therefore, much of the space has high vaulted ceilings. The cloning room will be located on the first floor and occupy approximately 152 square feet. The flowering room is also on the first floor and will occupy approximately 1,600 square feet. The applicant expects to have 250 - 300 plants in the flowering room at a time (Attachment D).

The HVAC system will consist of air handlers as indicted in Attachment D. The air handlers have contaminant and odor filters. This facility will be further supported by a cooling system, including fans for air circulation, and dehumidifiers. The air handling system along with fans will protect against mold and mildew. Pesticide control will be handled through the release of lady bugs into the flowering room. Lady bugs eat plant pests and are a common organic nontoxic method for indoor pest control. Additional equipment includes carbon filters for odor control and T5 florescent & 1000 watt Gavita Pro grow lights. The carbon filters are designed to scrub the air clean and are designed for commercial operations in other industries, as well as, marijuana (see Attachment A).

Planning Commission
File No.: USE2016 0013
May 11, 2016
Page 5 of 10

CO2 will be used in the cultivation process. A tube with perforated holes will be strung along the wall just above the canopy. The CO2 tanks will be stored in the storage enclosure that runs between the two buildings. The CO2 emissions are computer monitored and the system has an automatic shut off.

Waste from the marijuana cultivation process will primarily be stems since the majority of the leaves will be used in extraction of concentrate. However, there could be instances where buds or even entire plants must be disposed of due to some defect. Waste will be ground up and mixed with another organic material in order to be rendered unusable as required by state regulations. The waste will be stored in the indoor loading area before being taken to the landfill.

Traffic - Traffic to and from the site will consist of employees, supply delivery, including CO2 supplier, and marijuana product deliveries to other locations. The applicant anticipates 3 to 5 full time employees for the facility. Trimming and harvesting do not require full time employees, but will occur approximately for one week a month. The project narrative states that during those times there could be up to twenty employees in the facility.

CO2 canisters would likely be refilled once to twice a month. The applicant owns and operates restaurants and has stated the same canisters are used for beverages in the restaurant and need to be filled once a month. Other supply deliveries will include soil, fertilizers, state required tracking tags, packaging material, and any professional services required of any large warehouse. These deliveries are not expected more than once every two weeks.

Parking and Circulation - According to CBJ 49.40.210 the proposed product manufacturing and cultivation facility requires 1 parking space for the office, 2 parking spaces for the cultivation, and 1 parking space for the product manufacturing. The other existing building requires 1 parking space for the caretaker residence and 3 parking spaces for the seafood processing.

CBJ 49.40.210(b)(3) requires that for 1 to 25 parking spaces, one space must be ADA accessible. Accessible spaces are required to be 13 feet by 17 feet, including an access aisle that measures 5 feet by 17 feet.

Therefore, the site requires a total of 8 parking spaces, one of which is ADA accessible. Standard parking spaces are required to be 8.5 feet by 17 feet and parallel spaces are required to be 6.5 feet by 22 feet. There is space for four standard parking spaces with adequate circulation in front of the south building. Two spaces can be provided on the east side of the north building with two additional parallel spaces provided on the south side of the north building. Therefore, the site has adequate space to provide the required parking.

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May 11, 2016
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According to CBJ 49.40.210(c) (1) and (2), the site requires 1 off-street loading space. The off-street loading area is required to be a minimum of 30 feet by 12 feet and 14 feet high. In discussions with staff, the applicant proposes using the space between the two buildings as a loading space. There is also the indoor storage and loading area which will be used in addition to the outdoor loading space.

Staff recommends, as a condition of approval, that the applicant submit with the building permit plans a parking and circulation plan.

Noise - Surrounding uses include a lumber yard and warehouse adjacent to the west, a printing company adjacent to the south, a vacant lot directly across Industrial Boulevard to the east, two vacant lots adjacent to the north, and auto repair shops to the east, south, and southeast. All activity for the cultivation and concentrate extraction processes will take place inside the building. The building will not have any windows and doors will be secure at all times. The HVAC system in the cultivation facility will produce noise within the building, but it is not expected to be audible outside the building. Noise is not expected to be of concern with the development of the marijuana product manufacturing facility. Noise is expected to be less than other uses that may be permitted outright in the Industrial Zone.

Public Health or Safety – The applicant has indicated that they plan to use non-toxic fertilizers and use organic means of pest control. Therefore, any risk of toxic substances being transferred to a consumer is mitigated by this growing method.

Besides product quality control, security is a concern in the legal marijuana industry. State regulations provide for processes and standards to ensure legal marijuana does not end up in the illegal market, is sold only to those 21 and over, and that licensed marijuana establishments are secure from theft. Ordinance 2015-38 requires that Conditional Use Permit applications include a security plan indicating how the applicant will comply with the requirements imposed by State law. Those requirements include;

- Exterior lighting;
- Security alarm system on exterior doors;
- Continuous video monitoring;
- and,
- Commercial grade door locks on exterior points of entry

The applicant has included a floor plan indicating where each camera, motion sensor, door sensor, and RFID card reader will be placed as part of the surveillance system. While not required, the applicant intends to use a RFID access system to the facility, adding an additional layer of security with its personnel tracking capabilities. All surveillance can be monitored by the licensee remotely through a laptop or smartphone.

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Staff recommends as condition of approval, that prior to a Certificate of Occupancy, staff conduct a site visit to ensure surveillance system is fully operational and all health and safety signs are displayed.

The proposal identifies the use of filtration, ventilation, pesticides, and sanitation as methods to be used to reduce the chance of mold, mildew, fungus, or pests. As described in the project narrative found in Attachment A, the air handling system provides contaminant filtration as well as odor filtration. Filtered air will exit the building through an exhaust. Samples of marijuana and manufactured product must be tested in a state licensed facility prior to sale. Testing facilities are required to test for harmful contaminants and residual solvents from extraction processes. Therefore, any harmful chemicals or microbial will be detected prior to consumer consumption.

Habitat – No habitat regulated by Title 49 is affected by this proposal.

CBJ 49.50.300 requires five percent of the site be maintained with vegetative cover. For this site, 757 square feet of vegetative cover is required. By using aerial photography, staff estimates the vegetative cover to be approximately 995 square feet, or 6.5 percent of the site. Therefore, the minimum vegetative cover requirement is met.

Property Value or Neighborhood Harmony - Existing uses in the neighborhood include several automotive repair shops, a printing company, and a lumber mill. This use is expected to generate less daily traffic and noise than other uses in the area. The proposed use is in harmony with surrounding industrial uses.

At the time this staff report was due, staff received comments from two community members in support of the proposal (Attachment F). The two letters were not property owners in the neighborhood.

Conformity with Adopted Plans - The subject site is located in Subarea 3 of the 2013 Comprehensive Plan and has a land use designation of Heavy Industrial (HI). According to the HI land use designation definition found on page 149 of the Comprehensive Plan, large scale food production and processing, and other manufacturing processes should be allowed on these lands. The proposed marijuana cultivation facility is a similar type of use.

Staff further reviewed the 2013 Comprehensive Plan for policies that may be relevant to the proposal:

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

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POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

The proposed development would help to diversify the economy and is a new business as encouraged by these policies.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area;
or,
3. Not be in general conformity with the Comprehensive Plan, Thoroughfare Plan, or other officially adopted plans.

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?

Yes. Staff finds 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.

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 14.240 for the Industrial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 14, 2016 and May 23, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. The applicant has proposed a surveillance and security system that exceeds the minimum state and local regulations. Further, much of the use, aside from employee and other occasional delivery traffic is contained indoors in a secure facility where non-employees are not permitted.

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

No. The use is adjacent to vacant lots and other industrial uses with similar and more intense off-site impacts such as noise and traffic. The proposed marijuana product manufacturing facility will not decrease the value of or be out of harmony with property in the neighborhood.

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

Yes. The development of private businesses in Juneau is supported by the Comprehensive Plan. Further, the HI land use designation supports manufacturing uses.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. *Will the proposed development comply with the Juneau Coastal Management Program?*

N/A

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RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a marijuana cultivation facility in the Industrial zone.

The approval is subject to the following conditions:

1. Parking spaces shall meet CBJ 49.40.210(b)(1); 8 spaces including 1 ADA signed space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
2. The applicant shall pass all CBJ Fire Marshall inspections.
3. No offsite glare shall be produced by exterior doorway lights.
4. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
5. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures, or other equipment in the processing building and cultivation building.
6. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
7. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational and the required signage is displayed.

DEVELOPMENT PERMIT APPLICATION

Project Number <i>USE 16-12</i>	CITY and BOROUGH of JUNEAU	Date Received: <i>3/30/16</i>
Project Name (City Staff to Assign Name)		

INFORMATION PROJECT / APPLICANT	Project Description <i>Marijuana Product Manufacturing Facility</i>		
	PROPERTY LOCATION		
	Street Address <i>2315 Industrial Blvd</i>	City/Zip <i>Juneau, AK 99801</i>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <i>Mason Industrial Park, Block 2 Lt 7A1</i>		
	Assessor's Parcel Number(s) <i>4-B17-0-108-007-1</i>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <i>Seaweed Ventures, LLC / Tracy LaBerge</i>	Contact Person: <i>Tracy LaBerge</i>	Work Phone: <i>907-723-2004</i>
	Mailing Address <i>2315 Industrial Blvd, Juneau, AK</i>	Home Phone:	Fax Number:
	E-mail Address <i>tracy@kingcrabshack.com</i>	Other Contact Phone Number(s):	
	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 <i>Tracy LaBerge</i> <i>3/30/16</i> Landowner/Lessee Signature Date			
X _____ Landowner/Lessee Signature Date			
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" and sign and date at X below			
Applicant's Name <i>John S. Nemethy (Top Hat LLC concentrates)</i>			
Mailing Address <i>406 S. Franklin St, Juneau, 99801</i>			
E-mail Address <i>john@thealaska.com</i>			
Contact Person: <i>SAME</i> Work Phone: _____ Home Phone: <i>313-318-5322</i> Fax Number: _____ Other Contact Phone Number(s): _____			
X <i>John S. Nemethy</i> <i>3/30/16</i> Applicant's Signature Date of Application			

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	✓	Permit Type	***SIGN	Date Received	Application Number(s)	
		Building/Grading Permit				
		City/State Project Review and City Land Action				
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)				
		Mining Case (Small, Large, Rural, Extraction, Exploration)				
		Sign Approval (If more than one, fill in all applicable permit #'s)				
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)				
	✓	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	✓	<i>3/30/16</i>	<i>USE 20160012</i>	
		Variance Case (De Minimis and all other Variance case types)				
		Wetlands Permits				
		Zone Change Application				
		Other (Describe)				
	***Public Notice Sign Form filled out and in the file.					
	Comments:					Permit Intake Initials <i>JKL</i>

Attachment A

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received																																			
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED ☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW) ☒ Use Listed in §49.25.300 (USE) (Table of Permissible Uses) Please list the Table of Permissible Uses Category: <u>Marijuana Product 4.220</u> <u>Manufacturing Facility</u> ***An Accessory Apartment Application will also be required.																																						
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. <u>Marijuana product manufacturing facility</u>																																						
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES - Case # _____																																						
CURRENT USE OF LAND OR BUILDING(S): <u>Commercial machine shop</u>																																						
PROPOSED USE OF LAND OR BUILDING(S): <u>Marijuana product manufacturing with commercial marijuana cultivation</u>																																						
UTILITIES PROPOSED: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																																						
SITE AND BUILDING SPECIFICS: Total Area of Lot <u>15,148</u> square feet Total Area of Existing Structure(s) <u>7360</u> square feet Total Area of Proposed Structure(s) _____ 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																																						
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST: ☒ Site Plan ☒ Floor Plan of proposed buildings ☒ Elevation view of existing and proposed buildings ☒ Proposed Vegetative Cover ☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☒ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)																																						
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">ALLOWABLE/CONDITIONAL USE FEES</th> <th style="text-align: center;">Fees</th> <th style="text-align: center;">Check No.</th> <th style="text-align: center;">Receipt</th> <th style="text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td style="text-align: right;">\$ <u>350</u></td> <td>_____</td> <td style="text-align: center;"><u>007854</u></td> <td style="text-align: center;"><u>3/30/16</u></td> </tr> <tr> <td>Admin. of Guarantee</td> <td style="text-align: right;">\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td style="text-align: right;">\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td style="text-align: right;">\$ <u>50</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td style="text-align: right;">\$ <u>100</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td style="text-align: right;">\$ <u>500</u></td> <td>_____</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> </tbody> </table>		ALLOWABLE/CONDITIONAL USE FEES	Fees	Check No.	Receipt	Date	Application Fees	\$ <u>350</u>	_____	<u>007854</u>	<u>3/30/16</u>	Admin. of Guarantee	\$ _____	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Pub. Not. Sign Fee	\$ <u>50</u>	_____	_____	_____	Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____	_____	Total Fee	\$ <u>500</u>	_____	✓	✓
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Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____	_____																																		
Total Fee	\$ <u>500</u>	_____	✓	✓																																		

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Attachment A

THC Alaska, LLC

2315 Industrial BLVD • Juneau, AK 99801 • Phone: 313.318.5322

Mail: john@thcalaska.com

CBJ Conditional Use Permit Application for Top Hat Concentrates, LLC: Narrative and Site Plan, 3/28/2016

RECEIVED

MAR 30 2016

PERMIT CENTER/CDD

1 CBJ CUP PERMIT APPLICATION FOR TOP HAT CONCENTRATES, LLC

Attachment B

Attachment A - Application Packet

CONTENTS

-Business Structure & Operations

-Extraction Overview

-Site Construction / Development

-Safety & Security

-Equipment / HVAC Specs

-Site Plan & Drawings

-Attachments

BUSINESS & OPERATIONS

Top Hat Concentrates, LLC is comprised of three individuals, John S Nemeth, Benjamin Wilcox, and Tracy LaBarge, licensed by the State of Alaska and managed by JBT Development, LLC. The company seeks a Conditional Use Permit for a marijuana product manufacturing facility (table of permissible uses code 4.220). CEO John S Nemeth will oversee the company and VP Benjamin Wilcox will manage cultivation. Top Hat Concentrates, LLC strives to be the best cannabis extraction company in North America with the highest regard for quality production and the environment. The extracts produced under our own label will be Co2 extracted, free of chemical pesticides, and will always be Vegan/Organic. This company and its' equipment will be in secured access room inside the cannabis cultivation facility, Top Hat, LLC. Top Hat Concentrates, LLC will extract for Top Hat Cannabis, LLC as well as other properly licensed facilities within the CBJ.

EXTRACTION PROCESS

When you hear the word "extraction" or "processing" of cannabis what that is referring to in the case of Top Hat Concentrates, LLC is removing the cannabinoids (THC, CBD, CBG...) from the plant material. This process is extremely safe and requires a special closed loop botanical extractor and Co2 (the same substance used to carbonate your favorite soft drink). The extractor uses the compressed gas to remove the cannabinoids from the plant material. This is the same process used by other companies to make essential oils, perfumes, and other extracts. We chose the more expensive Co2 method to keep our cannabis, and others who use our extraction company, as healthy as possible. Co2 for the process is brought to the facility by a beverage gas supply company in the form of 60lb refillable tanks that attach to the side of the extractor.

After the product is extracted it goes through what's known as a winterization process. Simply stated this the process that stabilizes the product and separates any remaining plant material. Co2 extracted product is placed in a round bottom (same as you'd find in any lab) and dissolved into alcohol. This substance is then frozen in a laboratory freezer, filtered, and then placed in a laboratory vacuum oven to remove any remaining alcohol from the extraction. What you're left with is a clean THC/CBD product free of plant material that is ready to be used as is, placed in vaporizer cartridges, edibles, or capsules.

Alcohol is the only flammable and potentially dangerous substance in the entire facility (aside from a few house hold cleaners). Being that there are no open or any flames in the facility. Alcohol is just as safe to have around as it is in doctor's offices, hospitals, and art studios.

USE OF SITE

The extraction room will utilize approx. 200sqft in total of an existing structure located on lot 8A of the parcel 4-B17-0-108-007-1 in the Mason Industrial Park #2 (GPS coordinates 58.3664 (lat), -134.605 (long), zoned industrial) at 2315 Industrial Blvd, Juneau, AK 99801. The structure will be permitted and constructed to reflect the plans attached here following all State and CBJ guidelines for such facilities. Growing areas use approx. 1824 of the available 3000 square feet. The processing facility is located in a secure area behind a secured RFID access only door. During the expected operating hours of 8am - 12am the extraction facility will have 1, maybe 2 people working in the room at a time. ALL employees will be documented in accordance to State and Federal Law and possess marijuana handling certifications on their person at all times. There will also be photocopies of all employees' cards in the office.

Electrical usage for the extraction room has been factored into the electrical plan/upgrade for Top Hat, LLC. The entire building will be 480amp 3 phase and the extraction room will use 125 of those amps.

Parking for up to 8 vehicles will be provided on the south and east side of the structure.

Cooling will come from a "dry cooler" a majority of the time. Utilizing the cool ambient temperatures in Juneau as it's cooling source this makes for a very efficient, energy saving system. The system is ductless and connected by pipes vs. traditional ducting. All condensation water will be collected by dehumidification equipment and then re-used for watering plants.

Aiding in pest/microbial prevention the system is equipped with an Airoclean Microbial Environmental Control Kit. Similar to what's used in hospitals.

SUMMARY

Top Hat Cannabis, Top Hat Concentrates, and Kannavi will operate together as vertically integrated Alaskan cannabis companies operated by JBT Development, LLC. The primary goal is to produce the world's best and safest cannabis products, but education, medical research, and philanthropy are key drivers of success for the group. Through our educational programs at Kannavi, continued partnerships in medicine & lab research, and commitment to give back to numerous groups in the local community; current generations and businesses of other industry in the future to come will look up to our practices and business model.

We look forward to driving a successful future for Juneau and the cannabis industry!

*Top Hat, LLC; Top Hat Concentrates, LLC; Kannavi, LLC; and JBT Dev., LLC are all registered and trademarked entities by THC Alaska, LLC. Use of names or any proprietary information other than for the purpose of this application within this document is unlawful.

John S Nemeth

Owner/President

313.318.5322

john@thcalaska.com

Benjamin Wilcox

Owner/Vice President

907.419.0065

thcalaska@yahoo.com

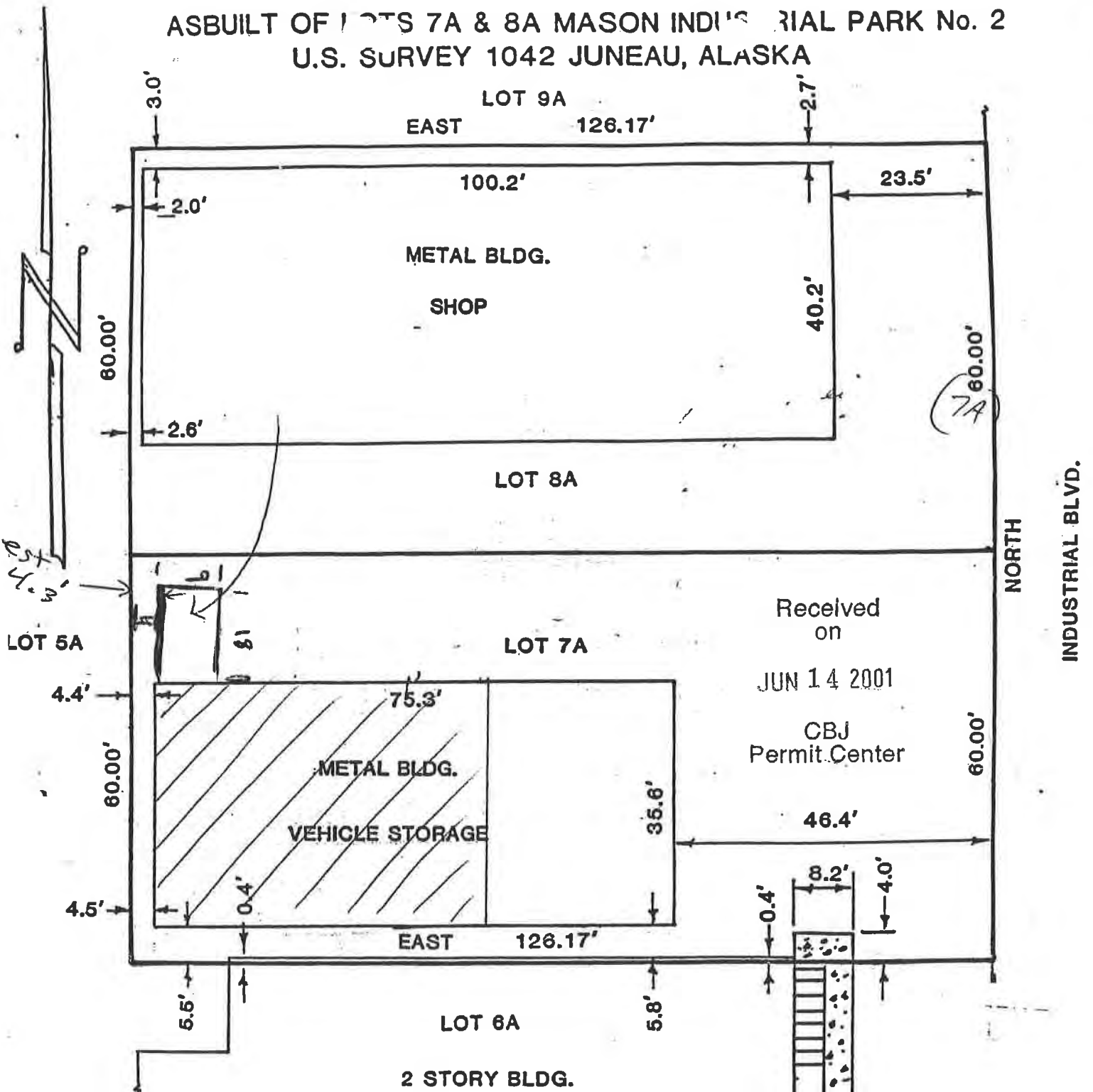
Tracy LaBarge

Owner/ Secretary Treasurer

907.723.2004

tracy@kingcrabslack.com

ASBUILT OF LOTS 7A & 8A MASON INDUSTRIAL PARK No. 2
U.S. SURVEY 1042 JUNEAU, ALASKA



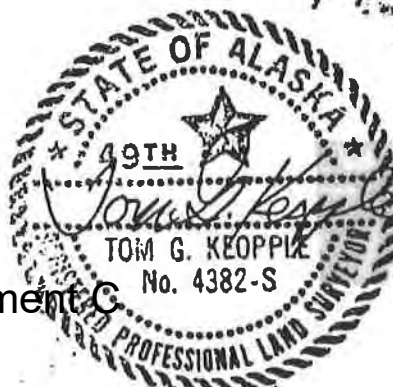
4-617-0-108-007
008

CERTIFICATE OF REGISTERED LAND SURVEYOR

I hereby certify I am a registered professional land surveyor and that this plat represents the survey made by me or under my direct supervision and that all dimensions, encroachments, easements and other

Date: Jan 28, 1985

Attachment A - Application Packet



SCALE: 1" = 20'
Received on

JUN 29 2001
VAR2001-00019
Attachment A

KEOPPLE SURVEYS
P.O. BOX 2758
JUNEAU, ALASKA 99803

Emily A. Kane, ND LAc

Naturopathic Doctor

Alaska License № 22

Licensed Acupuncturist

Alaska License № 18

May 5 2016

Dear Members of the CBJ Assembly and Planning Commission,

I am writing in support of the ongoing development of a wide variety of hemp and cannabis products in Juneau and state-wide. In particular I'm deeply interested in the therapeutic benefits of CBD, the non hallucinogenic phytocannabinoid, cannabidiol. I have seen positive responses to relatively low doses of CBD for insomnia, anxiety, mild to moderate depression, obsessive compulsive disorders, including eating disorders, which are notoriously difficult to treat, and pain. There is a large body of published research validating the medical uses of marijuana, particularly in the areas of managing pediatric epilepsy, and mitigating cancer pain and cancer growth.

As you are aware we are experiencing an epidemic of opioid abuse, leading to more overdose deaths than fatal car accidents in the US in the past months. CBD has no potential for addiction. It is a very exciting medicine and despite the US being nearly 70 years behind in scientific research because of years of unfortunate vilification of this beautiful and useful plant -- these barriers are lifting all over the country. Alaska, and Juneau, is poised to be a leader in moving forward with all things hemp. I applaud the work of the Assembly in carrying out the will of CBJ voters, which will not only bring jobs and revenue diversification to Juneau, but help stem the tragedies engendered by abuse of heroin, meth and alcohol.

The commercial leaders in the cannabis arena in Juneau are stellar citizens, mostly well known to you. Tracy LaBarge is arguably the most popular and steady restaurant owner in Juneau and has provided not only great dining options for the Borough for decades, but employs many people including younger folk during the summer months. John Nemeth, who has a background in restaurant development and urban planning, has been part of our community for only a few years but brings a great deal of business acumen to the Downtown Business Association Infrastructure Committee and plays an active role in DIG. He looks forward to being a generous contributor to the CBJ school district, and working with physicians to improve understanding of the therapeutic potential of cannabis. The third major partner is Ben Wilcox, a 20+ year Juneau resident who is passionate, as am I, about reducing the dependency on addictive substances we are witnessing in Juneau.

I recently heard JPD office Chris Sell say on the radio that to solve the heroin problem in Juneau we can't just focus on supply. We need to look at the demand side. Why are folks in such pain that they are willing to wreck their lives with quickly addictive substances? Cannabis is also known as "ditch weed." It grows easily, all over the world. It is an incredible gift from nature that can produce rope, clothing, fiber, animal feed, and gentle effective medicine. Moving forward with the cannabis industry is win-win-win. Please feel free to contact me if you are interested in scientific studies attesting to the healing powers of cannabis, particularly CBD, in an astonishing array of human ailments.

Sincerely,



Dr Emily A Kane

Attachment F

418 Harris Street, Suite 329 Juneau, AK 99801

Phone: 907-586-3655 FAX: 907-586-4326 email: DrEmilyKane@gmail.com

Attachment A - Application Packet

May 9, 2016

Dear Ladies and Gentlemen of the Juneau Assembly,

As a downtown retail store owner for nearly twenty years, I fully support the business plans and ideas of THC Alaska. John Nemeth, Tracy LaBarge and Benjamin Wilcox not only each have proven track records in creative concepts, but are also community members who care about the economic and social wellness of Juneau. This thoughtful, bright, focused team will spearhead a respectable, responsible cannabis business that I know I can feel comfortable with as a downtown neighbor and Juneau can be proud of as a top-notch operation.

Sincerely,

A handwritten signature in black ink, appearing to read "Tanja Cadigan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

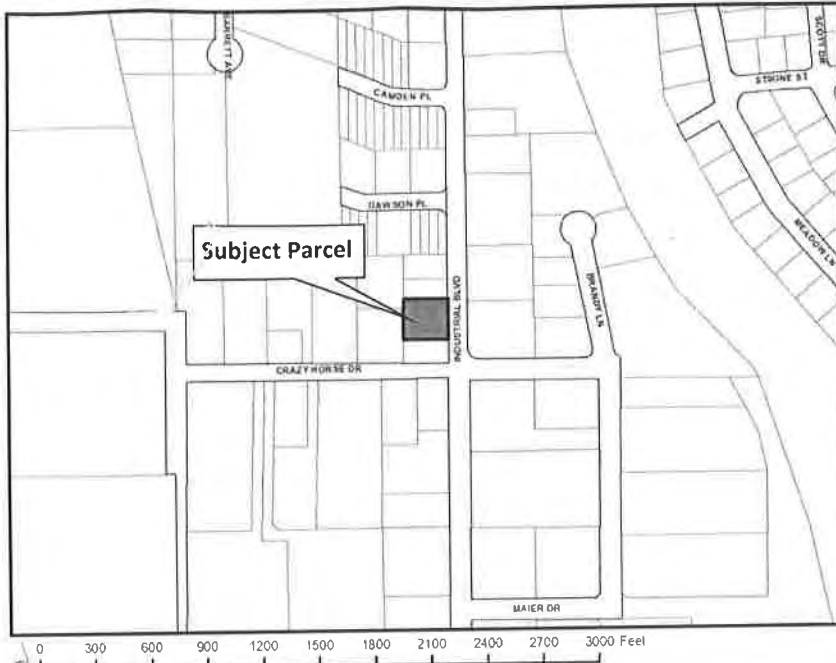
Tanja Cadigan
Caribou Crossings

Attachment F

Attachment A - Application Packet



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSALS: USE2016 0012: Conditional Use permit for marijuana product manufacturing facility in the Industrial zone.
USE2016 0013: Conditional Use permit for marijuana cultivation in the Industrial zone.

File No:	USE2016 0012 and USE2016 0013	Applicant:	Top Hat Concentrates, LLC.
To:	Adjacent Property Owners	Property PCN:	4-B17-0-108-007-1
Hearing Date:	May 24, 2016	Owner:	Seaweed Ventures, LLC
Hearing Time:	7:00 PM	Size:	15,148 Square Feet
Place:	Assembly Chambers	Zoned:	I - Industrial
	Municipal Building	Site Address:	2315 Industrial Boulevard
	155 South Seward Street	Accessed Via:	Industrial Boulevard
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Christine Steadman at Christine.Steadman@juneau.org or 586-0761.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Attachment G

Date notice was printed: April 21, 2016

Attachment A - Application Packet



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained
- ☒ Floor plan matches what was approved under the CUP
- ☒ Check out alarm system – make sure all windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries) *Industrial Blvd has back up through AELP*
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards
- ☒ Verify safe is installed in a secure room
- ☒ Verify property waste disposal method is in use
- ☒ Check out fertilizers
- ☒ Verify storage of carbon dioxide (also part of Fire Dept. inspection) *N/A*
- ☒ Verify carbon filters are installed
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP
- ☒ **Passed inspection**
- ☐ **Incomplete inspection**

Items not complete:

Inspected by: Chun A. Stadler, Planner MJL# 07
 Date: 4/27/16



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☐ Required signs are present in conspicuous place near main entrance:
 - ☒ CBJ and State Licenses (for renewal inspection only) *needs name change*
 - ☒ Health warning
 - ☒ Consumption and transportation warning
- ☒ Limited access areas are marked *All of area.*
- ☒ Verify visitor log is properly maintained
- ☒ Floor plan matches what was approved under the CUP *- bit of a change - Check & D permit - BLD permit approved change in floor plan.*
- ☒ Check out alarm system – make sure all exterior windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards
- ☒ Verify safe is installed in a secure room *- In hallway.*
- ☒ Verify property waste disposal method is in use *- self compost - stored inside.*
- ☒ Check out fertilizers *Just compost -*
- ☒ Verify storage of carbon dioxide (also part of Fire Dept. inspection) *- no CO2 system installed*
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents *- few room air tight? No filters.*
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP *- Parking aisle is not clear. - was also meant to be available for loading zone.*
- ☒ Passed inspection
- ☒ Incomplete inspection

Items not complete: NOT NECESSARY FOR LICENSE, BUT... will be reviewed AGAIN FEB 2018 at which point area must be cleared.
RENEWAL

- Parking aisle must remain clear at all times.
- ADA space to be reserved for ADA users. - should have been van-accessible

Inspected by: T. [Signature] Planner MJL# 07 208

Date: 12/6/17



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits
- ☒ Check out alarm system – make sure all exterior windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☐ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Check out fertilizers
- ☒ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

- ☒ **Passed inspection**
- ☐ **Incomplete inspection**

Items not complete:

Inspected by: A. Eddins, Planner MJL# 07

Date: 12/12/18



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. *Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.*

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☒ CBJ and State Licenses (for renewal inspection only)
 - ☒ Health warning
 - ☒ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered *camera plan was not in our plan set. I asked for one and added to our set.*
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use *compost, stored inside*
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents *closed system*
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP *parking is met, new stripes needed*

For cultivation or processing operations only:

- ☒ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☒ Verify fertilizers used and mold/pet control

☒ PASSED INSPECTION

☐ INCOMPLETE INSPECTION

Items not complete:

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- ☒ Work with business owner to address incomplete items.
- ☐ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: D. Wether, Planner MJL# 007

Date: 10-22-19



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

For cultivation or processing operations only:

- ☒ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☒ Verify fertilizers used and mold/pet control

☒ **PASSED INSPECTION**

☐ **INCOMPLETE INSPECTION**

Items not complete:

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items. *NA*
- ☒ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: N. Watts, Planner MJL# 07 08

Date: 11/4/20

Attachment B - Supporting Documents

City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2018



Expiration Date

December 31, 2018

TOP HAT LLC
2315 INDUSTRIAL BLVD
MJL00000007

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2019



Expiration Date

December 31, 2019

TOP HAT LLC
2315 INDUSTRIAL BLVD
MJL00000007

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2020



Expiration Date

December 31, 2020

TOP HAT LLC
2315 INDUSTRIAL BLVD
MJL00000007

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

City and Borough of Juneau

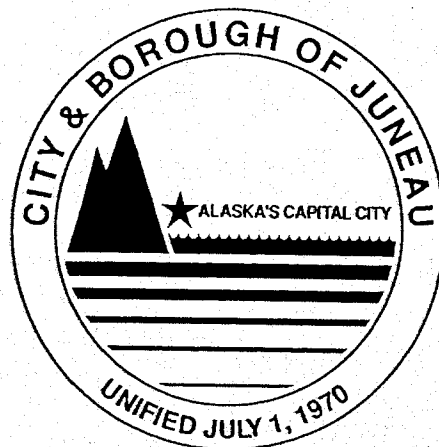
Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2021



Expiration Date

December 31, 2021

TOP HAT LLC

2315 INDUSTRIAL BLVD

MJL00000007

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10270**

FORM CONTROL MJ-339

MARIJUANA ESTABLISHMENT LICENSE

2018 - 2019

TYPE OF LICENSE: Standard Marijuana Cultivation

RENEWAL APPLICATION DUE BY: 6/30/2019

ISSUE DATE: 08/17/2018

EXPIRATION DATE: 08/31/2019

EFFECTIVE DATE: 08/17/2018

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: Top Hat, LLC
2315 Industrial Boulevard, Suite A
Juneau, AK 99801

Mail Address:

Top Hat, LLC
P.O. Box 20842
Juneau, AK 99801

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD

Erika McConnell

DIRECTOR

Attachment B - Supporting Documents

POSTED IN A VISIBLE PLACE ON THE PREMISES

FORM CONTROL MJ-099

MARIJUANA ESTABLISHMENT LICENSE

2019 - 2020

TYPE OF LICENSE: Standard Marijuana Cultivation

RENEWAL APPLICATION DUE BY: 6/30/2020

ISSUE DATE: 08/22/2019

EXPIRATION DATE: 08/31/2020

EFFECTIVE DATE: 08/22/2019

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: Top Hat, LLC
2315 Industrial Blvd., Suite A
Juneau, AK 99801

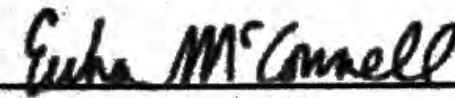
Mail Address:

Top Hat, LLC
PO BOX 20842
Juneau, AK 99801

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD



DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

MARIJUANA ESTABLISHMENT LICENSE

2020 - 2021

TYPE OF LICENSE: Standard Marijuana Cultivation

RENEWAL APPLICATION DUE BY: 6/30/2021

ISSUE DATE: 08/31/2020

EXPIRATION DATE: 08/31/2021

EFFECTIVE DATE: 08/31/2020

LOCAL GOVERNMENT: Juneau (City & Borough of)

DB/A: Top Hat, LLC
2315 Industrial Blvd., Suite A
Juneau, AK 99801

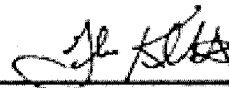
Mail Address:

Top Hat, LLC
P.O. Box 20842
Juneau, AK 99801

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD

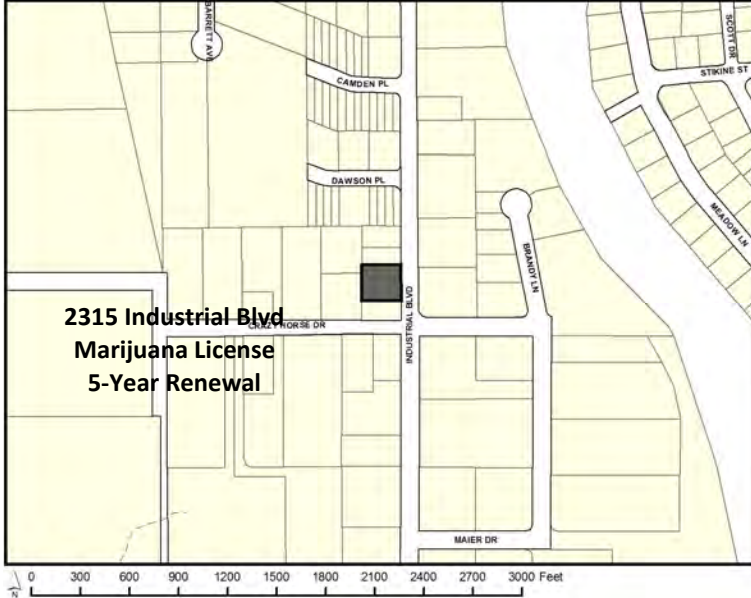


DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

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:

**2315 Industrial Blvd
Marijuana License
5-Year Renewal**

A **Marijuana Manufacturing License 5-Year Renewal** and a **Marijuana Cultivation License 5-Year Renewal** are up for consideration and public hearing by the Planning Commission for **Top Hat, LLC** at **2315 Industrial Boulevard** in an **Industrial Zone**.

TIMELINE

Staff Report expected to be posted **Monday, October 18, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through Oct. 4

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

Oct. 5 — noon, Oct. 25

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

HEARING DATE & TIME: 7:00 pm, October 26, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/89613819418>. The Webinar ID is: 896 1381 9418. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

October 27

The results of the hearing will be posted online.

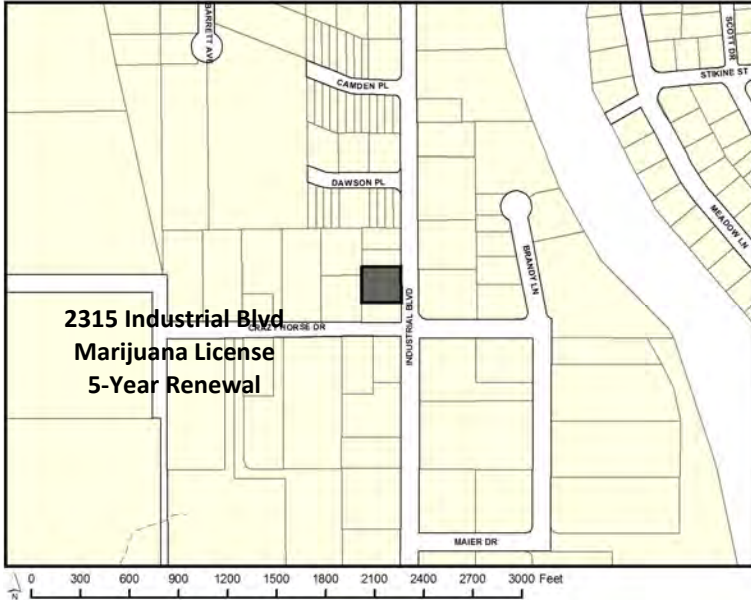
Phone: **(907)586-0715** ♦ Email: pc_comments@juneau.org
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed September 24, 2021

Case No.: USE2016 0012; USE2016 0013
Parcel No.: 4B1701080071
CBJ Parcel Viewer: <http://epv.juneau.org>

Revised Notice

Re: Marijuana Retail & Cultivation License 5-Year Renewals
Hearing Rescheduled



155 S. Seward Street Juneau, Alaska 99801

TO:

**2315 Industrial Blvd
Marijuana License
5-Year Renewal**

POSTPONED

You are receiving this notice regarding applications being heard by the Planning Commission for a **Marijuana Manufacturing License 5-Year Renewal** and a **Marijuana Cultivation License 5-Year Renewal** for **Top Hat, LLC** at **2315 Industrial Boulevard**. Originally, the hearing was set for October 26, 2021. The hearing has been rescheduled for **November 9, 2021**.

TIMELINE

Staff Report expected to be posted **Monday, November 1, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through noon, November 8

Comments received during this period will be sent to Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling these cases, Joseph Meyers, will also read any written comments that are received. You may also contact him via the phone number listed below.

HEARING DATE & TIME: 7:00 pm, November 9, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/82646379779>. The Webinar ID is: 826 4637 9779. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

November 10

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed October 22, 2021

Case No.: USE2016 0012; USE2016 0013
Parcel No.: 4B1701080071
CBJ Parcel Viewer: <http://epv.juneau.org>



2315
A & B



PUBLIC NOTICE

**EMERGENCY
MANUFACTURING
& CONSTRUCTION**

Due to the nature of the project, the
applicant has requested a permit for
the construction of a new building and
the construction of a new building.

HEARING DATE:
11/19/2021



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: November 17, 2021
File No.: USE2021 0013/USE2016 0013

Top Hat Concentrates, LLC
Attn: John Nemeth
2315 Industrial Blvd
Juneau, AK 99801

Proposal: A five-year renewal for Special Use Permit (USE2016 0013) for a marijuana cultivation facility

Property Address: 2315 Industrial Boulevard

Legal Description: Mason Industrial Park 2 Lot 7A1

Parcel Code No.: 4B1701080071

Hearing Date: November 9, 2021

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 1, 2021, and approved the renewal of a five-year Special Use Permit to be conducted as described in the project description and project drawings submitted with the application.

Attachments: November 1, 2021, memorandum from Joseph Meyers, Community Development, to the CBJ Planning Commission regarding USE2021 0013/USE2016 0013.

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

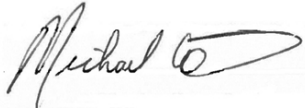
Top Hat Concentrates, LLC
 File No.: USE2021 0013/USE2016 0013
 November 17, 2021
 Page 2 of 2

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, November 9, 2021.

Expiration Date: The permit will require review five (5) years after the effective date, or November 10, 2026 per CBJ 49.65.1245(e). Application for permit extension must be submitted thirty days prior to the expiration date.

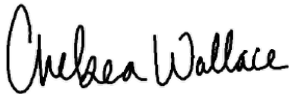
Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.



Michael Levine, Chair
 Planning Commission

November 18, 2021

Date



Filed With City Clerk

November 19, 2021

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**

USE2016 0017: A Marijuana Cultivation License 5-Year Renewal for The Fireweed Factory - (USE2021 0014) - APPROVED AS RECOMMENDED

AGENDA ITEM:

Case No.: USE2016 0017

Applicant: The Fireweed Factory

Location: 8415 Airport Blvd

Proposal: A Marijuana Cultivation License 5-Year Renewal for The Fireweed Factory

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow a Marijuana Cultivation License five-year renewal without amended conditions.

ATTACHMENTS:

	Description	Upload Date	Type
▣	Staff Report for USE2016 0017 5-Year Renewal (USE2021 0014)	11/1/2021	Staff Report
▣	Notice of Decision for USE2016 0017/USE2021 0014	11/19/2021	Notice of Decision



PLANNING COMMISSION STAFF REPORT
SPECIAL USE PERMIT RENEWAL USE2021 0014
HEARING DATE: NOVEMBER 9, 2021

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

DATE: November 1, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Joseph Meyers, Planner 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a five-year renewal of Special Use Permit (USE2016 0017) for a marijuana cultivation facility.

STAFF RECOMMENDATION: Approval

KEY CONSIDERATIONS FOR REVIEW:

- Notice of Decision was issued on the original Special Use Permit on June 28, 2016.
- This facility has no infractions on record.
- State Marijuana License #10266 is current; CBJ Marijuana License #MJL-005 is current.
- One minor modification of facility floor plan.
- Passed inspections from 2016 through 2020.

GENERAL INFORMATION	
Property Owner	Mackinco
Applicant	The Fireweed Factory – Cultivation
Property Address	8415 Airport Boulevard
Legal Description	Valley Centre Block M Lot 13A
Parcel Number	5B1501020121
Zoning	Industrial
Land Use Designation	Light Industrial
Lot Size	29,443 square feet
Water/Sewer	CBJ
Access	Airport Boulevard
Existing Land Use	Marijuana cultivation
Associated Applications	USE2016 0017; USE2016 0026 (retail facility); USE2021 0015 (retail extension)
Facility Type	Marijuana cultivation

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 49.65.1245
 - o 49.15.330
 - o 49.80

The Commission shall hear and decide the case per 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 (ROW)	Right-of-Way
South (I)	Vacant
East (I)	Misc. Commercial
West (I)	Vacant

SITE FEATURES	
Anadromous	None
Flood Zone	Zone X
Hazard	No known
Hillside	None
Wetlands	None
Parking District	None
Historic District	None
Overlay Districts	N/A

BACKGROUND INFORMATION

Project Description – This application is for a five-year renewal of the Special Use Permit for the Fireweed Factory Cultivation facility at 8415 Airport Boulevard.

Background – The Planning Commission approved a Special Use Permit (USE2016 0017), effective June 28, 2016, to allow a Marijuana cultivation facility in the Industrial zoning district with the following conditions:

1. The applicant shall pass all CBJ Fire Marshall inspections.
2. Security cameras shall have an unobstructed view of each doorway to the cultivation building.
3. Security cameras shall have unobstructed views of the regular activity without sight blockage from plants, fixtures, or other equipment in the cultivation facility.
4. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
5. No offsite glare shall be produced by exterior facility and doorway lights.
6. Staff shall conduct a site visit to ensure the surveillance system is fully operational and all health and safety signs are displayed.

ANALYSIS

CBJ 49.65.1220 establishes the requirements for this renewal.

1. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee.
2. No outstanding corrective orders or enforcement actions.
3. Proof of inspection.

4. In compliance with the applicable Conditional Use Permit.

Requirement: Has the applicant applied for and remitted the fee for renewal of a Special Use Permit timely?

Analysis: Yes. The application for renewal of USE2016 0017 was received on October 11, 2021 and the fee remitted timely.

Requirement: At least ten days prior to the hearing, notice of the renewal request must be mailed to adjacent property owners. At least two days prior to the hearing, a general notice shall be printed in the newspaper of general circulation in the municipality.

Analysis: Yes. The Public Notice requirements of Title 49 have been met for this renewal.

Requirement: Conditions contained in the Special Use Permit cannot be changed unless the Commission amends or adds conditions to ensure compliance with this title. Have the conditions been changed to ensure compliance with Title 49?

Analysis: No. Conditions placed on the Special Use Permit have not been changed.

PUBLIC COMMENTS

CDD conducted a public comment period between October 8, 2021 and November 9, 2021. 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 public comments were submitted at the writing of this report.

FINDINGS

Special Use Permit Renewal Criteria – Per CBJ 49.15.250, Development Permit Extension, the Director makes the following findings on the criteria for granting the requested Special Use permit extension:

1. ***Was the application for the requested Special Use Permit renewal complete and received timely?***

Analysis: No Further analysis required.

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

2. ***Have there been any corrective or enforcement issues for this facility in the past five years?***

Analysis: No further analysis required.

Finding: No. There have been no enforcement of corrective issues for this facility in the last five years.

3. ***Have all inspections been passed?***

Analysis: No further analysis required.

Finding: Yes. All conducted inspections have been passed.

4. Are State and CBJ marijuana licenses being maintained current?

Analysis: State and CBJ licenses are being maintained. Copies of each permit are located in Attachment B.

Finding: Yes. State and CBJ marijuana licenses are current.

5. Have any modifications been made to the Special Use Permit?

Analysis: One minor change was made to the floor plan of the facility, however this change did not warrant a change to the Special Use Permit.

Finding: No. No major modifications have been made to the Special Use Permit.

6. Have the conditions of the Special Use Permit been met and maintained?

Analysis: No further analysis required.

Finding: Yes. The conditions of the Special Use Permit have been met and maintained.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow a Marijuana Cultivation License five-year renewal without amended conditions.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Supporting Documents
Attachment C	Public Notice



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION	
	Physical Address <u>8415 Airport Blvd. Space B, Juneau, AK 99801</u>	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <u>Valley Centre Block M Lot 13A</u>	
	Parcel Number(s) <u>5B1501020121</u>	
	This property located in the downtown historic district	
	This property located in a mapped hazard area, if so, which _____	
	LANDOWNER/ LESSEE	
	Property Owner <u>Mackinco</u>	Contact Person <u>Neil Mackinnon</u>
	Mailing Address <u>1114 Glacier Ave, Juneau, AK 99801</u>	Phone Number(s) <u>586-1254</u>
	E-mail Address <u>nmackinnon@acsalaska.net</u>	
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	<u>[Signature]</u>	<u>10/12/21</u>
	Landowner/Lessee Signature	Date
X	_____	_____
	Landowner/Lessee Signature	Date
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 <u>Paul Disdier</u>	Contact Person <u>Paul Disdier</u>	
Mailing Address <u>8393 N. Douglas Hwy</u>	Phone Number(s) <u>967-2670</u>	
E-mail Address <u>thefireweedfactory@gmail.com</u>		
X	<u>Paul V. Disdier</u>	<u>10/12/21</u>
	Applicant's Signature	Date of Application

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number <u>USE 21-14</u>	Intake Initials <u>JPM</u>
	Date Received <u>10/21/21</u>



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 <u>Standard Marijuana cultivation facility for growing, processing and Packaging.</u>	
	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: <u>4.220</u>	
	IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? ☒ YES – Case # <u>USE20160017</u> ☐ NO	
	UTILITIES PROPOSED WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site	
	SITE AND BUILDING SPECIFICS Total Area of Lot <u>29,444</u> square feet Total Area of Existing Structure(s) <u>2,156</u> square feet Total Area of Proposed Structure(s) <u>2,156</u> 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 ☐ 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) <i>If this is a modification or extension include:</i> ☒ Notice of Decision and case number ☒ Justification for the modification or extension ☒ Application submitted at least 30 days before expiration date		

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

ALLOWABLE/CONDITIONAL USE FEES		Check No.	Receipt	Date
Application Fees	Fees: \$ <u>250.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ _____			
Pub. Not. Sign Deposit	\$ _____			
Total Fee	\$ _____			

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	Date Received
USE21-14 (USE16-17)	10/21/21

Special Use Permit Narrative

The Planning Commission, at its regular public meeting, issued The Fireweed Factory a Notice Of Decision for its Marijuana Cultivation Facility on June 28, 2016. The premises have been inspected by both CBJ and the Fire Department on an annual basis. No corrective issues or infractions have occurred.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION

NOTICE OF DECISION

Date: June 30, 2016

File No.: USE2016 0017

Paul V. Disdier
8393 N. Douglas Hwy
Juneau, Alaska 99801

Application For: A Conditional Use permit for a standard commercial marijuana cultivation facility in an Industrial zone.

Legal Description: Valley Centre Block M Lot 15 & 16A

Property Address: 8415 Airport Blvd

Parcel Code No.: 5-B15-0-102-015-1

Hearing Date: June 28th, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 15th, 2016 and approved the Conditional Use permit for a standard commercial marijuana cultivation facility in an industrial zone to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The applicant shall pass all CBJ Fire Marshall inspections.
2. Security cameras shall have an unobstructed view of each doorway to the cultivation building.
3. Security cameras shall have unobstructed views of the regular activity without sight blockage from plants, fixtures, or other equipment in the cultivation facility.
4. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
5. No offsite glare shall be produced by exterior facility and doorway lights.
6. As a condition of approval, staff recommends that prior to Certificate of Occupancy for the facility, staff conduct a site visit to ensure the surveillance system is fully operational and all health and safety signs are displayed.

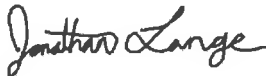
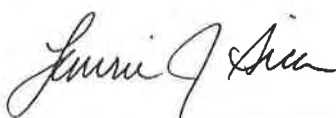
Attachments: June 15th, 2016 memorandum from Jonathan Lange, Community Development, to the CBJ Planning Commission regarding USE2016 0017.

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.

Paul V. Disdier
 File No.: USE2016 0017
 June 30, 2016
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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 28th, 2016.
 Expiration Date: The permit will expire 18 months after the effective date, or December 28th, 2017, 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 a permit extension must be submitted thirty days prior to the expiration date.

Project Planner:	 Jonathan Lange, Planner Community Development Department	 Ben Haight, Chair Planning Commission
	 Filed With City Clerk	July 11, 2016 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.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: June 15, 2016

TO: Planning Commission

FROM: Jonathan Lange, Planner *Jonathan Lange*
Community Development Department

FILE NO.: USE2016 0017

PROPOSAL: A Conditional Use permit for a standard marijuana cultivation facility in an Industrial zone.

GENERAL INFORMATION

Applicant: Paul V. Disdier

Property Owner: Mackinco

Property Address: 8415 Airport Blvd

Legal Description: Valley Centre Block M Lot 15 & 16A (Building Site)

Parcel Code Number: 5-B15-0-102-015-1

Site Size: 12,645 Square Feet

Comprehensive Plan Future Land Use Designation: LI – Light Industrial

Zoning: Industrial (I)

Utilities: City water and sewer

Access: Airport Blvd

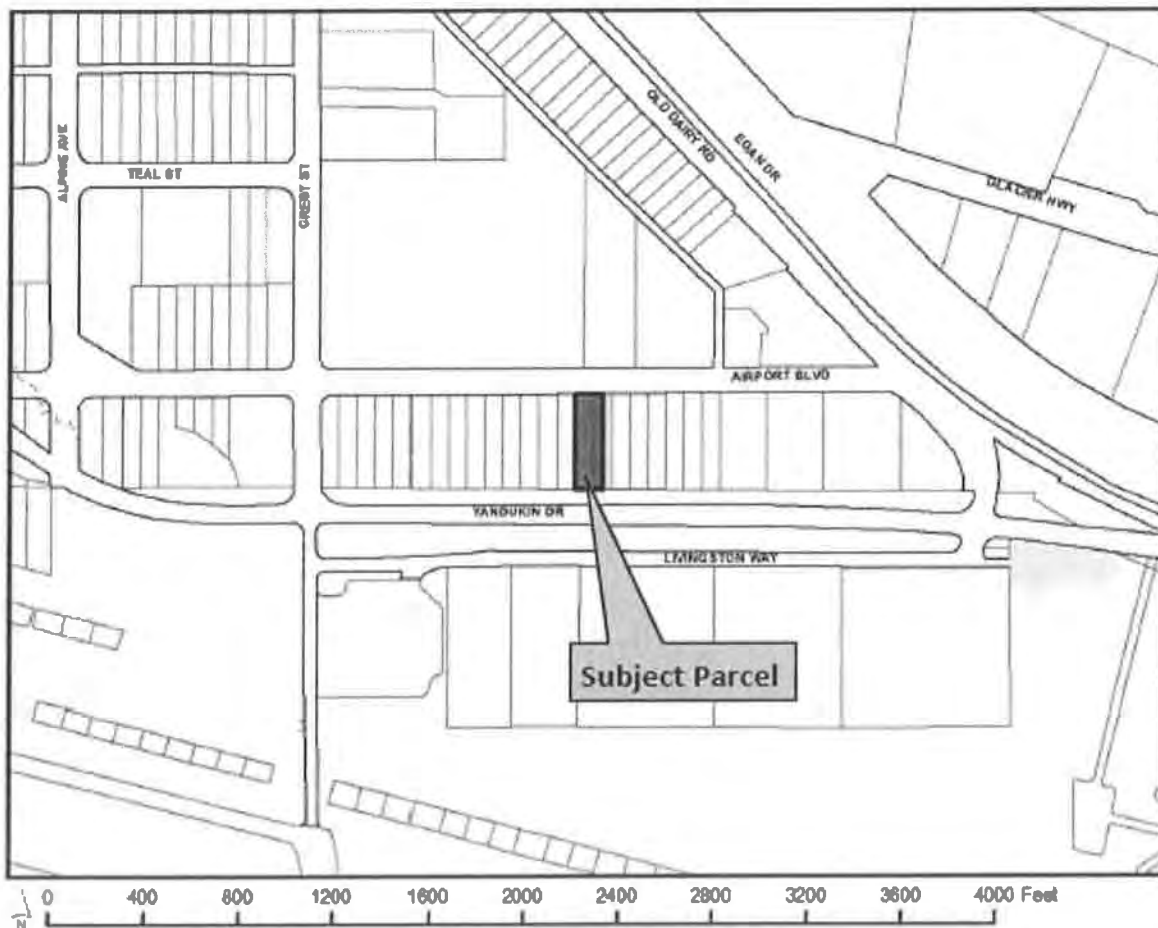
Existing Land Use: Alcan Electrical and Engineering; Garage/storage

Surrounding Land Use: North I (Industrial) - AK Litho Printers, Juneau Dance Theatre

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South I (Industrial) - Yandukin Dr., Airport hanger
 East I (Industrial) – The Plumbing and Heating Co.,
 caretaker residence
 West I (Industrial) - Vacant

Vicinity Map



ATTACHMENTS

- Attachment A – Conditional Use and Development Permit Application, Narrative, Site Plans/Building Plans, and Applicant’s Open House Invitation
- Attachment B – Public Notice
- Attachment C – Pictures

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PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a 2,156 square foot standard commercial marijuana cultivation facility in the Industrial Zone. The proposed facility would be for growing, processing and packaging cannabis for sale and distribution. The proposed project would include no outward change of the existing building. The proposed cultivation facility would be built within the existing building (see Attachment A for site plans and building plans).

BACKGROUND

The subject site and building are located on Lots 13, 14, 15, and 16A of Valley Centre Subdivision. The lots in this area were platted in 1968 and in 1986 Lot 16A was created from Lot 16 of Valley Centre Subdivision.

In the Greater Juneau Borough 1964 Zoning Ordinance, the subject parcel was zoned A – F, Agricultural and Forest. It was then updated and changed in the 1969 Comprehensive Zoning Ordinance of the Greater Juneau Borough, to be located in the C3 General Commercial Zoning District, with a minimum of 2,000 square foot lot sizes. The purpose of the C3 General Commercial District was “to provide areas for those types of retail, wholesale, transportation and service uses which tend to conflict with the uses permitted in Neighborhood and Central Commercial Districts”. The 2006 Title 49 ordinance update rezoned the subject parcel and area to Industrial.

The Special Use Regulations for Marijuana Establishments, Ordinance 2015-38, is effective as of June 2nd, 2016. The proposed cultivation facility has been reviewed for conformity with the regulations of the ordinance. CBJ Title 49.65.1100 regulates Marijuana Establishments and Conditional Use Permits for these establishments. Additional application materials must be submitted with those regularly submitted for Conditional Use Permits. These materials include: site and floor plans, security plan, waste disposal plan, screening plan, a ventilation and filtration plan, a plan to prevent the growth of harmful mold, and an odor plan. These application materials will be discussed further in the report. The applicant must also display health warning signs on the facility.

ANALYSIS

The City and Borough of Juneau (CBJ) Land Use Code, Title 49, requires a Conditional Use Permit for proposed Marijuana Cultivation (500 square feet or more under cultivation) in the Industrial Zoning District (CBJ 49.25.300 Table of Permissible Uses 19.230).

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CBJ Land Use Code, Title 49.65.1100 – Marijuana Establishments

49.65.1105 License required

(a) No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. The following types of licenses may be issued under this article:

(2) Marijuana cultivation facility license;

49.80.120 Definitions – Marijuana cultivation facility means an entity that cultivates, prepares, and packages marijuana and sells marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Project Site - The property is located on the south side of Airport Blvd, north of Yandukin Dr., in the Industrial Zoning District. The site is south of the AK Litho Printers building, west of the Plumbing and Heating building with a caretakers unit, north of an airport hangar across Yandukin Dr., and east of a vacant parcel of land. On the western side of the vacant land is Les Schwab Tire Center.

Marijuana facilities must be located more than 500 feet from school grounds, recreation or youth centers, buildings which regularly conduct religious services, and correctional facilities. The Raven Correspondence Homeschool is located at 8391 Airport Blvd, in the same building as Holt Chiropractic Offices and Rehabilitation, and is over 500 feet from the proposed facility. Staff made a site visit and measured the distance from the proposed facility to the Homeschool. The measurement came to approximately 505 feet from the school property line to the door of the proposed marijuana cultivation facility, measured along the shortest pedestrian route along a public right-of-way to the private property of the proposed facility. Staff followed the directions on measuring distances from the State Marijuana Ordinance, 3 AAC 306.010.

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Red line measuring from school property line to the front door of the proposed cultivation facility

The Juneau Dance Theatre, located across the street at 8420 Airport Blvd, does not meet the State of Alaska's definition of a "recreation or youth center", as the facility is not run or created by a local government or state agency, is not a youth center, and is for persons of all ages.

3 AAC 306.990. Definitions.

(35) "recreation or youth center" means a building, structure, athletic playing field, or playground

(A) run or created by a local government or the state to provide athletic, recreational, or leisure activities for persons under 21 years of age; or

(B) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age;

The subject lots are 29,444 square feet and have two structures located on them. The proposed marijuana cultivation facility would be located in the rear portion of the main building on the parcels, facing Airport Blvd. The front half of the warehouse/building is occupied by Alcan Electrical and Engineering. The back portion of the building, 2,156 square feet, is owned by Mackinco and is currently being used for storage.

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Project Design - The proposed marijuana cultivation facility will be constructed within the existing storage or garage area of the back half of the main building onsite. A fire separation wall separates the proposed facility from the Alcan Electrical and Engineering space. The door between the two spaces will be walled off and secured. The proposed facility will consist of four 190 square foot flowering rooms with 12 foot ceilings; one 213 square foot propagation room with a 10 foot ceiling; two 64 square foot rooms, one for drying and one for packaging, with 8 foot ceilings; an approximately 56 square foot office with an 8 foot ceiling; a 32.5 square foot ADA restroom; and a 35.75 square foot entry foyer. The total area of the proposed facility will be 2,156 square feet. The facility will have a single entrance, which will be replaced by an industrial grade door for security. All interior doors will be able to be locked. The garage door will be secured and the windows on the garage door will be secured and covered or opaque.

The propagation room and each flowering room will have fully contained ventilation, air conditioning/heating systems, CO2 systems, activated charcoal filter systems, and LED grow lights (see Attachment A for building plans). The interior room walls and ceilings will be painted with a coating that is able to withstand frequent washing and sanitizing. CO2 canisters will be stored at the north end of the hall between flowering rooms. The canisters will have manual shut-off valves on each tank. A tube will go from the canisters to each room to feed the CO2 to the plants; CO2 will be controlled by an electronic monitoring system. No air ventilation, noise, or light will be emitted from the facility to the outside.

Mother plants will be kept in the propagation room. Mother plants are plants that remain in a constant state of vegetation. This allows clones, or small cuttings to be taken of a particular type of plant in order to produce more of the same product. The cultivation process begins with these plants in the propagation room. Once sprouted the clones are transplanted into new pots and grow in the propagation room for two weeks, until approximately eight inches in height. Each clone is given a Marijuana Inventory Tracking System (MITS) number. The approximately eight inch plant will then be transplanted again into a larger pot and will grow for two months in the flowering rooms, until they are harvested.

An activated charcoal filter system will eliminate the smell of cannabis from the proposed facility. Each room that contains cannabis will have a charcoal filter system. The filters will be changed at least once a year.

After harvesting, the plants will be dried for seven to ten days in the drying room. Byproduct will be sold to other businesses that may use the product to manufacture items like extracts or edibles. Flower buds and trim will be stored until packaging. Prior to packaging, the product will be tested.

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Traffic, Parking, and Circulation - The proposed facility is not expected to generate any traffic other than that which would be regularly found in this neighborhood and in an Industrial Zoning District. The facility will have two employees and may add two more employees in the future. Traffic would consist of the employees coming to and from work and making deliveries of product, or supply delivery. CO2 canisters will be filled at a nearby welding shop. The number of trips from employees and deliveries is expected to be well below 250 average trips in a day. CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 average trips in a day.

The proposed cultivation facility requires one parking space for the office, and three parking spaces for the cultivation facility, per 49.40.210. One of the parking spaces is required to be a handicapped accessible space. The applicant has proposed the accessible space to be near the entrance of the facility (see Attachment A for site plan). No loading space is required for commercial spaces less than 5,000 square feet of gross floor area. The lot has adequate parking for the proposed use and the existing electrical business.

Noise – As mentioned above, the proposed facility will be fully contained within the existing warehouse building. No noise is expected to be emitted from the facility. The proposed facility will be located within the Industrial Zoning District and activity and noise is expected to be less than other uses that may be permitted in the zone.

Public Health or Safety – Employees of the proposed facility will be trained in safe product handling and processing, and in operating security equipment and procedures. The application states that they will use organic pesticides and fungicides in their facility. Fertilizers will be high quality organic nutrients. Plant waste will be disposed of with used growing medium, and will be shredded and mixed into dirt, and stored inside the building until it needs to be removed. At that time it will be bagged and taken to the landfill in accordance with the State Marijuana regulations. Water captured by dehumidifiers will be recycled back into the plants. No waste water from plants will be discharged into the City's sewer system.

The building exterior is equipped with lighting, along the parking area and at the entrance to the facility on the back/south facing portion of the building. The applicant may place motion sensor lights near the entrance doors. As a condition of approval staff recommends that no offsite glare shall be produced by exterior doorway lights.

The proposed facility will be restricted to employees with a State issued marijuana-handler's permit, persons with official documentation, or to visitors with a visitor's pass. An ID badge will be worn by all on site. The building will be equipped with an advanced security system. Cameras will be IP based and will capture and transmit images over an IP network; this will allow the owner or employees to view and record footage remotely from a smartphone or tablet. The applicant's building plan shows proposed locations of cameras. Cameras will be

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placed in each room of the proposed facility and on the exterior of the facility facing the entrance door. The camera system will be able to record in the infrared spectrum to provide images in total darkness and will record in HD 1080p. Cameras will be installed within vandal-proof enclosures, have Wide Dynamic Range, and have facial recognition software. Cameras will record 24 hours a day and will be equipped with a battery backup system.

The proposed facility will be equipped with an alarm system that includes multiple duress alarm access points, multiple panic alarm access points, digital dialer with cellular backup, and an equipment failure notification alarm. Security monitoring equipment will be stored in the office of the facility, and a professional security company will be monitoring the facility.

As a condition of approval, staff recommends, that prior to Certificate of Occupancy for the facility, staff conduct a site visit to ensure the surveillance system is fully operational and all health and safety signs are displayed.

Habitat - No sensitive areas, eagle nests, anadromous fish streams, or wetlands are known to exist on the subject site. Title 49 requires a 5% vegetative cover for all Industrially Zoned sites (CBJ 49.50.300). The site meets the vegetative requirement.

A screening plan is required by State and Title 49 Marijuana Establishment regulations. Marijuana plants and products are not allowed to be visible to the general public from a public right-of-way. The proposed use will be within an enclosed, existing facility; no exterior work is proposed.

Property Value or Neighborhood Harmony – As mentioned above, the proposed facility would be contained within an existing warehouse building. The use is expected to generate less traffic and noise than other uses within the surrounding Industrial Zoning District and is in harmony with the adjacent uses.

Public and Agency Comments – No public or agency comments were received by staff at the time of completing the report.

Conformity with Adopted Plans - The project has been found consistent with the 2013 Juneau Comprehensive Plan, as discussed below.

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

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The property is located within the LI – Light Industrial Land Use Designation of the Comprehensive Plan. The proposed use is determined to be a similar or less intensive use than those uses described in the LI definition. The proposed facility would provide for a diverse economy and encourage entrepreneurship within Juneau.

FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

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?

Yes. Staff finds 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.

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 19.230 for the Industrial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the June 18th, 2016 and June 27th, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Staff finds no evidence that the proposed development will materially endanger the public health and safety. The proposed facility will include security systems and cultivation techniques that will provide for a safe and secure facility.

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

No. Staff finds that the proposed development will be in harmony with the property in the neighboring area, and is a less intense use than other uses found within the Industrial Zoning District.

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

Yes. The proposed development is in conformity with the Comprehensive Plan. The Light Industrial Land Use Designation supports this type of use.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. *Will the proposed development comply with the Juneau Coastal Management Program?*

N/A

Planning Commission
File No.: USE2016 0017
June 15, 2016
Page 11 of 11

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a standard marijuana cultivation facility to be located within the Industrial Zoning District.

The approval is subject to the following conditions:

1. The applicant shall pass all CBJ Fire Marshall inspections.
2. Security cameras shall have an unobstructed view of each doorway to the cultivation building.
3. Security cameras shall have unobstructed views of the regular activity without sight blockage from plants, fixtures, or other equipment in the cultivation facility.
4. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
5. No offsite glare shall be produced by exterior facility and doorway lights.
6. As a condition of approval, staff recommends, that prior to Certificate of Occupancy for the facility, staff conduct a site visit to ensure the surveillance system is fully operational and all health and safety signs are displayed.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <i>Standard marijuana cultivation facility</i>		
	PROPERTY LOCATION		
	Street Address <i>8415 Airport Blvd Space B</i>	City/Zip <i>Juneau, AK 99801</i>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <i>Valley Centre BL M 415 #16 A</i> ✓		
	Assessor's Parcel Number(s) <i>5B1501020151</i> ✓		
	LANDOWNER/ LESSEE		
	Property Owner's Name <i>Mackinco</i>	Contact Person: <i>Neil</i>	Work Phone: <i>586-1254</i>
	Mailing Address <i>1114 Glacier Ave. Juneau 99801</i>	Home Phone:	Fax Number: <i>463-3433</i>
	E-mail Address <i>nmackinnon@acsalaska.net</i>	Other Contact Phone Number(s): <i>321-0931c</i>	
	PROJECT / APPLICANT	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		<i>[Signature]</i> Landowner/Lessee Signature	<i>4/15/16</i> Date
X		<i>[Signature]</i> Landowner/Lessee Signature	<i>[Blank]</i> Date
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" and sign and date at X below:			
Applicant's Name <i>Paul V. Disdier</i>		Contact Person: <i>Paul</i>	Work Phone:
Mailing Address <i>8393 No. Douglas Juneau AK 99801</i>		Home Phone: <i>457-2670</i>	Fax Number: <i>586-6790</i>
E-mail Address <i>the fireweed factory@gmail.com</i>	Other Contact Phone Number(s): <i>586-6790</i>		
X	<i>[Signature]</i> Applicant's Signature	<i>[Blank]</i> Date of Application	

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	☒	Permit Type	***BGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	☒	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		<i>5/9/16</i>	<i>USE20160017</i>
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:				Permit Intake Initials <i>ANE</i>	

Project Number	Project Name (15 characters) The Fireweed Factory	Case Number USE 20160017	Date Received 5/9/16		
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED					
☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW) ☒ Use Listed in §49.25.300 (Table of Permissible Uses) (USE) Please list the Table of Permissible Uses Category: _____ ***An Accessory Apartment Application will also be required.					
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. Standard Cultivation marijuana facility for growing, processing and packaging cannabis for sale and distribution.					
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES - Case # _____					
CURRENT USE OF LAND OR BUILDING(S): Storage					
PROPOSED USE OF LAND OR BUILDING(S): Cultivation of marijuana					
UTILITIES PROPOSED: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site					
SITE AND BUILDING SPECIFICS:					
Total Area of Lot 29,444 square feet Total Area of Existing Structure(s) 2,156 square feet					
Total Area of Proposed Structure(s) 2,156 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					
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:					
☐ Site Plan ☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☐ Floor Plan of proposed buildings ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) ☐ Elevation view of existing and proposed buildings ☐ Proposed Vegetative Cover N/A					
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date	
	Application Fees	\$500.00	_____	_____	5/9/16
	Admin. of Guarantee	\$ _____	_____	_____	_____
	Adjustment	\$ _____	_____	_____	_____
	Pub. Not. Sign Fee	\$50.00	_____	_____	_____
Pub. Not. Sign Deposit	\$100.00	_____	_____	_____	
Total Fee	\$650.00	2822	8047	5/9/16	

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM
Attachment A - Application Packet

CBJ Conditional Use Permit Application
Narrative and Site Plan May 2016

The Fireweed Factory LLC

Narrative

Contents:

Business Structure and Operations

Site Development

Facility overview

Cultivation

Processing

Waste disposal

Safety and Security

Parking

Summary

Site Plan and Drawings

Copy of Lease

Photos

Attachments

Business Structure and Operations

The Fireweed Factory is a LLC licensed in the State of Alaska. As a manager/owner company some members will oversee its operation. The State marijuana regulations spell out four types of facilities that can be established. The company plans to apply for the State of Alaska standard cultivation permit to grow, process and package cannabis for sale. It will operate under and comply with all the legal requirements of the State and CBJ. We plan to begin with 2 employees, full or part-time and add two more in the future. All marijuana handlers will be licensed per State regulation 3 ACC 306.425.

Use and occupancy will conform to the International Code Council's Chapter 3, Section 312.1 Utility and Misc. Group U - Agricultural Buildings category. Appendix C was added to the agricultural buildings section and CBJ adopted this added code under 19.03 (Serial No. 2009.16b). The scope of this appendix outlined provisions that apply exclusively to agricultural buildings. Such buildings in Group U include, but were not limited to, horticultural structures including detached production greenhouses and crop protection shelters.

The Fireweed Factory will be operated as a vertically integrated company that incorporates the "seed to sale" business model. Our company policies will reflect our values: to grow only premium cannabis that will be held to the highest safety standards, be sensitive to community concerns and to be protective of the environment.

Site development

A standard cultivation marijuana establishment is allowed under the CBJ Land Use Code as amended by CBJ Ordinance #2015-39. Under CBJ Title 49.25.300, and by standard definition, the cultivation facility is designated as a Commercial Agricultural Operation.

The site is located in an industrial zoned area near the Juneau airport at 8415 Airport Blvd. Space B and is surrounded by other commercial and industrial businesses. Parking areas are located on two sides of the building with a thick strip of trees at the back edge (west). Total square feet of the site is 29,444.

The cultivation facility will be constructed in the back half of the warehouse on the site. The space now serves as storage for the current owner, Mackinco, and the separated front half of the warehouse is occupied by an electrical contractor. There is a fire separation wall between the two spaces.

Unlike greenhouses, no light will be emitted from the building. There are no windows in the warehouse walls and the only small windows are those up high in the garage door. They will be made secure and opaque.

Hours of operation

As cannabis cultivation parallels other forms of indoor farming and gardening, the schedule for all work performed is 8 am to 6 pm, seven days a week throughout the year, or as needed.

Facility overview

The existing building is an insulated structure of steel construction with metal siding and roof. TFF is planning to construct a series of non load bearing rooms inside the warehouse necessary for growing, processing and packaging operations. They will be independent of the warehouse structure itself and be self contained. The warehouse currently has only one entry and the door will be replaced with a industrial grade door and upgraded surveillance. Additional security will be added in the form of lighting and video monitoring.

The existing building has adequate three phase 440a power and will supply 120v and 240v power through conduit to multiple outlets throughout the building. All electrical work will be performed by a licenced electrical contractor.

An on site bathroom with a hand washing sink is available to employees. Because we will have only two to four employees, the accessible standards set by ADA Title 1 do not apply to the existing bathroom area. The ADA Advisory 203.9 section suggests that "Although areas used exclusively by employees for work are not required to be fully accessible, consider designing such areas to include non-required turning spaces . . . consider accessible elements whenever possible," and this is what we intend to do if we ever have a qualified individual apply for a job.

See attached building plans.

Cultivation

Propagation Section

The warehouse will be divided into specific work spaces and designed to make the complete operation safe, secure and efficient. The interior walls and ceilings will be covered with smooth finished drywall and painted with a coating that is capable of being frequently washed and sanitized.

The cultivation rooms must be kept scrupulously clean to avoid invasion of any contaminants like molds, mildew, fungus, etc. Pest contamination will be controlled by a variety of methods, including regular cleaning of growing equipment and keeping the proper environment at all times (i.e humidity, temperature and light). Personnel will put on clean Tyvek suits, shoe coverings and gloves to prevent bringing in any contaminants. Any pest contaminations will be eliminated with organic pesticides and fungicides only.

Equipment installed will include an air conditioning/heating system, CO2 canister systems, activated charcoal filter systems and fluorescent and LED grow lights. CO2 canisters will have manual shut-off valves on each tank, and will be controlled by an electronic monitoring system that will have an automatic safety shut-off feature. Canisters will be filled by a nearby welding shop.

Walls of the interior of the rooms will be insulated and noise from equipment will not be transferred to the exterior of the building.

The process of growing begins with the "mother plants." Mother plants are large mature plants that are kept solely for the production of clones (small cuttings). A mother plant is used for long periods of time and is not harvested for sale. The clones are taken from the mother plants and put into aeroponic cloning machines where they sprout roots. After rooting, the clones are then transplanted into small pots containing coco coir (shredded coconut husks) where they will grow under fluorescent lights for the next two weeks. All plants will be fertilized with high quality organic nutrients.

Each 8" clone is given an official Marijuana Inventory Tracking System (MITS) number. When mature plants are harvested, they will be separated into batches of a single strain. Labeling and tracking of each batch is also entered into the State MITS per regulation 3 AAC 306.730.

Flowering Section

After transplanting into larger pots, the plants will grow for a total of two months in the flowering rooms until they are harvested. These rooms must also be kept extremely clean to avoid any contaminants. Any pest contaminations will be handled with organic pesticides and fungicides only. Large trays are used under the plants.

Equipment includes: an air conditioning/heating system, CO2 canister system, fans and LED lighting fixtures. An activated charcoal filter system will remove any smell from the rooms. Light and CO2 is supplied in a cycle of 12 hours on and 12 hours off and will be controlled electronically. No light or noise will be emitted to the outside.

See attached for plans.

Processing

Drying, Trimming, and Packaging

A portion of this warehouse will be separated into an office, drying and trimming room and a packaging room. All personnel will wear clean Tyvek suits and gloves to prevent contamination of the marijuana during these processes.

After harvesting, matured plants will be hung to dry for seven to ten days in a climate controlled environment. Trimming of the flower buds and the topmost smaller leaves will be done by hand to ensure optimum quality. The byproduct of the trimming process (trim) will be sold to other businesses who will manufacture refined items such as extracts and edibles. The flower buds and trim will be put into in a light proof, air-tight container and securely stored at a cool temperature until it is packaged.

Before any cannabis is packaged, it must be tested by a licensed lab for cannabinoid potency and contaminants per 3 AAC 306.645. Only after it meets the testing requirements can it be packaged for sale. Packaging and labeling will be done in compliance with 3 AAC 306.470 and 3 AAC 306.475. Child-resistant plastic opaque bags will be used and heat sealed. Labels with our company name and logo as well as the required MITS and warning labels. Packages will be securely transported to other licensed businesses that manufacture refined items, or to our permitted retail store. Before distribution the State excise taxes must be paid.

Weighing of the marijuana at the different stages will be done on a certified scale.

EMPORIUM LEASE

COMMERCIAL PROPERTY LEASE

THIS LEASE, made March 17, 2016 by and between MACKINCO, An Alaskan Partnership, 1114 Glacier Ave., Juneau, Alaska 99801, Lessor and The Fireweed Factory LLC, 8393 North Douglas Hwy, Juneau, AK 99801

WITNESSETH:

That the Lessor in consideration of the payment of the rent and the performance of all of the covenants herein contained by the Lessee does hereby demise and lease unto the Lessee the following-described property located in the Juneau Recording District:

A portion of the of the Building located at, 8415 Airport Blvd (space B), Juneau, Alaska, containing approximately 2150 square feet for a term of three (3) years from June 1, 2016 for a term rent of [REDACTED]. The term rent is payable as follows:

[REDACTED] on the first day of the term and the same date each month thereafter throughout year one of the term.

In addition Lessee agrees to pay the sales tax in effect in the City and Borough of Juneau on each payment as it falls due.

LEASE RENTAL INCREASE. If the items listed below increase in the aggregate of ten per cent (10%) the Lessor may increase the rent once a year on the first of the year following the date of execution of this lease on a pro-rata basis of space rented to total space owned in the building by Lessor where the building wide increase in rent is equal to the total amount of the increase in said items:

Fire and other hazards insurance
Real property taxes
Increases in the consumer Cost-of-Living Index as released by the U.S. Government

LIABILITIES FOR TAXES. The responsibilities of the parties for taxes which may become due or owing as a result of this lease are as follows;

1. Taxes upon personal property owned by lessee or being acquired by Lessee, such as for furniture, equipment, and merchandise used or to be utilized by Lessee are to be paid for by Lessee.
2. License taxes, sales taxes, or other taxes attributable to Lessee's occupation of the demised premises are to be paid by the Lessee.
3. Real property taxes and assessments fro public improvements are to be paid for by the Lessor, subject to the paragraph entitled Lease Rental Increase.

MAINTENANCE OF THE PREMISES. The parties' responsibilities as the condition of the demised premises during the term of this lease are as follows:

1. The demised premises are accepted by Lessee in their present condition and state of repair.
2. Lessee is responsible for maintaining the interior of the demised premises in its present condition and at Lessee's own expense.
3. Lessor is responsible for maintaining the exterior and foundations of the demised premises in a good state of repair during the term of this lease.

EMPORIUM LEASE

4. No remodeling or structural alterations of the demised premises may be undertaken without the Lessee first having obtained Lessor's written consent thereto, and all such undertakings shall be performed and completed in a workmanlike manner, with remodeling to include the authority to change and alter interior walls and to install necessary plumbing and wiring for Lessee's purposes. Lessee to bear the costs of any and all alterations. Lessee, subject to the express direction and control of Lessor, shall be responsible for restoring the demised premises to its original condition at the termination of the lease term. Lessor's written consent for remodeling shall not be unreasonably withheld.

5. In connection with any maintenance or repair of the furnace or heating systems, the obligation for the payment of same shall be that of the Lessee, on a pro-rata basis, as the normal wear and tear and that of Lessor as to permanent fixture replacement needs. Lessee's pro-rata share of the maintenance or repair of the furnace or heating systems shall be based upon the percentage of the entire area being heated for Lessee's benefit to the total of all leasable space.

6. Lessee is to make the demised premises available to Lessor or Lessor's agents at reasonable times in order to permit inspection concerning the condition and state of repair of the demised premises.

7. Lessor is not responsible for the repair or replacement and the maintaining of water pipes utilized in connection with Lessee's occupation of the demised premises and Lessee shall save Lessor harmless from any damages that may be sustained as a result of Lessee's neglect in allowing said water pipes to freeze.

8. Lessee is responsible for and shall erect and maintain only those signs which are suitable to Lessor, and in order to advertise Lessee's business operation on the demised premises, and Lessee shall obtain Lessor's approval of any such signs prior to ordering, purchasing or erection any such signs.

9. **UTILITY AND SERVICE CHARGES.** Those expenses which are incurred from day to day in connection with Lessee's occupation of the demised premises shall be apportioned as follows:

1. The obligation of payment and the expense of all utility and local government service charges including, but not limited to, electricity, telephone, and garbage removal, in connection with the demised premises, shall be that of the Lessee.

2. Lessee shall arrange, at Lessee's expense, for adequate garbage collection services so as to preclude any unsightliness as a result of garbage litter on the surrounding area.

TERMINATION OF THE LEASE. The conditions governing the termination of this lease and the Lessee's departure from the possession of the demised premises are as follows:

1. Time is declared to be of the essence as to the performance of all conditions and covenants created by the execution of this Lease Indenture with the consequence that any default hereunder gives Lessor the right to take possession of the demised premises and to occupy the demised premises to the exclusion of Lessee, with Lessor thus having the option to thereupon terminate the lease.

2. On termination of this lease, whether by breach or expiration of its term Lessee agrees that Lessee will vacate and depart the demised premises leaving them in as good a condition and state of repair as when possession was taken except as to ordinary wear and tear and damage or destruction by a fire which destroys 20% or more of the demised premises.

3. A default occurs hereunder if Lessee, within ten (10) days of receipt of written notice by Lessor of a failure by Lessee to comply with this agreement.

EMPORIUM LEASE

4. In the event of destruction by fire or other cause, or in the event of damage sufficient to make the demised premises untenable for period in excess of ninety (90) days, then this lease may be terminated by Lessor or Lessee provided that in the event of an untenable period of less than ninety (90) days the Lessee is relieved of the obligation for the payment of the required monthly lease installments during said untenable period but the lease can only be canceled under such circumstances at the option of the Lessor.

5. In the event that the United States federal government withdraws or substantially alters the enforcement priorities outlined in the memorandum that United States Deputy Attorney General James Cole issued to all U.S. Attorneys on August 29, 2013 (commonly referred to as "the Cole Memo"), such that continued operation of a marijuana establishment in compliance with State of Alaska and/or City & Borough of Juneau laws and regulations would no longer likely shield from federal intervention, whether civil or criminal, then this lease may be terminated by Lessor or Lessee.

6. In the event that the State of Alaska and/or City & Borough of Juneau enacts, amends, or repeals laws or regulations, or conditions permits such that the Lessor or Lessee is no longer able to perform any act or operation intended under this lease, or rendering any service required under this Lease, then the performance of any such act or obligation affected by the change in law, or rendering of any such service affected by the change in law shall be excused for the period of the resulting delay and the period of the performance or rendering shall be extended for a period equivalent to the period of such delay. Should such delay extend six (6) months, then this lease may be terminated by Lessor or Lessee.

7. Within ten (10) days after termination and the Lessee vacating the demised premises, any carpeting or flooring, lighting fixtures, wall paneling, and other permanent fixtures or improvements which may have been installed by Lessee or at Lessee's direction become the property of Lessor without cost or expense to the Lessor except as may otherwise be expressly provided herein

8. This lease may be terminated at any time by mutual consent of Lessee and Lessor

LIEN INDEMNIFICATION. Lessee is responsible to Lessor for liability incurred as a result of Lessee's acts or neglect, and Lessee shall not allow the demised premises to become subject to any lien, charge, or encumbrances.

QUIET ENJOYMENT AND LEASE RENEWAL. During the term of this lease and as to any renewals of said lease:

1. Lessee is entitled to, and shall hold and enjoy, the demised premises without interference from Lessor so long as Lessee promptly pays the monthly lease installments herein required and performs the covenants and abides by the conditions herein contained

2. All provisions hereof shall inure to the benefit of, extend to, and include, and be binding upon, the heirs, executors, administrators, successors, and assigns of the Lessee and the Lessor.

3. This lease is not renewable by the Lessee, except as may otherwise be expressly provided herein, and any occupation of the demised premises by the Lessee beyond the term of this lease shall only be upon the basis of a month to month tenancy subject to all of the terms and conditions herein contained and not otherwise in conflict.

LIABILITY FOR FIRE LOSS. The Lessor is not responsible to Lessee for any loss by Lessee of personal property maintained on the demised premises as a result of fire or related cause and Lessee shall, at Lessee's sole expense, maintain such insurance as Lessee may desire in order to protect against any such loss.

DAMAGE RESPONSIBILITY. Lessor shall not be liable for any damage occasioned by the negligence or fault of the Lessee, or for any damage resulting from the act or negligence of co-

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tenants or other occupants of the same building or any owners or occupants of adjacent or contiguous property.

ABANDONMENT OR VACATION. If lessee shall abandon or vacate said premises prior to the expiration date of this lease, the same may be relet, by the lessor, at the best rent obtainable and any deficiency in the amount of rent herein mentioned to be paid by the lessee and the rent herein mentioned to be paid by the Lessee and the rent received after such abandonment or vacation shall be paid by the Lessee to the Lessor.

SAVE HARMLESS. Lessee will save and indemnify the Lessor harmless from all judgments, liabilities, expenses, costs, and attorneys' fees arising out of any act, omission, or neglect in such respect of the Lessee, lessee's agents or employees, or of any person permitted by Lessee to be upon or about the demised premises, as well as from all judgments, liabilities, expenses, costs and attorney fees incurred or paid by the Lessor in defending against any action at law, suit in equity, or statutory proceedings brought by or at the instance, or in the name of any governmental body, or any public authority in which it shall be attempted to subject the Lessor or the demised premises, or any part thereof to any damages, costs, injunctions, restriction, or regulations, by reason of any claim that there shall have been any such act, omission or neglect of Lessee in any of the respects aforesaid. This save harmless obligation does not apply to loss by fire.

LIABILITY INSURANCE. Lessee agree at all times during the term hereof, at Lessee's own expense, to maintain, keep in effect, furnish, and deliver to the Lessor evidence of liability insurance in form and with an insurer satisfactory to the Lessor, insuring both the Lessor and the Lessee against all liability for damages to person or property in or about said demised premises: the amount of said liability insurance shall not be less than \$100,000.00 for injury to one person, \$300,000.00 for injuries arising out of any one accident, and not less than \$50,000.00 for property damage. All such insurance shall name Lessor as a co-insured by policy endorsement.

OPTION TO RENEW. Lessee shall be entitled to renew this lease for an additional term of three (3) years upon the same terms and conditions as set forth in this lease, save for the rental terms which, unless the parties otherwise agree, will be established as hereinafter set forth. This option may only be exercised by giving written notice of Lessee's intention to renew not sooner than one hundred eighty (180) days, nor less than ninety (90) days before the expiration of the original term of this lease, which notice must declare the rental rate at which Lessee is willing to renew the lease. Unless Lessor gives Lessee written notice of Lessor's rejection of the renewal rental proposal within thirty (30) days of the date of receipt of Lessee's notice, the renewal rental proposal of Lessee will be deemed accepted by Lessor. If Lessor rejects the renewal rental proposal, Lessee's renewal rights will automatically cease and terminate.

BANKRUPTCY. In the event that the lessee becomes voluntarily or involuntarily bankrupt, or if a receiver be appointed by any court for the business of the Lessee, then the term of this lease shall, at the election of the Lessor, immediately terminate.

CONDEMNATION. With reference to condemnation and any proceedings in regards thereto, the following shall apply:

1. In the event title to the entire demised premises shall be acquired by anyone by exercise of right of eminent domain, this lease shall cease and terminate upon the vesting of title and Lessee shall make all payments required to be made by Lessee hereunder pro-rata to the date of such vesting of title, but Lessee shall be entitled to a pro-rata refund of any rent paid in advance. Lessee shall be indemnified for the depreciated value of any improvements Lessee has made which have increased the value of the demised premises as reflected in the purchase price under eminent domain proceedings.

2. In the event title to less than the whole of the leased premises but more than twenty (20%) percent of any ground floor area of the building thereon, or more than twenty (20%) percent of the entire demised premises shall be so acquired by eminent domain, or, as a result of exercise of such right of eminent domain, the part of the demised premises remaining shall not be one undivided whole, then Lessor shall immediately give to Lessee written notice of such acquisition and Lessee

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shall have the option to terminate this lease effective on a date to be specified in a written notice to be given by Lessee to Lessor, provided, however, that the date so specified in such notice shall be a date not more than sixty (60) days after the receipt by Lessee from Lessor of notice of such acquisition, and in such event Lessee shall make all payments required to be made by Lessee hereunder pro-rata to the date of such termination, but Lessee shall be entitled to a pro-rata refund of any rent paid in advance.

3. In the event Lessee does not exercise Lessee's right of termination, then this lease and all of the covenants, agreements, terms and conditions hereof shall continue in full force and effect as to the portion of the demised premises not taken by exercise of the right of eminent domain. If a portion of the demised premises shall have been so taken by exercise of the right of eminent domain without termination of this lease, as aforesaid, Lessor shall repair and rebuild the portion of the demised premises not so taken in such manner as to render such remaining portion commercially usable for the purpose of Lessee, and lessor shall restore such portion to a unit of substantially like quality and character as existed before such taking. Commencing with the date said portion of the demised premises so taken, the monthly rental shall be reduced in the proportion that the total square footage of the demised premises so taken shall bear to the total square footage the demised premises prior to such taking.

4. Any condemnation award with respect to the demised premises shall be the sole and exclusive property of the Lessor.

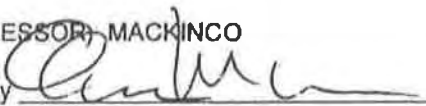
PERSONAL PROPERTY. All equipment unique to Lessee's business, and located on the demised premises by Lessee are the property of Lessee and shall be removed by Lessee or at Lessee's expense at the termination of this lease.

WINDOW GLASS. Lessee shall repair and replace, with like quality, all window or door glass on the demised premises which may become broken or cracked during the lease term or any renewals thereof and shall do so at Lessee's sole expense.

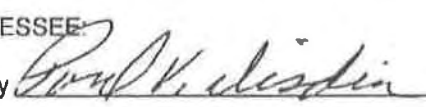
INSURANCE RECOVERY WAIVER. Lessor and Lessee, and all parties claiming under them, hereby mutually release and discharge each other from all claims and liabilities arising from or caused by any hazard covered by insurance on the demised premises, or covered by insurance in connection with property on or activities conducted on the demised premises, regardless of the cause of the damage or loss and to the extent of any recovery collectible under such insurance. Lessor and lessee agree to notify fire and extended coverage insurance companies of these conditions and have insurance policies appropriately endorsed in order to preclude Insurance coverage invalidity.

IN WITNESS WHEREOF, the Lessor and Lessee have hereunto set their hands and seals effective as of the date next written and in the following manner.

LESSOR: MACKINCO

by  date 3/29/16

LESSEE:

by  date 3/29/16

STATE OF ALASKA

)
) ss

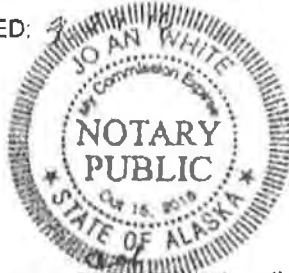
EMPORIUM LEASE

FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the date next below written, and before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, there appeared personally E. Neil Mackinnon and who has or have executed the above and foregoing instrument, and said person acknowledged to me that he, she or they had signed and sealed the same freely and voluntarily for the uses and purpose therein mentioned

WITNESS my hand and official seal the date next below written

DATED: 3

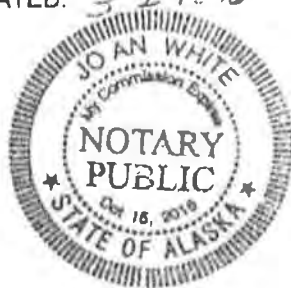


Joan White
Notary Public for Alaska
My Commission Expires: 10-15-2016

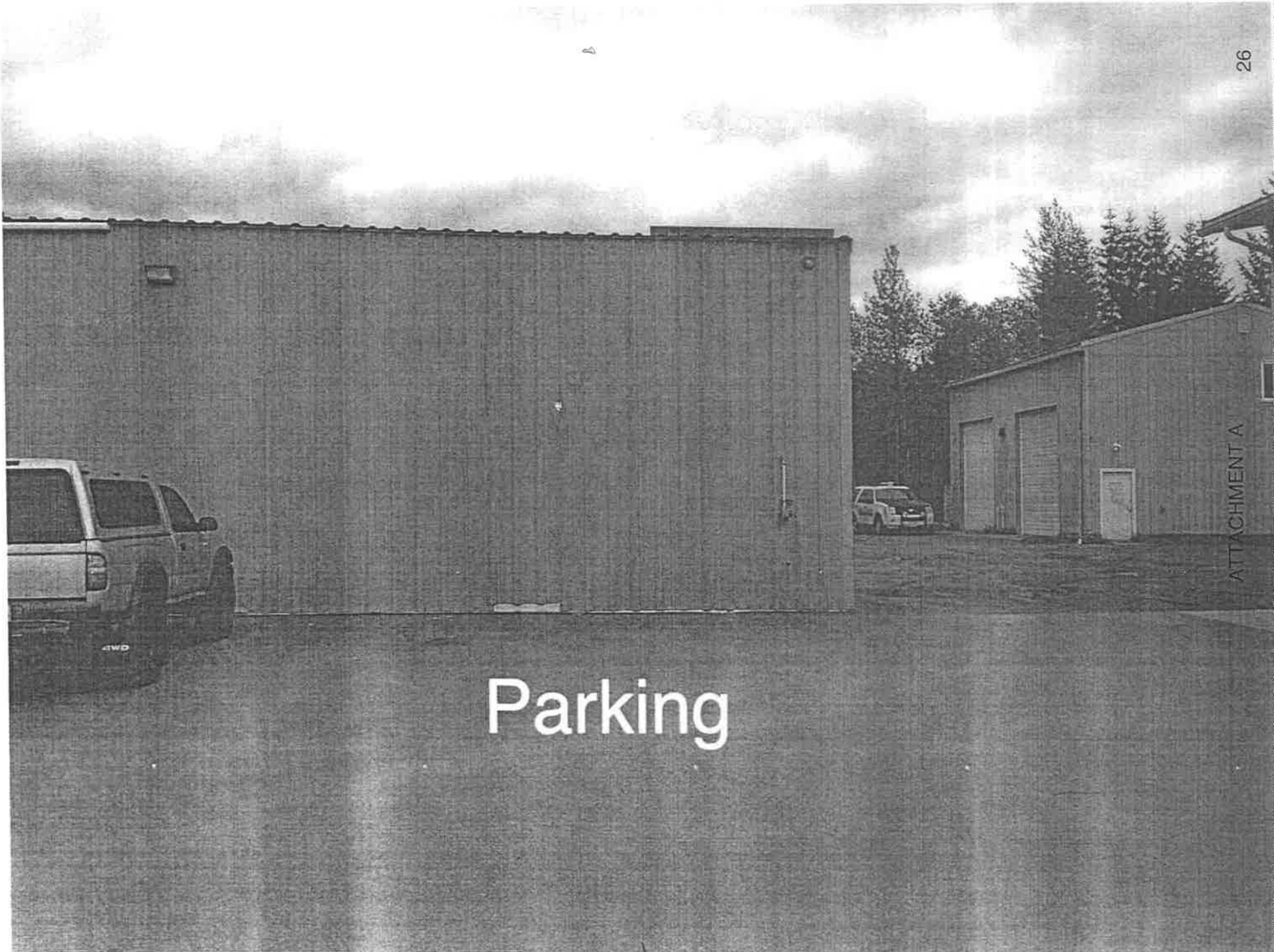
THIS IS TO CERTIFY that on the date next below written, and before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, there appeared personally Paul V. Heston and who has or have executed the above and foregoing instrument, and said person acknowledged to me that he, she or they had signed and sealed the same freely and voluntarily for the uses and purpose therein mentioned

WITNESS my hand and official seal the date next below written

DATED: 3-29-16

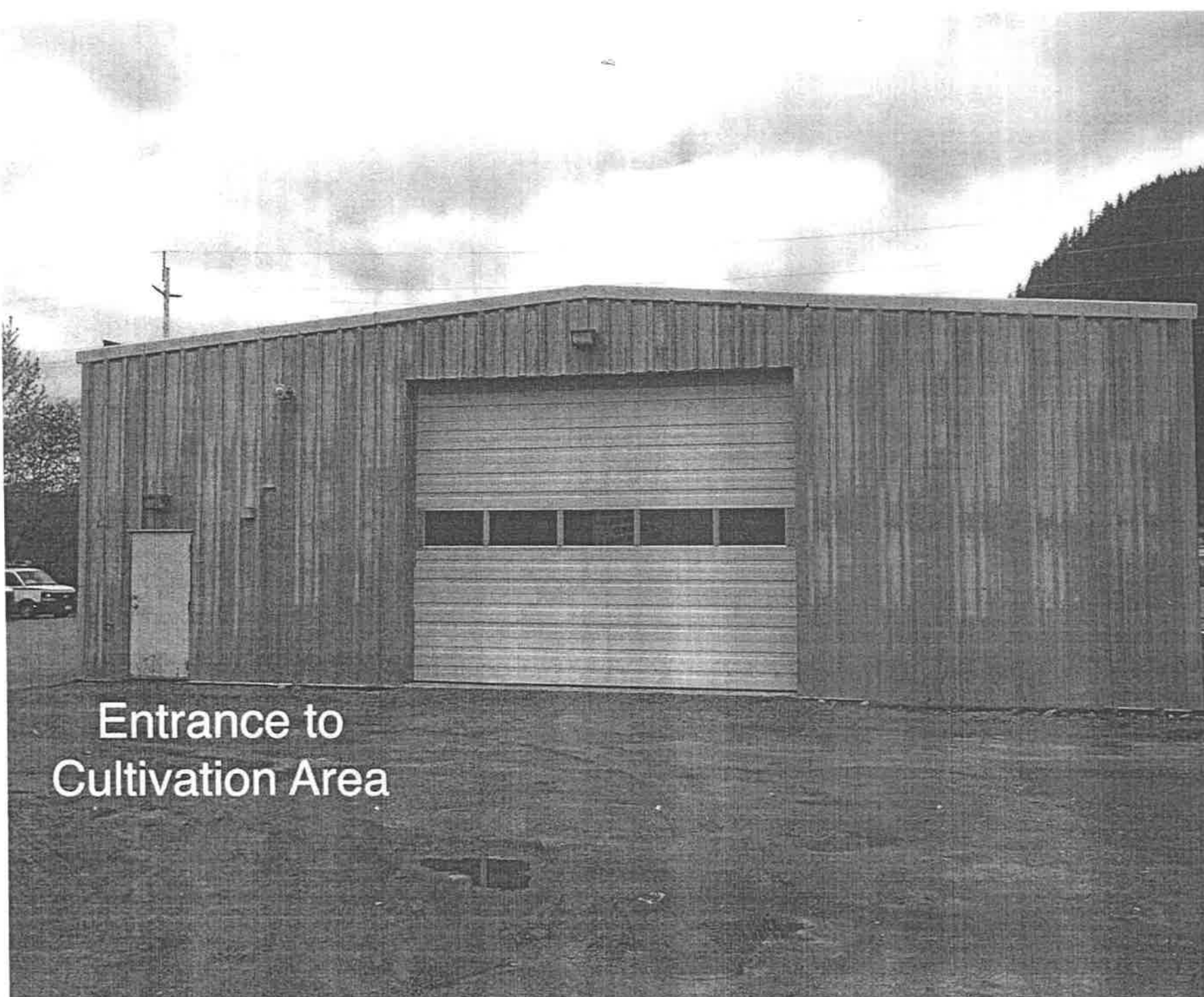


Joan White
Notary Public for Alaska
My Commission Expires: 10-15-2016

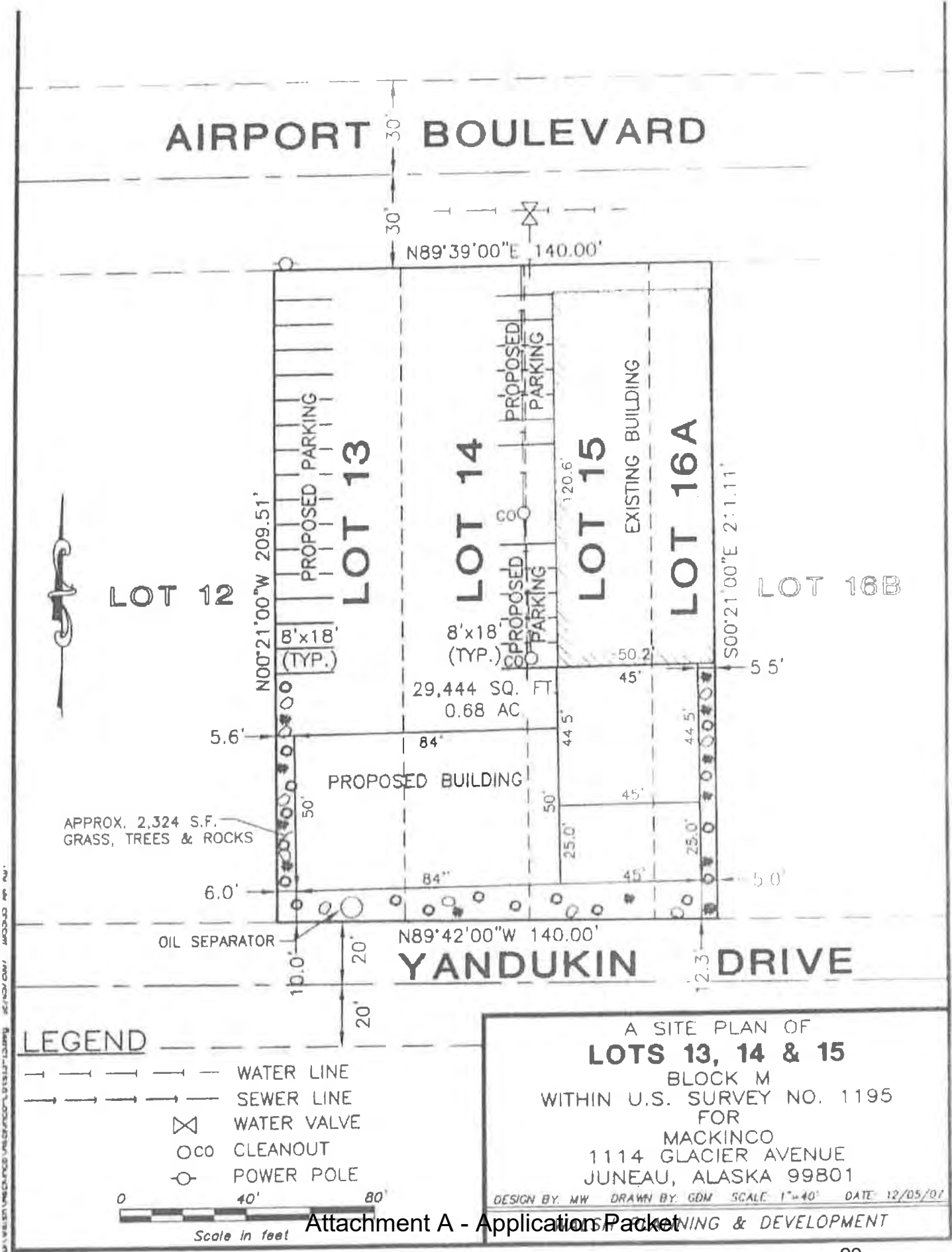




Front of Building



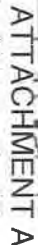
Entrance to
Cultivation Area



Attachment A - Application Packet

2. 54





The Fineweeder Factory LLC proposed cultivation facility

The Fireweed Factory LLC

Open House

Saturday June 11, 2016 1:30pm to 3:30pm

We are hosting an Open House for our cannabis cultivation facility at 8415 Airport Blvd. in the warehouse behind Alcan Electric. We understand that this type of business is new to Juneau and we want to answer any questions you may have about our operation. If you are an owner/ landlord who received the Public Notice of our business, please share this information with any tenants you may have.

The existing warehouse will serve as a shell for the completely new growing facility to be built inside. Our plans include a 2100 square foot cultivation area, processing and office facility. Our organic cannabis will be grown under optimal conditions without the use of any toxic chemicals and tested for safety as required by State and CBJ regulations.

Here are some of the key points about our operation:

- The existing warehouse only has windows in the garage door and they will be secured and covered so no light will be emitted to the outside.
- Smell from plants will be controlled with a charcoal filtering system and will not be detectable from outside the sealed facility.
- No loud operational sounds will be audible outside the buildings.
- A security system will be installed inside and out at several locations and monitored 24/7 by a professional security company.
- Foot traffic will be minimal as only one to two workers will be on site and each will have a Marijuana Handler's Permit as required by State regulations.
- Our one entrance door to the warehouse is in the back of the building and has no visibility from the road.
- No products will be sold on site and no money will be held on site.
- All work will be done in an enclosed environment and at no time will plants be visible to the public.
- There will be very limited access to the facility and only by appointment.

We look forward to this opportunity to explain further details of our business. Plans for our new cultivation building will be on display. We hope you will be able to join us.

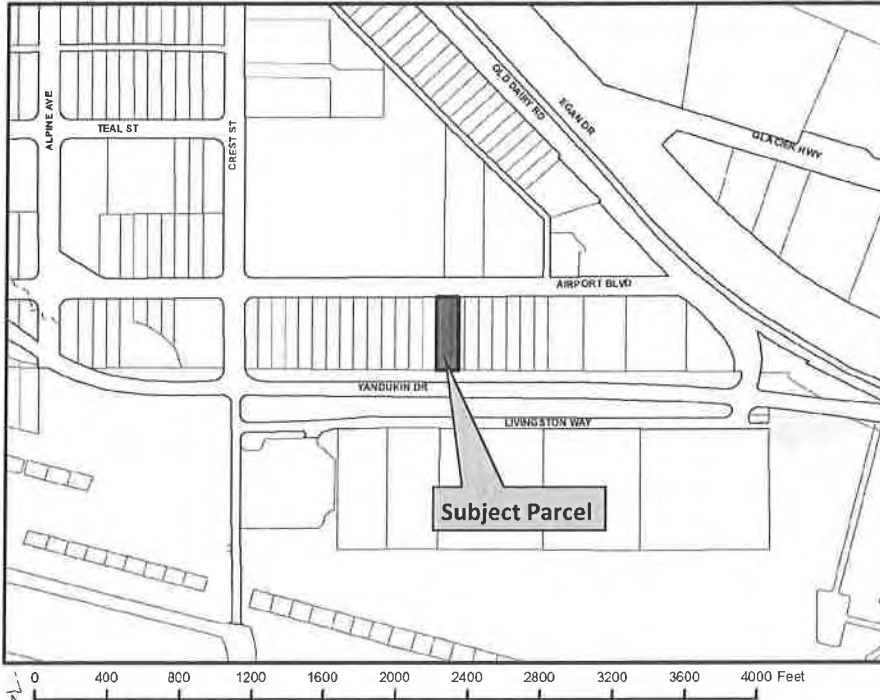
June E. Hall and Paul V. Disdier

8393 No. Douglas 586-6790 thefireweedfactory@gmail.com

For complete information on State marijuana regulations please visit the online Alcohol and Marijuana Control Board Office website.

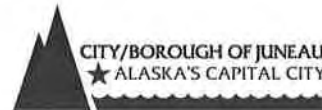


NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A Conditional Use Permit for a standard marijuana cultivation facility in an Industrial zone.

File No:	USE2016 0017	Applicant:	Paul V. Disdier
To:	Adjacent Property Owners	Property PCN:	5-B15-0-102-015-1
Hearing Date:	June 28, 2016	Owner:	MACKINCO
Hearing Time:	7:00 PM	Size:	12,645 Square Feet
Place:	Assembly Chambers	Zoned:	I (Industrial)
	Municipal Building	Site Address:	8415 Airport Blvd
	155 South Seward Street	Accessed Via:	Airport Blvd
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Jonathan Lange at jonathan.lange@juneau.org or 586-0218

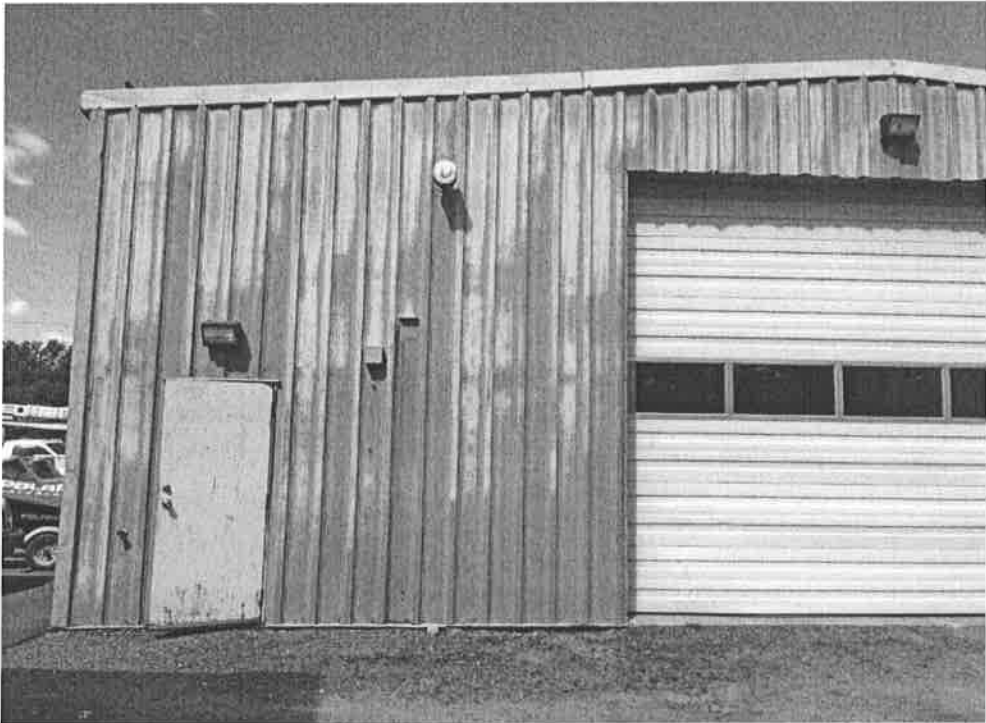


Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

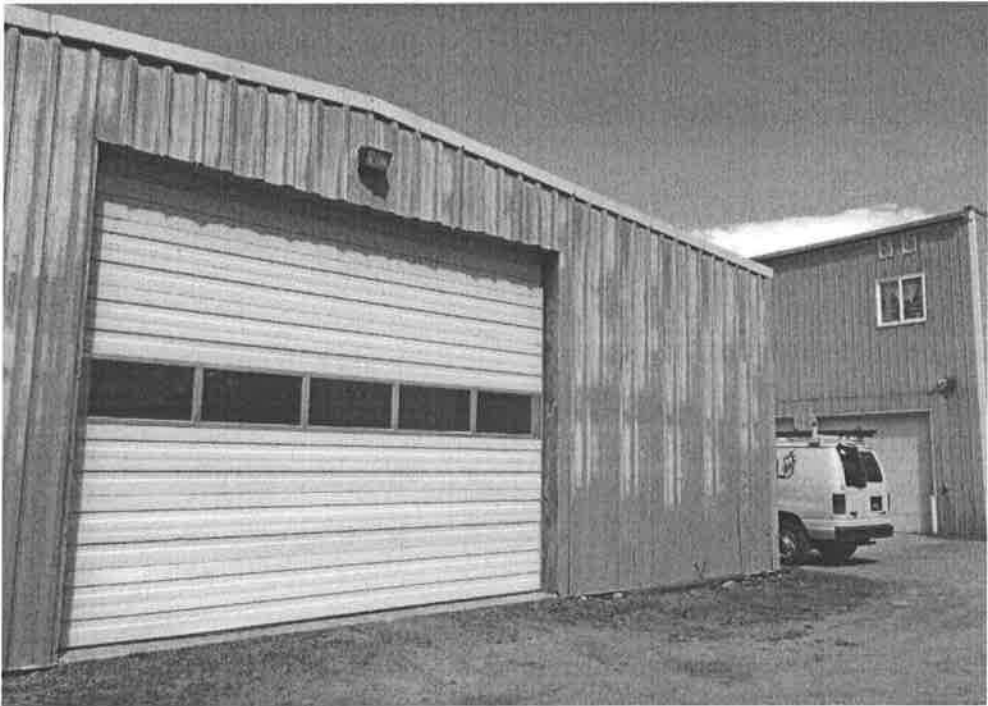
Attachment A - Application Packet

Date notice was printed: May 24, 2016

ATTACHMENT B



Proposed Facilities Entrance



South Face of Facility



Inside view of Warehouse facing Alcan's portion of building



Inside view of Warehouse facing Entrance



Subject Site and Parking facing south



View east to Subject Site and Airport Blvd



View West on Airport Blvd



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: June 15, 2016

TO: Planning Commission

FROM: Jonathan Lange, Planner *Jonathan Lange*
Community Development Department

FILE NO.: USE2016 0017

PROPOSAL: A Conditional Use permit for a standard marijuana cultivation facility in an Industrial zone.

GENERAL INFORMATION

Applicant: Paul V. Disdier

Property Owner: Mackinco

Property Address: 8415 Airport Blvd

Legal Description: Valley Centre Block M Lot 15 & 16A (Building Site)

Parcel Code Number: 5-B15-0-102-015-1

Site Size: 12,645 Square Feet

Comprehensive Plan Future Land Use Designation: LI – Light Industrial

Zoning: Industrial (I)

Utilities: City water and sewer

Access: Airport Blvd

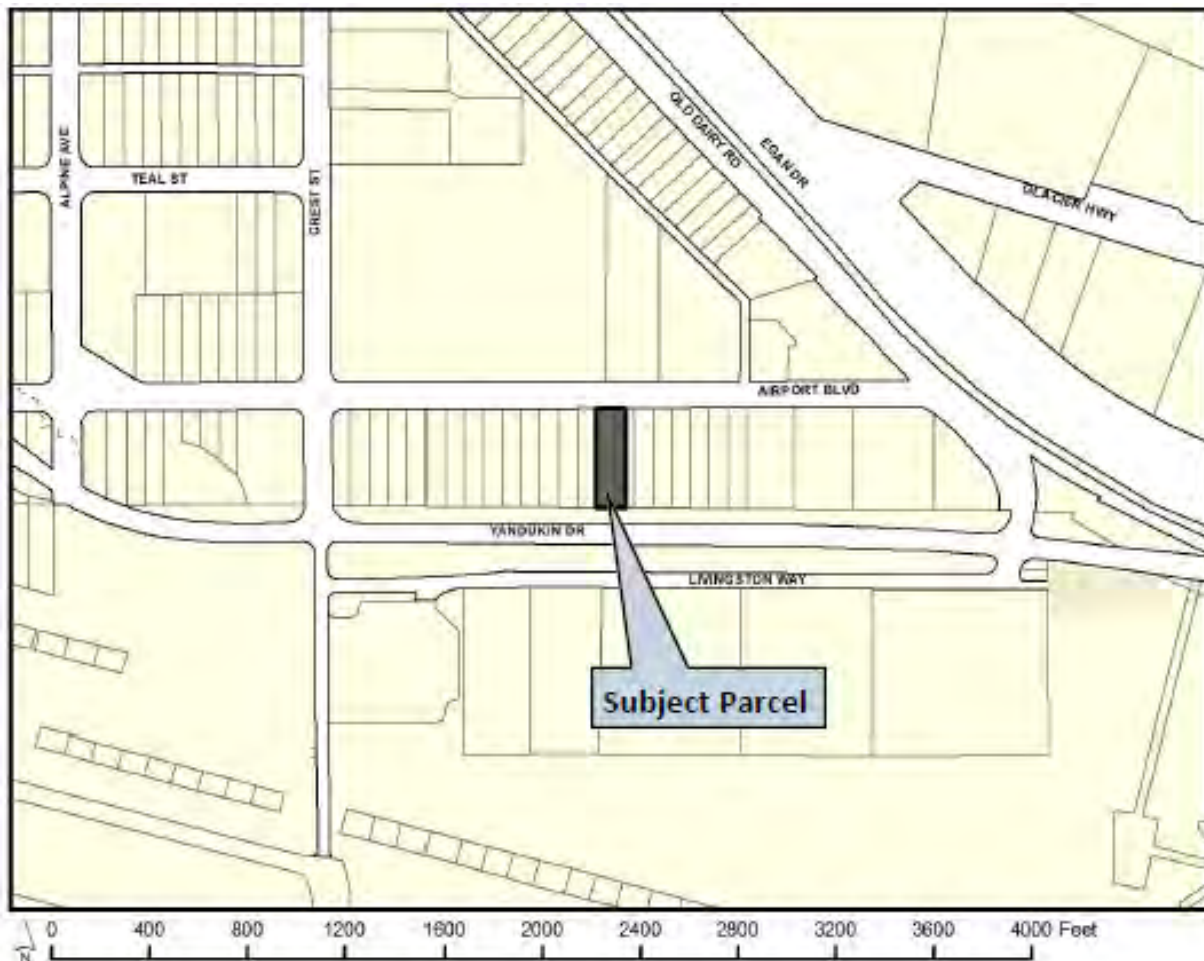
Existing Land Use: Alcan Electrical and Engineering; Garage/storage

Surrounding Land Use: North I (Industrial) - AK Litho Printers, Juneau Dance Theatre

Planning Commission
 File No.: USE2016 0017
 June 15, 2016
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South	I (Industrial) - Yandukin Dr., Airport hanger
East	I (Industrial) – The Plumbing and Heating Co., caretaker residence
West	I (Industrial) - Vacant

Vicinity Map



ATTACHMENTS

- Attachment A – Conditional Use and Development Permit Application, Narrative, Site Plans/Building Plans, and Applicant’s Open House Invitation
- Attachment B – Public Notice
- Attachment C – Pictures

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PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a 2,156 square foot standard commercial marijuana cultivation facility in the Industrial Zone. The proposed facility would be for growing, processing and packaging cannabis for sale and distribution. The proposed project would include no outward change of the existing building. The proposed cultivation facility would be built within the existing building (see Attachment A for site plans and building plans).

BACKGROUND

The subject site and building are located on Lots 13, 14, 15, and 16A of Valley Centre Subdivision. The lots in this area were platted in 1968 and in 1986 Lot 16A was created from Lot 16 of Valley Centre Subdivision.

In the Greater Juneau Borough 1964 Zoning Ordinance, the subject parcel was zoned A – F, Agricultural and Forest. It was then updated and changed in the 1969 Comprehensive Zoning Ordinance of the Greater Juneau Borough, to be located in the C3 General Commercial Zoning District, with a minimum of 2,000 square foot lot sizes. The purpose of the C3 General Commercial District was “to provide areas for those types of retail, wholesale, transportation and service uses which tend to conflict with the uses permitted in Neighborhood and Central Commercial Districts”. The 2006 Title 49 ordinance update rezoned the subject parcel and area to Industrial.

The Special Use Regulations for Marijuana Establishments, Ordinance 2015-38, is effective as of June 2nd, 2016. The proposed cultivation facility has been reviewed for conformity with the regulations of the ordinance. CBJ Title 49.65.1100 regulates Marijuana Establishments and Conditional Use Permits for these establishments. Additional application materials must be submitted with those regularly submitted for Conditional Use Permits. These materials include: site and floor plans, security plan, waste disposal plan, screening plan, a ventilation and filtration plan, a plan to prevent the growth of harmful mold, and an odor plan. These application materials will be discussed further in the report. The applicant must also display health warning signs on the facility.

ANALYSIS

The City and Borough of Juneau (CBJ) Land Use Code, Title 49, requires a Conditional Use Permit for proposed Marijuana Cultivation (500 square feet or more under cultivation) in the Industrial Zoning District (CBJ 49.25.300 Table of Permissible Uses 19.230).

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CBJ Land Use Code, Title 49.65.1100 – Marijuana Establishments

49.65.1105 License required

(a) No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. The following types of licenses may be issued under this article:

(2) Marijuana cultivation facility license;

49.80.120 Definitions – Marijuana cultivation facility means an entity that cultivates, prepares, and packages marijuana and sells marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Project Site - The property is located on the south side of Airport Blvd, north of Yandukin Dr., in the Industrial Zoning District. The site is south of the AK Litho Printers building, west of the Plumbing and Heating building with a caretakers unit, north of an airport hangar across Yandukin Dr., and east of a vacant parcel of land. On the western side of the vacant land is Les Schwab Tire Center.

Marijuana facilities must be located more than 500 feet from school grounds, recreation or youth centers, buildings which regularly conduct religious services, and correctional facilities. The Raven Correspondence Homeschool is located at 8391 Airport Blvd, in the same building as Holt Chiropractic Offices and Rehabilitation, and is over 500 feet from the proposed facility. Staff made a site visit and measured the distance from the proposed facility to the Homeschool. The measurement came to approximately 505 feet from the school property line to the door of the proposed marijuana cultivation facility, measured along the shortest pedestrian route along a public right-of-way to the private property of the proposed facility. Staff followed the directions on measuring distances from the State Marijuana Ordinance, 3 AAC 306.010.

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Red line measuring from school property line to the front door of the proposed cultivation facility

The Juneau Dance Theatre, located across the street at 8420 Airport Blvd, does not meet the State of Alaska's definition of a "recreation or youth center", as the facility is not run or created by a local government or state agency, is not a youth center, and is for persons of all ages.

3 AAC 306.990. Definitions.

(35) "recreation or youth center" means a building, structure, athletic playing field, or playground

(A) run or created by a local government or the state to provide athletic, recreational, or leisure activities for persons under 21 years of age; or

(B) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age;

The subject lots are 29,444 square feet and have two structures located on them. The proposed marijuana cultivation facility would be located in the rear portion of the main building on the parcels, facing Airport Blvd. The front half of the warehouse/building is occupied by Alcan Electrical and Engineering. The back portion of the building, 2,156 square feet, is owned by Mackinco and is currently being used for storage.

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Project Design - The proposed marijuana cultivation facility will be constructed within the existing storage or garage area of the back half of the main building onsite. A fire separation wall separates the proposed facility from the Alcan Electrical and Engineering space. The door between the two spaces will be walled off and secured. The proposed facility will consist of four 190 square foot flowering rooms with 12 foot ceilings; one 213 square foot propagation room with a 10 foot ceiling; two 64 square foot rooms, one for drying and one for packaging, with 8 foot ceilings; an approximately 56 square foot office with an 8 foot ceiling; a 32.5 square foot ADA restroom; and a 35.75 square foot entry foyer. The total area of the proposed facility will be 2,156 square feet. The facility will have a single entrance, which will be replaced by an industrial grade door for security. All interior doors will be able to be locked. The garage door will be secured and the windows on the garage door will be secured and covered or opaque.

The propagation room and each flowering room will have fully contained ventilation, air conditioning/heating systems, CO2 systems, activated charcoal filter systems, and LED grow lights (see Attachment A for building plans). The interior room walls and ceilings will be painted with a coating that is able to withstand frequent washing and sanitizing. CO2 canisters will be stored at the north end of the hall between flowering rooms. The canisters will have manual shut-off valves on each tank. A tube will go from the canisters to each room to feed the CO2 to the plants; CO2 will be controlled by an electronic monitoring system. No air ventilation, noise, or light will be emitted from the facility to the outside.

Mother plants will be kept in the propagation room. Mother plants are plants that remain in a constant state of vegetation. This allows clones, or small cuttings to be taken of a particular type of plant in order to produce more of the same product. The cultivation process begins with these plants in the propagation room. Once sprouted the clones are transplanted into new pots and grow in the propagation room for two weeks, until approximately eight inches in height. Each clone is given a Marijuana Inventory Tracking System (MITS) number. The approximately eight inch plant will then be transplanted again into a larger pot and will grow for two months in the flowering rooms, until they are harvested.

An activated charcoal filter system will eliminate the smell of cannabis from the proposed facility. Each room that contains cannabis will have a charcoal filter system. The filters will be changed at least once a year.

After harvesting, the plants will be dried for seven to ten days in the drying room. Byproduct will be sold to other businesses that may use the product to manufacture items like extracts or edibles. Flower buds and trim will be stored until packaging. Prior to packaging, the product will be tested.

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Traffic, Parking, and Circulation - The proposed facility is not expected to generate any traffic other than that which would be regularly found in this neighborhood and in an Industrial Zoning District. The facility will have two employees and may add two more employees in the future. Traffic would consist of the employees coming to and from work and making deliveries of product, or supply delivery. CO2 canisters will be filled at a nearby welding shop. The number of trips from employees and deliveries is expected to be well below 250 average trips in a day. CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 average trips in a day.

The proposed cultivation facility requires one parking space for the office, and three parking spaces for the cultivation facility, per 49.40.210. One of the parking spaces is required to be a handicapped accessible space. The applicant has proposed the accessible space to be near the entrance of the facility (see Attachment A for site plan). No loading space is required for commercial spaces less than 5,000 square feet of gross floor area. The lot has adequate parking for the proposed use and the existing electrical business.

Noise – As mentioned above, the proposed facility will be fully contained within the existing warehouse building. No noise is expected to be emitted from the facility. The proposed facility will be located within the Industrial Zoning District and activity and noise is expected to be less than other uses that may be permitted in the zone.

Public Health or Safety – Employees of the proposed facility will be trained in safe product handling and processing, and in operating security equipment and procedures. The application states that they will use organic pesticides and fungicides in their facility. Fertilizers will be high quality organic nutrients. Plant waste will be disposed of with used growing medium, and will be shredded and mixed into dirt, and stored inside the building until it needs to be removed. At that time it will be bagged and taken to the landfill in accordance with the State Marijuana regulations. Water captured by dehumidifiers will be recycled back into the plants. No waste water from plants will be discharged into the City's sewer system.

The building exterior is equipped with lighting, along the parking area and at the entrance to the facility on the back/south facing portion of the building. The applicant may place motion sensor lights near the entrance doors. As a condition of approval staff recommends that no offsite glare shall be produced by exterior doorway lights.

The proposed facility will be restricted to employees with a State issued marijuana-handler's permit, persons with official documentation, or to visitors with a visitor's pass. An ID badge will be worn by all on site. The building will be equipped with an advanced security system. Cameras will be IP based and will capture and transmit images over an IP network; this will allow the owner or employees to view and record footage remotely from a smartphone or tablet. The applicant's building plan shows proposed locations of cameras. Cameras will be

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placed in each room of the proposed facility and on the exterior of the facility facing the entrance door. The camera system will be able to record in the infrared spectrum to provide images in total darkness and will record in HD 1080p. Cameras will be installed within vandal-proof enclosures, have Wide Dynamic Range, and have facial recognition software. Cameras will record 24 hours a day and will be equipped with a battery backup system.

The proposed facility will be equipped with an alarm system that includes multiple duress alarm access points, multiple panic alarm access points, digital dialer with cellular backup, and an equipment failure notification alarm. Security monitoring equipment will be stored in the office of the facility, and a professional security company will be monitoring the facility.

As a condition of approval, staff recommends, that prior to Certificate of Occupancy for the facility, staff conduct a site visit to ensure the surveillance system is fully operational and all health and safety signs are displayed.

Habitat - No sensitive areas, eagle nests, anadromous fish streams, or wetlands are known to exist on the subject site. Title 49 requires a 5% vegetative cover for all Industrially Zoned sites (CBI 49.50.300). The site meets the vegetative requirement.

A screening plan is required by State and Title 49 Marijuana Establishment regulations. Marijuana plants and products are not allowed to be visible to the general public from a public right-of-way. The proposed use will be within an enclosed, existing facility; no exterior work is proposed.

Property Value or Neighborhood Harmony – As mentioned above, the proposed facility would be contained within an existing warehouse building. The use is expected to generate less traffic and noise than other uses within the surrounding Industrial Zoning District and is in harmony with the adjacent uses.

Public and Agency Comments – No public or agency comments were received by staff at the time of completing the report.

Conformity with Adopted Plans - The project has been found consistent with the 2013 Juneau Comprehensive Plan, as discussed below.

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

Planning Commission
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The property is located within the LI – Light Industrial Land Use Designation of the Comprehensive Plan. The proposed use is determined to be a similar or less intensive use than those uses described in the LI definition. The proposed facility would provide for a diverse economy and encourage entrepreneurship within Juneau.

FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

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?

Yes. Staff finds 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.

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 19.230 for the Industrial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the June 18th, 2016 and June 27th, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Staff finds no evidence that the proposed development will materially endanger the public health and safety. The proposed facility will include security systems and cultivation techniques that will provide for a safe and secure facility.

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

No. Staff finds that the proposed development will be in harmony with the property in the neighboring area, and is a less intense use than other uses found within the Industrial Zoning District.

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

Yes. The proposed development is in conformity with the Comprehensive Plan. The Light Industrial Land Use Designation supports this type of use.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. *Will the proposed development comply with the Juneau Coastal Management Program?*

N/A

Planning Commission
 File No.: USE2016 0017
 June 15, 2016
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RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a standard marijuana cultivation facility to be located within the Industrial Zoning District.

The approval is subject to the following conditions:

1. The applicant shall pass all CBJ Fire Marshall inspections.
2. Security cameras shall have an unobstructed view of each doorway to the cultivation building.
3. Security cameras shall have unobstructed views of the regular activity without sight blockage from plants, fixtures, or other equipment in the cultivation facility.
4. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
5. No offsite glare shall be produced by exterior facility and doorway lights.
6. As a condition of approval, staff recommends, that prior to Certificate of Occupancy for the facility, staff conduct a site visit to ensure the surveillance system is fully operational and all health and safety signs are displayed.

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		

INFORMATION

PROJECT / APPLICANT

Project Description

Standard marijuana cultivation facility

PROPERTY LOCATION

Street Address

8415 Airport Blvd Space B

City/Zip

Juneau, AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)

Valley Centre BL M L415 #16A ✓

Assessor's Parcel Number(s)

5B1501020151 ✓

LANDOWNER/ LESSEE

Property Owner's Name

Mackinco

Contact Person:

Neil

Work Phone:

586.1254

Mailing Address

1114 Glacier Ave. Juneau 99801

Home Phone:

Fax Number:

463.3433

E-mail Address

nmackinnon@acsalaska.net

Other Contact Phone Number(s):

321.0931c

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

Date

4/15/16

X

Landowner/Lessee Signature

Date

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" and sign and date at X below

Applicant's Name

Paul V. Disdier

Contact Person:

Paul

Work Phone:

Mailing Address

8393 No. Douglas Juneau AK 99801

Home Phone:

957.2670

Fax Number:

586.6790

E-mail Address

thefireweedfactory@gmail.com

Other Contact Phone Number(s):

586.6790

X

Applicant's Signature

Date of Application

Paul V. Disdier

STAFF APPROVALS			
Permit Type	***SIGN	Date Received	Application Number(s)
Building/Grading Permit			
City/State Project Review and City Land Action			
Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
Mining Case (Small, Large, Rural, Extraction, Exploration)			
Sign Approval (If more than one, fill in all applicable permit #'s)			
Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		5/9/11	USE20110017
Variance Case (De Minimis and all other Variance case types)			
Wetlands Permits			
Zone Change Application			
Other (Describe)			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials

ANE

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters) <u>The Fireweed Factory</u>	Case Number <u>USE20160017</u>	Date Received <u>5/9/16</u>
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED			
☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)			
☒ Use Listed in §49.25.300 (USE) (Table of Permissible Uses)			
Please list the Table of Permissible Uses Category: _____			
***An Accessory Apartment Application will also be required.			
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. <u>Standard Cultivation marijuana facility for growing, processing and packaging cannabis for sale and distribution.</u>			
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES - Case # _____			
CURRENT USE OF LAND OR BUILDING(S): <u>Storage</u>			
PROPOSED USE OF LAND OR BUILDING(S): <u>Cultivation of marijuana</u>			
UTILITIES PROPOSED: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site			
SITE AND BUILDING SPECIFICS:			
Total Area of Lot <u>29,444</u> square feet Total Area of Existing Structure(s) <u>2,156</u> square feet			
Total Area of Proposed Structure(s) <u>2,156</u> 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			
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:			
☐ Site Plan ☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation			
☐ Floor Plan of proposed buildings ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)			
☐ Elevation view of existing and proposed buildings			
☐ Proposed Vegetative Cover <u>N/A</u>			
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.			
If you need any assistance filling out this form, please contact the Permit Center at 586-0770.			
ALLOWABLE/CONDITIONAL USE FEES			
Fees Check No. Receipt Date			
Application Fees \$ <u>500.00</u> _____ <u>5/9/16</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> <u>2822</u> <u>8047</u> <u>5/9/16</u>			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

CBJ Conditional Use Permit Application Narrative and Site Plan May 2016

The Fireweed Factory LLC

Narrative

Contents:

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Business Structure and Operations

The Fireweed Factory is a LLC licensed in the State of Alaska. As a manager/owner company some members will oversee its operation. The State marijuana regulations spell out four types of facilities that can be established. The company plans to apply for the State of Alaska standard cultivation permit to grow, process and package cannabis for sale. It will operate under and comply with all the legal requirements of the State and CBJ. We plan to begin with 2 employees, full or part-time and add two more in the future. All marijuana handlers will be licensed per State regulation 3 ACC 306.425.

Use and occupancy will conform to the International Code Council's Chapter 3, Section 312.1 Utility and Misc. Group U - Agricultural Buildings category. Appendix C was added to the agricultural buildings section and CBJ adopted this added code under 19.03 (Serial No. 2009.16b). The scope of this appendix outlined provisions that apply exclusively to agricultural buildings. Such buildings in Group U include, but were not limited to, horticultural structures including detached production greenhouses and crop protection shelters.

The Fireweed Factory will be operated as a vertically integrated company that incorporates the "seed to sale" business model. Our company policies will reflect our values: to grow only premium cannabis that will be held to the highest safety standards, be sensitive to community concerns and to be protective of the environment.

Site development

A standard cultivation marijuana establishment is allowed under the CBJ Land Use Code as amended by CBJ Ordinance #2015-39. Under CBJ Title 49.25.300, and by standard definition, the cultivation facility is designated as a Commercial Agricultural Operation.

The site is located in an industrial zoned area near the Juneau airport at 8415 Airport Blvd. Space B and is surrounded by other commercial and industrial businesses. Parking areas are located on two sides of the building with a thick strip of trees at the back edge (west). Total square feet of the site is 29,444.

The cultivation facility will be constructed in the back half of the warehouse on the site. The space now serves as storage for the current owner, Mackinco, and the separated front half of the warehouse is occupied by an electrical contractor. There is a fire separation wall between the two spaces.

Unlike greenhouses, no light will be emitted from the building. There are no windows in the warehouse walls and the only small windows are those up high in the garage door. They will be made secure and opaque.

Hours of operation

As cannabis cultivation parallels other forms of indoor farming and gardening, the schedule for all work performed is 8 am to 6 pm, seven days a week throughout the year, or as needed.

Facility overview

The existing building is an insulated structure of steel construction with metal siding and roof. TFF is planning to construct a series of non load bearing rooms inside the warehouse necessary for growing, processing and packaging operations. They will be independent of the warehouse structure itself and be self contained. The warehouse currently has only one entry and the door will be replaced with a industrial grade door and upgraded surveillance. Additional security will be added in the form of lighting and video monitoring.

The existing building has adequate three phase 440a power and will supply 120v and 240v power through conduit to multiple outlets throughout the building. All electrical work will be performed by a licenced electrical contractor.

An on site bathroom with a hand washing sink is available to employees. Because we will have only two to four employees, the accessible standards set by ADA Title 1 do not apply to the existing bathroom area. The ADA Advisory 203.9 section suggests that "Although areas used exclusively by employees for work are not required to be fully accessible, consider designing such areas to include non-required turning spaces . . . consider accessible elements whenever possible," and this is what we intend to do if we ever have a qualified individual apply for a job.

See attached building plans.

Cultivation

Propagation Section

The warehouse will be divided into specific work spaces and designed to make the complete operation safe, secure and efficient. The interior walls and ceilings will be covered with smooth finished drywall and painted with a coating that is capable of being frequently washed and sanitized.

The cultivation rooms must be kept scrupulously clean to avoid invasion of any contaminants like molds, mildew, fungus, etc. Pest contamination will be controlled by a variety of methods, including regular cleaning of growing equipment and keeping the proper environment at all times (i.e humidity, temperature and light). Personnel will put on clean Tyvek suits, shoe coverings and gloves to prevent bringing in any contaminants. Any pest contaminations will be eliminated with organic pesticides and fungicides only.

Equipment installed will include an air conditioning/heating system, CO2 canister systems, activated charcoal filter systems and fluorescent and LED grow lights. CO2 canisters will have manual shut-off valves on each tank, and will be controlled by an electronic monitoring system that will have an automatic safety shut-off feature. Canisters will be filled by a nearby welding shop.

Walls of the interior of the rooms will be insulated and noise from equipment will not be transferred to the exterior of the building.

The process of growing begins with the “mother plants.” Mother plants are large mature plants that are kept solely for the production of clones (small cuttings). A mother plant is used for long periods of time and is not harvested for sale. The clones are taken from the mother plants and put into aeroponic cloning machines where they sprout roots. After rooting, the clones are then transplanted into small pots containing coco coir (shredded coconut husks) where they will grow under fluorescent lights for the next two weeks. All plants will be fertilized with high quality organic nutrients.

Each 8” clone is given an official Marijuana Inventory Tracking System (MITS) number. When mature plants are harvested, they will be separated into batches of a single strain. Labeling and tracking of each batch is also entered into the State MITS per regulation 3 AAC 306.730.

Flowering Section

After transplanting into larger pots, the plants will grow for a total of two months in the flowering rooms until they are harvested. These rooms must also be kept extremely clean to avoid any contaminants. Any pest contaminations will be handled with organic pesticides and fungicides only. Large trays are used under the plants.

Equipment includes: an air conditioning/heating system, CO2 canister system, fans and LED lighting fixtures. An activated charcoal filter system will remove any smell from the rooms. Light and CO2 is supplied in a cycle of 12 hours on and 12 hours off and will be controlled electronically. No light or noise will be emitted to the outside.

See attached for plans.

Processing

Drying, Trimming, and Packaging

A portion of this warehouse will be separated into an office, drying and trimming room and a packaging room. All personnel will wear clean Tyvek suits and gloves to prevent contamination of the marijuana during these processes.

After harvesting, matured plants will be hung to dry for seven to ten days in a climate controlled environment. Trimming of the flower buds and the topmost smaller leaves will be done by hand to ensure optimum quality. The byproduct of the trimming process (trim) will be sold to other businesses who will manufacture refined items such as extracts and edibles. The flower buds and trim will be put into in a light proof, air-tight container and securely stored at a cool temperature until it is packaged.

Before any cannabis is packaged, it must be tested by a licensed lab for cannabinoid potency and contaminants per 3 AAC 306.645. Only after it meets the testing requirements can it be packaged for sale. Packaging and labeling will be done in compliance with 3 AAC 306.470 and 3 AAC 306.475. Child-resistant plastic opaque bags will be used and heat sealed. Labels with our company name and logo as well as the required MITS and warning labels. Packages will be securely transported to other licensed businesses that manufacture refined items, or to our permitted retail store. Before distribution the State excise taxes must be paid.

Weighing of the marijuana at the different stages will be done on a certified scale.

No manufactured products such as concentrates, edibles or extracts from the plants will be made and we do not intend on applying for those State permits in the future.

Odor control

Any smell of cannabis to the outside will be eliminated by the activated charcoal filter system. Every room that contains cannabis will each have its own charcoal filter system. Filters will be changed at least once a year.

Waste disposal

Plant waste will be shredded inside the building and mixed with used growing medium. It will then be bagged and disposed at the Juneau landfill in accordance to regulation 3 AAC 306.730-740. Plant waste will be stored inside and removed frequently as needed.

No waste water will enter the CBJ sewer system. Our growing process will not create any fertilizer runoff. Water from the dehumidifiers will be recycled to water the plants.

Safety and Security

The health and safety of our cannabis and those that produce it are a primary concern for our business. Employees will be trained in safe product handling and processing as well as security equipment and procedures. All sections of the remodeled warehouse will be restricted to those without a visitor pass, a handler's permit or official documentation. An identification badge will be worn by every licensee, employee or agent while on site.

Cannabis products will be stored in a fire resistant safe on site until delivered to another licensed premise. Deliveries will occur during normal business hours.

The building will have the most advanced security systems available, fulfilling regulations 3 AAC 306.715 and 3 AAC 306.720. Camera systems will be IP based and will capture and transmit images over an IP network. IP video allows the user to view and record footage remotely from a smartphone or tablet.

Cameras will record in HD 1080p and have the ability to record in the infrared spectrum to provide detailed images even in total darkness. The cameras will also record in Wide Dynamic Range (WDR), which creates a clearer more identifiable image and ensures optimal image detail, along with facial recognition software. Surveillance cameras will be outfitted with vandal-proof enclosures. These enclosures help to minimize physical

damage to the camera lens. For outside placement a weather-resistant enclosure will be used to prevent water damage. These cameras will be placed inside and out at all entrances to prevent robbery and catch detailed imagery in case an unauthorized person breaks into the buildings. Cameras will record 24 hours a day and have a battery backup system.

Video Management Software will be used in conjunction with a network video recorder to view, record and manage all cameras from a monitoring station or a remote device such as a smartphone or tablet. Downward facing motion detecting spotlights will be used at the entrance area. Industrial grade security doors and locks will be installed.

The alarm system will include multiple duress alarm access points, multiple panic alarm access points, digital dialer with cellular backup, and equipment failure notification alarm. Real-time monitoring of security systems will be provided by a professional security company. The main security monitoring equipment will be stored in the office.

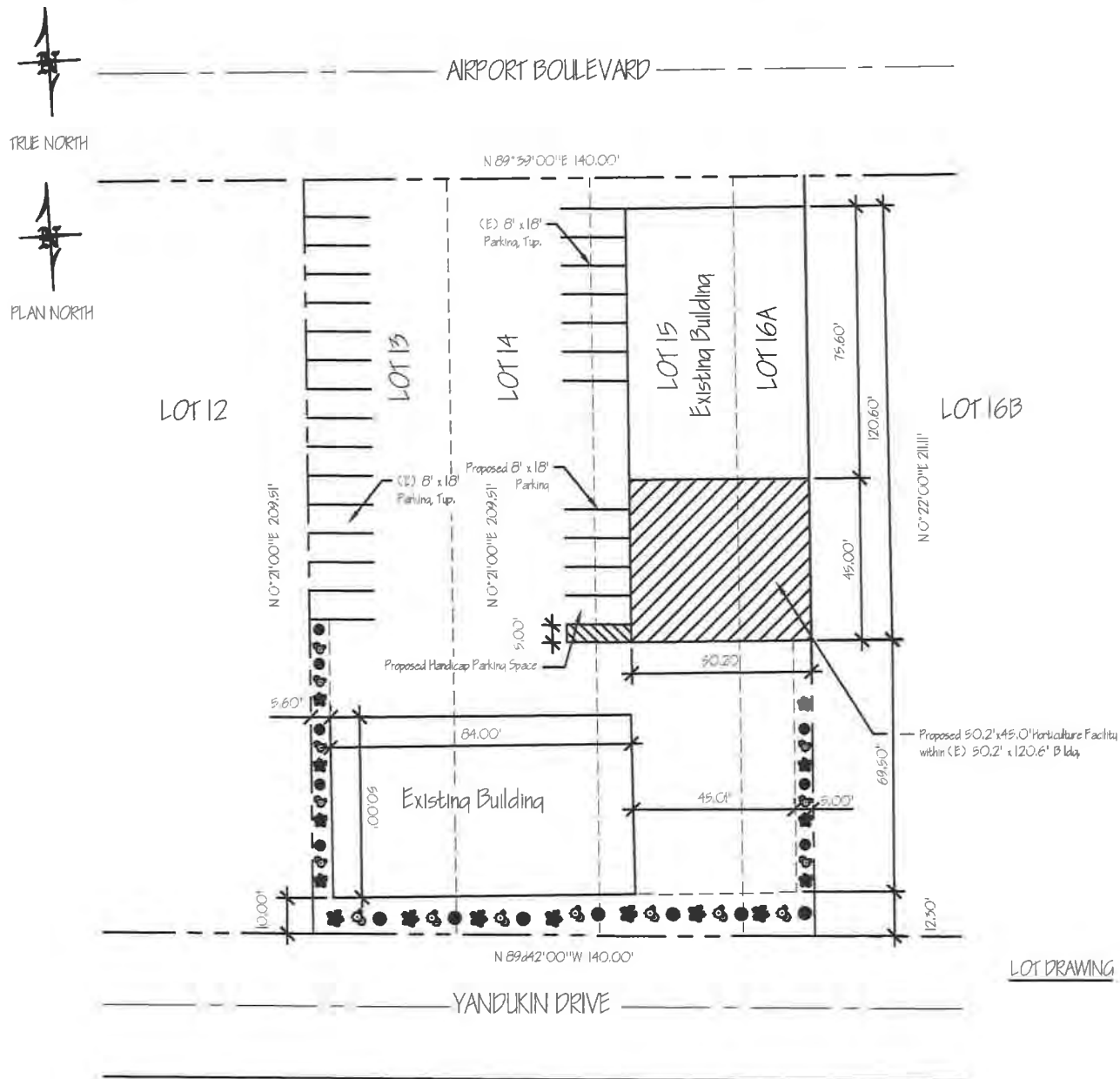
Parking

Parking spaces will meet CBJ 49.40.210(b)(1) code. There is a large paved parking lot at the north side of the building and a smaller graveled area at the west side that will be shared with the electrical contractor who rents the front portion of the warehouse. A handicap parking spot will be marked for TFF. The building entrance is at the back (west side) of the warehouse.

See site plan.

Summary

The primary goals of this standard cultivation operation will be to provide the highest quality safe cannabis, grown with environmentally friendly and all natural methods. It is our desire to integrate this new product into the local market in a socially responsible way. We plan to help educate our local community on the benefits of both medical and recreational cannabis and contribute to positive social change in our community.



FIREWEED FACTORY LLC
 PLANSET
 FOR PROPRIETORS:
 PAUL V. DISDIER,
 MANAGER
 8393 NORTH DOUGLAS
 HIGHWAY
 JUNEAU, ALASKA
 99801
 586-9760
 thefireweedfactory@gmail.com
 Information herein from (E)
 Site Plan of:
 LOTS 13, 14, 15, & 16A
 BLOCK M WITHIN U.S.S. 1195
 FOR BLDG. OWNER:
 MACKINCO
 1114 GLACIER AVENUE
 JUNEAU, AK 99801

PROPOSED 2259 SQ. FT
 HORTICULTURE FACILITY

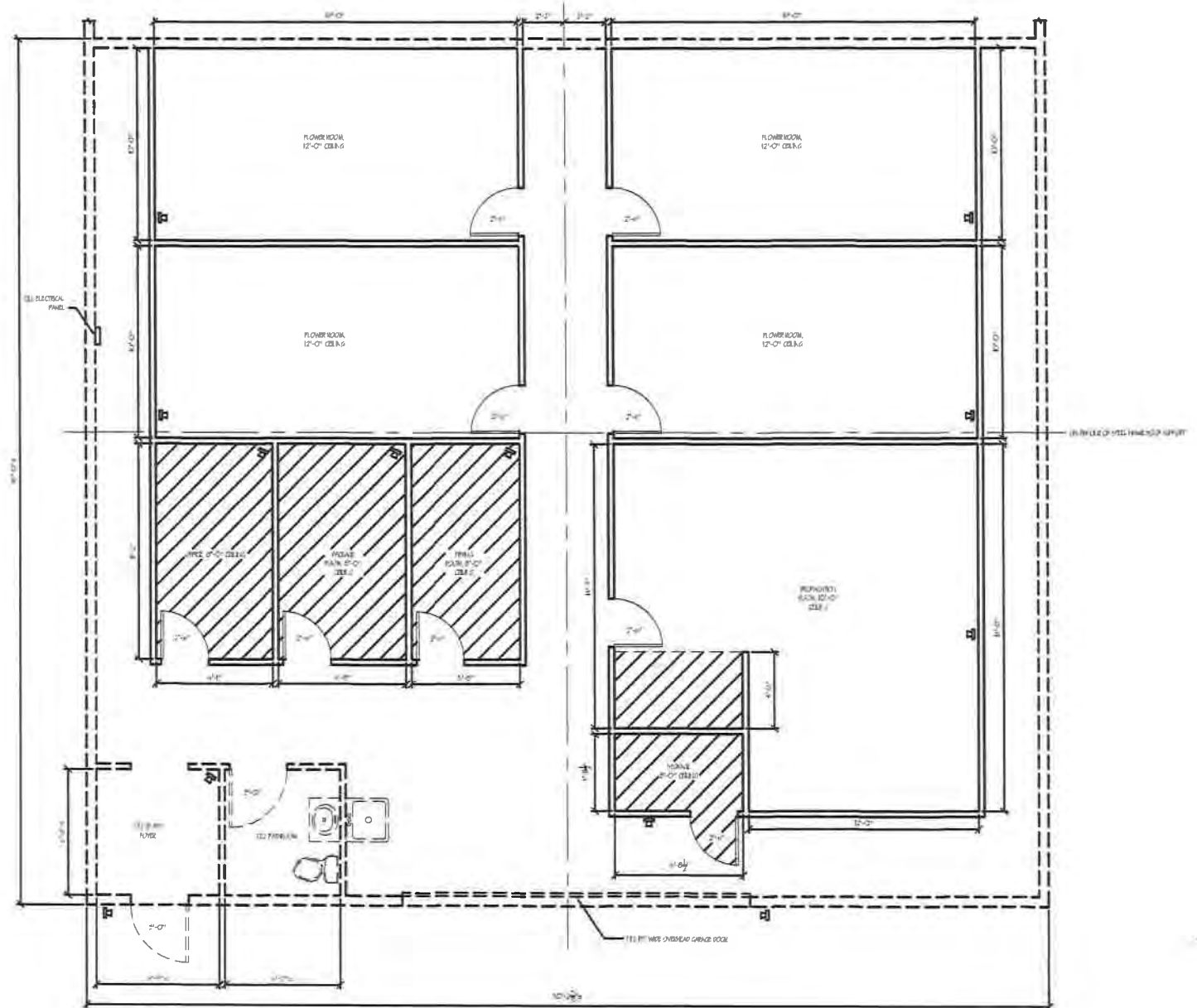
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MAY 2016

NOTE: ALL PROPOSED INTERIOR WALLS ARE REMAINING.
ALL DIMENSIONS ARE TO FINISH FACE.

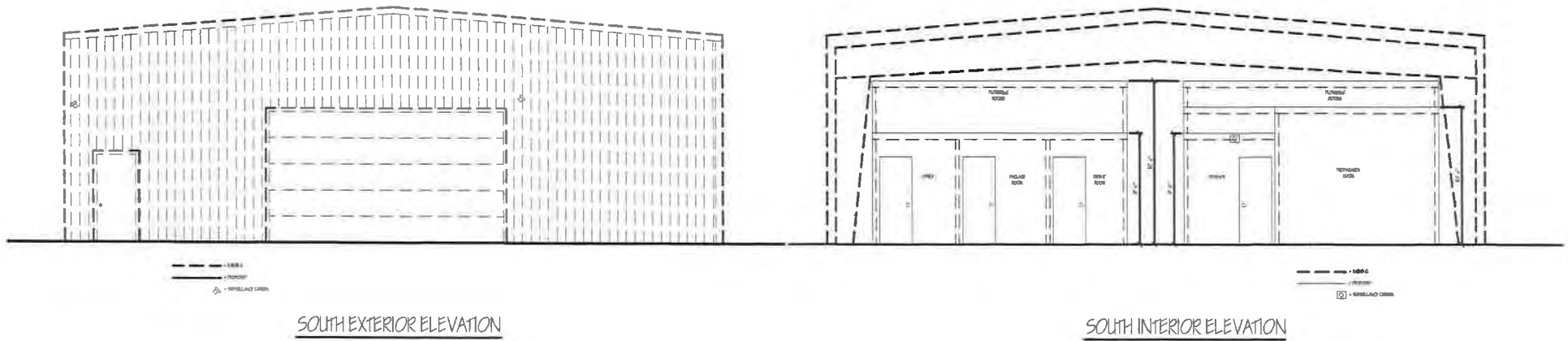
- 8" REINFORCED CONCRETE WALL
- 4" REINFORCED CONCRETE WALL
- SURVEILLANCE CAMERA
- 8 FT. Ceiling



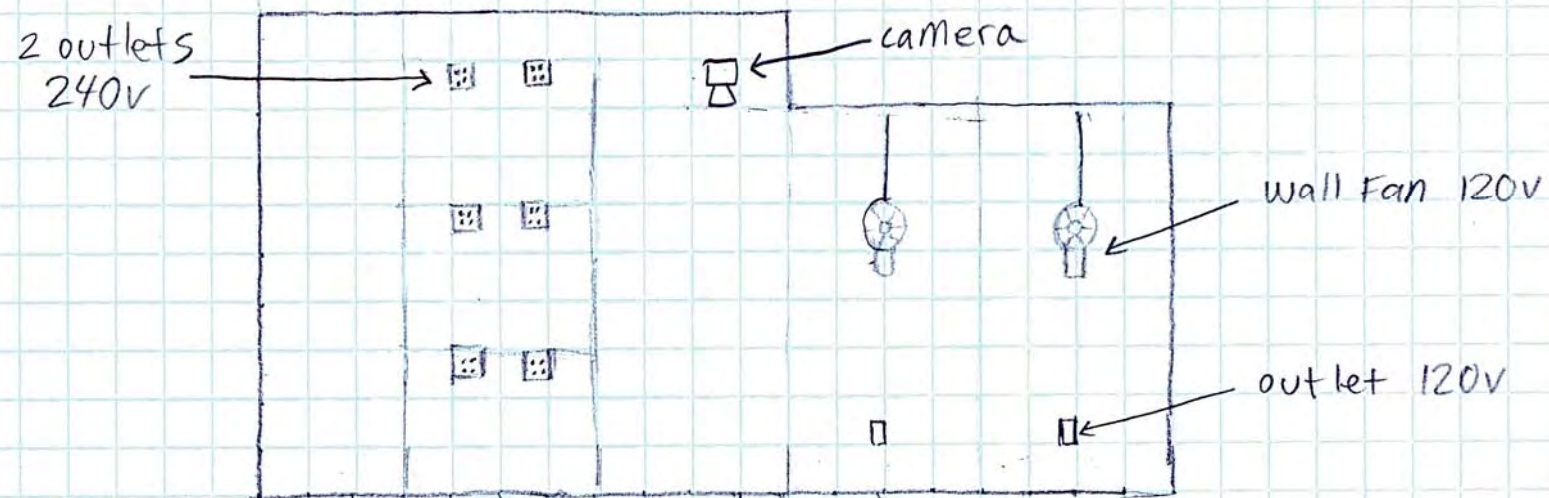
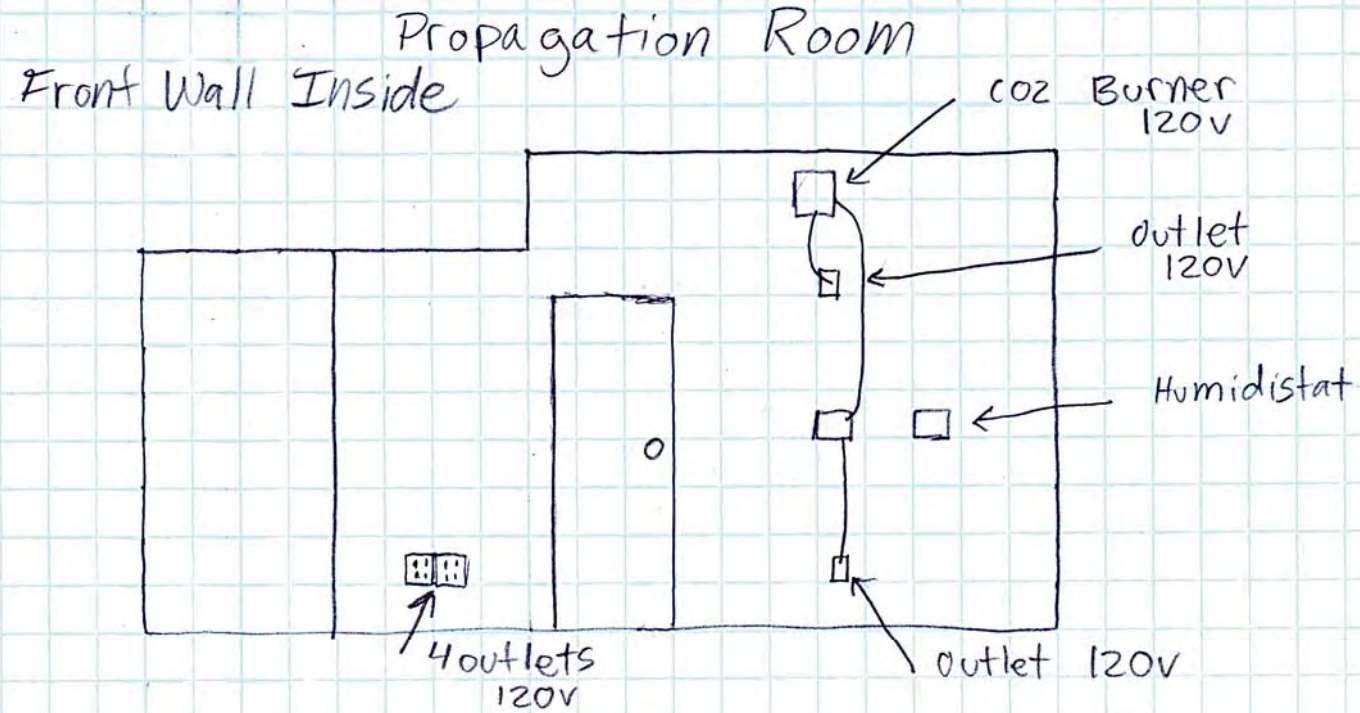
PROPOSED
FLOORPLAN



PLAN NORTH
sheet 2 of 3



sheet 3 of 3

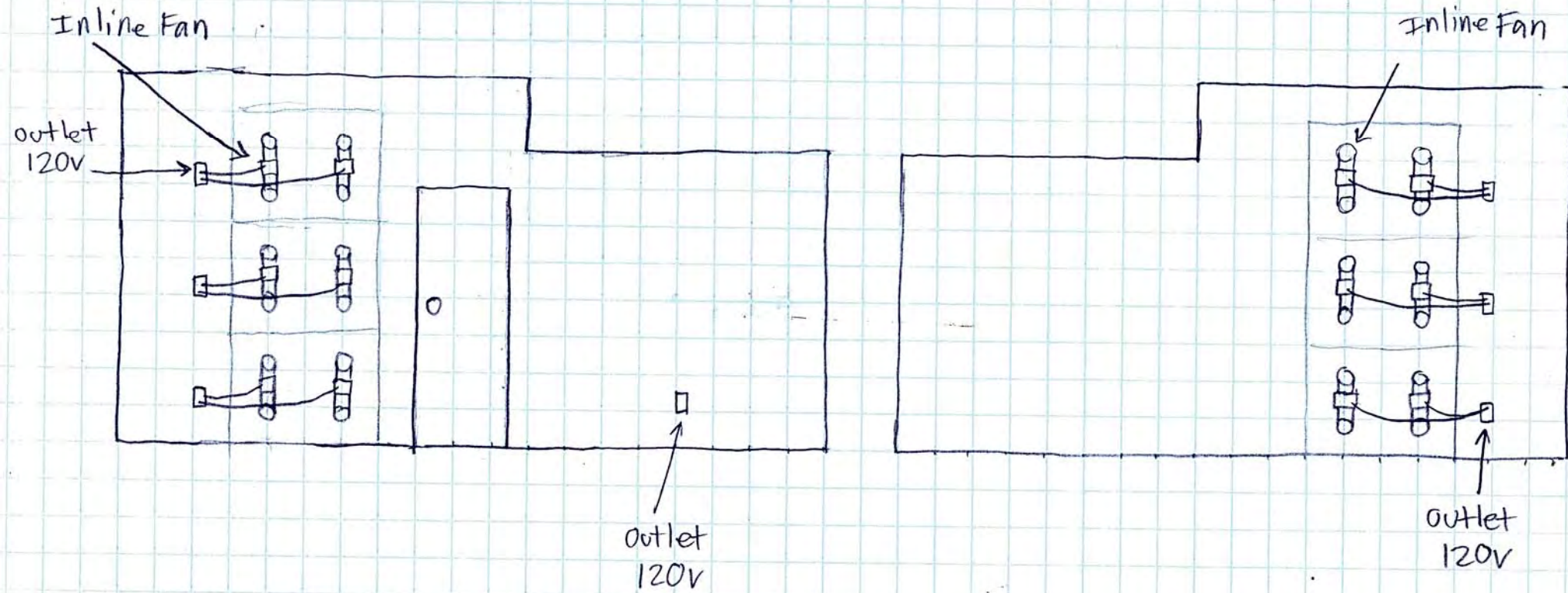


Back Wall Inside

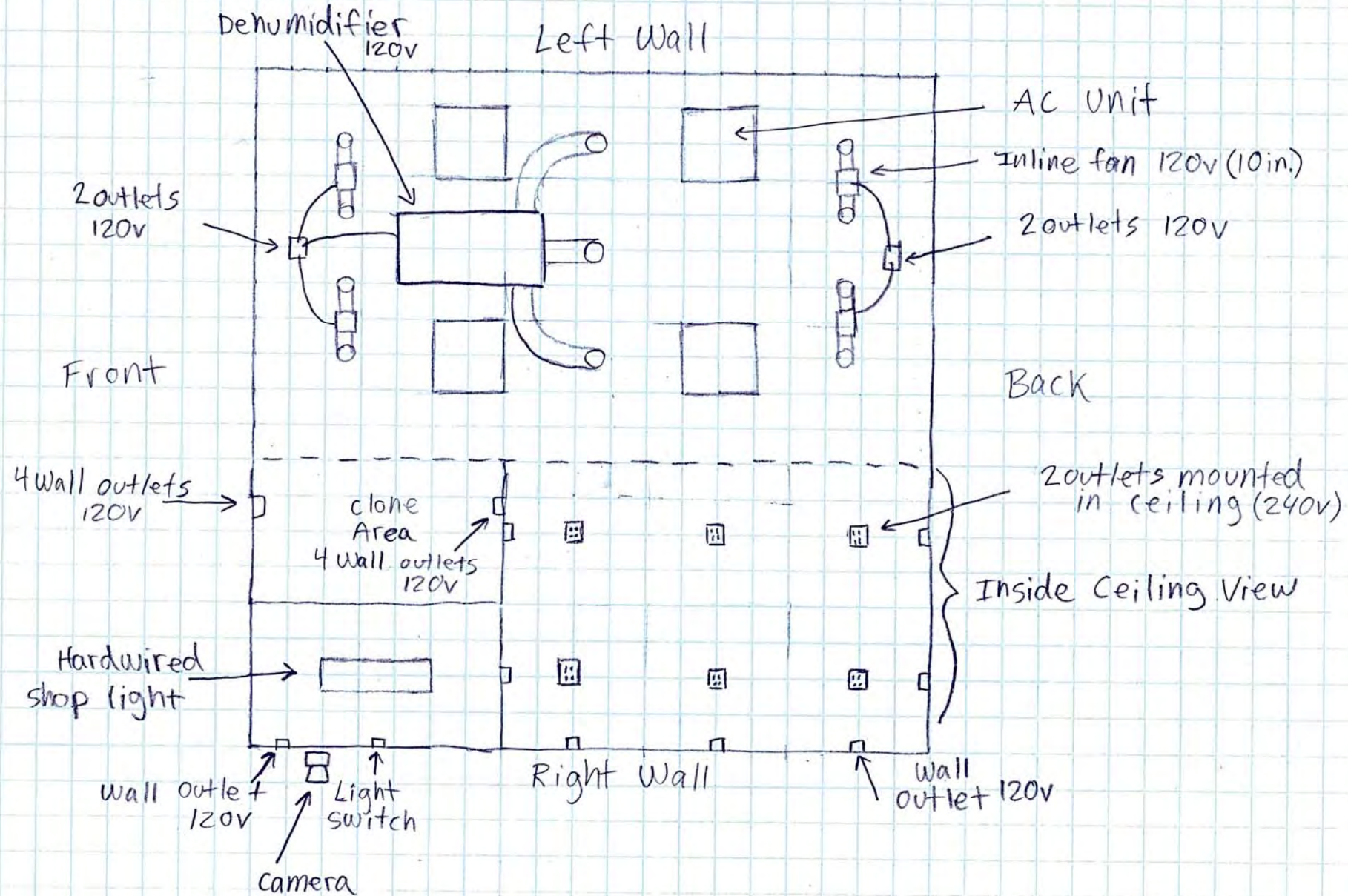
Propagation Room

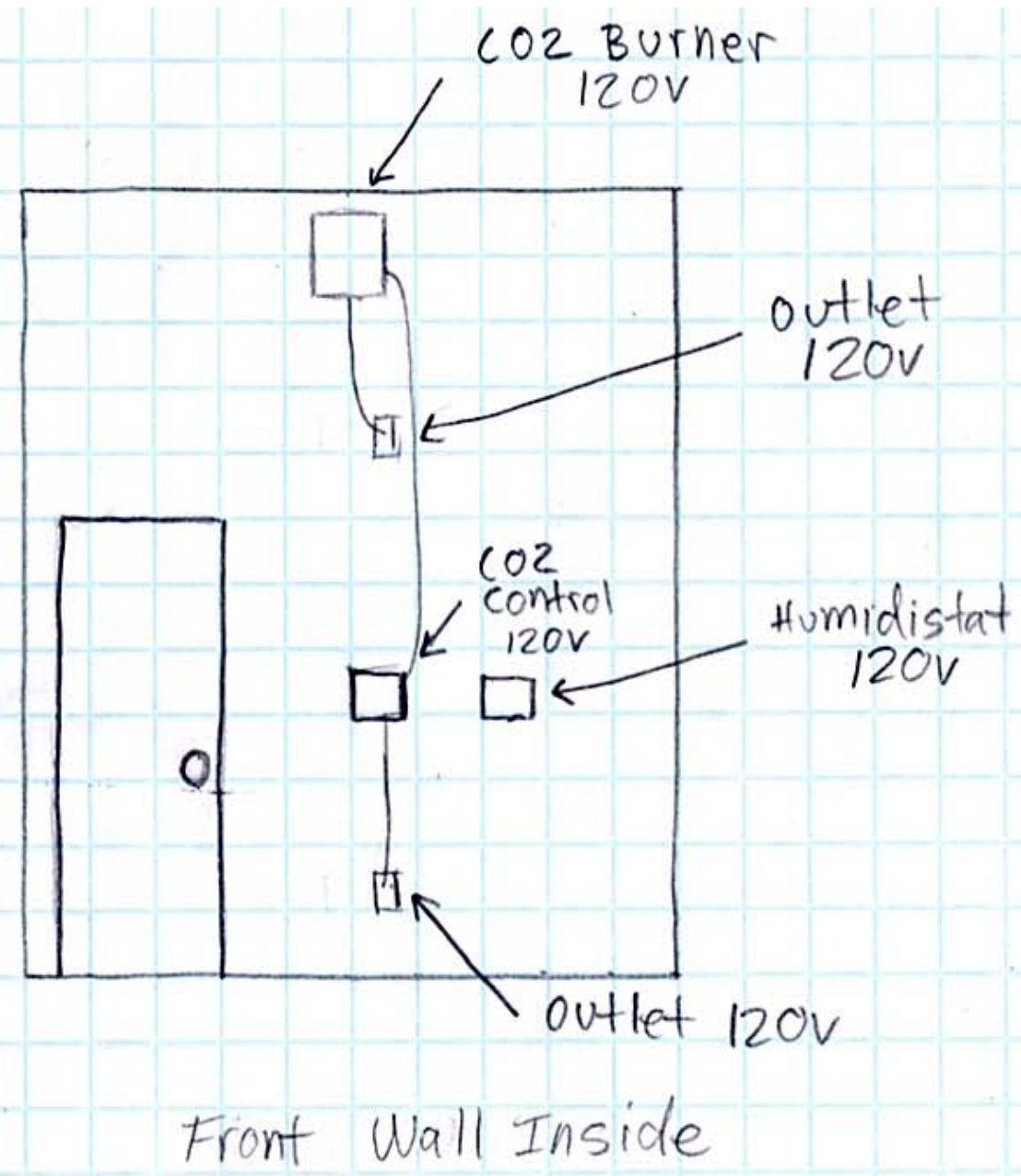
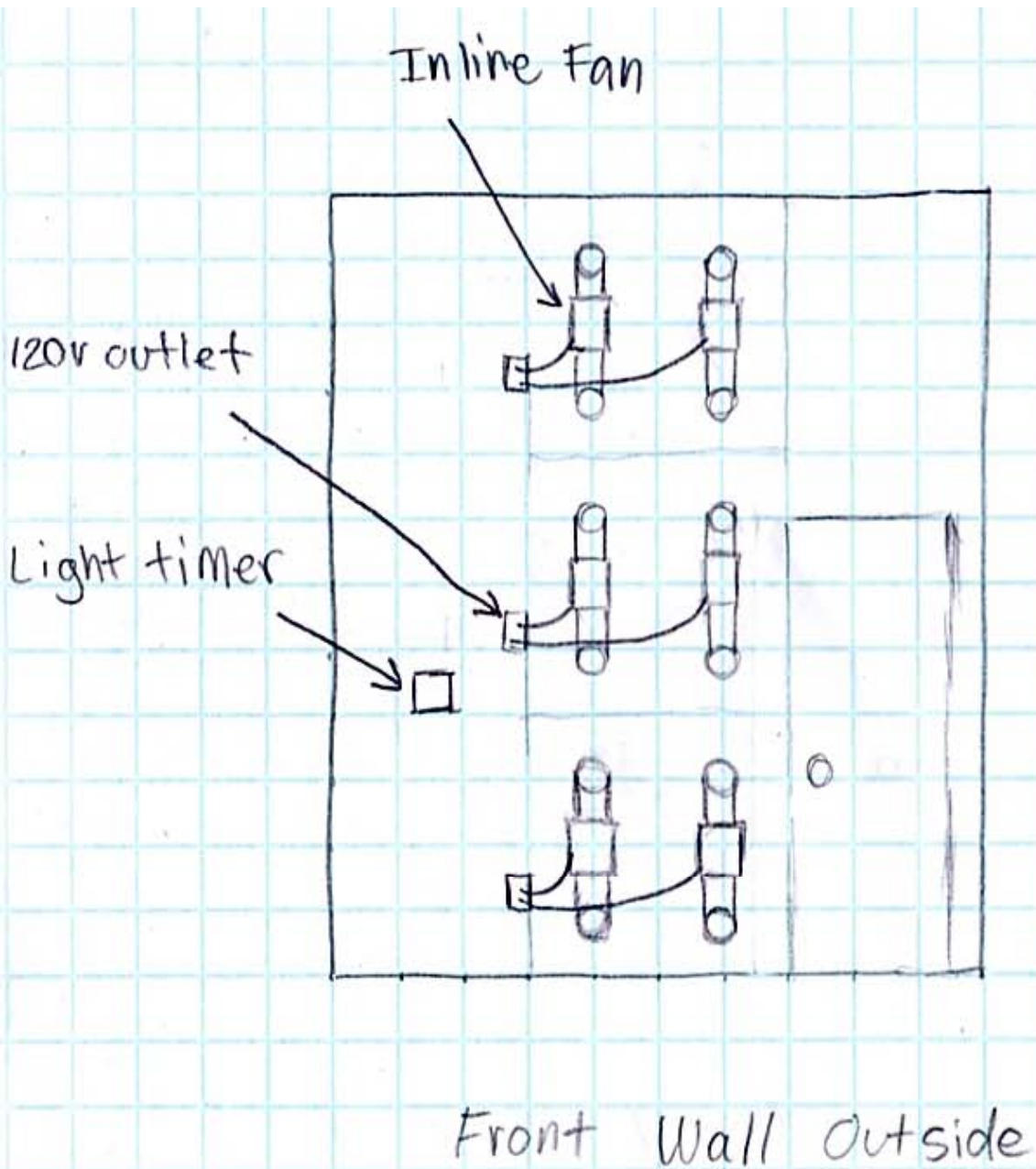
Front wall outside

Back Wall outside

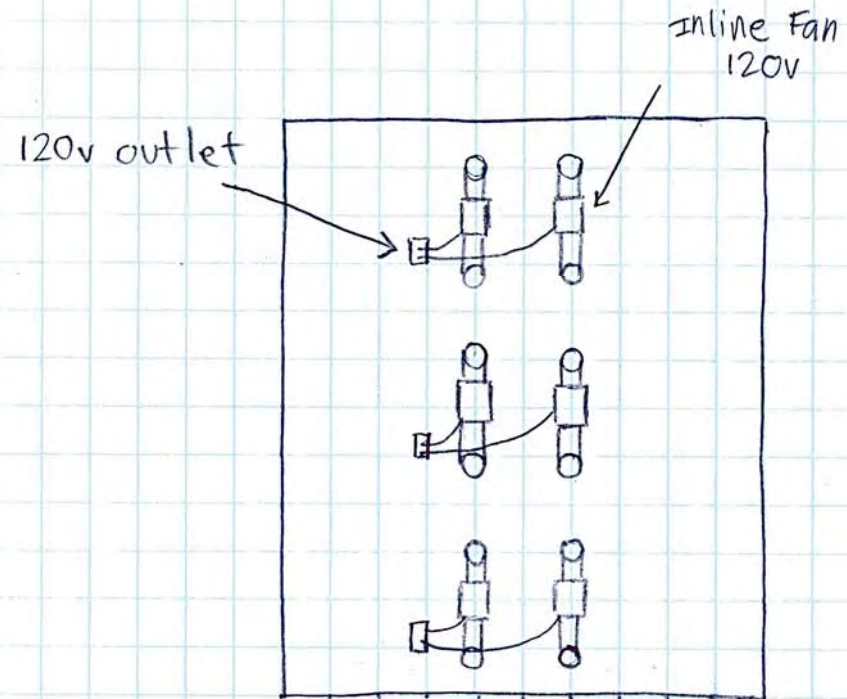


Propagation Room outside ceiling view

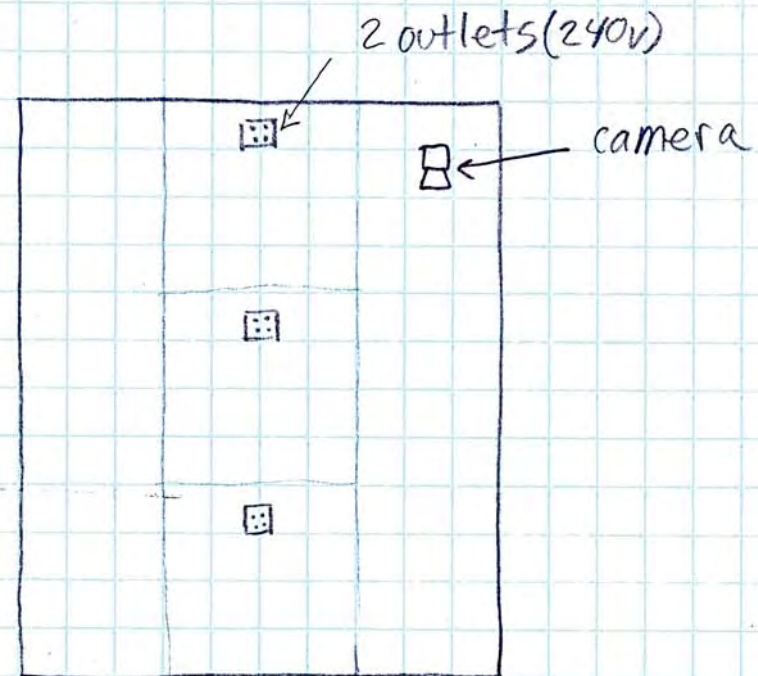




Flower Room

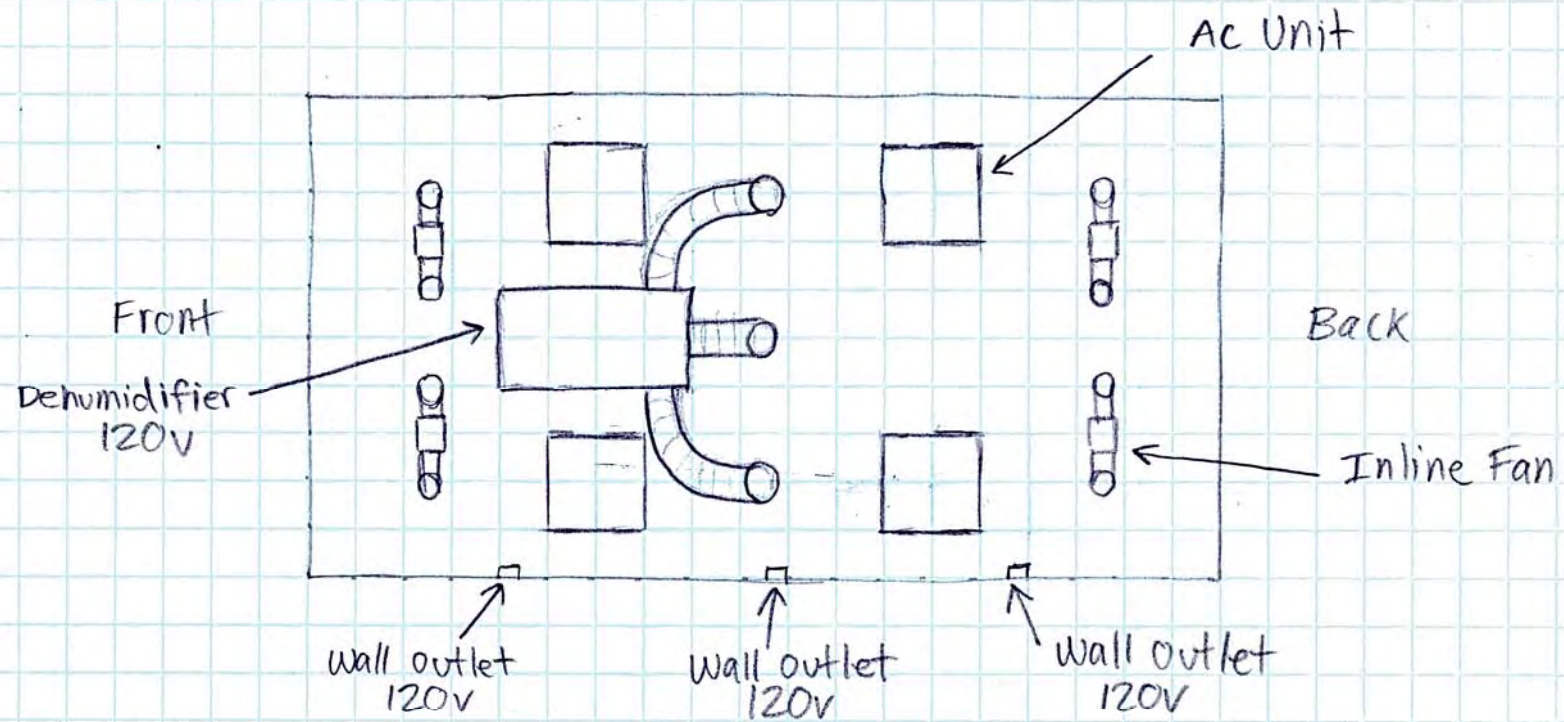


Back Wall Outside



Back Wall Inside

Flower Room
Outside ceiling view



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COMMERCIAL PROPERTY LEASE

THIS LEASE, made March 17, 2016 by and between MACKINCO, An Alaskan Partnership, 1114 Glacier Ave., Juneau, Alaska 99801, Lessor and The Fireweed Factory LLC, 8393 North Douglas Hwy, Juneau, AK 99801

WITNESSETH:

That the Lessor in consideration of the payment of the rent and the performance of all of the covenants herein contained by the Lessee does hereby demise and lease unto the Lessee the following-described property located in the Juneau Recording District:

A portion of the of the Building located at, 8415 Airport Blvd (space B), Juneau, Alaska, containing approximately 2150 square feet for a term of three (3) years from June 1, 2016 for a term rent of [REDACTED]. The term rent is payable as follows:

[REDACTED] on the first day of the term and the same date each month thereafter throughout year one of the term.

In addition Lessee agrees to pay the sales tax in effect in the City and Borough of Juneau on each payment as it falls due.

LEASE RENTAL INCREASE. If the items listed below increase in the aggregate of ten per cent (10%) the Lessor may increase the rent once a year on the first of the year following the date of execution of this lease on a pro-rata basis of space rented to total space owned in the building by Lessor where the building wide increase in rent is equal to the total amount of the increase in said items:

Fire and other hazards insurance
Real property taxes
Increases in the consumer Cost-of-Living Index as released by the U.S. Government

LIABILITIES FOR TAXES. The responsibilities of the parties for taxes which may become due or owing as a result of this lease are as follows;

1. Taxes upon personal property owned by lessee or being acquired by Lessee, such as for furniture, equipment, and merchandise used or to be utilized by Lessee are to be paid for by Lessee.
2. License taxes, sales taxes, or other taxes attributable to Lessee's occupation of the demised premises are to be paid by the Lessee.
3. Real property taxes and assessments fro public improvements are to be paid for by the Lessor, subject to the paragraph entitled Lease Rental Increase.

MAINTENANCE OF THE PREMISES. The parties' responsibilities as the condition of the demised premises during the term of this lease are as follows:

1. The demised premises are accepted by Lessee in their present condition and state of repair.
2. Lessee is responsible for maintaining the interior of the demised premises in its present condition and at Lessee's own expense.
3. Lessor is responsible for maintaining the exterior and foundations of the demised premises in a good state of repair during the term of this lease.

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4. No remodeling or structural alterations of the demised premises may be undertaken without the Lessee first having obtained Lessor's written consent thereto, and all such undertakings shall be performed and completed in a workmanlike manner, with remodeling to include the authority to change and alter interior walls and to install necessary plumbing and wiring for Lessee's purposes. Lessee to bear the costs of any and all alterations. Lessee, subject to the express direction and control of Lessor, shall be responsible for restoring the demised premises to its original condition at the termination of the lease term. Lessor's written consent for remodeling shall not be unreasonably withheld.

5. In connection with any maintenance or repair of the furnace or heating systems, the obligation for the payment of same shall be that of the Lessee, on a pro-rata basis, as the normal wear and tear and that of Lessor as to permanent fixture replacement needs. Lessee's pro-rata share of the maintenance or repair of the furnace or heating systems shall be based upon the percentage of the entire area being heated for Lessee's benefit to the total of all leasable space.

6. Lessee is to make the demised premises available to Lessor or Lessor's agents at reasonable times in order to permit inspection concerning the condition and state of repair of the demised premises.

7. Lessor is not responsible for the repair or replacement and the maintaining of water pipes utilized in connection with Lessee's occupation of the demised premises and Lessee shall save Lessor harmless from any damages that may be sustained as a result of Lessee's neglect in allowing said water pipes to freeze.

8. Lessee is responsible for and shall erect and maintain only those signs which are suitable to Lessor, and in order to advertise Lessee's business operation on the demised premises, and Lessee shall obtain Lessor's approval of any such signs prior to ordering, purchasing or erection any such signs.

9. UTILITY AND SERVICE CHARGES. Those expenses which are incurred from day to day in connection with Lessee's occupation of the demised premises shall be apportioned as follows:

1. The obligation of payment and the expense of all utility and local government service charges including, but not limited to, electricity, telephone, and garbage removal, in connection with the demised premises, shall be that of the Lessee.

2. Lessee shall arrange, at Lessee's expense, for adequate garbage collection services so as to preclude any unsightliness as a result of garbage litter on the surrounding area.

TERMINATION OF THE LEASE. The conditions governing the termination of this lease and the Lessee's departure from the possession of the demised premises are as follows:

1. Time is declared to be of the essence as to the performance of all conditions and covenants created by the execution of this Lease Indenture with the consequence that any default hereunder gives Lessor the right to take possession of the demised premises and to occupy the demised premises to the exclusion of Lessee, with Lessor thus having the option to thereupon terminate the lease.

2. On termination of this lease, whether by breach or expiration of its term Lessee agrees that Lessee will vacate and depart the demised premises leaving them in as good a condition and state of repair as when possession was taken except as to ordinary wear and tear and damage or destruction by a fire which destroys 20% or more of the demised premises.

3. A default occurs hereunder if Lessee, within ten (10) days of receipt of written notice by Lessor of a failure by Lessee to comply with this agreement.

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4. In the event of destruction by fire or other cause, or in the event of damage sufficient to make the demised premises untenable for period in excess of ninety (90) days, then this lease may be terminated by Lessor or Lessee provided that in the event of an untenable period of less than ninety (90) days the Lessee is relieved of the obligation for the payment of the required monthly lease installments during said untenable period but the lease can only be canceled under such circumstances at the option of the Lessor.

5. In the event that the United States federal government withdraws or substantially alters the enforcement priorities outlined in the memorandum that United States Deputy Attorney General James Cole issued to all U.S. Attorneys on August 29, 2013 (commonly referred to as "the Cole Memo"), such that continued operation of a marijuana establishment in compliance with State of Alaska and/or City & Borough of Juneau laws and regulations would no longer likely shield from federal intervention, whether civil or criminal, then this lease may be terminated by Lessor or Lessee.

6. In the event that the State of Alaska and/or City & Borough of Juneau enacts, amends, or repeals laws or regulations, or conditions permits such that the Lessor or Lessee is no longer able to perform any act or operation intended under this lease, or rendering any service required under this Lease, then the performance of any such act or obligation affected by the change in law, or rendering of any such service affected by the change in law shall be excused for the period of the resulting delay and the period of the performance or rendering shall be extended for a period equivalent to the period of such delay. Should such delay extend six (6) months, then this lease may be terminated by Lessor or Lessee.

7. Within ten (10) days after termination and the Lessee vacating the demised premises, any carpeting or flooring, lighting fixtures, wall paneling, and other permanent fixtures or improvements which may have been installed by Lessee or at Lessee's direction become the property of Lessor without cost or expense to the Lessor except as may otherwise be expressly provided herein.

8. This lease may be terminated at any time by mutual consent of Lessee and Lessor.

LIEN INDEMNIFICATION. Lessee is responsible to Lessor for liability incurred as a result of Lessee's acts or neglect, and Lessee shall not allow the demised premises to become subject to any lien, charge, or encumbrances.

QUIET ENJOYMENT AND LEASE RENEWAL. During the term of this lease and as to any renewals of said lease:

1. Lessee is entitled to, and shall hold and enjoy, the demised premises without interference from Lessor so long as Lessee promptly pays the monthly lease installments herein required and performs the covenants and abides by the conditions herein contained.

2. All provisions hereof shall inure to the benefit of, extend to, and include, and be binding upon, the heirs, executors, administrators, successors, and assigns of the Lessee and the Lessor.

3. This lease is not renewable by the Lessee, except as may otherwise be expressly provided herein, and any occupation of the demised premises by the Lessee beyond the term of this lease shall only be upon the basis of a month to month tenancy subject to all of the terms and conditions herein contained and not otherwise in conflict.

LIABILITY FOR FIRE LOSS. The Lessor is not responsible to Lessee for any loss by Lessee of personal property maintained on the demised premises as a result of fire or related cause and Lessee shall, at Lessee's sole expense, maintain such insurance as Lessee may desire in order to protect against any such loss.

DAMAGE RESPONSIBILITY. Lessor shall not be liable for any damage occasioned by the negligence or fault of the Lessee, or for any damage resulting from the act or negligence of co-

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tenants or other occupants of the same building or any owners or occupants of adjacent or contiguous property.

ABANDONMENT OR VACATION. If lessee shall abandon or vacate said premises prior to the expiration date of this lease, the same may be relet, by the lessor, at the best rent obtainable and any deficiency in the amount of rent herein mentioned to be paid by the lessee and the rent herein mentioned to be paid by the Lessee and the rent received after such abandonment or vacation shall be paid by the Lessee to the Lessor.

SAVE HARMLESS. Lessee will save and indemnify the Lessor harmless from all judgments, liabilities, expenses, costs, and attorneys' fees arising out of any act, omission, or neglect in such respect of the Lessee, lessee's agents or employees, or of any person permitted by Lessee to be upon or about the demised premises, as well as from all judgments, liabilities, expenses, costs and attorney fees incurred or paid by the Lessor in defending against any action at law, suit in equity, or statutory proceedings brought by or at the instance, or in the name of any governmental body, or any public authority in which it shall be attempted to subject the Lessor or the demised premises, or any part thereof to any damages, costs, injunctions, restriction, or regulations, by reason of any claim that there shall have been any such act, omission or neglect of Lessee in any of the respects aforesaid. This save harmless obligation does not apply to loss by fire.

LIABILITY INSURANCE. Lessee agree at all times during the term hereof, at Lessee's own expense, to maintain, keep in effect, furnish, and deliver to the Lessor evidence of liability insurance in form and with an insurer satisfactory to the Lessor, insuring both the Lessor and the Lessee against all liability for damages to person or property in or about said demised premises: the amount of said liability insurance shall not be less than \$100,000.00 for injury to one person, \$300,000.00 for injuries arising out of any one accident, and not less than \$50,000.00 for property damage. All such insurance shall name Lessor as a co-insured by policy endorsement.

OPTION TO RENEW. Lessee shall be entitled to renew this lease for an additional term of three (3) years upon the same terms and conditions as set forth in this lease, save for the rental terms which, unless the parties otherwise agree, will be established as hereinafter set forth. This option may only be exercised by giving written notice of Lessee's intention to renew not sooner than one hundred eighty (180) days, nor less than ninety (90) days before the expiration of the original term of this lease, which notice must declare the rental rate at which Lessee is willing to renew the lease. Unless Lessor gives Lessee written notice of Lessor's rejection of the renewal rental proposal within thirty (30) days of the date of receipt of Lessee's notice, the renewal rental proposal of Lessee will be deemed accepted by Lessor. If Lessor rejects the renewal rental proposal, Lessee's renewal rights will automatically cease and terminate.

BANKRUPTCY. In the event that the lessee becomes voluntarily or involuntarily bankrupt, or if a receiver be appointed by any court for the business of the Lessee, then the term of this lease shall, at the election of the Lessor, immediately terminate.

CONDEMNATION. With reference to condemnation and any proceedings in regards thereto, the following shall apply:

1. In the event title to the entire demised premises shall be acquired by anyone by exercise of right of eminent domain, this lease shall cease and terminate upon the vesting of title and Lessee shall make all payments required to be made by Lessee hereunder pro-rata to the date of such vesting of title, but Lessee shall be entitled to a pro-rata refund of any rent paid in advance. Lessee shall be indemnified for the depreciated value of any improvements Lessee has made which have increased the value of the demised premises as reflected in the purchase price under eminent domain proceedings.

2. In the event title to less than the whole of the leased premises but more than twenty (20%) percent of any ground floor area of the building thereon, or more than twenty (20%) percent of the entire demised premises shall be so acquired by eminent domain, or, as a result of exercise of such right of eminent domain, the part of the demised premises remaining shall not be one undivided whole, then Lessor shall immediately give to Lessee written notice of such acquisition and Lessee

EMPORIUM LEASE

shall have the option to terminate this lease effective on a date to be specified in a written notice to be given by Lessee to Lessor, provided, however, that the date so specified in such notice shall be a date not more than sixty (60) days after the receipt by Lessee from Lessor of notice of such acquisition, and in such event Lessee shall make all payments required to be made by Lessee hereunder pro-rata to the date of such termination, but Lessee shall be entitled to a pro-rata refund of any rent paid in advance.

3. In the event Lessee does not exercise Lessee's right of termination, then this lease and all of the covenants, agreements, terms and conditions hereof shall continue in full force and effect as to the portion of the demised premises not taken by exercise of the right of eminent domain. If a portion of the demised premises shall have been so taken by exercise of the right of eminent domain without termination of this lease, as aforesaid, Lessor shall repair and rebuild the portion of the demised premises not so taken in such manner as to render such remaining portion commercially usable for the purpose of Lessee, and lessor shall restore such portion to a unit of substantially like quality and character as existed before such taking. Commencing with the date said portion of the demised premises so taken, the monthly rental shall be reduced in the proportion that the total square footage of the demised premises so taken shall bear to the total square footage the demised premises prior to such taking.

4. Any condemnation award with respect to the demised premises shall be the sole and exclusive property of the Lessor.

PERSONAL PROPERTY. All equipment unique to Lessee's business, and located on the demised premises by Lessee are the property of Lessee and shall be removed by Lessee or at Lessee's expense at the termination of this lease.

WINDOW GLASS. Lessee shall repair and replace, with like quality, all window or door glass on the demised premises which may become broken or cracked during the lease term or any renewals thereof and shall do so at Lessee's sole expense.

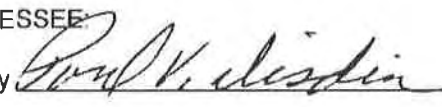
INSURANCE RECOVERY WAIVER. Lessor and Lessee, and all parties claiming under them, hereby mutually release and discharge each other from all claims and liabilities arising from or caused by any hazard covered by insurance on the demised premises, or covered by insurance in connection with property on or activities conducted on the demised premises, regardless of the cause of the damage or loss and to the extent of any recovery collectible under such insurance. Lessor and lessee agree to notify fire and extended coverage insurance companies of these conditions and have insurance policies appropriately endorsed in order to preclude insurance coverage invalidity.

IN WITNESS WHEREOF, the Lessor and Lessee have hereunto set their hands and seals effective as of the date next written and in the following manner.

LESSOR, MACKINCO

by  date 3/29/16

LESSEE

by  date 3/29/16

STATE OF ALASKA

)
) ss

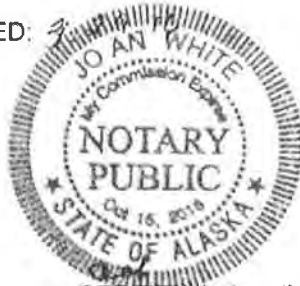
EMPORIUM LEASE

FIRST JUDICIAL DISTRICT)

THIS IS TO ^{ack}CERTIFY that on the date next below written, and before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, there appeared personally E. Neil Mookkunan and who has or have executed the above and foregoing instrument, and said person acknowledged to me that he, she or they had signed and sealed the same freely and voluntarily for the uses and purpose therein mentioned

WITNESS my hand and official seal the date next below written.

DATED: 3-18-16

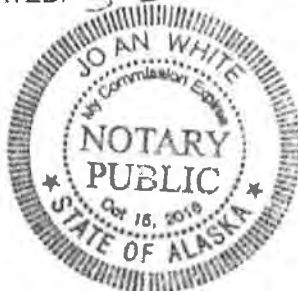


Joan White
Notary Public for Alaska
My Commission Expires: 10-15-2018

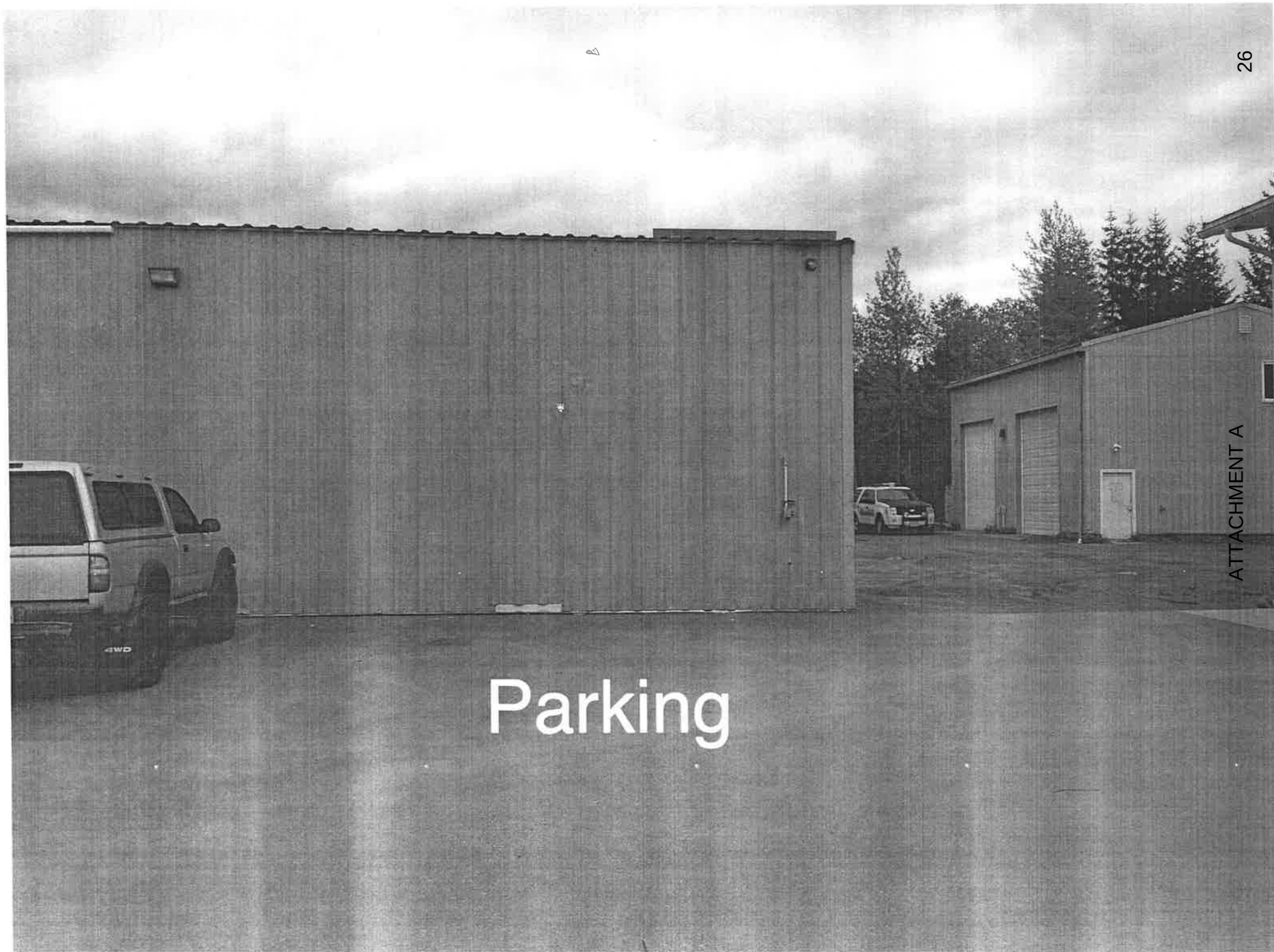
THIS IS TO CERTIFY that on the date next below written, and before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, there appeared personally Gaut V. Bissner and who has or have executed the above and foregoing instrument, and said person acknowledged to me that he, she or they had signed and sealed the same freely and voluntarily for the uses and purpose therein mentioned

WITNESS my hand and official seal the date next below written

DATED: 3-29-16



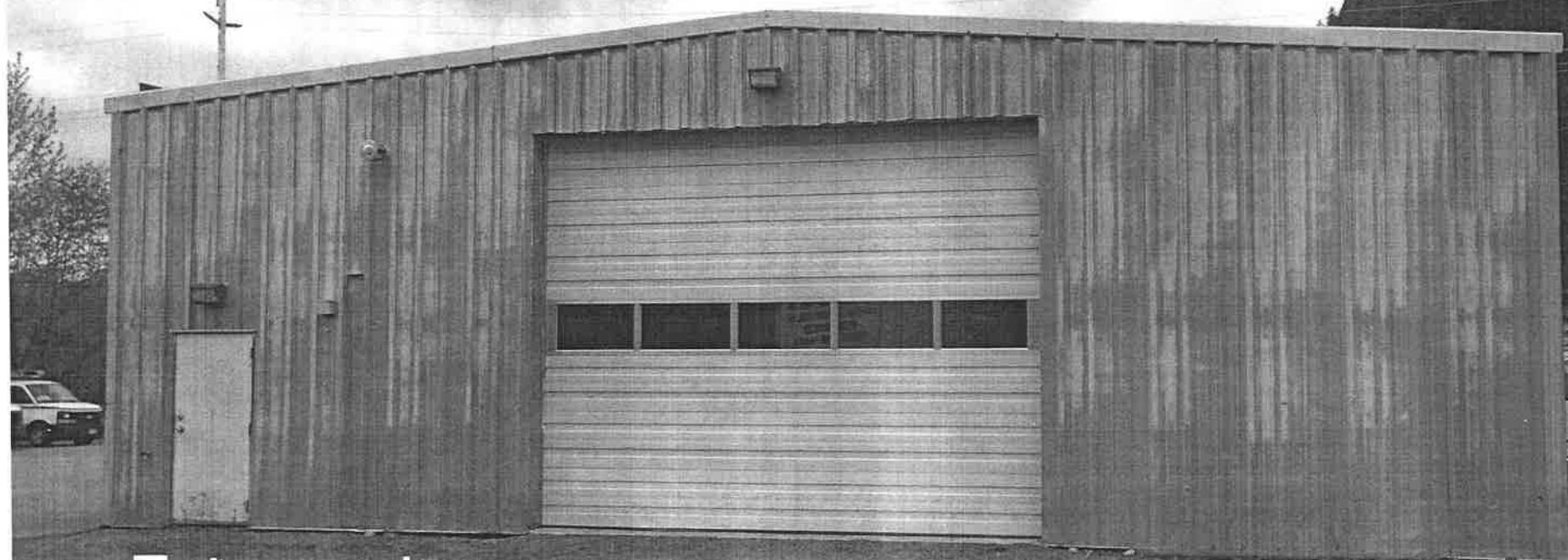
Joan White
Notary Public for Alaska
My Commission Expires: 10-15-2018



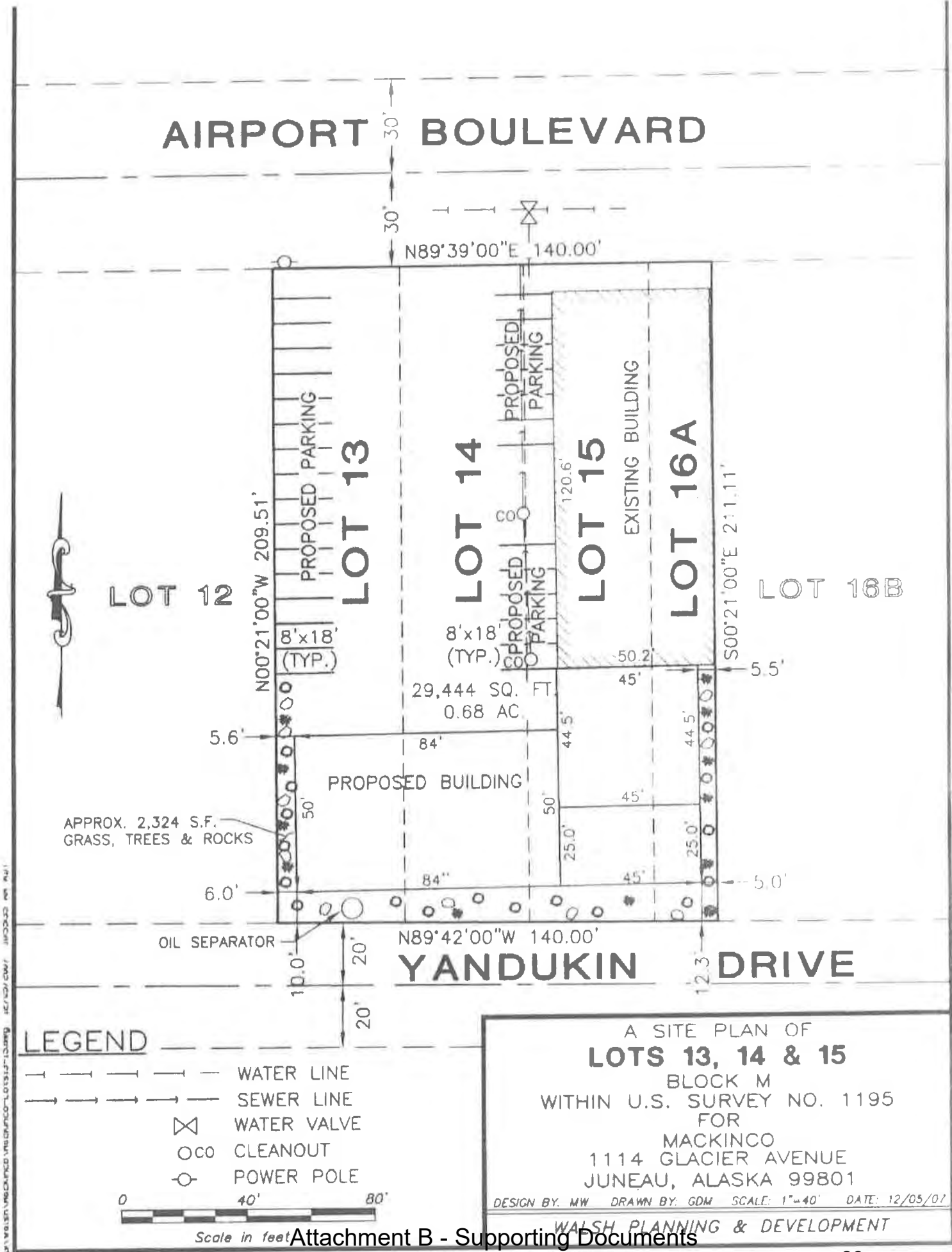
Parking



Front of Building



Entrance to
Cultivation Area

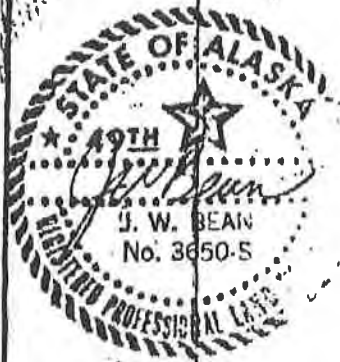


APR-18-98 SAT 6:29 J.W. Bean Prof. Surveyor 987 790 2326

P-02

AIRPORT BOULEVARD

N 89° 39' E - 160.00'



Lot 13

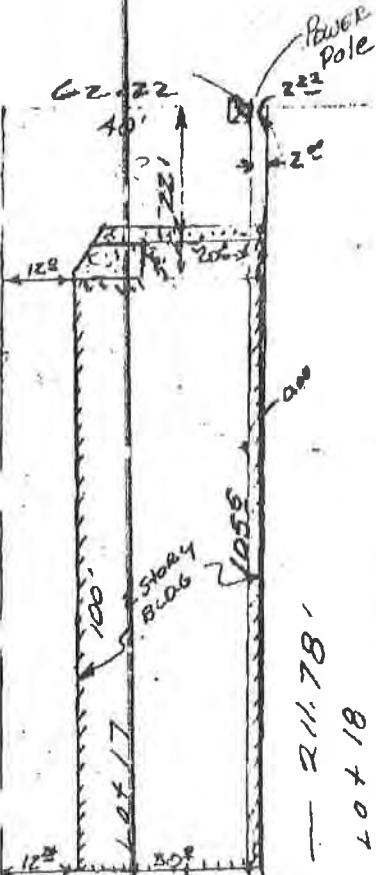
N 0° 21' W - 209.97'

Lot 14

Lot 15

N 0° 21' W - 211.11'

Lot 16



Lot 18

S 0° 21' E - 211.78'

Block 189 A/103

BLM
C-03-114
M-02-1145

Re-Bar
wrap
(Typical)

40

40.01

20' 20'

40

222

934.17 R.M.
Highway
Center
Marking

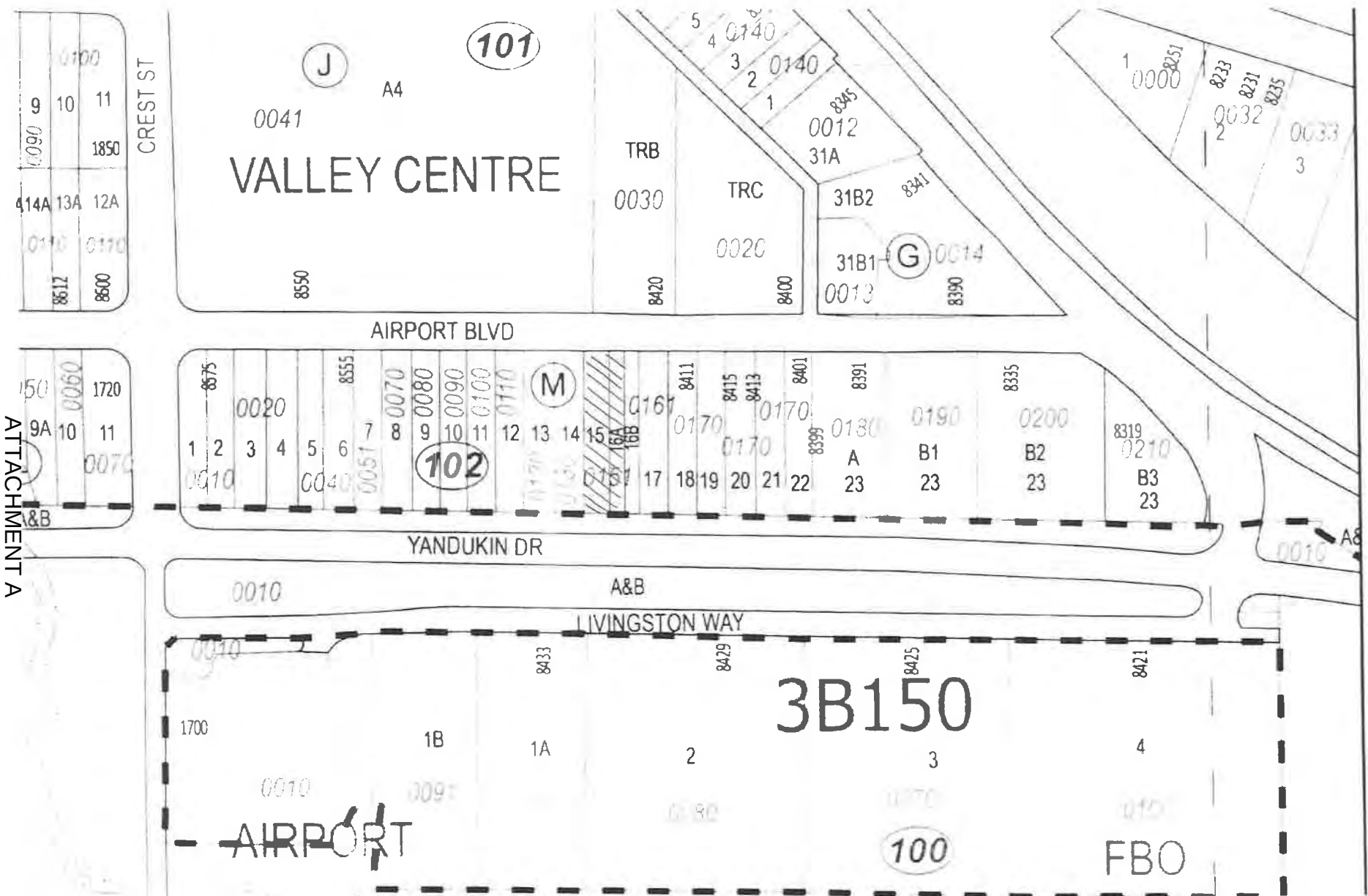
N 89° 12' W - 160.01'

BASIS OF BEARING

I hereby certify that this is a true and correct plat;
that all walks, roads, easements and improvements thereon
are as shown and that all overlaps and encroachments are as
shown to the best of my knowledge.

SEA	SCALE 1"=30'	J.W. BEAN	AS-Built Survey of: Lots 1, 16, 18, Block 11 Valley Center Sub. within U.S.S. 1195
DATE 4-10-96	DATE		
SHEET 1 OF 1	SHEET		

U



The Fireweed Factory LLC proposed cultivation facility

The Fireweed Factory LLC

Open House

Saturday June 11, 2016 1:30pm to 3:30pm

We are hosting an Open House for our cannabis cultivation facility at 8415 Airport Blvd. in the warehouse behind Alcan Electric. We understand that this type of business is new to Juneau and we want to answer any questions you may have about our operation. If you are an owner/landlord who received the Public Notice of our business, please share this information with any tenants you may have.

The existing warehouse will serve as a shell for the completely new growing facility to be built inside. Our plans include a 2100 square foot cultivation area, processing and office facility. Our organic cannabis will be grown under optimal conditions without the use of any toxic chemicals and tested for safety as required by State and CBJ regulations.

Here are some of the key points about our operation:

- The existing warehouse only has windows in the garage door and they will be secured and covered so no light will be emitted to the outside.
- Smell from plants will be controlled with a charcoal filtering system and will not be detectable from outside the sealed facility.
- No loud operational sounds will be audible outside the buildings.
- A security system will be installed inside and out at several locations and monitored 24/7 by a professional security company.
- Foot traffic will be minimal as only one to two workers will be on site and each will have a Marijuana Handler's Permit as required by State regulations.
- Our one entrance door to the warehouse is in the back of the building and has no visibility from the road.
- No products will be sold on site and no money will be held on site.
- All work will be done in an enclosed environment and at no time will plants be visible to the public.
- There will be very limited access to the facility and only by appointment.

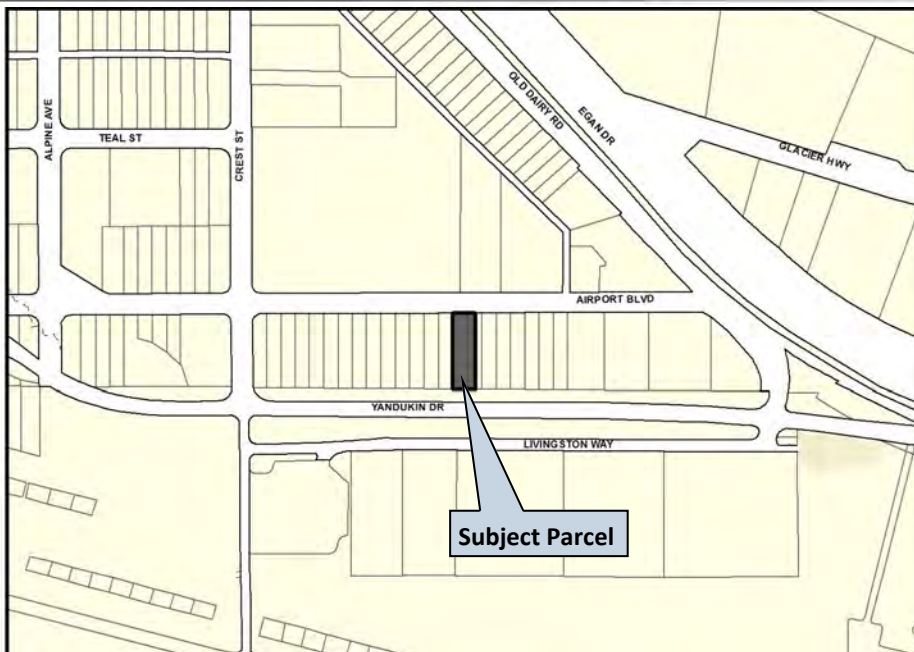
We look forward to this opportunity to explain further details of our business. Plans for our new cultivation building will be on display. We hope you will be able to join us.

June E. Hall and Paul V. Disdier
8393 No. Douglas 586-6790 thefireweedfactory@gmail.com

For complete information on State marijuana regulations please visit the online Alcohol and Marijuana Control Board Office website.



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A Conditional Use Permit for a standard marijuana cultivation facility in an Industrial zone.

File No:	USE2016 0017	Applicant:	Paul V. Disdier
To:	Adjacent Property Owners	Property PCN:	5-B15-0-102-015-1
Hearing Date:	June 28, 2016	Owner:	MACKINCO
Hearing Time:	7:00 PM	Size:	12,645 Square Feet
Place:	Assembly Chambers	Zoned:	I (Industrial)
	Municipal Building	Site Address:	8415 Airport Blvd
	155 South Seward Street	Accessed Via:	Airport Blvd
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Jonathan Lange at jonathan.lange@juneau.org or 586-0218



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Attachment B - Supporting Documents
ATTACHMENT B

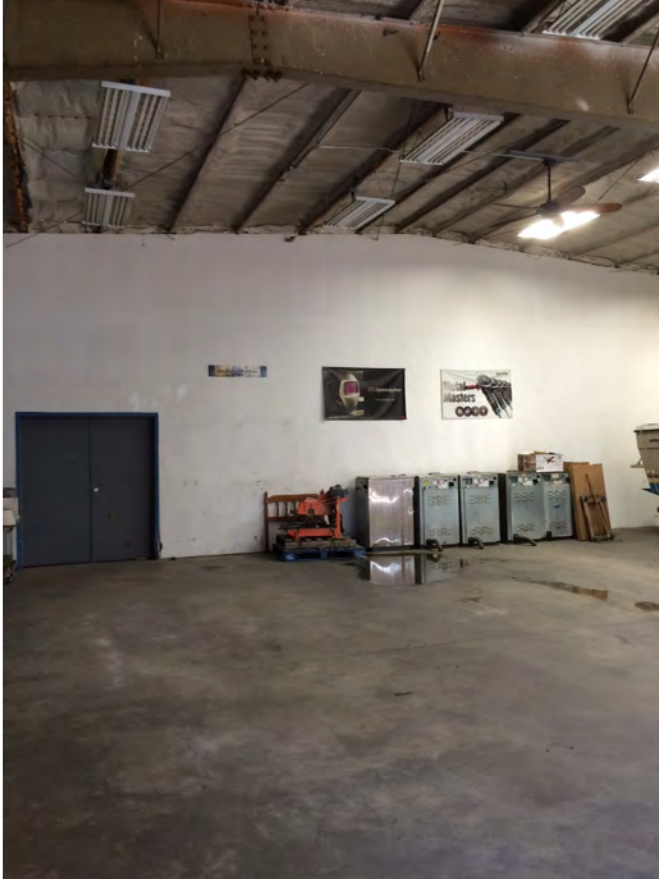
Note notice was printed: May 24, 2016



Proposed Facilities Entrance



South Face of Facility



Inside view of Warehouse facing Alcan's portion of building



Inside view of Warehouse facing Entrance



Subject Site and Parking facing south



View east to Subject Site and Airport Blvd

Attachment B - Supporting Documents

ATTACHMENT C



View West on Airport Blvd



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained ~~not yet~~
- ☒ Floor plan matches what was approved under the CUP
- ☒ Check out alarm system – make sure all windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards
- ☒ Verify safe is installed in a secure room - doors locked ~~not yet~~ - all interior doors will be kept locked.
- ☒ Verify property waste disposal method is in use
- ☒ Check out fertilizers
- ☒ Verify storage of carbon dioxide (also part of Fire Dept. inspection)
- ☒ Verify carbon filters are installed
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

Inspected by: Jonathan Lange, Planner

Date: 12/7/16

Passed inspection: Yes, inspection passed.

Items not complete: Parking spaces verified. ✓
All items complete.

Case No: BLD20160490

JUNEAU PERMIT CENTER

INSPECTION RESULTS

Inspect on: 12/07/2016

Time: 1:30

CF

Issued On: 8/31/2016

Applicant: FIREWEED FACTORY LLC

Parcel No: 5B1501020151

Address: 8415 AIRPORT BLVD

Legal: VALLEY CENTRE BL M LT 15 & 16A

Project Description: Tenant improvement of building B for Fireweed factory

Notes: Paul - 957-2670 for CO

Inspection: B-Building Final

Result: A

Inspected by: CF

Date: 12/7/16

SETBACKS:

Front: 10.00

Rear: 10.00

Side1: 0.00

Side2: 0.00

Parking Spaces: 4

Zoning: I

Comments:

INSPECTION COMMENTS:

All Building Dept. Requirements Met
Good for CO

3 Rooms Unfinished
Will Require TI Permit
before utilized.

Fire Dept Good for CO

Zoning Dept. Good for CO

CONDITIONS / HOLDS:

- ☒ No offsite glare shall be produced by exterior facility and doorway lights.-
- ☒ The applicant shall pass all CBJ Fire Marshall Inspections.-
- ☒ Security cameras shall have an unobstructed view of each doorway to the cultivation building.-
- ☒ Security cameras shall have unobstructed views of the regular activity without sight blockage from plants, fixtures, or other equipment in the cultivation facility.-
- ☒ Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.-

INSPECTION RESULTS

inspection 12/07/2010
Time: 1:30 Packet Page 274 of 635

As a condition of approval, staff recommends that prior to Certificate of Occupancy for the facility, staff conduct a site visit to ensure the surveillance system is fully operational and all health and safety signs are displayed.-

NOTE: Prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy, **Zoning, Engineering and Buildings** items must be approved.

3 Rooms, 2nd Floor, 1st Floor
1st Floor, 2nd Floor, 3rd Floor

The Fireweed Factory LLC
Dec. 8, 2016

CBJ marijuana establishment business license application
Attachment: list of other uses on property

Alcan Electric
Storage units
Rough Country Mechanics



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☒ CBJ and State Licenses (for renewal inspection only)
 - ☒ Health warning
 - ☒ Consumption and transportation warning
- ☒ Limited access areas are marked – *whole building*
- ☒ Verify visitor log is properly maintained *and retained.*
- ☒ Floor plan matches what was approved under the CUP
- ☒ Check out alarm system – make sure all ^{generator} windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out -
- ☒ Verify that there is no product visible form the public right-of-way
- ☒ Verify doors and locks meet regulatory standards - *Building approved*
- ☒ Verify safe is installed in a secure room *what for?*
- ☒ Verify property waste disposal method is in use *Composted at owners property*
- ☒ Check out fertilizers - *they were there. Switching type of fertilizer*
- ☒ Verify storage of carbon dioxide (also part of Fire Dept. inspection)
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

- ☒ Passed inspection
- ☐ Incomplete inspection

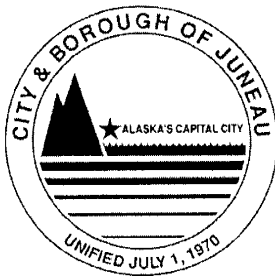
*ADA space
occupied by
non-ADA.
Advised owner*

*Need to change
CU to move additional
flower room in?*

Items not complete:

Inspected by: *TS [Signature]*, Planner MJL# 000000005

Date: 12/5/17



Application Marijuana Establishment License

Community Development • 155 S. Seward Street • Juneau, AK 99801 • (907) 586-0770

Type of License

- ☒ Marijuana Cultivation Facility License
☐ Marijuana Retail Store License

- ☐ Marijuana Product Manufacturing Facility License
☐ Marijuana Testing Facility License

Trade Name of Marijuana Establishment: The Fireweed Factory LLC

Authorized Representative Name: Paul V. Disdier Title: Gen. Manager

Facility Address: 8415 Airport Blvd Space B

Applicant Mailing Address: 8393 No. Douglas Juneau AK 99801

Phone: 907 957 2670 Email: thefireweedfactory@gmail.com

Submittal Requirements:

- ☒ Application Fee of \$250
☒ Copy of State of Alaska Marijuana Business License
or
☐ Organizational Documents for all entities

- ☐ Notice of Decision approving the Conditional Use permit issued by the CBJ Planning Commission
☐ Proof of ownership of the proposed licensed premises
or
☐ Copy of the lease or deed for the property where the marijuana facility will be located
☐ List of all other uses on the property
Submitted by Applicant

RECEIVED
NOV 19 2018
PERMIT CENTER/CDD

No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under article 49.65.1105 shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates State or federal law, all licenses issued under article 49.65.1105 shall be deemed immediately revoked by operation of law, with no ground for appeal or redress on behalf of the licensee. Under article 49.65.1120, no license granted or issued under any of the provisions of this title shall be in any manner assignable or transferrable. Licenses issued are effective from the date of issuance through December 31 of the same year. In order to be eligible for renewal, a licensee must submit proof of inspection by the department or the department's designees for compliance with this chapter and any applicable permit. The licensee shall schedule the inspection no later than sixty days prior to the annual expiration of the license. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee and proof of inspection. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

I acknowledge I have read and understand the above statements concerning the application and obtainment of a marijuana license with the City and Borough of Juneau. Also, I am verifying compliance with any buffer requirements imposed by 3 AAC Chapter 306 of the Alaska Administrative Code. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the City and Borough of Juneau Municipal Code and all Rules and Regulations which govern my Marijuana Establishment License Application.

Authorized Representatives Signature: Paul V. Disdier Date: 11/19/18

Marijuana Establishment License Number: State CBJ 10266 MJL005	Intake Initials
---	-----------------

2018 inspection



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☒ CBJ and State Licenses (for renewal inspection only)
 - ☒ Health warning
 - ☒ Consumption and transportation warning
- ☒ Limited access areas are marked - All of area is limited access
- ☒ Verify visitor log is properly maintained and old sheets retained
- ☐ Floor plan matches what was approved under the CUP or building permits - Some amendments - Propose to use mezzanine to store mother plants - Check with Director -
- ☒ Check out alarm system – make sure all exterior windows and doors have an alarm
- ☐ Verify that the security surveillance system is working - Cameras working - Check if additional camera needed in both flower rooms.
- ☐ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use - Find a then compost
- ☒ Check out fertilizers - They are there.
- ☒ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection) - there are some large cylinders secured to wall
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☐ Any additional conditions imposed by CUP
- ☒ Passed inspection 12/14/18
- ☒ Incomplete inspection

Back up battery condition, will be met, will send email showing serial #s.

Items not complete:

- Battery back up
- Approval of relocated plants
- Flower room camera coverage

Inspected by: T. P. [Signature], Planner MJL# 0000 0005

Date: 12/13/18



Application Marijuana Establishment License

Community Development • 155 S. Seward Street • Juneau, AK 99801 • (907) 586-0770

Type of License

- ☒ Marijuana Cultivation Facility License
☐ Marijuana Retail Store License

- ☐ Marijuana Product Manufacturing Facility License
☐ Marijuana Testing Facility License

Trade Name of Marijuana Establishment: The Fireweed Factory

Authorized Representative Name: Paul V. Disdier Title: GM

Facility Address: 8415 Airport Blvd. Space B

Applicant Mailing Address: 8393 W. Douglas Hwy. Juneau, AK 99801

Phone: 907 957 2670 Email: thefireweedfactory@gmail.com

Submittal Requirements:

- ☐ Application Fee of \$250
☐ Copy of State of Alaska Marijuana Business License
or
☐ Organizational Documents for all entities

- ☐ Notice of Decision approving the Conditional Use permit issued by the CBJ Planning Commission
☐ Proof of ownership of the proposed licensed premises
or
☐ Copy of the lease or deed for the property where the marijuana facility will be located
☐ List of all other uses on the property
Submitted by Applicant

No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under article 49.65.1105 shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates State or federal law, all licenses issued under article 49.65.1105 shall be deemed immediately revoked by operation of law, with no ground for appeal or redress on behalf of the licensee. Under article 49.65.1120, no license granted or issued under any of the provisions of this title shall be in any manner assignable or transferrable. Licenses issued are effective from the date of issuance through December 31 of the same year. In order to be eligible for renewal, a licensee must submit proof of inspection by the department or the department's designees for compliance with this chapter and any applicable permit. The licensee shall schedule the inspection no later than sixty days prior to the annual expiration of the license. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee and proof of inspection. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

I acknowledge I have read and understand the above statements concerning the application and obtainment of a marijuana license with the City and Borough of Juneau. Also, I am verifying compliance with any buffer requirements imposed by 3 AAC Chapter 306 of the Alaska Administrative Code. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the City and Borough of Juneau Municipal Code and all Rules and Regulations which govern my Marijuana Establishment License Application.

Authorized Representatives Signature: Paul V. Disdier Date: 10/24/2019

Marijuana Establishment License Number:

MJL-05

Intake Initials

R



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible form the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

For cultivation or processing operations only:

- ☒ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☒ Verify fertilizers used and mold/pet control

☒ **PASSED INSPECTION**

☐ **INCOMPLETE INSPECTION**

Items not complete:

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- N/D ☐ Work with business owner to address incomplete items.
- ☒ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: Phattz, cco Planner MJL# 05

Date: 11/12/19

INSPECTION REPORT

CITY & BOROUGH OF JUNEAU BUILDING DIVISION

4TH FLOOR MARINE VIEW BUILDING, 230 S. FRANKLIN ST.

MAIL: 155 SOUTH SEWARD STREET, JUNEAU, AK 99801

MAIN PHONE: 586-0770 INSPECTION REQUEST LINE: 586-1703

ONLINE INSPECTION REQUEST FORM: <https://beta.juneau.org/?p=1994>
 PERMIT NO. MJL 0005 DATE 11/13/19 TIME _____

- | | | | |
|--|-------------------------------------|---|---|
| ☐ FOOTING | ☐ FRAME | ☐ CROSS CONNECTION | ☐ GRADING/DRAINAGE |
| ☐ STEM WALLS | ☐ ELECTRICAL | CONTROL | ☐ ROOF |
| ☐ SLAB | ☐ PLUMBING | ☐ OIL & GAS PIPING/TANKS | ☐ FINAL |
| ☐ UNDERSLAB | ☐ INSULATION | ☐ DRIVEWAY | ☒ License renewal |
| (Plumbing/Electrical) | ☐ MECHANICAL | ☐ WATERLINE | |
| ☐ TEMPORARY POWER | ☐ WOODSTOVE | ☐ SEWER | |

OWNER/CONTRACTOR The Fireweed FactoryADDRESS 8415 Airport Blvd

PERMIT TYPE _____ INSPECTION CODE _____

11/12/19 at 10:00

No plumbing back flow devices requiring inspection

Plans match original approved plans, including flowering room number 3, no additional changes.

No safety concerns discovered at the time of inspection.

Inspection approved for license renewal.

☐ CALL FOR REINSPECTION BEFORE CONCEALMENT☐ CORRECTIONS OF ITEMS NOTED ABOVE WILL BE

REINSPECTED AT TIME OF NEXT REQUESTED INSPECTION

INSPECTOR:

N.Watts

CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

For all marijuana establishments:

- ☐ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

For cultivation or processing operations only:

- ☐ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☐ Verify fertilizers used and mold/pet control

☒ **PASSED INSPECTION**

☐ **INCOMPLETE INSPECTION**

Items not complete:

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items.
- ☐ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: N. Watts, Planner MJL# 05 / 09

Date: 11/10/2020

Adrienne Scott

From: Dan Jager
Sent: Friday, December 4, 2020 3:21 PM
To: Adrienne Scott
Subject: RE: MJL license renewal

Hi Adrienne, these are all good to go. I just need to log in and sign them off. What is the permit number for these? 2020 and then six or seven zeros? Thanks!
 Dan

From: Adrienne Scott <Adrienne.Scott@juneau.org>
Sent: Thursday, December 03, 2020 4:33 PM
To: Dan Jager <Dan.Jager@juneau.org>
Subject: MJL license renewal

Hi Dan,

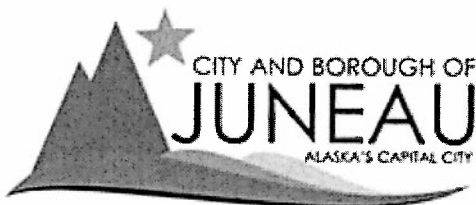
I'm working on marijuana license renewals, and I have several that have been inspected, but not signed off by you in Govern. Can you please either do the govern sign off, or confirm to me via email that these businesses passed their renewal inspection?

MJL-005 Fireweed Factory Cultivation
 MJL-009 Fireweed Factory Retail
 MJL-014 Forget me not Glacier Valley Shop retail
 MJL-015 Forget me not Green Valley Cultivation
 MJL-017 Forget me not Southeast Essential Manufacturing
 MJL-021 North Star Gardens cultivation
 MJL-022 Thunder Cloud 9 Retail
 MJL-023 Taku Horticulture cultivation
 MJL-018 Alaskan Kush Co Retail
 MJL-024 Herb n' Legends cultivation
 MJL-020 Mason Jar retail

Let me know if you need more info, thank you!

Adrienne Scott | Permit Technician III

Community Development Department | City & Borough of Juneau, AK
 Location: 230 S. Franklin Street, 4th Floor Marine View Building
 Permit Center: 907.586.0770 | Office: 907.586.0786



City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2018



Expiration Date

December 31, 2018

THE FIREWEED FACTORY

8415 AIRPORT BLVD

MJL00000005

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2019



Expiration Date

December 31, 2019

THE FIREWEED FACTORY

8415 AIRPORT BLVD

MJL00000005

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City and Borough of Juneau

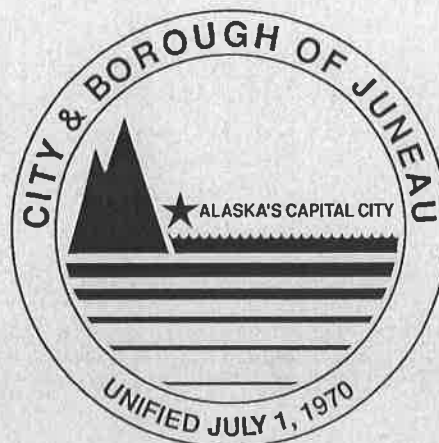
Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2020



Expiration Date

December 31, 2020

THE FIREWEED FACTORY
8415 AIRPORT BLVD
MJL00000005

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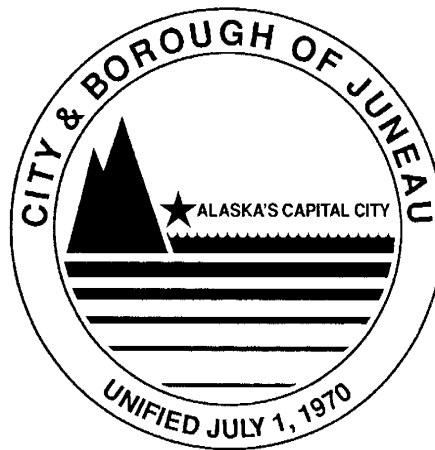
City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date
January 01, 2021



Expiration Date
December 31, 2021

THE FIREWEED FACTORY
8415 AIRPORT BLVD
MJL00000005

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This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10266**

FORM CONTROL **019**

MARIJUANA ESTABLISHMENT LICENSE

2016 - 2017

TYPE OF LICENSE: Standard Marijuana Cultivation Facility

ISSUE DATE: 08/05/2016

EXPIRATION DATE: 06/30/2017

EFFECTIVE DATE: *12-14-2016*

LOCAL GOVERNMENT: Juneau, City & Borough

D/B/A: The Fireweed Factory, LLC
8415 Airport Blvd. Space B
Juneau, AK 99801

Mail Address:

The Fireweed Factory, LLC
8393 N Douglas Highway
Juneau, AK 99801

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD



DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER 10266

FORM CONTROL MJ-345

MARIJUANA ESTABLISHMENT LICENSE

2018 - 2019

TYPE OF LICENSE: Standard Marijuana Cultivation

RENEWAL APPLICATION DUE BY: 6/30/2019

ISSUE DATE: 08/17/2018

EXPIRATION DATE: 08/31/2019

EFFECTIVE DATE: 08/17/2018

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: The Fireweed Factory, LLC
8415 Airport Boulevard, Space B
Juneau, AK 99801

Mail Address:

The Fireweed Factory, LLC
8393 N Douglas Highway
Juneau, AK 99801

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD

Erika McConnell

DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10266**

FORM CONTROL MJ-199

MARIJUANA ESTABLISHMENT LICENSE
2020 - 2021

TYPE OF LICENSE: Standard Marijuana Cultivation

RENEWAL APPLICATION DUE BY: 6/30/2021

ISSUE DATE: 09/22/2020

EXPIRATION DATE: 08/31/2021

EFFECTIVE DATE: 09/22/2020

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: The Fireweed Factory LLC
8415 Airport Blvd., Space B
Juneau, AK 99801

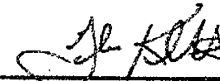
Mail Address:

The Fireweed Factory, LLC
8393 N. Douglas Highway
Juneau, AK 99801

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

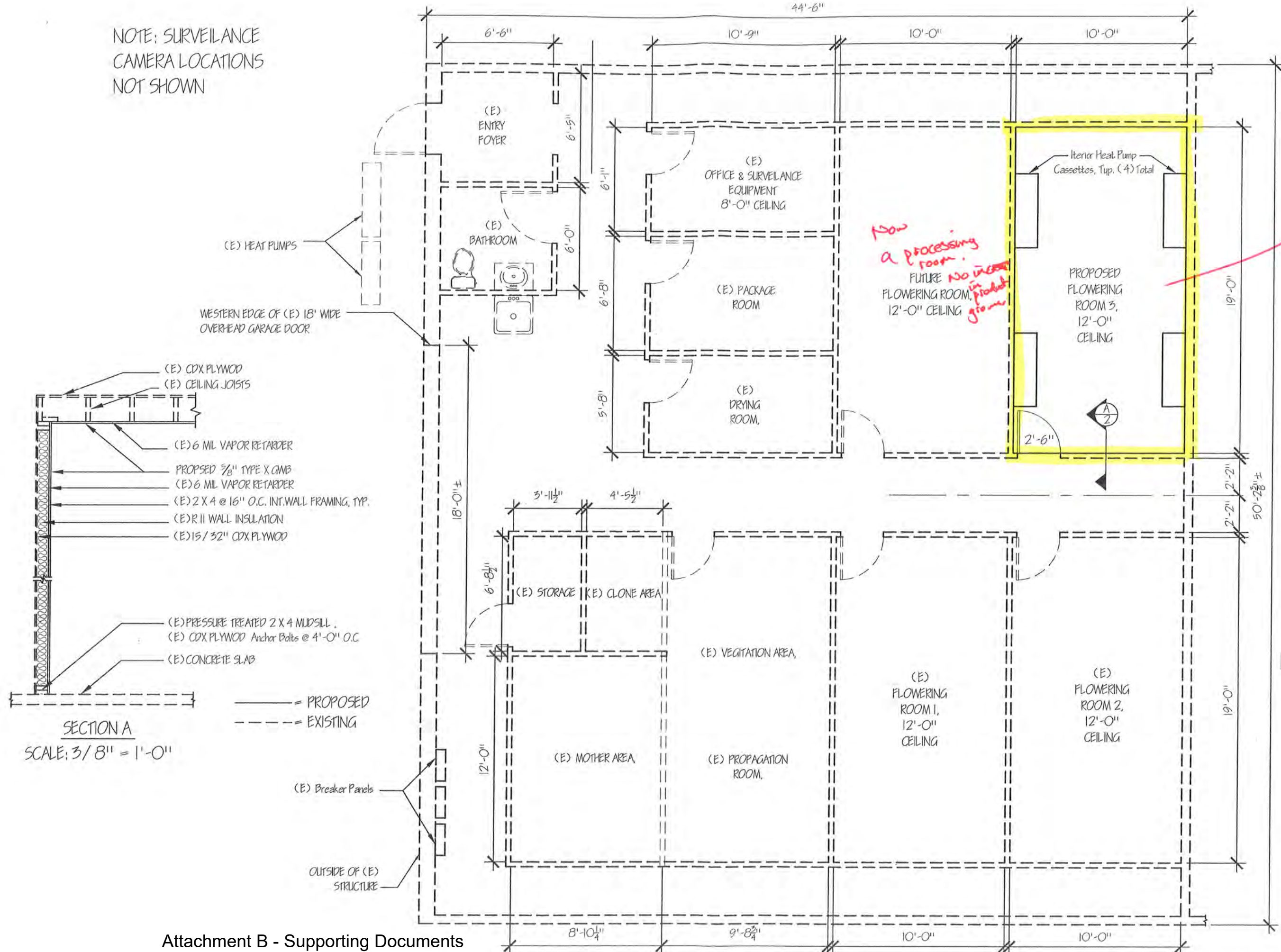
ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD



DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

NOTE: SURVEILLANCE
CAMERA LOCATIONS
NOT SHOWN



Shown on
CAP. USE 16-17

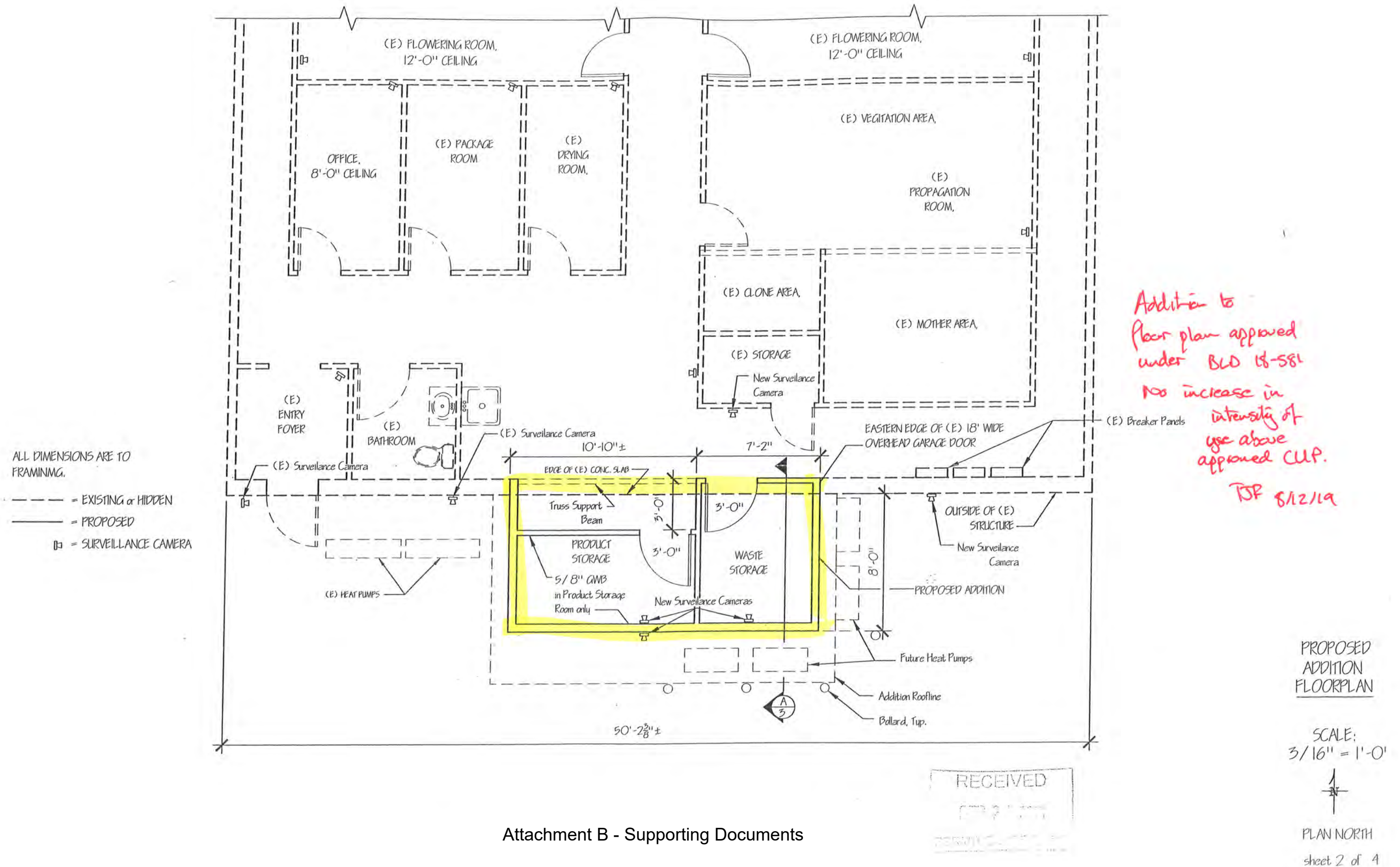
THE FIREWEED
FACTORY LLC
LICENSE # 10266
OCCUPANCY S-1 5VB

FLOORPLAN
AND
SECTION A

SCALE:
3/16" = 1'-0"

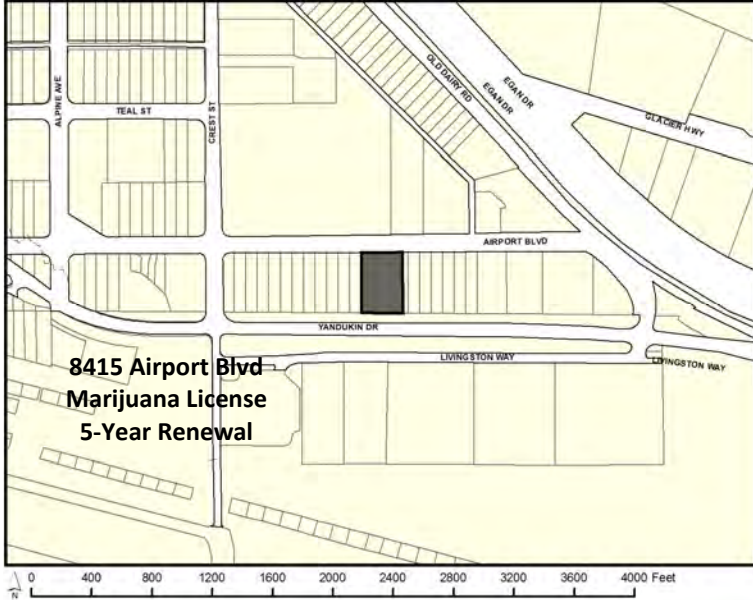
PLAN NORTH

sheet 2 of 4



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:

A Marijuana Cultivation License 5-Year Renewal is up for consideration and public hearing by the Planning Commission for **The Fireweed Factory** at **8415 Airport Boulevard** in an **Industrial Zone**.

TIMELINE

Staff Report expected to be posted **Monday, October 18, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through Oct. 4

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

Oct. 5 — noon, Oct. 25

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

HEARING DATE & TIME: 7:00 pm, October 26, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/89613819418>. The Webinar ID is: 896 1381 9418. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

October 27

The results of the hearing will be posted online.

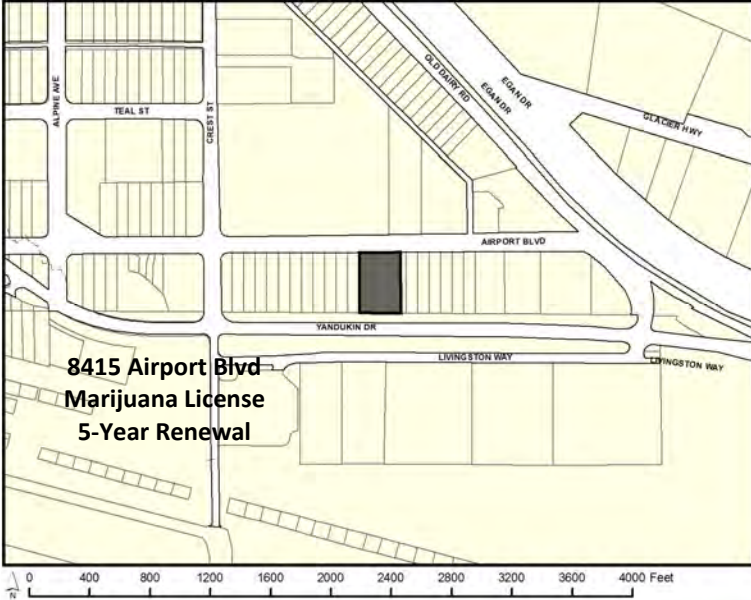
Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed September 24, 2021

Case No.: USE2016 0017
Parcel No.: 5B1501020121
CBJ Parcel Viewer: <http://epv.juneau.org>

Revised Notice

Re: Marijuana Cultivation License 5-Year Renewal
Hearing Rescheduled



155 S. Seward Street Juneau, Alaska 99801

TO:

POSTPONED

You are receiving this notice regarding an application being heard by the Planning Commission for a **Marijuana Cultivation License 5-Year Renewal** for **The Fireweed Factory** at **8415 Airport Boulevard**. Originally, the hearing was set for October 26, 2021.

The hearing has been rescheduled for November 9, 2021.

TIMELINE

Staff Report expected to be posted **Monday, November 1, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through noon, November 8

Comments received during this period will be sent to Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling this case, Joseph Meyers, will also read any written comments that received. You may also contact him via the phone number listed below.

HEARING DATE & TIME: 7:00 pm, November 9, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/82646379779>. The Webinar ID is: 826 4637 9779. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

November 10

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed October 22, 2021

Case No.: USE2016 0017
Parcel No.: 5B1501020121
CBJ Parcel Viewer: <http://epv.juneau.org>

12266

 **NOTICE**

For more information

586-0715

pc_comments@juneau.org

**MARIJUANA
CULTIVATION
PERMIT**

USE20160017

A Conditional Use Permit for a
standard marijuana cultivation
facility in an Industrial zone.

HEARING DATE:

11/9/2021



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: November 17, 2021
File No.: USE2021 0014/USE2016 0017

Paul Disdier
8393 N. Douglas Highway
Juneau, AK 99801

Proposal: A five-year renewal of Special Use Permit (USE2016 0017) for a marijuana cultivation facility

Property Address: 8415 Airport Boulevard

Legal Description: Valley Centre Block M Lot 13A

Parcel Code No.: 5B1501020121

Hearing Date: November 9, 2021

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 1, 2021, and approved the renewal of a five-year Special Use Permit to be conducted as described in the project description and project drawings submitted with the application.

Attachments: November 1, 2021, memorandum from Joseph Meyers, Community Development, to the CBJ Planning Commission regarding USE2021 0014/USE2016 0017.

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.

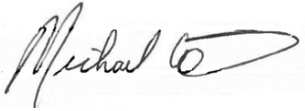
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030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

Paul Disdier
File No.: USE2021 0014/USE2016 0017
November 17, 2021
Page 2 of 2

Effective Date: The permit is effective upon approval by the Commission, November 9, 2021.

Expiration Date: The permit will require review five (5) years after the effective date, or November 10, 2026 per CBJ 49.65.1245(e). Application for permit extension must be submitted thirty days prior to the expiration date.

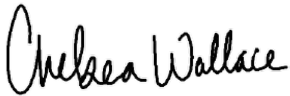
Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.



November 18, 2021

Michael LeVine, Chair
Planning Commission

Date



November 19, 2021

Filed With City Clerk

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**

USE2016 0026: A Marijuana Retail License 5-Year Renewal for Fireweed Factory, LLC - (USE2021 0015)
- APPROVED AS RECOMMENDED

AGENDA ITEM:

Case No.: USE2016 0026

Applicant: The Fireweed Factory, LLC

Location: 237 Front Street

Proposal: A Marijuana Retail License 5-Year Renewal for Fireweed Factory, LLC

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow a Marijuana Retail License five-year renewal without amended conditions.

ATTACHMENTS:

	Description	Upload Date	Type
▣	Staff Report for USE2016 0026 5-Year Renewal (USE2021 0015)	11/1/2021	Staff Report
▣	Notice of Decision for USE2016 0026/USE2021 0015	11/19/2021	Notice of Decision



PLANNING COMMISSION STAFF REPORT
SPECIAL USE PERMIT RENEWAL USE2021 0015
HEARING DATE: NOVEMBER 9, 2021

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

DATE: November 1, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Joseph Meyers, Planner 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a five-year renewal of Special Use Permit (USE2016 0026) for a marijuana retail facility.

STAFF RECOMMENDATION: Approval

KEY CONSIDERATIONS FOR REVIEW:

- Notice of Decision was issued on the original Special Use Permit on December 2, 2016.
- The facility has no infractions on record.
- State Marijuana License #10800 is current; CBJ Marijuana License #MJL-009 is current.
- No modifications of the facility have occurred.
- Passed inspections from 2016-2020.

GENERAL INFORMATION	
Property Owner	Hall Properties, LLC
Applicant	Paul Disdier
Property Address	237 Front Street
Legal Description	Tidelands Addition Block 81 Lot 3
Parcel Number	1C070K810030
Zoning	Mixed Use (MU)
Land Use Designation	Traditional Town Center (TTC)
Lot Size	202 square feet
Water/Sewer	CBJ
Access	Front Street
Existing Land Use	Commercial
Associated Applications	USE2016 0026; USE2016 0017 (cultivation facility); USE2021 0014 (cultivation extension)
Type of Facility	Retail

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:

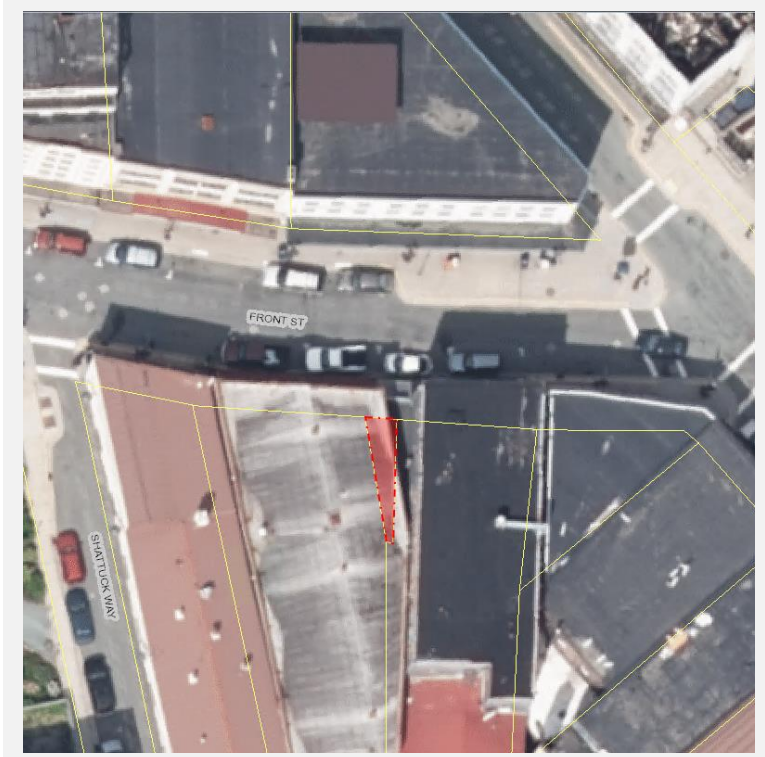
Assembly action is not required for this permit.

STANDARD OF REVIEW:

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

The Commission shall hear and decide the case per 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 (ROW)	Front Street
South (MU)	Commercial retail
East (MU)	Commercial retail
West (MU)	Commercial retail

SITE FEATURES	
Anadromous	None
Flood Zone	Zone X
Hazard	No known
Hillside	None
Wetlands	None
Parking District	PD-1; Fee-in-Lieu
Historic District	Yes
Overlay Districts	N/A

BACKGROUND INFORMATION

Project Description – This application is for a five-year renewal of the Special Use Permit for the Fireweed Factory Retail facility at 237 Front Street.

Background – The Planning Commission approved a Special Use Permit (USE2016 0026), effective December 2, 2016, to allow a Marijuana retail facility in the MU zoning district with the following conditions:

1. Prior to issuing Certificate of Occupancy, the applicant shall submit to CDD a state of Alaska license that permits the use of marijuana retail at the subject site that matches subject plans and operations described in the subject Conditional Use Permit.
2. The applicant is encouraged to take steps to ensure that no obstruction caused by the business onto public right-of-way.

ANALYSIS

CBJ 49.65.1220 establishes the requirements for this renewal.

1. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee.
2. No outstanding corrective orders or enforcement actions.
3. Proof of inspection.
4. In compliance with the applicable Conditional Use Permit.

Requirement: Has the applicant applied for and remitted the fee for renewal of a Special Use Permit timely?

Analysis: Yes. The application for renewal of USE2016 0026 was received on October 21, 2021 and the fee remitted timely.

Requirement: At least ten days prior to the hearing, notice of the renewal request must be mailed to adjacent property owners. At least two days prior to the hearing, a general notice shall be printed in the newspaper of general circulation in the municipality.

Analysis: Yes. The Public Notice requirements of Title 49 have been met for this renewal.

Requirement: Conditions contained in the Special Use Permit cannot be changed unless the Commission amends or adds conditions to ensure compliance with this title. Have the conditions been changed to ensure compliance with Title 49?

Analysis: No. Conditions placed on the Special Use Permit have not been changed.

PUBLIC COMMENTS

CDD conducted a public comment period between October 8, 2021 and November 9, 2021. 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 public comments were submitted at the writing of this report.

FINDINGS

Special Use Permit Renewal Criteria – Per CBJ 49.15.250, Development Permit Extension, the Director makes the following findings on the criteria for granting the requested Special Use permit extension:

1. *Was the application for the requested Special Use Permit renewal complete and received timely?*

Analysis: No Further analysis needed.

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

2. *Have there been any corrective or enforcement issues for this facility in the past five years?*

Analysis: No further analysis required.

Finding: No. There have been no enforcement of corrective issues for this facility in the last five years.

3. *Have all inspections been passed?*

Analysis: No further analysis required.

Finding: Yes. All conducted inspections have been passed.

4. *Is the marijuana license maintained current?*

Analysis: State and CBJ licenses are being maintained. Copies of each permit are located in Attachment B.

Finding: Yes. State and CBJ marijuana licenses are current.

5. *Have any modifications been made to the Special Use Permit?*

Analysis: No further analysis required.

Finding: No. No major modifications have been made to the Special Use Permit.

6. *Have the conditions of the Special Use Permit been met and maintained?*

Analysis: No further analysis required.

Finding: Yes. The conditions of the Special Use Permit have been met and maintained.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow a Marijuana Retail License five-year renewal without amended conditions.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Supporting Documents
Attachment C	Public Notice



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION	
	Physical Address <u>237 Front Street, Juneau, AK 99801</u>	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <u>Lot 3 Block 81 Tidelands Addition</u>	
	Parcel Number(s) <u>1-C07-0-K81-003-0</u>	
	This property located in the downtown historic district <u>Juneau Downtown Historic District</u>	
	This property located in a mapped hazard area, if so, which _____	
	LANDOWNER/ LESSEE	
	Property Owner <u>June Hall</u>	Contact Person <u>June Hall</u>
	Mailing Address <u>8393 N. Douglas Hwy</u>	Phone Number(s) <u>723-5995</u>
	E-mail Address <u>thefireweedfactory@gmail.com</u>	
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	<u>June Hall</u> Landowner/Lessee Signature	<u>10/12/21</u> Date
X	_____ Landowner/Lessee Signature	_____ Date
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 <u>Paul Disdier</u>	Contact Person <u>Paul Disdier</u>	
Mailing Address <u>8393 N. Douglas Hwy</u>	Phone Number(s) <u>957-2670</u>	
E-mail Address <u>thefireweedfactory@gmail.com</u>		
X	<u>Paul V. Disdier</u> Applicant's Signature	<u>10/12/21</u> Date of Application

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number <u>USE 21-15</u>	Intake Initials <u>JPM</u>
	Date Received <u>10/21/21</u>



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 A marijuana retail establishment at 237 Front Street in downtown Juneau.

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

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # USE 20160026 ☐ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 202 square feet Total Area of Existing Structure(s) 158 square feet

Total Area of Proposed Structure(s) 158 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

☐ **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)

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

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ _____			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ _____			
Pub. Not. Sign Deposit	\$ _____			
Total Fee	\$ _____			

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 <u>USE21-15</u>	Date Received <u>10/21/21</u>
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Special Use Permit Narrative

The Planning Commission, at its regular public meeting, issued The Fireweed Factory a Notice Of Decision for its Marijuana Retail Store on November 30, 2016. The premises have been inspected by both CBJ and the Fire Department on an annual basis. No corrective issues or infractions have occurred.



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

PLANNING COMMISSION

NOTICE OF DECISION

Date: December 2, 2016
File No.: USE2016 0026

The Fireweed Factory LLC
Paul V. Disdier
8393 North Douglas Highway
Juneau, AK 99801

Proposal: A Conditional Use permit for a marijuana retail use along Front Street in downtown Juneau.

Property Address: 237 Front Street

Legal Description: Lot 3 Block 81 Tidelands Addition

Parcel Code Number: 1-C07-0-K81-003-0

Hearing Date: November 30, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 16, 2016, and approved the Conditional Use permit for a marijuana retail use along Front Street to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to issuing Certificate of Occupancy, the applicant shall submit to CDD a state of Alaska license that permits the use of marijuana retail at the subject site that matches subject plans and operations described in the subject Conditional Use permit.
2. ~~The applicant shall ensure that no obstruction onto a public right of way is created by the business.~~ **Planning Commission modification:**
Advisory Condition: The applicant is encouraged to take steps to ensure that no obstruction caused by the business onto public ROW.

The Fireweed Factory LLC
 File No.: USE2016 0026
 December 2, 2016
 Page 2 of 2

~~3. Prior to issuance of a building permit, the applicant shall submit detailed drawings of the proposed door to ensure retention of the building's historic integrity. Planning Commission removed this condition because it will be required during the Building permitting process.~~

Attachments: November 16, 2016, memorandum from Eric Feldt, Community Development, to the CBJ Planning Commission regarding USE2016 0026.

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 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, November 30, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or May 30, 2018, 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.

Project Planner:



Eric Feldt, Planner
 Community Development Department



Ben Haight, Chair
 Planning Commission



Filed With City Clerk

December 15, 2016

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.



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

DATE: November 16, 2016

TO: Planning Commission

FROM: Eric Feldt, Planner II, AICP, CFM
Community Development Department

FILE NO.: USE2016 0026

PROPOSAL: A Conditional Use permit for a marijuana retail use along Front Street in downtown Juneau.

GENERAL INFORMATION

Applicant: Fireweed Factory LLC

Property Owner: Fireweed Factory LLC

Property Address: 237 Front Street

Legal Description: Lot 3 Block 81 Tidelands Addition

Parcel Code Number: 1-C07-0-K81-003-0

Site Size: 202 square feet

Comprehensive Plan Future Land Use Designation: Traditional Town Center (TTC)

Zoning: Mixed Use (MU)

Utilities: Public Water & Sewer

Access: Front Street

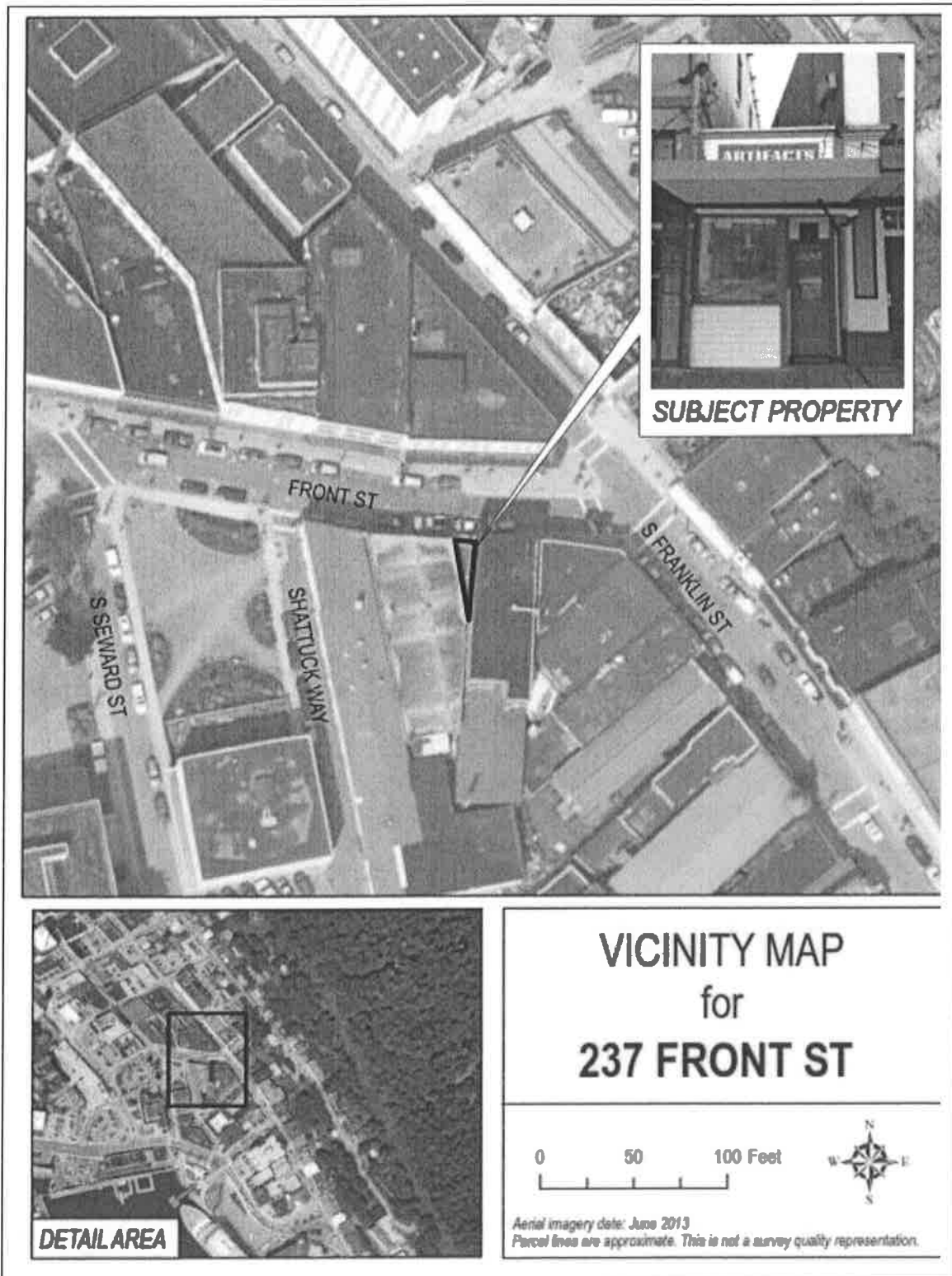
Existing Land Use: Jewelry Store

Surrounding Land Use:

- North - Retail, MU, Front Street & N. Franklin Street
- South - Retail, MU, Shattuck Way
- East - Restaurant, MU, Front Street
- West - Retail, MU, Front Street

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November 16, 2016
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Vicinity Map



Planning Commission
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November 16, 2016
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ATTACHMENTS

- Attachment A - Conditional Use Permit Application
- Attachment B - Development Permit Application
- Attachment C - Project Narrative
- Attachment D - Plat
- Attachment E - Floor Plan
- Attachment F - Public Notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for a new marijuana retail establishment at 237 Front Street in downtown Juneau. The applicant's marijuana will originate from their permitted and licensed marijuana cultivation establishment near the Juneau International Airport. The applicant may obtain marijuana from other legal sources for the retail store, if desired. On-site consumption of marijuana is not part of the retail use.

BACKGROUND

In late 2015, the CBJ Assembly established permitting regulations and processes for recreational use marijuana and categorized it into four different land uses: 1) Cultivation; 2) Product Manufacturing; 3) Testing; and 4) Retail.

Per City & Borough of Juneau §49.65.1205, all marijuana land uses require applicants to obtain the following three items:

- 1) An approved Conditional Use from the CBJ Planning Commission.
- 2) A license issued from the CBJ.
- 3) A License issued from the State of Alaska.

The applicant must obtain an approved Conditional Use permit and State license before receiving a license from the CBJ.

Earlier this year, the applicant gained an approved State license (No. 10266) and CBJ Conditional Use permit (USE2016-0017) for a marijuana cultivation establishment along Airport Boulevard near the Juneau International Airport. However, the applicant has not yet received an issued marijuana license from the CBJ.

Currently, the applicant has submitted documents to the State to obtain a license for the subject retail site. The State license is currently active.

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Pursuant to §49.15.330, the applicant attended a required Pre-Application Conference with CBJ staff on September 28, 2016 to discuss applicable regulations and permit processes for the subject Conditional Use permit.

ANALYSIS

As stated earlier, the applicant must first receive an approved Conditional Use permit prior to obtaining a license issued by the CBJ. Sections 49.15.330 and 49.65.1245 set forth the required submittals and findings for a Conditional Use permit for a marijuana use. Compliance with section 49.15.330 is discussed under 'Findings' and section 49.65.1245 is provided below.

§49.65.1245 - Marijuana establishment conditional use permits.

(a) In addition to the permit application and supporting materials required by CBJ 49.15.330(c), an applicant for a conditional use permit for a marijuana establishment must submit the following additional materials:

(1) A site plan of all buildings on the property where the marijuana use will be located, including, but not limited to: A floor plan showing how the floor space is or will be used to include, but not limited to, restricted access areas and the total floor area of the building(s);

The applicant has provided a floor plan indicating a total interior space of 157 square feet. This space consists of retail area, sales counter, secured recording equipment and storage area, and restroom facility. Marijuana will be located in the recessed product display, storage, and retail areas. The floor plan also shows where lighting, surveillance cameras, and an air filter will be located.

(2) A security plan indicating how the applicant will comply with the requirements imposed by state law;

The applicant's security plan is provided in the narrative, under 'Safety and Security' pages 5 & 6. In summary, the applicant will utilize staff training objectives, restrict public access points, and utilize a video security system with an IP off-site viewing and recording capabilities and video management software. The applicant indicates that the security systems used will fulfill applicable State of Alaska regulations No.s 3 ACC 306.715 and 3 ACC 306.720.

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(3) A waste disposal plan indicating how the applicant will comply with the requirements imposed by state law;

The applicant's waste disposal plan is provided in the narrative at the bottom of page 4. In summary, the applicant will comply with State of Alaska regulations AS 3AAC 306.730 and 306.740. Waste at the retail site will be inventoried per State law and transported to the CBJ land fill.

(4) A 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;

The applicant's screening plan is stated in the narrative on page 3. The retail establishment has two windows, one in the front along Front Street and one along the side of the building. The front window will consist of opaque security glass. No marijuana product will be visible through the side window, and thus, it will not be covered.

(5) If the establishment is to be served by a private septic system, certification from a registered, qualified engineer licensed by the State of Alaska that the system has adequate capacity for the proposed use, or will with improvements;

This is addressed in the applicant's narrative on page 3. The site has access to CBJ sewer but no water. To gain water service, the applicant could install a new water line for the new bathroom. However, in 2018, the CBJ will replace the utilities along Front Street which includes a new water line to the subject retail business. The applicant will wait until 2018 to have access to a permanent water service line. Until then, the applicant is permitted to install a temporary hot water portable hand washing sink and incinerator toilet. An email from the CBJ Building Code Official provided in Attachment C indicates acceptance of the use of temporary bathroom facilities.

(6) Marijuana cultivation facility license applicants must provide a ventilation and filtration plan describing the systems that will be used to ensure compliance with CBJ 49.65.1260 and whether the applicant intends on using carbon dioxide. The applicant shall specify if carbon dioxide enrichment will be used in cultivation and by what means the carbon dioxide will be produced. Plans should indicate the storage area for fuels used to produce carbon dioxide;

Not Applicable. This proposal is for a marijuana retail use.

(7) Marijuana product manufacturing facility license applicants, marijuana cultivation facility license applicants, and marijuana testing facility license applicants must specify

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all means to be used for cultivating, growing, extracting, heating, washing or otherwise changing the form of the marijuana plant, along with proposed ventilation and safety measures to be implemented for each process;

Not Applicable. This proposal is for a marijuana retail use.

(8) Marijuana cultivation facility license applicants and marijuana product manufacturing facility license applicants must specify the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system; and

Not Applicable. This proposal is for a marijuana retail use.

(9) Any additional documentation determined by the director to be necessary for the commission to make a decision whether to approve or deny the permit, or approve with conditions, to ensure compliance with this chapter or CBJ 49.15.330(f).

None.

Project Site

The project is inside a very small wedge-shaped building located between the Imperial Bar and Ben Franklin store on the south side of Front Street. The interior space is 158 square feet.

Project Design

The project design is provided in the attached narrative and floor plan. The business will have a retail display area, employee counter spaces, product storage and preparation area, and a restroom.

Vehicular and Pedestrian Traffic

Since marijuana retail is a new use to the community, there will likely be a high demand for the product. The applicant will have a greeter to ensure that lines do not form and block the sidewalk. The traffic levels in the area are not expected to significantly increase with the change of the type of retail use. Although, the opening of the store may have a short-term rush customers, the local streets can accommodate additional traffic levels.

Parking and Circulation

The property is located in the PD-1 parking district where no parking is required for internal-only improvements, such as the subject proposal. Therefore, no additional parking required is required.

Noise

No additional noise levels are expected with the proposed use. Noise levels along Front Street

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are typical of a downtown shopping street with a mix of retail, restaurants and bars, and housing.

Public Health or Safety

Although the proposed use is retail in nature and is adjacent to other retail uses, the retail product can be dangerous if consumed improperly. State law requires the installation of signage inside the business to inform customers about its use and affects to health. This signage is discussed in detail further in the memo under 'Required Signage and Display of Documents'.

Further, with the legalization of marijuana and the introduction of businesses selling marijuana for general consumption for the first time, some retail stores may experience a high volume of business. To ensure public safety for those entering and exiting the business and the general site, the applicant will have a greeter at the site to check identification, control the number of people entering the store, and general security. Using a greeter will ensure that those under the age of 21 do not enter the retail establishment and customers do not block the public sidewalk.

Habitat

No habitat regulated under Title 49 will be impacted by this project.

Property Value or Neighborhood Harmony

The site is located in the core of downtown where diverse uses exist, such as bars, restaurants, apartments, retail, and various public services. Operating under the restrictions of the CBJ and State, the proposed marijuana retail use is not expected to decrease property value or negatively affect neighborhood harmony.

Hours of Operation

The hours of marijuana operations are restricted per §49.65.1250, which states that marijuana may not be distributed, sold, or dispensed at marijuana licensed premises between the hours of 1:00 am and 8:00 am Monday through Sunday. The applicant's narrative indicates that their hours of operation will be between 10:00 am and 7:00 pm, seven days a week, except during special events and seasonal demand. These hours comply with §49.65.1250. Staff finds that if the subject Conditional Use permit is approved, the applicant's hours of operation shall be permissible to the fullest extent under §49.65.1250 because the site is located in the core of downtown area where late-night business operations currently occur.

Required Signage and Display of Documents

Per §49.65.1255, the applicant shall display two warning signs and the CBJ marijuana establishment license inside the store in a conspicuous place. Compliance with §49.65.1255 will be addressed during building permit review. CBJ will issue these signs if the Conditional Use permit is approved and CBJ license is issued.

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Required Odor and Ventilation System

Per §49.65.1260, all marijuana establishments shall utilize a system which prohibits the detection of noxious odors from outside the licensed premises. The applicant will provide a recycled air filtration system. A ceiling ventilation system will be installed in the retail area, as indicated in the floor plan. This system pulls air in, sends it through a carbon filter, and then sends the filtered air back into the retail area. This will ensure that the inside air is filtered and kept inside.

Also, the applicant's narrative states that the business will have a greeter stationed at the entrance to check identification, ensure queuing on the sidewalk doesn't occur, and control overall the entering of customers. By use of the greeter, air from inside will be controlled by ensuring the door is not left open.

Conditions of Marijuana Establishments

Pursuant to §49.65.1245 (b-e), the commission may impose conditions to any marijuana establishments to ensure compliance with applicable laws, to mitigate impacts to adjacent residences, and ensure consistency between CBJ issued permits and State licenses. The following conditions are standard for any marijuana establishment:

(b) If a licensee desires to modify the licensed premises by changes to equipment, increased use, such as in accordance with an approved state license endorsement, or any approved plan, an amendment to the original application and required fee shall be submitted for review and approval.

(c) In addition to any conditions imposed under CBJ 49.15.330(g), the commission may impose any conditions necessary to ensure compliance with this chapter or state law or designed to mitigate impacts of the development on surrounding residences.

(d) The commission shall impose as a condition of any permit issued by the commission under this title a requirement that the applicant submit a complete copy of the applicant's approved state license application to the department for review prior to operating. If the director determines there are substantive inconsistencies between the state license application and the conditional use permit application, the commission shall review the development for consistency with this title.

(e) Conditional use permits issued to marijuana establishments under this chapter 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 conditional use permit is filed, the new conditions shall be stayed and the existing permit shall govern the operations of the

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marijuana establishment until the conclusion of the appeal. The scope of review on appeal is restricted solely to the amended conditions.

Conformity with Adopted Plans

Comprehensive Plan

The CBJ 2013 Comprehensive Plan provides a 20-year visionary outlook of how the community should grow or be preserved for the future. Neighborhoods are broken into land use designations which guide density levels and sets forth recommended land uses. The commercial area of downtown is designated Traditional Town Center (TTC), as shown on Map M on page 163. In summary, the TTC is designated for an area appropriate for high density housing, major employment centers, mix of retail and residential developments. Pages 184–186 provide policies pertaining to the downtown area; the following are germane to the project:

SUBAREA POLICIES: MAP ‘M’ POLICIES

POLICY 10. Promote mixed uses downtown. Encourage small-scale neighborhood-serving retail and personal service businesses and increased multifamily development within the urban center. Encourage housing over ground-floor retail space, Single-Room-Occupancy (SRO) dwellings and/or loft-style housing in downtown. [Page 185]

POLICY 19. When considering applications for building permits for commercial uses within the downtown Juneau area, consider the potential noise impacts of mechanical equipment or patrons on adjacent residential uses. It may be appropriate to establish a noise ordinance for the downtown Juneau subarea where case-by-case analysis, conditions of permits and enforcement activities are not practical to solve noise problems. [Page 187]

General Comprehensive Plan Policies

Policy 5.1 To develop and sustain a diverse economy, providing opportunities for employment for all residents. [Page 44]

Policy 5.18 To encourage and support entrepreneurship and innovation in the economy of Juneau and Southeast Alaska. [Page 64]

Policy 5.20 To encourage residents and businesses to “Look Local First” for purchases of goods and services. [Page 66]

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Historic District

The site is located in the Juneau Downtown Historic District where the 1981 Downtown Historic District Development Plan and 2009 Downtown Historic District Design Standards and Guidelines apply to ensure continued historic integrity. These two plans primarily influence exterior elements of buildings. The exterior of the building will be altered by the applicant by 1) replacing the existing door, and 2) replacing the large display window. The existing door needs to be replaced. Unlike the existing door, the new door will not have a window due to security purposes. The new display window will be backed with a frosted, opaque plexiglass to prevent views of marijuana product from outside, as consistent with State law. Detailed drawings of the new door have not been prepared by the applicant at this time. If the subject Conditional Use permit is approved, the applicant will submit drawings of the door to the Historic Resources Advisory Committee (HRAC) during the building permit process. At which time, staff will ensure the new door complies with applicable standards of the two aforementioned historic plans and standards.

Also, the applicant intends to have commercial signage for the proposed retail use. New signage will comply with §49.45.260 *Historic district sign standards*. Although the applicant has not filed a Sign permit for review at this time, the Floor Plan shows a profile view of the façade containing the lettering “The FIREWEED FACTORY”. The applicant states that this is a placeholder and is not proposed. Nevertheless, a complete review of any signage for this site will be done once the applicant applies for a sign permit.

Economic Development Plan

The goal of this Plan is to ensure Juneau’s future continues increased economic resiliency and prosperity. Of the Plan’s seven initiatives, ‘Revitalizing Downtown’ is most germane to the proposal. Although this priority does not speak specifically to retail or marijuana businesses, the proposal results in continued economic use of downtown store space, continued property and sale tax growth, and activity in the downtown. This furthers efforts towards downtown revitalization.

Staff finds the proposed marijuana retail use is consistent with the policies and land use designation of the Comprehensive Plan, Downtown Historic Plans, and Economic Development Plan.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
 2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
- and,

Planning Commission
 File No.: USE 2016 0026
 November 16, 2016
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3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ § 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

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?

Yes. Staff finds 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?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 2.300 for the Mixed Use zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the November 18 and 28 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

Furthermore, the proposed development complies with §49.65.1245 *Marijuana establishments conditional use permits*.

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

No. With staff's recommended conditions and the subsequent building permit review process, the public health and safety will not be materially endangered.

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

No. With staff's recommended conditions, the approval of the subject permit will not be out of harmony with 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?

Yes. The proposal is consistent with the policies and land use designation of the Comprehensive Plan, consistent with the Downtown Historic Plan and Economic Plan, and complies with the Land Use Code, Title 49.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A. No elements of the project are affected by the Juneau Coastal Management Program.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a marijuana retail business in downtown Juneau. The approval is subject to the following conditions:

1. Prior to issuing Certificate of Occupancy, the applicant shall submit to CDD a state of Alaska license that permits the use of marijuana retail at the subject site that matches subject plans and operations described in the subject Conditional Use permit.
2. The applicant shall ensure that no obstruction onto a public right-of-way is created by the business.
3. Prior to issuance of a building permit, the applicant shall submit detailed drawings of the proposed door to ensure retention of the building's historic integrity.

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>USE 2016 0026</u>	Date Received <u>9/28/16</u>																																								
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED ☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW) ☒ Use Listed In §49.25.300 (USE) (Table of Permissible Uses) Please list the Table of Permissible Uses Category: <u>2.300</u>																																											
***An Accessory Apartment Application will also be required.																																											
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. <u>Cannabis retail store</u>																																											
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES – Case # _____																																											
CURRENT USE OF LAND OR BUILDING(S): <u>Artisan jewelry retail store</u>																																											
PROPOSED USE OF LAND OR BUILDING(S): <u>Cannabis retail store</u>																																											
UTILITIES PROPOSED: WATER: ☐ Public ☐ On Site SEWER: ☐ Public ☒ On Site																																											
SITE AND BUILDING SPECIFICS: Total Area of Lot <u>202</u> square feet Total Area of Existing Structure(s) <u>158</u> square feet Total Area of Proposed Structure(s) <u>158</u> 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																																											
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST: ☒ Site Plan ☐ Floor Plan of proposed buildings ☒ Elevation view of existing and proposed buildings ☐ Proposed Vegetative Cover ☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)																																											
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">ALLOWABLE/CONDITIONAL USE FEES</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> <tr> <th></th> <th>Fees</th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ <u>500</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Admin. of Guarantee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ <u>50</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$ <u>100</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ <u>650</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>		ALLOWABLE/CONDITIONAL USE FEES		Check No.	Receipt	Date		Fees				Application Fees	\$ <u>500</u>	_____	_____	_____	Admin. of Guarantee	\$ _____	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Pub. Not. Sign Fee	\$ <u>50</u>	_____	_____	_____	Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____	_____	Total Fee	\$ <u>650</u>	_____	_____	_____
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Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____	_____																																							
Total Fee	\$ <u>650</u>	_____	_____	_____																																							

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Attachment A - Application Packet

Attachment A

TO BE COMPLETED BY THE APPLICANT

9.28.16

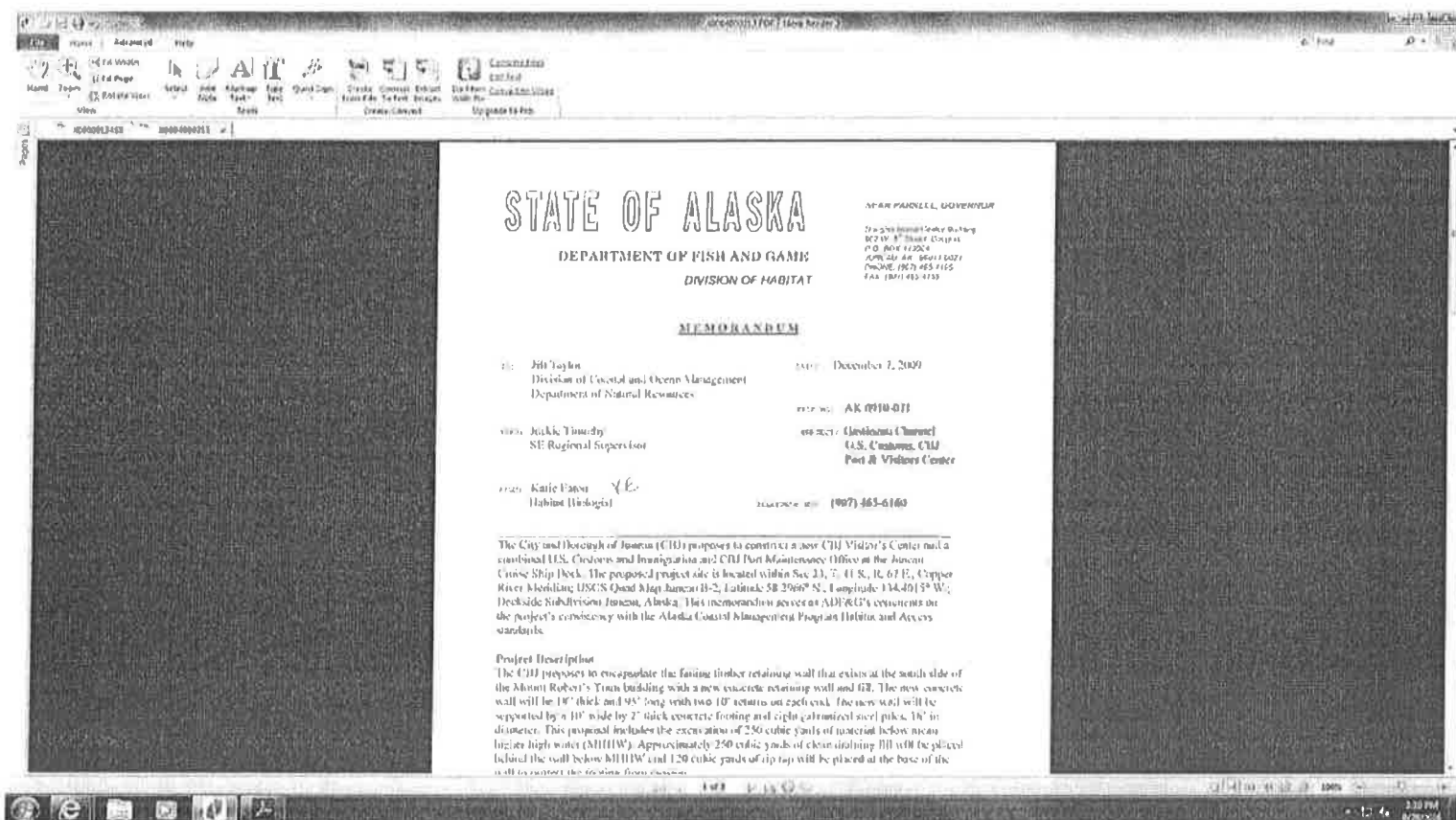
DEVELOPMENT PERMIT APPLICATION

Project Number <u>USE 16-26</u>	CITY and BOROUGH of JUNEAU	Date Received: <u>9/28/16</u>
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description <u>Cannabis retail store</u>		
	PROPERTY LOCATION		
	Street Address <u>237 Front St.</u>	City/Zip <u>Juneau, AK 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>Lot 3 Block 81 Tidelands Addition Plat 354 Juneau Recording District</u>		
	Assessor's Parcel Number(s) <u>1-C07-0-K81-003-0</u>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>The Fireweed Factory LLC</u>	Contact Person: <u>Paul V. Disdier</u>	Work Phone: <u>907-957-2670</u>
	Mailing Address <u>8393 No. Douglas Juneau, AK 99801</u>	Home Phone: <u>907-586-6790</u>	Fax Number: <u>SAME</u>
	E-mail Address <u>thefireweedfactory@gmail.com</u>	Other Contact Phone Number(s):	
	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.			
XX <u>Paul V. Disdier</u> <u>9/28/16</u> Landowner/Lessee Signature Date			
X _____ Landowner/Lessee Signature Date			
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" and sign and date at X below			
Applicant's Name <u>SAME</u> Contact Person: _____ Work Phone: _____			
Mailing Address _____ Home Phone: _____ Fax Number: _____			
E-mail Address _____ Other Contact Phone Number(s): _____			
XX <u>Paul V. Disdier</u> <u>9/28/16</u> Applicant's Signature Date of Application			

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	☒	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			<u>USE 2016 0026</u>
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials <u>JKL</u>



Attachment A - Application Packet Attachment C

CBJ Conditional Use Permit Application

Cannabis Retail Store

September 2016

The Fireweed Factory

8393 No. Douglas

Juneau, Alaska 99801

Narrative

Contents:

Applicant business structure

Property ownership

Property location and history

Property development

Business operations

Safety and Security

Summary

Attachments

Historic photograph

Copy of Deed

Site plan

Floor plan

CBJ Public Notice Phase I Downtown Street Improvements

CBJ bathroom approval

DEC bathroom approval

Bathroom fixtures

Applicant business structure

The Fireweed Factory is a LLC licensed in the State of Alaska. As a manager/owner company some members will oversee its operation or be employees. The Fireweed Factory LLC is being operated as a vertically integrated company that incorporates the "seed to sale" business model.

The company applied and was approved for a standard cultivation license (#10266) by the State of Alaska Alcohol and Marijuana Control Board in July 2016. The status of this license is "active" and granted for the development phase our business. The start of any actual cannabis product delivery must wait until all CBJ and State license requirements are met.

We have also applied for our State retail license and our status with the AMCO office is currently under review. The AMCO board will next meet in late October to consider our retail application.

Property Ownership

The Fireweed Factory LLC purchased property located at 237 Front Street in downtown Juneau in August 2016 for a proposed retail cannabis store. The lot measures 202 square feet and the building's interior space measures about 158 square feet.

(See deed attachment.)

Property location and history

The existing single story building proposed for our retail store is located on Lot 3 Block 81 Plat 543 Juneau Recording District and is within the allowed mixed-use commercial zone for cannabis premises. The property is wedged between the Imperial Bar and the Ben Franklin store.

The history of this building reveals that it was built about 1900 and through time housed a variety of businesses. Currently it serves as a artisan jewelry retail store. An historic photograph of the site shows a large advertising sign erected on it for the Winter and Pond Photography Shop next door.

(See historic photo and plat attachment.)

Property development

The interior is in good finished condition and will take very little alteration to serve our purpose. No structural changes need to be made. Only two non-load bearing walls will be built to create a secure storage room and a unisex employee bathroom. A new roof was completed this summer. We do not intend on applying for an on-site consumption endorsement from the AMCO board at this location.

Noise will be minimal and in keeping with other retail development and operations.

We will install a charcoal filter to control odor as per CBJ Ordinance 2015-38 and replace the filters annually or to manufacturer's recommendation.

(See attachments for building floor plan.)

The building was provided with a sewer line to the property in the 1980s, but for some reason, no water line. CBJ has plans to upgrade the utilities in the downtown area along Front Street in 2018. We will temporarily install a hot water portable hand washing sink and incinerator toilet for use by our employees to meet the AMCO requirements. Both of these fixtures are approved for similar operations with UL, CSA and NSF Standards being met. We have sought approval for the bathroom fixtures and have received a State DEC Food Safety & Sanitation Permit #113010949 and notification from the CBJ building department indicating its intent to approve them for use. The proposed bathroom space is currently used for storage.

(See CBJ Public Notice Phase I Downtown Street Improvements, DEC and CBJ approval attachments)

Because we will have only two employees at any one time and the bathroom space is prohibitively small with no structurally reasonable possibility for enlargement, the accessible standards set by International Building Code and the 2010 ADA Title 1 do not apply to the bathroom area. Signs encouraging employees to frequently wash their hands will be displayed.

The large front window will be covered with 3M window security film and backed by an opaque panel. The small side window by the front door is angled so no cannabis product would be visible from the public right of way. The store greeter will be stationed at this window to observe the entrance and to check ID of customers as they prepare to enter.

Along with the required signs, there will be three business signs on the building exterior: one on the front window, one small hanging sign under the sidewalk canopy and one large sign mounted on the building above the canopy. All signage will conform to CBJ 49.45 regulations and State regulations.

Business operations

Our hours of operation will typically be from 10 am to 7 pm seven days a week except for special events and seasonal demand.

We will only be stocking prepackaged cannabis products from our cultivation facility or prepackaged manufactured products made with our cannabis from other licensed vendors. Packaging and testing will meet the State regulations. Any deliveries to the store will occur during normal business hours. Limited non-cannabis items will be sold in the store.

Cannabis products will be displayed daily in the restricted area behind the sales counter and removed at the end of the business day to be placed in a safe within the restricted and locked storage room.

We plan to hire at least two full time employees. One will be a greeter stationed inside at the front door to check ID to make sure no one under 21 years of age or impaired enters. The greeter will control the number and flow of customers into the store. They will also make sure crowds do not form at the front door and the public right-of-way is not obstructed. Another employee will always be in the restricted sales area behind the counter.

All marijuana handlers in the store will be licensed per State regulation 3 ACC 306.425. Employees will be required to attend site-specific training sessions on safety and security before employment starts. A current list of permit handlers will be kept on-site along with a copy of their State handler's certificate and card expiration dates. The company Employee Manual (required reading of all employees) will emphasize the criminal penalties for diversion any cannabis products.

Limited cannabis waste will be generated from the store as all our cannabis products will be prepackaged. The mandatory three day notification for cannabis waste disposal to the State AMCO office under AS 3AAC 306.730 and 306.740 will be followed. The waste will be disposed of according to these regulations. After entering into the inventory tracking system and notification to the AMCO board, unsalable cannabis product will be taken to our cultivation facility, made unusable, locked in our warehouse dumpster and disposed of in the CBJ landfill or offered to the Juneau Community Garden for composting.

Liquid waste will be also taken to our cultivation facility in sealed containers and disposed into the CBJ sewage system.



Alaska State Library - Historical Collections

P87-0981

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2016-003839-0

Recording Dist: 101 - Juneau
8/10/2016 10:45 AM Pages: 1 of 2



File for Record at Request of:
First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: The Fireweed Factory LLC

Address: 8313 N Douglas Hwy

Juneau, AK 99801

File No.: **0231-2703982 (JV)**

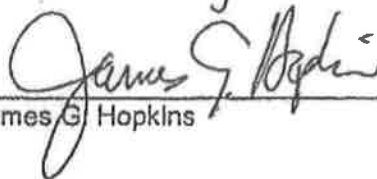
STATUTORY WARRANTY DEED

THE GRANTOR, **James G. Hopkins**, an unmarried person, whose mailing address is **5284 S Casa Prieto Drive, Juneau, AK 99801**, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **The Fireweed Factory, LLC**, residing at **8313 N Douglas Hwy, Juneau, AK 99801**, the following described real estate, situated in the **Juneau** Recording District, **FIRST** Judicial District, State of **Alaska**:

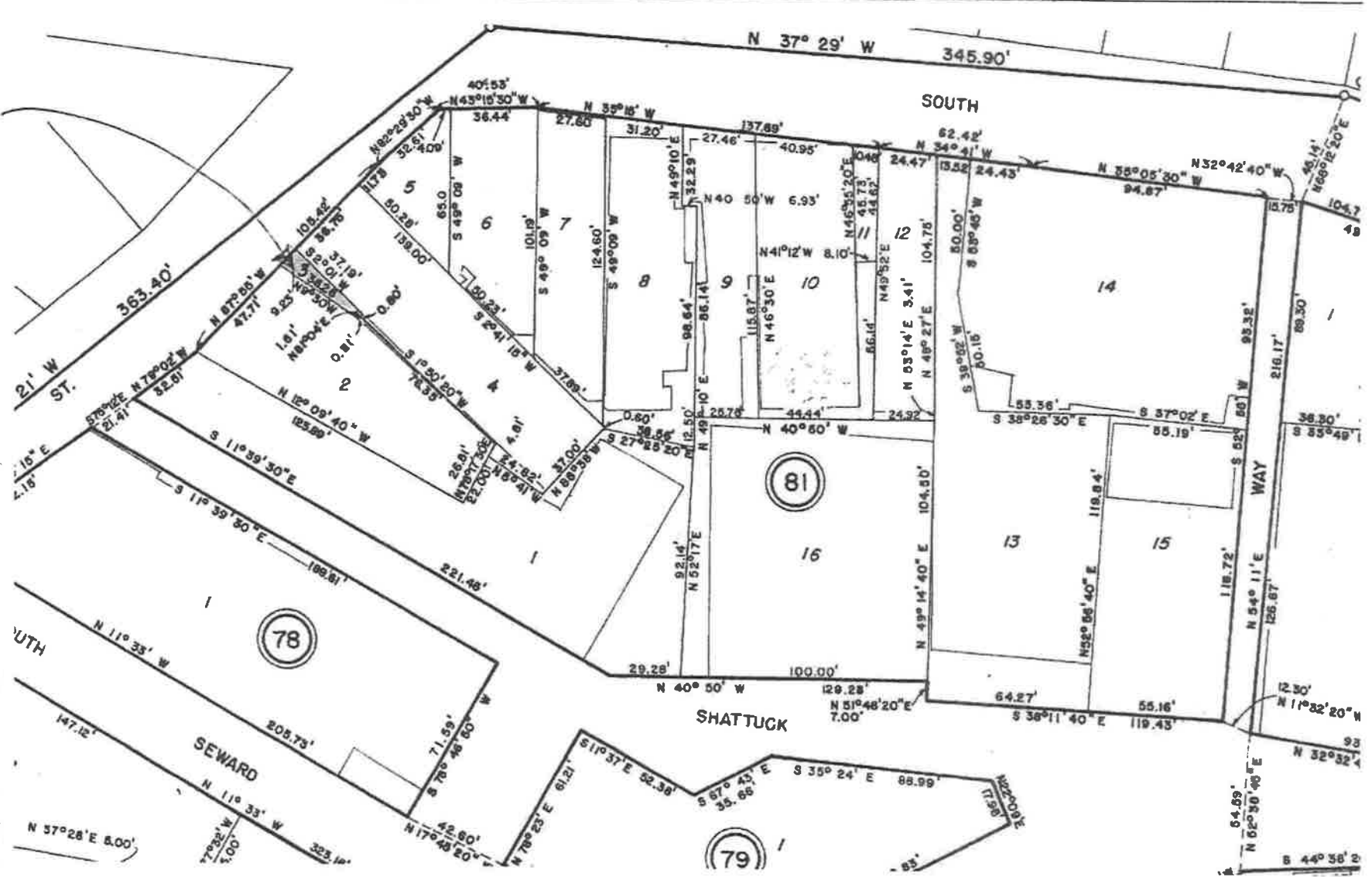
Lot 3, Block 81, TIDELANDS ADDITION TO THE JUNEAU TOWNSITE, according to Plat 354, Records of the Juneau Recording District, First Judicial District, State of Alaska.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

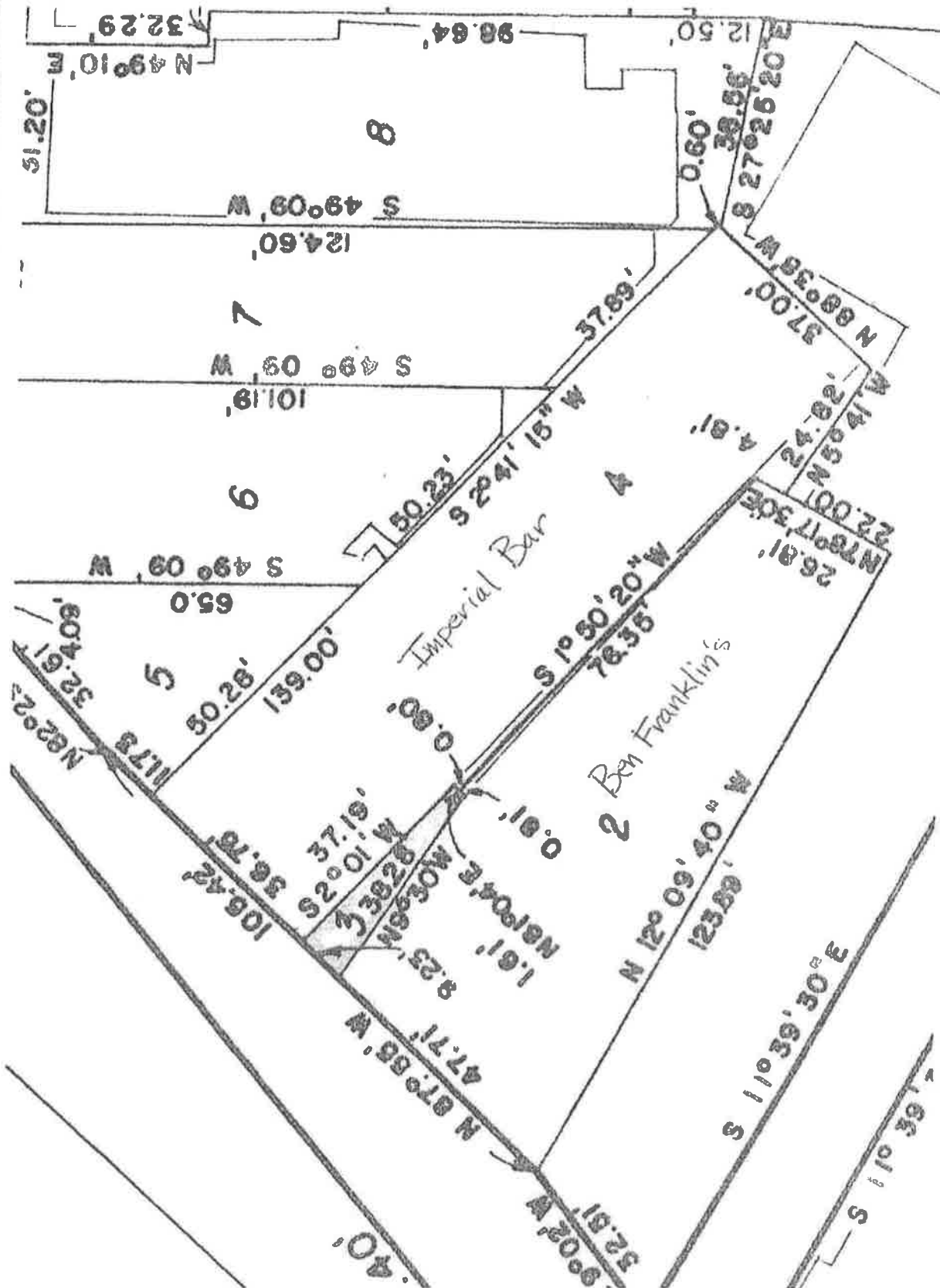
Dated: August 9th, 2016.


James G. Hopkins

Proposed Retail Store location The Fiveoed Factory



Attachment D



Lot 3 Block 81
Plat 354

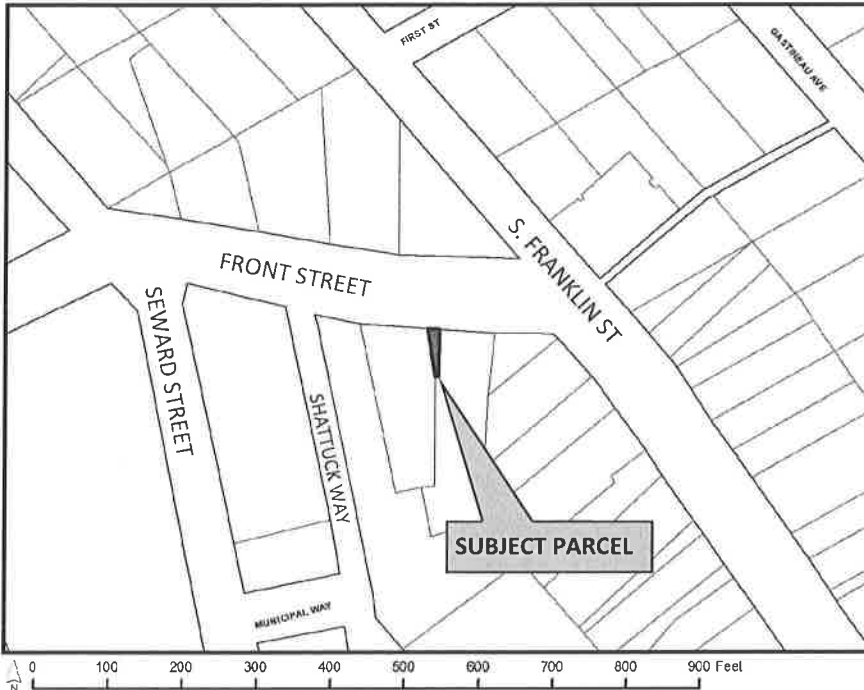
The Fireweed Factory
Retail store
Attachment D

237 Front St.
Juneau

Attachment A - Application Packet



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A Conditional Use Permit for Marijuana retail use along Front Street in downtown Juneau.

File No:	USE2016 0026	Applicant:	Fireweed Factory LLC
To:	Adjacent Property Owners	Property PCN:	1-C07-0-K81-003-0
Hearing Date:	November 30, 2016	Owner:	Fireweed Factory LLC
Hearing Time:	7:00 PM	Lot Size:	202 square feet
Place:	Assembly Chambers	Zoned:	MU (Mixed Use)
	Municipal Building	Site Address:	237 Front Street
	155 South Seward Street	Accessed Via:	Front Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Eric Feldt at eric.feldt@juneau.org or 586-0764

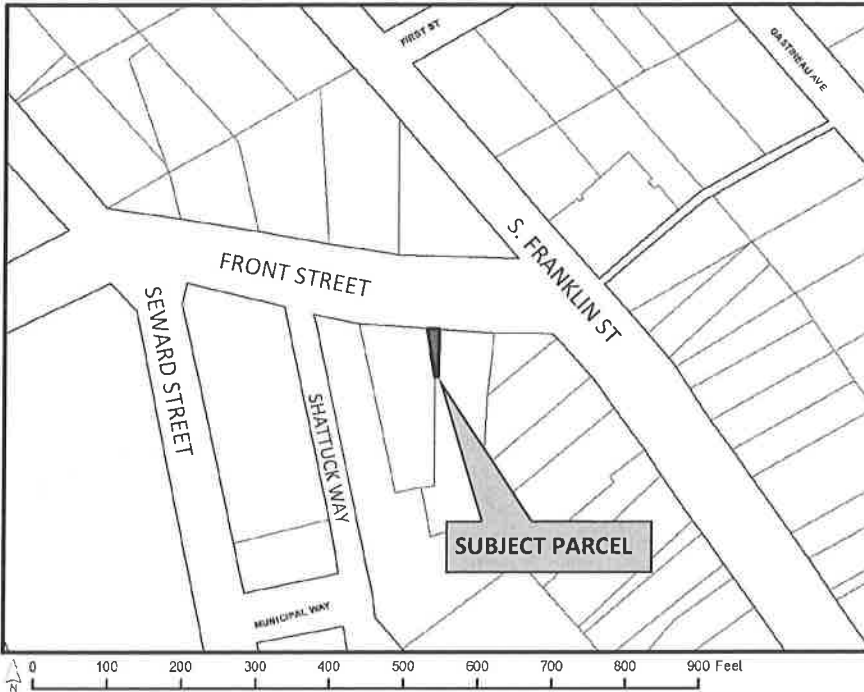


Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Date notice was printed: October 27, 2016



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A Conditional Use Permit for Marijuana retail use along Front Street in downtown Juneau.

File No:	USE2016 0026	Applicant:	Fireweed Factory LLC
To:	Adjacent Property Owners	Property PCN:	1-C07-0-K81-003-0
Hearing Date:	November 22, 2016	Owner:	Fireweed Factory LLC
Hearing Time:	7:00 PM	Lot Size:	202 square feet
Place:	Assembly Chambers	Zoned:	MU (Mixed Use)
	Municipal Building	Site Address:	237 Front Street
	155 South Seward Street	Accessed Via:	Front Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

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Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Date notice was printed: October 17, 2016



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained ~~not yet~~
- ☒ Floor plan matches what was approved under the CUP
- ☒ Check out alarm system – make sure all windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards
- ☒ Verify safe is installed in a secure room - doors locked ~~✓~~ - all interior doors will be kept locked.
- ☒ Verify property waste disposal method is in use
- ☒ Check out fertilizers
- ☒ Verify storage of carbon dioxide (also part of Fire Dept. inspection)
- ☒ Verify carbon filters are installed
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

Inspected by: Jonathan Lange, Planner

Date: 12/7/16

Passed inspection: Yes, inspection passed.

Items not complete: Parking spaces verified. ✓
All items complete.



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☒ CBJ and State Licenses (for renewal inspection only)
 - ☒ Health warning
 - ☒ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained
- ☒ Floor plan matches what was approved under the CUP
- ☒ Check out alarm system – make sure all windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards
- ☒ Verify safe is installed in a secure room
- ☒ NA Verify property waste disposal method is in use
- ☒ NA Check out fertilizers
- ☒ NA Verify storage of carbon dioxide (also part of Fire Dept. inspection)
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP
- ☒ **Passed inspection**
- ☐ **Incomplete inspection**

Items not complete:

Inspected by: T. F. [Signature], Planner MJL# 0000-0009

Date: 12/5/17



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

☒ Required signs are present in conspicuous place near main entrance:

- ☒ CBJ and State Licenses (for renewal inspection only)
- ☒ Health warning
- ☒ Consumption and transportation warning

☒ Limited access areas are marked

☐ Verify visitor log is properly maintained and old sheets retained

☒ Floor plan matches what was approved under the CUP or building permits

☒ Check out alarm system – make sure all exterior windows and doors have an alarm

☒ Verify that the security surveillance system is working

☒ Verify security surveillance system back up system (i.e. generator, batteries)

☒ Verify all entry and exit points to the facility are video monitored from inside and out

☒ Verify that there is no product visible from the public right-of-way

☒ Verify doors and locks meet regulatory standards (commercial grade locks)

☒ Verify safe is installed in a secure room

☒ Verify an approved waste disposal method is in use

~~MAX~~ Check out fertilizers ~~NA~~

~~NA~~ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

~~Filter~~ ~~NA~~ Verify carbon filters are installed/no noticeable odor outside building vents

☒ Verify ventilation system installed and operational

☒ Any additional conditions imposed by CUP

☒ Passed inspection

☐ Incomplete inspection

Items not complete:

Inspected by: Tin Feltstead, Planner MJL# 0000 0009

Date: 12/13/18



Application Marijuana Establishment License

Community Development • 155 S. Seward Street • Juneau, AK 99801 • (907) 586-0770

Type of License

- ☐ Marijuana Cultivation Facility License
☒ Marijuana Retail Store License

- ☐ Marijuana Product Manufacturing Facility License
☐ Marijuana Testing Facility License

Trade Name of Marijuana Establishment: The Fireweed Factory

Authorized Representative Name: Paul V. Didier Title: GM

Facility Address: 237 Front St

Applicant Mailing Address: 8393 W. Douglas Hwy. Juneau, AK 99801

Phone: 907 957 2670 Email: thefireweedfactory@gmail.com

Submittal Requirements:

- ☐ Application Fee of \$250
☐ Copy of State of Alaska Marijuana Business License
or
☐ Organizational Documents for all entities

- ☐ Notice of Decision approving the Conditional Use permit issued by the CBJ Planning Commission
☐ Proof of ownership of the proposed licensed premises
or
☐ Copy of the lease or deed for the property where the marijuana facility will be located
☐ List of all other uses on the property

Submitted by Applicant

No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under article 49.65.1105 shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates State or federal law, all licenses issued under article 49.65.1105 shall be deemed immediately revoked by operation of law, with no ground for appeal or redress on behalf of the licensee. Under article 49.65.1120, no license granted or issued under any of the provisions of this title shall be in any manner assignable or transferrable. Licenses issued are effective from the date of issuance through December 31 of the same year. In order to be eligible for renewal, a licensee must submit proof of inspection by the department or the department's designees for compliance with this chapter and any applicable permit. The licensee shall schedule the inspection no later than sixty days prior to the annual expiration of the license. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee and proof of inspection. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

I acknowledge I have read and understand the above statements concerning the application and obtainment of a marijuana license with the City and Borough of Juneau. Also, I am verifying compliance with any buffer requirements imposed by 3 AAC Chapter 306 of the Alaska Administrative Code. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the City and Borough of Juneau Municipal Code and all Rules and Regulations which govern my Marijuana Establishment License Application.

Authorized Representatives Signature: Paul V. Didier Date: 10/24/2019

Marijuana Establishment License Number:

mjl-09

Intake Initials

P



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☒ CBJ and State Licenses (for renewal inspection only)
 - ☒ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

For cultivation or processing operations only:

- ☐ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☐ Verify fertilizers used and mold/pet control

☒ **PASSED INSPECTION**

☐ **INCOMPLETE INSPECTION**

Items not complete:

*none
All complete*

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items.
- ☒ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: N. Watts, CEO Planner MJL# 09

Date: 11/12/19



INSPECTION REPORT

CITY & BOROUGH OF JUNEAU BUILDING DIVISION
4TH FLOOR MARINE VIEW BUILDING, 230 S. FRANKLIN ST.

MAIL: 155 SOUTH SEWARD STREET, JUNEAU, AK 99801

MAIN PHONE: 586-0770 **INSPECTION REQUEST LINE:** 586-1703

ONLINE INSPECTION REQUEST FORM: <https://beta.juneau.org/?p=1994>

PERMIT NO. MJL 0009 **DATE** 11/13/19 **TIME** _____

- | | | | |
|--|-------------------------------------|---|---|
| ☐ FOOTING | ☐ FRAME | ☐ CROSS CONNECTION | ☐ GRADING/DRAINAGE |
| ☐ STEM WALLS | ☐ ELECTRICAL | CONTROL | ☐ ROOF |
| ☐ SLAB | ☐ PLUMBING | ☐ OIL & GAS PIPING/TANKS | ☐ FINAL |
| ☐ UNDERSLAB | ☐ INSULATION | ☐ DRIVEWAY | ☒ License renewal |
| (Plumbing/Electrical) | ☐ MECHANICAL | ☐ WATERLINE | |
| ☐ TEMPORARY POWER | ☐ WOODSTOVE | ☐ SEWER | |

OWNER/CONTRACTOR The Fireweed Factory

ADDRESS 237 Front St

PERMIT TYPE _____ **INSPECTION CODE** _____

11/12/19 at 0900

All permits are in Final status

No plumbing back flow devices requiring inspection

Plans match original approved plans, and no changes.

No safety concerns discovered at the time of inspection.

Inspection approved for license renewal.

☐ CALL FOR REINSPECTION BEFORE CONCEALMENT

☐ CORRECTIONS OF ITEMS NOTED ABOVE WILL BE

REINSPECTED AT TIME OF NEXT REQUESTED INSPECTION

INSPECTOR:

N.Watts

CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

For all marijuana establishments:

- ☐ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible form the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

For cultivation or processing operations only:

- ☐ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☐ Verify fertilizers used and mold/pet control

☒ **PASSED INSPECTION**

☐ **INCOMPLETE INSPECTION**

Items not complete:

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items.
- ☐ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: N. Watts, Planner MJL# 05 / 09

Date: 11/10/2020

Adrienne Scott

From: Dan Jager
Sent: Friday, December 4, 2020 3:21 PM
To: Adrienne Scott
Subject: RE: MJL license renewal

Hi Adrienne, these are all good to go. I just need to log in and sign them off. What is the permit number for these? 2020 and then six or seven zeros? Thanks!
 Dan

From: Adrienne Scott <Adrienne.Scott@juneau.org>
Sent: Thursday, December 03, 2020 4:33 PM
To: Dan Jager <Dan.Jager@juneau.org>
Subject: MJL license renewal

Hi Dan,

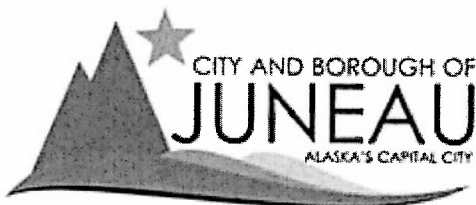
I'm working on marijuana license renewals, and I have several that have been inspected, but not signed off by you in Govern. Can you please either do the govern sign off, or confirm to me via email that these businesses passed their renewal inspection?

MJL-005 Fireweed Factory Cultivation
 MJL-009 Fireweed Factory Retail
 MJL-014 Forget me not Glacier Valley Shop retail
 MJL-015 Forget me not Green Valley Cultivation
 MJL-017 Forget me not Southeast Essential Manufacturing
 MJL-021 North Star Gardens cultivation
 MJL-022 Thunder Cloud 9 Retail
 MJL-023 Taku Horticulture cultivation
 MJL-018 Alaskan Kush Co Retail
 MJL-024 Herb n' Legends cultivation
 MJL-020 Mason Jar retail

Let me know if you need more info, thank you!

Adrienne Scott | Permit Technician III

Community Development Department | City & Borough of Juneau, AK
 Location: 230 S. Franklin Street, 4th Floor Marine View Building
 Permit Center: 907.586.0770 | Office: 907.586.0786



City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Retail

Effective Date

January 01, 2018



Expiration Date

December 31, 2018

FIREWEED FACTORY LLC

237 FRONT ST

MJL00000009

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Retail

Effective Date

January 01, 2019



Expiration Date

December 31, 2019

FIREWEED FACTORY LLC

237 FRONT ST

MJL00000009

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

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City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Retail

Effective Date

January 01, 2020



Expiration Date

December 31, 2020

FIREWEED FACTORY LLC

237 FRONT ST

MJL00000009

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

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City and Borough of Juneau

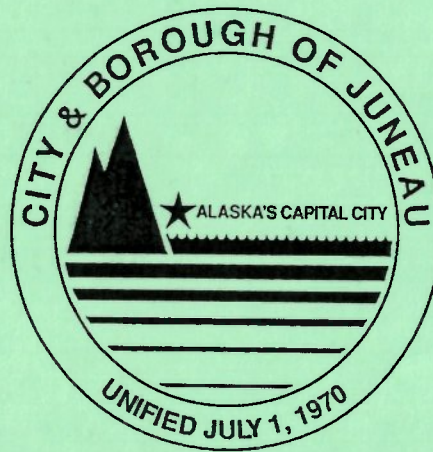
Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2021



Expiration Date

December 31, 2021

THE FIREWEED FACTORY

8415 AIRPORT BLVD

MJL00000005

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10800** Packet Page 346 of 635

FORM CONTROL **055**

MARIJUANA ESTABLISHMENT LICENSE

2016 - 2017

TYPE OF LICENSE: Retail Marijuana Store

ISSUE DATE: 11/04/2016

EXPIRATION DATE: 06/30/2017

EFFECTIVE DATE: *4-25-2017*

LOCAL GOVERNMENT: Juneau, City & Borough

D/B/A: The Fireweed Factory, LLC
237 Front Street
Juneau, AK 99801

Mail Address:

The Fireweed Factory, LLC
8393 N Douglas Highway
Juneau, AK 99801

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD



DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10800**

FORM CONTROL MJ-342

MARIJUANA ESTABLISHMENT LICENSE

2018 - 2019

TYPE OF LICENSE: Retail Marijuana Store

RENEWAL APPLICATION DUE BY: 6/30/2019

ISSUE DATE: 08/17/2018

EXPIRATION DATE: 08/31/2019

EFFECTIVE DATE: 08/17/2018

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: The Fireweed Factory, LLC
237 Front Street
Juneau, AK 99801

Mail Address:

The Fireweed Factory, LLC
8393 N Douglas Highway
Juneau, AK 99801

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD

Erika McConnell
DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10800**

FORM CONTROL MJ-198

MARIJUANA ESTABLISHMENT LICENSE

2020 - 2021

TYPE OF LICENSE: Retail Marijuana Store

RENEWAL APPLICATION DUE BY: 6/30/2021

ISSUE DATE: 09/22/2020

EXPIRATION DATE: 08/31/2021

EFFECTIVE DATE: 09/22/2020

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: The Fireweed Factory LLC
237 Front Street
Juneau, AK 99801

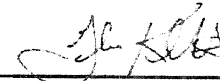
Mail Address:

The Fireweed Factory, LLC
8393 N. Douglas Highway
Juneau, AK 99801

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD



DIRECTOR

Attachment B - Supporting Documents

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

Tim Felstead

From: Jill Maclean
Sent: Thursday, December 13, 2018 12:47 PM
To: Tim Felstead
Cc: Laura Boyce
Subject: RE: USE20160026: Fireweed marijuana retail - expansion of space

That was what I was thinking of— thanks for checking.

I'm ok without needing a modification, and would you draft a memo stating that it is a minor modification, and that a new site plan needs to be submitted (as you said) showing the basement space clearly marked for storage area only, and showing camera locations, and detailing how it will be secured (locked door)? And also stating as you mentioned below that all other operational and security requirements apply?

We just need the documentation for future inspections, etc.

Thanks

From: Tim Felstead
Sent: Thursday, December 13, 2018 12:17 PM
To: Jill Maclean
Cc: Laura Boyce
Subject: RE: USE20160026: Fireweed marijuana retail - expansion of space

The retail or the grow operation? For the retail they switched some counter space around and we did not require an amendment because it did not increase the external impacts and they were still held to the same operational requirements (odor, cameras, visibility of product etc.).

From: Jill Maclean
Sent: Thursday, December 13, 2018 12:11 PM
To: Tim Felstead
Cc: Laura Boyce
Subject: RE: USE20160026: Fireweed marijuana retail - expansion of space

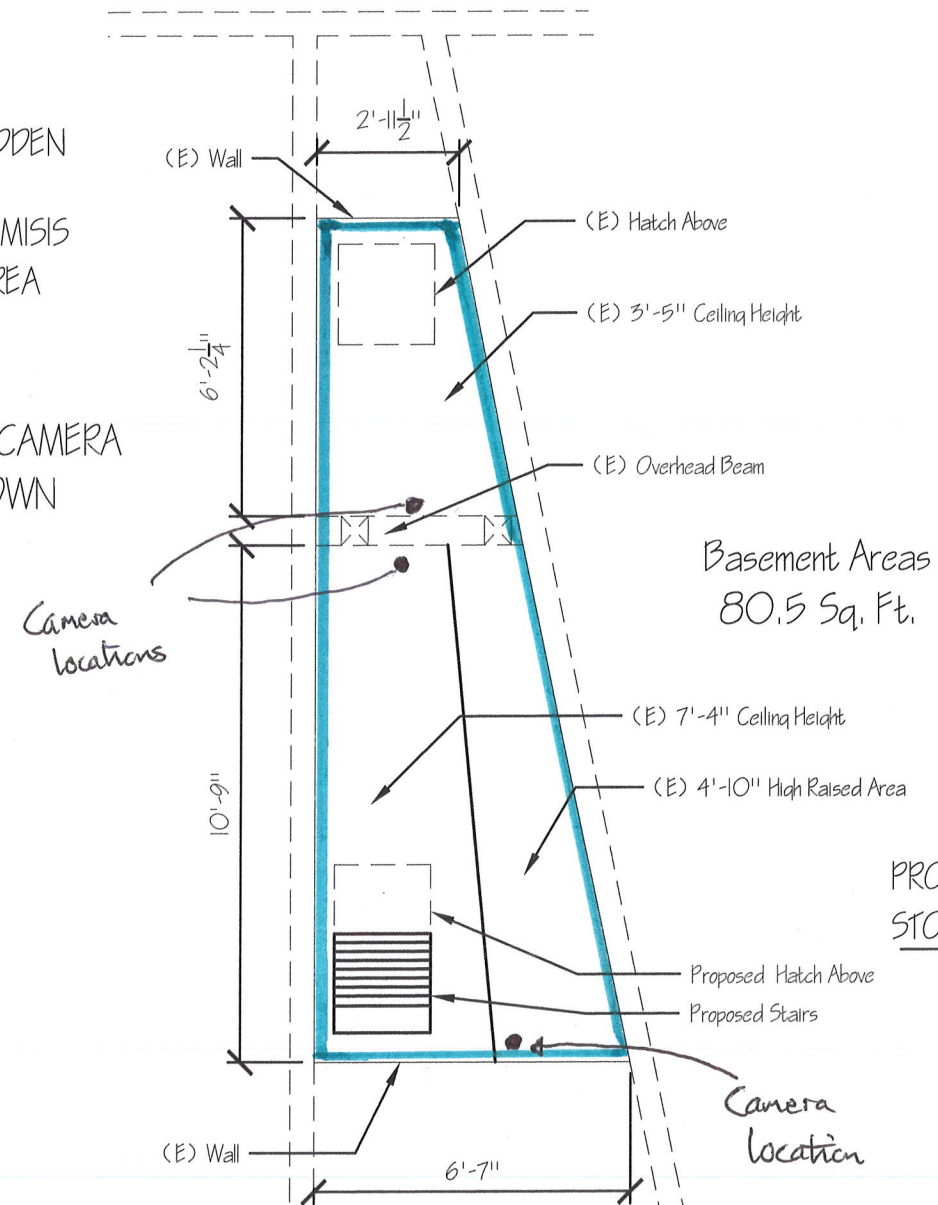
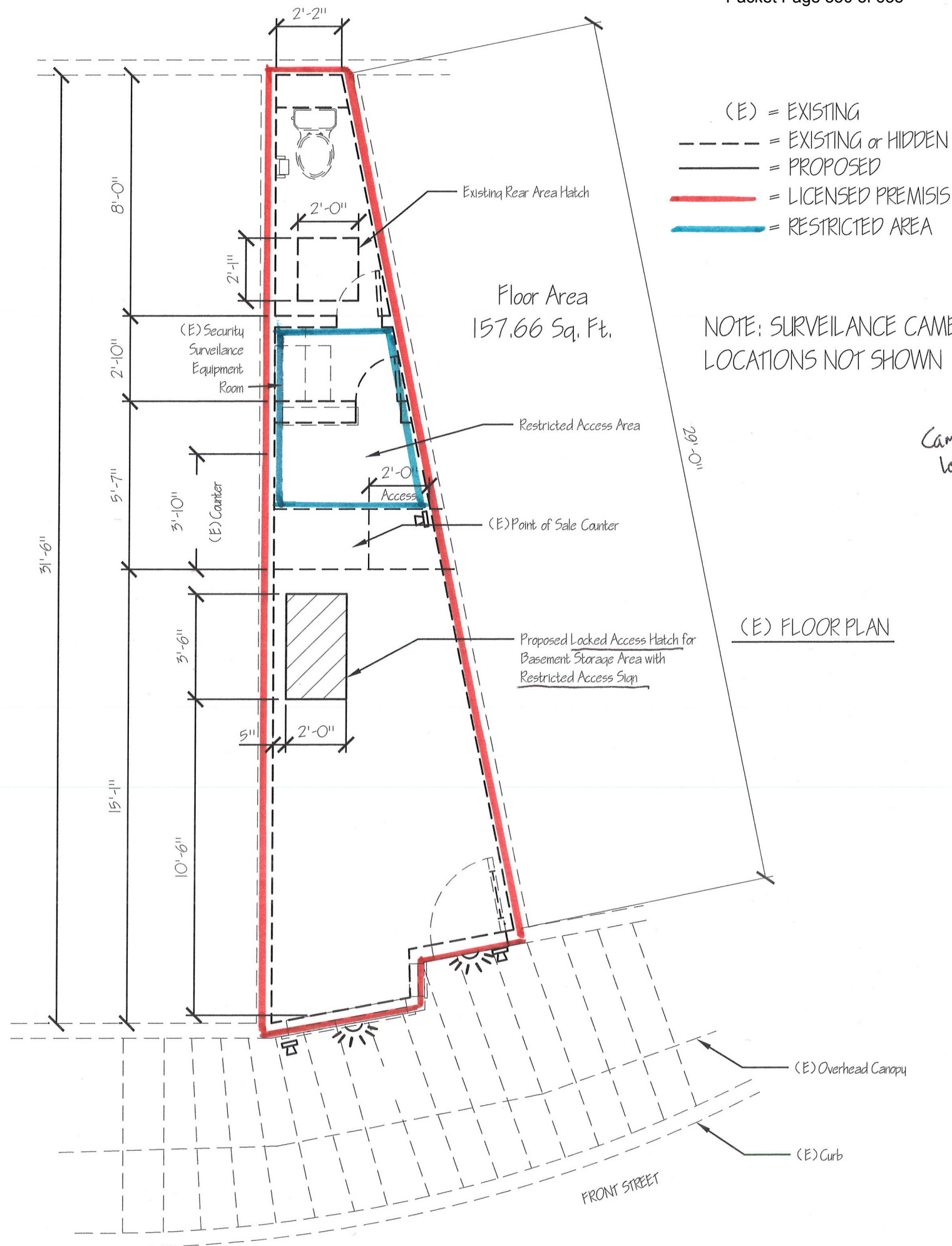
Hi,

Could you refresh my memory on how we handled Alaskan Kush? I think that was similar...?

From: Tim Felstead
Sent: Thursday, December 13, 2018 9:41 AM
To: Jill Maclean
Cc: Laura Boyce
Subject: USE20160026: Fireweed marijuana retail - expansion of space

Hi Jill,

I just did the inspection of the Fireweed Factory retail space on Front Street today. Mr Disdier, the owner, informed us that he was proposing to open up the small basement area below the street level floor for storage of product.



RECEIVED
DEC - 4 2018
PERMIT CENTER/CDD

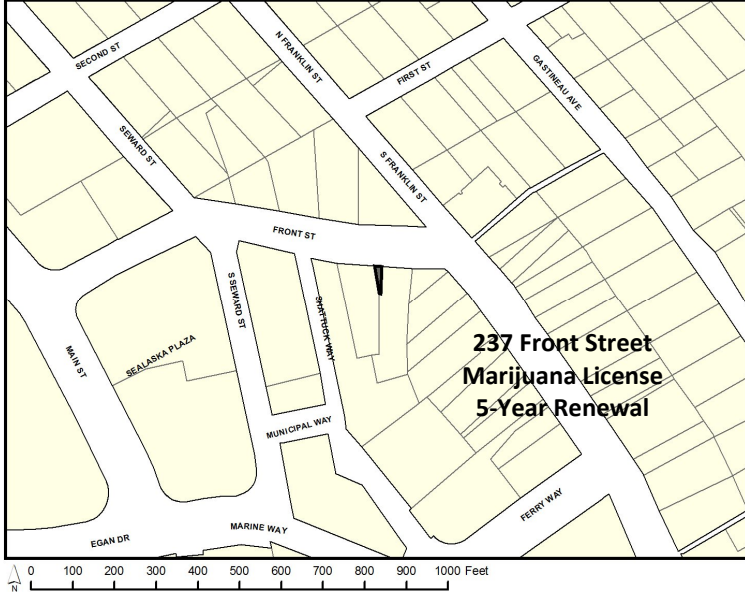
RECEIVED
DEC 14 2018
PERMIT CENTER/CDD

D.B.A. The Fireweed Factory LLC
License No. 10800
237 Front Street
Juneau, Alaska 99801
907-957-2670

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

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:

A **Marijuana Retail License 5-Year Renewal** is up for consideration and public hearing by the Planning Commission for **Fireweed Factory, LLC** at **237 Front Street** in a **Mixed Use Zone**.

TIMELINE

Staff Report expected to be posted **Monday, October 18, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through Oct. 4

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

Oct. 5 — noon, Oct. 25

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

HEARING DATE & TIME: 7:00 pm, October 26, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/89613819418>. The Webinar ID is: 896 1381 9418. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

October 27

The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: pc_comments@juneau.org
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

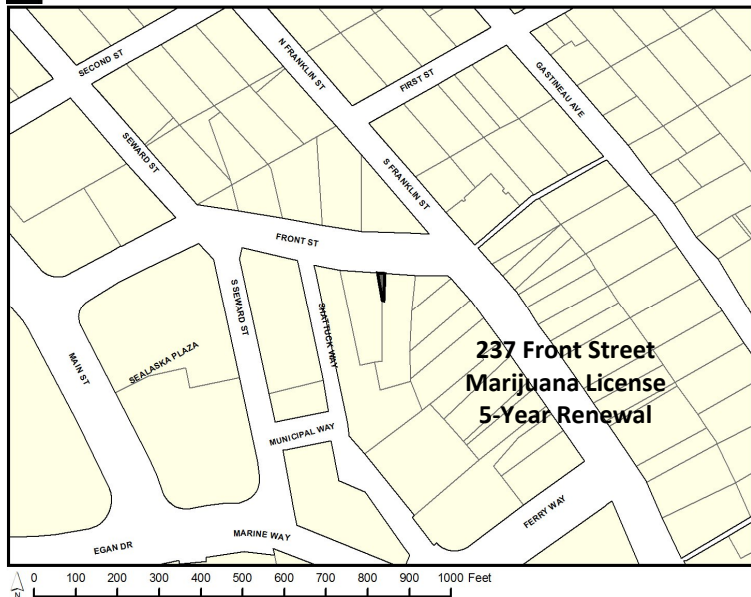
Printed September 24, 2021

Case No.: USE2016 0026
Parcel No.: 1C070K810030
CBJ Parcel Viewer: <http://epv.juneau.org>

Revised Notice

Re: Marijuana Retail License 5-Year Renewal

Hearing Rescheduled



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

**237 Front Street
Marijuana License
5-Year Renewal**

POSTPONED

You are receiving this notice regarding an application being heard by the Planning Commission for a **Marijuana Retail License 5-Year Renewal** for **Fireweed Factory, LLC** at **237 Front Street**. Originally, the hearing was set for October 26, 2021.

The hearing has been rescheduled for November 9, 2021.

TIMELINE

Staff Report expected to be posted **Monday, November 1 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through noon, November 8

Comments received during this period will be sent to Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling this case, Joseph Meyers, will also read any written comments that received. You may also contact him via the phone number listed below.

HEARING DATE & TIME: 7:00 pm, November 9, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/82646379779>. The Webinar ID is: 826 4637 9779. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

November 10

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed October 22, 2021

Case No.: USE2016 0026
Parcel No.: 1C070K810030
CBJ Parcel Viewer: <http://epv.juneau.org>



2
3
7

NO ON
21 YR
AGE A

 **NOTICE** For more information
586-0715
pc_comments@juneau.org

**MARIJUANA
RETAIL PERMIT**
USE20160026
A Conditional Use permit for
Marijuana retail use along
Front Street in downtown Juneau.
HEARING DATE:
11/9/2021



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: November 17, 2021
File No.: USE2021 0015/USE2016 0026

Paul Disdier
8393 N. Douglas Highway
Juneau, AK 99801

Proposal: A five-year renewal of Special Use Permit (USE2016 0026) for a marijuana retail facility

Property Address: 237 Front Street

Legal Description: Tidelands Addition Block 81 Lot 3

Parcel Code No.: 1C070K810030

Hearing Date: November 9, 2021

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 1, 2021, and approved the renewal of a five-year Special Use Permit to be conducted as described in the project description and project drawings submitted with the application.

Attachments: November 1, 2021, memorandum from Joseph Meyers, Community Development, to the CBJ Planning Commission regarding USE2021 0015/USE2016 0026.

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.

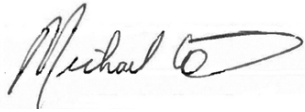
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030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

Paul Disdier
 File No.: USE2021 0015/USE2016 0026
 November 17, 2021
 Page 2 of 2

Effective Date: The permit is effective upon approval by the Commission, November 9, 2021.

Expiration Date: The permit will require review five (5) years after the effective date, or November 10, 2026 per CBJ 49.65.1245(e). Application for permit extension must be submitted thirty days prior to the expiration date.

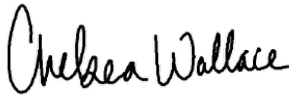
Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.



Michael Levine, Chair
 Planning Commission

November 18, 2021

Date



Filed With City Clerk

November 19, 2021

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**

USE2016 0027: A Marijuana Cultivation License 5-Year Renewal for Green Elephant - (USE2021 0019) -
APPROVED AS RECOMMENDED

AGENDA ITEM:

Case No.: USE2016 0027
Applicant: Green Elephant LLC
Location: 101 Mill Street
Proposal: A Marijuana Cultivation License 5-Year Renewal for Green Elephant

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a Five-Year Special Use Permit. The permit would allow a Marijuana Cultivation License 5-year renewal without amended conditions.

ATTACHMENTS:

	Description	Upload Date	Type
▣	Staff Report for USE2016 0027 5-Year Renewal (USE2021 0019)	11/1/2021	Staff Report
▣	Notice of Decision for USE2016 0027/USE2021 0019	11/19/2021	Notice of Decision



PLANNING COMMISSION STAFF REPORT
SPECIAL USE PERMIT RENEWAL USE2021 0019
HEARING DATE: NOVEMBER 9, 2021

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

DATE: November 1, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Joseph Meyers, Planner I 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a five-year renewal of Special Use Permit (USE2016 0027) for a marijuana cultivation facility.

STAFF RECOMMENDATION: Approval

KEY CONSIDERATIONS FOR REVIEW:

- Notice of Decision was issued on the original Special Use Permit on December 13, 2021.
- No infractions on record for this facility.
- State Marijuana License #10315 is current; CBJ Marijuana License MJL-006 is current.
- There have been no major modifications to the Special Use Permit.
- All required inspections have been passed.

GENERAL INFORMATION	
Property Owner	G2 Properties, LLC
Applicant	Green Elephant, LLC
Property Address	101 Mill Street
Legal Description	Alaska Juneau IV Block A Lot 1
Parcel Number	1C110K150010
Zoning	Industrial
Land Use Designation	Heavy industrial (HI)
Lot Size	55,606 square feet
Water/Sewer	CBJ
Access	Mill Street
Existing Land Use	Miscellaneous Commercial
Associated Applications	USE2016 0027; USE2016 0028 (retail facility); USE2021 0020 (retail extension)
Type of Facility	Cultivation

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 49.65.1245
 - o 49.15.330
 - o 49.80

The Commission shall hear and decide the case per 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	
Northeast (ROW)	Thane Road
Southwest (I)	Boat storage facility
Southeast (I/WI)	CBJ Utility facility
Northwest (ROW)	Mill Street

SITE FEATURES	
Anadromous	None
Flood Zone	None
Hazard	No known
Hillside	None
Wetlands	None
Parking District	None
Historic District	None
Overlay Districts	N/A

BACKGROUND INFORMATION

Project Description – This application is for a five-year renewal of the Special Use Permit for the Green Elephant Cultivation facility at 101 Mill Street.

Background – The Planning Commission approved a Special Use Permit (USE2016 0027), effective December 13, 2016, to allow a Marijuana cultivation facility in the Industrial zoning district with the following condition:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

ANALYSIS

CBJ 49.65.1220 establishes the requirements for this renewal.

1. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee.
2. No outstanding corrective orders or enforcement actions.
3. Proof of inspection.
4. In compliance with the applicable Conditional Use Permit.

Requirement: Has the applicant applied for and remitted the fee for renewal of a Special Use Permit timely?

Analysis: Yes. The application for renewal of USE2016 0027 was received on October 11, 2021 and the fee remitted timely.

Requirement: At least ten days prior to the hearing, notice of the renewal request must be mailed to adjacent property owners. At least two days prior to the hearing, a general notice shall be printed in the newspaper of general circulation in the municipality.

Analysis: Yes. The Public Notice requirements of Title 49 have been met for this renewal.

Requirement: Conditions contained in the Special Use Permit cannot be changed unless the Commission amends or adds conditions to ensure compliance with this title. Have the conditions been changed to ensure compliance with Title 49?

Analysis: No. Conditions placed on the Special Use Permit have not been changed.

PUBLIC COMMENTS

CDD conducted a public comment period between October 8, 2021 and November 9, 2021. 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 public comments were submitted at the writing of this report.

FINDINGS

Special Use Permit Renewal Criteria – Per CBJ 49.15.250, Development Permit Extension, the Director makes the following findings on the criteria for granting the requested Special Use permit extension:

1. *Was the application for the requested Special Use permit renewal complete and received timely?*

Analysis: No further analysis required.

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

2. *Have there been any corrective or enforcement issues for this facility in the past five years?*

Analysis: No further analysis required.

Finding: No. There have been no enforcement of corrective issues for this facility in the last five years.

3. *Have all inspections been passed?*

Analysis: No further analysis required.

Finding: Yes. All conducted inspections have been passed.

4. *Is the marijuana license maintained current?*

Analysis: State and CBJ licenses are being maintained. Copies of each permit are located in Attachment B.

Finding: Yes. State and CBJ marijuana licenses are current.

5. *Have any modifications been made to the Special Use Permit?*

Analysis: No further analysis required.

Finding: No. No major modifications have been made to the Special Use Permit.

6. *Have the conditions of the Special Use Permit been met and maintained?*

Analysis: No further analysis required.

Finding: Yes. The conditions of the Special Use Permit have been met and maintained.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a Five-Year Special Use Permit. The permit would allow a Marijuana Cultivation License 5-year renewal without amended conditions.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Supporting Documents
Attachment C	Public Notice



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address <u>101 Mill St.</u>		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <u>LOT 4, Block A, Alaska Juneau IV</u>		
	Parcel Number(s) <u>1-C11-0-K15-001-0</u>		
	This property located in the downtown historic district		
	This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner <u>Green Elephant LLC</u>	Contact Person <u>Richard Dudas</u>	
	Mailing Address _____	Phone Number(s) <u>907-321-5886</u>	
	E-mail Address <u>Green elephant alaska@gmail.com</u>		
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	<u>[Signature]</u> Landowner/Lessee Signature	<u>10-15-21</u> Date	
X	_____ Landowner/Lessee Signature	_____ Date	
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 <u>SAME</u>		Contact Person _____	
Mailing Address _____		Phone Number(s) _____	
E-mail Address _____			
X	<u>[Signature]</u> Applicant's Signature	<u>10-15-21</u> Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Intake Initials	
Case Number	Date Received



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

Renewal of C.U.P. 14J - Cultivation

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: _____

14.240

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # *USE 2016 0028*

☐ NO

UTILITIES PROPOSED

WATER: ☐ Public ☐ On Site

SEWER: ☐ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot _____ square feet

Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) *C.A.M.V.* _____ 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	\$ _____			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ _____			
Pub. Not. Sign Deposit	\$ _____			
Total Fee	\$ _____			

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	Date Received

10/15/21

Green Elephant Cultivation CUP Renewal Narrative

Prior permit: USE2016 0027

Address: 101 Mill st., STE A

Current use: MJ cultivation 49.25.300.14.240

Project: Renewal

Proposed Use: MJ cultivation 49.25.300.14.240

We are requesting a renewal of our CUP for Green Elephant - Cultivation

Our Cultivation has been operating since mid-2017 in a cooperative and compliant manner with CBJ's rules and regulations.

To my knowledge there have been no problems or issues that have come up in this time.

Green Elephant has been compliant and on-time with all taxes, fees and permits.

We strive to do everything by the book, in full compliance with all rules and act in good faith. I believe that we have accomplished this, and will do so in the future.

A handwritten signature in black ink, appearing to read 'Richard Dudas'.

Richard Dudas - partner

Green Elephant



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

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: December 14, 2016
File No.: USE2016 0027

Green Elephant LLC
PO Box 21315
Juneau, AK 99801

Proposal: Conditional Use Permit for a standard marijuana cultivation establishment in the Industrial zoning district.

Property Address: 101 Mill Street

Legal Description: Lot 1 Block A Alaska Juneau IV

Parcel Code No.: 1-C11-0-K15-001-0

Hearing Date: December 13, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 6, 2016 and approved the Conditional Use Permit for a standard marijuana cultivation establishment in the Industrial zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following condition:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

Attachments: December 6, 2016 memorandum from Chrissy Steadman, Community Development Department, to the CBJ Planning Commission regarding USE2016 0027.

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).

Green Elephant LLC
File No.: USE2016 0027
December 14, 2016
Page 2 of 2

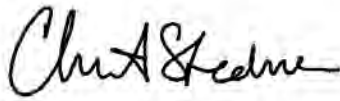
Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, December 13, 2016.

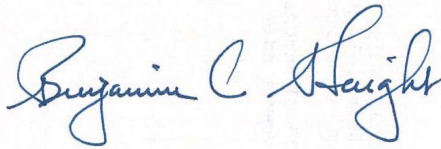
Expiration Date: The permit will expire 18 months after the effective date, or December 13, 2016 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) 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.

Project Planner:



Chrissy Steadman, Planner
Community Development Department



Ben Haight, Chair
Planning Commission



Filed With City Clerk

December 19, 2016

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.



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

DATE: December 6, 2016

TO: Planning Commission

FROM: Chrissy Steadman, Planner II 
Community Development Department

FILE NO.: USE2016 0027

PROPOSAL: Conditional Use Permit for a standard marijuana cultivation establishment in the Industrial zoning district.

GENERAL INFORMATION

Applicant: Green Elephant LLC

Property Owner: G2 Properties LLC

Property Address: 101 Mill Street

Legal Description: Lot 1 Block A Alaska Juneau IV

Parcel Code Number: 1-C11-0-K15-001-0

Site Size: 55,606 Square Feet (1.28 acres)

Comprehensive Plan Future Land Use Designation: Heavy Industrial

Zoning: Industrial

Utilities: City water and sewer

Access: Mill Street

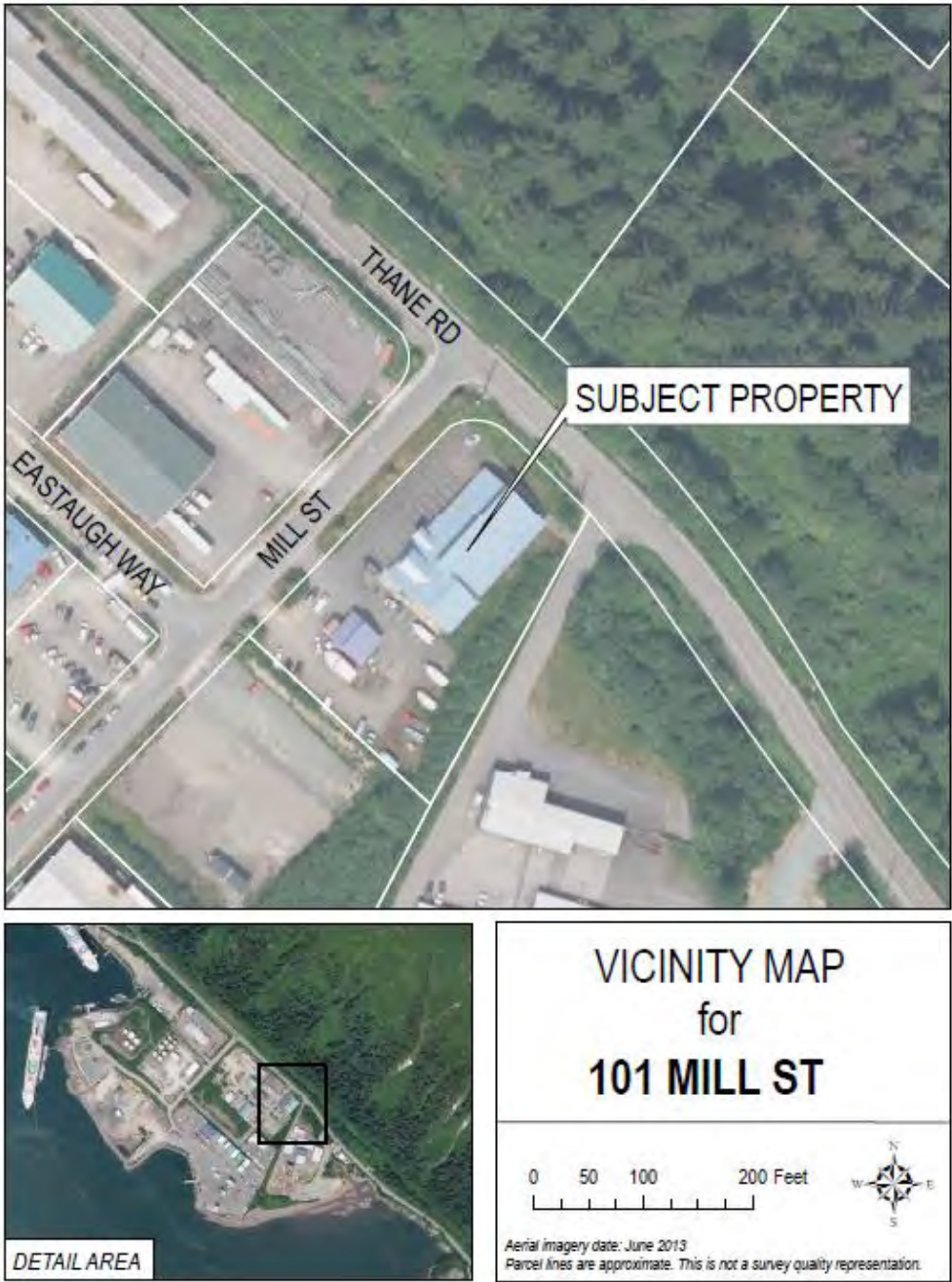
Existing Land Use: Commercial warehouse/caretaker residence

Planning Commission
File No.: USE 2016 0027
December 6, 2016
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Surrounding Land Use:

North	-	Industrial/Warehouse
South	-	CBJ Public Works facility
East	-	Thane Road/Vacant AJT Mining Property
West	-	Industrial/Boat condominium storage

Vicinity Map



Planning Commission
 File No.: USE 2016 0027
 December 6, 2016
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ATTACHMENTS

Attachment A: Conditional Use Permit application
 Attachment B: Site plan
 Attachment C: Parking plan
 Attachment D: Site photos
 Attachment E: Public notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a 6,000 square foot marijuana cultivation facility in the Rock Dump area in the Industrial zone.

BACKGROUND

The building to be used for the proposed marijuana cultivation and marijuana retail (USE2016 0028) establishments was previously occupied by the Alaska Litho printing company. There is a caretaker apartment on the second story occupied by the applicant. The building has not had a permanent use since Alaska Litho relocated seven years ago. The building was constructed in 1997 and the detached garage in 2002 with the required building permits (BLD1997-00344 & BLD2002-00562). The garage is not proposed to be used for the marijuana cultivation or retail. Use of the garage for either marijuana retail or cultivation would require state and local review and approval. There are no other uses on the property.

The applicant has stated there is space in the building to develop a commercial kitchen and conduct marijuana product manufacturing in the future. The applicant may also pursue a consumption endorsement when those regulations are adopted at the state and local level.

The applicant has submitted an application with the State of Alaska Marijuana Control Board and will obtain a CBJ Marijuana License if both the state license and this CUP are approved. The inspection required for the CBJ marijuana license will ensure that the applicant is held to the plans as submitted, special use requirements found in CBJ 49.65.1200 and any conditions required by this permit.

According to CBJ 49.65.1245(e) an approved Conditional Use Permit for marijuana establishments is subject to review by the Commission every five years from the date of issuance.

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December 6, 2016
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ANALYSIS

Project Site – The subject lot was platted in 1997. The subject lot has an average width of 244 feet and an average depth of 167 feet totaling 55,606 square feet. The minimum lot size in the Industrial zone is 2,000 square feet. Setbacks in the Industrial zone are ten feet for the front and rear yards and zero feet for the side yards. The existing structures meet all of the required yard setbacks.

In addition to the 11,200 square foot commercial building there is a garage on the west side of the property. As previously stated, the garage will not be used for marijuana cultivation. The first floor of the subject building is approximately 9,200 square feet and the second story apartment is approximately 2,000 square feet. Approximately 6,000 square feet of the first floor is proposed to be occupied by the cultivation use and approximately 1,000 square feet is proposed to be used for marijuana retail (USE2016 0028). There is an additional 1,200 square feet on the first floor which the applicant intends to use as a consumption area should state and local regulations allow for such a use in the future. Until that time, that area will remain vacant and closed off from the general public. The second story of the building contains a caretaker unit occupied by the applicant. There are no other uses currently on the property or proposed.

Project Design – The existing building will undergo interior renovations in order to accommodate the cultivation of marijuana and meet state and local marijuana regulation requirements. The applicant has applied for a building permit for these renovations. Aside from the windows in the clerestory roof, all windows on the cultivation side of the building have been covered with drywall and plywood. There are four entrances into the proposed cultivation area; two external doors and two internal doors. All will be secured with cameras, alarms and restricted access signs. The cultivation area will be secure and accessed only by those with a Marijuana Handler Permit or escorted registered visitors.

The northeast corner of the building contains a 312 square foot room accessed by a bay door and person door (attachments B & D). The bay door and person door have windows. The applicant has stated that they will block the windows with nontransparent material such as plywood. This area currently has an exposed entryway into the rest of the warehouse. The applicant has stated they will install a secure door to separate this area from the rest of the facility. The room will be used for loading and unloading supplies and products and trash storage.

The area where cultivation is proposed is currently a single open space. The applicant intends to construct eleven rooms all connected by a common hallway (attachment C). Eight of the rooms will be used for marijuana cultivation including cloning, vegetation, flowering, curing, and

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File No.: USE 2016 0027
December 6, 2016
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packaging. In addition there will be a room for tool storage, electrical supplies and chemicals, and a secure room for surveillance equipment.

CBJ 49.65.1245 identifies additional requirements for marijuana establishments. Those items to be reviewed are detailed below.

Ventilation & Filtration/Odor – The individual cultivation rooms will have separate ventilation and filtration systems. The applicant is currently working with an engineer to design a system which will be included for review through the building permit process. The HVAC system will include carbon filters to scrub the air of odor before it exits the facility. Each cultivation room will be further supported by a cooling system, including fans for air circulation, and dehumidifiers. The combination of ventilation, fans and dehumidifiers will protect against mold and mildew. Water absorbed into the dehumidifiers will be recycled to water the plants.

The proposal includes the use of carbon dioxide for plant enrichment. The CO₂ tanks will be stored outside the rear of the building in a separate enclosure. CO₂ levels will be monitored electronically and a sensor will sound if levels are too high. The proposed CO₂ usage is in compliance with the state and local regulations. CO₂ usage is subject to review by the CBJ Fire Marshal and will be inspected accordingly.

Fungicides & Pesticides – The applicant proposes using natural pesticides for pest control. Those compounds are included on page 4 of the applicant's narrative found in attachment A. The applicant's list is consistent with the pesticides list that meets criteria to be used on marijuana crops provided by the Alaska Department of Environmental Conservation.

Security – According to CBJ 49.65.1245(a)(2) applicants are required to submit a security plan. State regulations require exterior lighting, alarm systems, video monitoring and commercial grade door locks. The site plan in attachment B identifies the required security requirements.

The building currently has sixteen exterior lights surrounding the building. Further the ambient light in the surrounding area ensures the entire property is lit after sunset. The secure office space will house the surveillance hardware and safe. Ten surveillance cameras are proposed on the exterior of the building at each corner and each doorway. Twenty one surveillance cameras are proposed in the cultivation area. The four large cultivation rooms will have two cameras each and the smaller cultivation rooms will have one camera each. There will be four cameras in the common hallways, one in the electrical and supply room, one in the tool storage room and two in the secure office.

There will be a single exit from the cultivation area to the exterior of the building. The exit to the rear of the building will be alarmed with a vibration sensor. The bay door and person door to the loading and unloading area will also be alarmed, as previously stated there will be no

Planning Commission
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windows at the ground level. Interior doors will also be alarmed. All motion and contact sensors will be activated when the facility is closed.

The owner/operator will also continue to live onsite above the facility adding an additional layer of security.

Waste disposal – The applicant proposes recycling the waste from the marijuana plants back into fertilizer. Leaf trim containing THC may be rolled and sold in the proposed retail establishment. For waste that cannot be reused the applicant will grind up the waste and mix it with another organic material in order to render it unusable as required by state regulations. Although the applicant has stated they plan to reuse much of the marijuana plant waste as fertilizer, staff recommends as a condition of approval that all waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

Screening – CBJ 49.65.1245(a)(4) prohibits marijuana product from being visible to the general public from the right-of-way. As stated in the project design description, the applicant has sealed off all windows at the ground level with plywood and drywall. There is no ability to see into the facility from the public right-of-way. Further, cultivation will take place in full enclosed rooms built within the larger warehouse.

CBJ 49.15.330(g) identifies the general items that staff reviews for all Conditional Use Permits. Those items are detailed below.

Traffic – Traffic to and from the site will consist of employees and supply delivery. The applicant does not currently plan to deliver any product off site. Additional traffic will be generated by the proposed marijuana retail store addressed in USE2016 0028. The applicant anticipates a total of 4 employees for the cultivation facility and an additional 5 employees for the retail establishment. Supply deliveries such as CO₂ will occur infrequently on a weekly or biweekly basis.

At this time the applicant has no plans to deliver product to a product manufacturing facility or any other retail establishment. The only product transport that will take place is the small amounts of product for testing. Should the applicant begin transporting product to other licensed marijuana establishments, it will likely result in minimal addition to the overall traffic generated by the use. Marijuana is harvested cyclically and, once packaged, a large amount could be transported in a single trip.

CBJ 49.40.300 states that a traffic impact analysis is NOT required when a development is projected to generate less than 250 average trips in a day. Further, the expected traffic generated by the Green Elephant cultivation facility is no more than expected from other uses permitted in the district.

Planning Commission
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Parking and Circulation – According to CBJ 49.40.210 the total number of parking spaces required for the proposed cultivation and retail establishments is 11.

Use	Use parking space requirement	Size of use	Parking spaces required
Office	1 per 300 sf	285 sf	1
Marijuana Cultivation	1 per 1,000 sf	6,000 sf	6
Marijuana Retail	1 per 300 sf	1,000 sf	3
Caretaker unit	1	N/A	1
Total			11

CBJ 49.40.210(b)(3) requires that for 1 to 25 parking spaces, one space must be ADA accessible. Accessible spaces are required to be 13 feet by 17 feet, including an access aisle that measures 5 feet by 17 feet. There is already the required number of standard parking spaces and ADA spaces striped per CBJ 49.40.210(b)(1)&(b)(3)(C) (Attachment C).

Noise – Surrounding uses include the AML shipping yard, the headquarters for the Holland America Princess tour bus division, a CBJ Public Works facility, and a commercial warehouse. These uses cumulatively generate high amounts of traffic and noise. The only other residence in the area is a caretaker unit located in the boat condos to the west. Noise is expected to be less than other uses that may be permitted outright in the Industrial Zone.

Public Health or Safety – Several aspects of public health and safety related to a marijuana cultivation facility were addressed in previous sections of this report including CO₂ use, pesticide use, security, and odor management. As previously stated CO₂ will be used in the cultivation process and governed by the requirements found in the International Fire Code and CBJ Title 19, the Building Code. CO₂ levels used to grow marijuana are well below the safe limits for sustained human exposure prescribed by OSHA at 5,000 ppm. However, an alarm will sound if CO₂ levels reach an unsafe threshold.

The applicant has indicated that they plan to use non-toxic fertilizers and use organic means of pest control. Therefore, any risk of toxic substances being transferred to a consumer is minimized by this growing method.

The applicant's proposal meets all the state and local requirements for security including an alarm system, video surveillance, lighting, door locks, and appropriate signage. Finally, carbon filters will be used in all grow rooms in the ventilation and filtration system to manage marijuana odor.

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

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December 6, 2016
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Vegetative Cover – CBJ 49.50.300 requires five percent of the site be maintained with live vegetative cover. For this site, 2,780 square feet of vegetative cover is required. A site visit by staff confirmed the site exceeds the minimum vegetative cover requirement for the Industrial zoning district.

Property Value or Neighborhood Harmony – Adjacent existing uses in the neighborhood include one of the CBJ Wastewater Treatment Facilities to the south, warehouse storage to the north, and boat condominiums to the west. Three large tourism companies are headquartered in the vicinity. Gastineau Guiding offices and parking lot are located to the northwest, Alaska Coach Tours is located to the north, and Holland America Princess is located to the west. The AML shipping yard is also located to the west just beyond the Holland America Princess bus yard.

The wastewater treatment facility, shipping yard, tourism companies and the cruise ship dock at the northwest end of the Rock Dump area generate high amounts of traffic, noise, and odor. The marijuana cultivation facility is expected to produce less traffic, noise, and odor with its low number of employees, air filtration and internal operation than these adjacent uses and should therefore have a neutral effect on the neighborhood. At the time this staff report was due no comments were received from the public. There is no evidence to suggest the use will have impact on property value or be out of harmony with the neighborhood.

Conformity with Adopted Plans – The subject site is located in Subarea 6 of the 2013 Comprehensive plan and has a land use designation of Heavy Industrial (HI). According to the HI land use designation definition found on page 149 of the Comprehensive Plan, large scale food production and processing and other manufacturing processes should be allowed on these lands. The proposed marijuana cultivation facility is a similar type of use.

Staff further reviewed the 2013 Comprehensive Plan for policies that may be relevant to the proposal:

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

The proposed development would help to diversify the economy and is a new business as encouraged by these policies.

Planning Commission
 File No.: USE 2016 0027
 December 6, 2016
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FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

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?

Yes. Staff finds 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?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 14.240 for the Industrial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public

Planning Commission
File No.: USE 2016 0027
December 6, 2016
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notice of this project was provided in the December 2, 2016 and December 12, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way. Additionally the proposed development complies with CBJ 49.65.1245.

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

No. The applicant has proposed a surveillance and security system that meets the minimum state and local regulations. Further, much of the use, aside from employee and other occasional delivery traffic, is contained indoors in a secure facility where unescorted non-employees are not permitted.

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

No. The use is adjacent to a wastewater treatment facility and other industrial uses with similar and more intense off-site impacts such as noise and traffic. The proposed marijuana cultivation facility is not expected to decrease the value of or be out of harmony with property in the neighborhood.

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

Yes. The development of private businesses in Juneau is supported by the Comprehensive Plan. Further, the Heavy Industrial land use designation supports manufacturing uses.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A

Planning Commission
File No.: USE 2016 0027
December 6, 2016
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RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a marijuana cultivation facility in the Industrial zone.

The approval is subject to the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

DEVELOPMENT PERMIT APPLICATION

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Project Number <u>USE 2016 0027</u>	CITY and BOROUGH of JUNEAU	Date Received: <u>10/4/16</u>
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description <u>Marijuana cultivation facility, residential</u>		
Street Address <u>101 Mill Street</u>		City/Zip <u>Juneau/99801</u>
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>ALASKA JUNEAU IV BL A LT 1</u>		
Assessor's Parcel Number(s) <u>1C110K150010</u>		
Property Owner's Name <u>G2 Properties LLC</u>	Contact Person: <u>Hayden Garrison</u>	Work Phone: <u>907-321-8122</u>
Mailing Address <u>808 5th St., Juneau, AK 99801</u>	Home Phone:	Fax Number:
E-mail Address <u>garrisonhayden@gmail.com</u>	Other Contact Phone Number(s):	

PROJECT / APPLICANT

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 [Signature] 10-3-16
Landowner/Lessee Signature Date

X _____
Landowner/Lessee Signature Date

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's Name <u>Green Elephant LLC</u>	Contact Person: <u>Jennifer Canfield</u>	Work Phone: <u>907-209-7663</u>
Mailing Address <u>PO Box 21315 Juneau, AK 99802</u>	Home Phone:	Fax Number:
E-mail Address <u>greenelephantalaska@gmail.com</u>	Other Contact Phone Number(s):	
X <u>[Signature]</u> <u>10/4/16</u> Applicant's Signature Date of Application		

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS

☒	Building/Grading Permit		
	City/State		
	Project Review and City Land Action		
	Inquiry Case (Fee in Lieu, Letter of ZC, Use Not Listed)		
	Mining Case (Small, Large, Rural, Extraction, Exploration)		
	Sign Approval (If more than one, fill in all applicable permit #'s)		
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
XXX	Use Approval (Allowable, Conditional) Cottage Housing, Mobile Home Parks, Accessory Apartment)		
	Variance Case (De Minimis and all other Variance case types)		
	Wetlands Permits		
	Zone Change Application		
	Other (Describe)		

USE 2016 0027

DPZ

Comments:

***Public Notice Sign Form filled out and in the file.

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TO BE COMPLETED BY THE APPLICANT

Revised July 2015- I:\FORMS\2015 Applications

Site Plan and Location Narrative

Packet Page 379 of 635

Green Elephant LLC
Owners Richard Dudas and Jennifer Canfield
101 Mill Street
Juneau, AK 99801
ALASKA JUNEAU IV BL A LT 1
Parcel #1C110K150010
Industrial Zoning

Scope: We plan to operate a marijuana cultivation facility in the warehouse area of our building. We also plan to operate a marijuana retail store on the opposite side of the building. Depending on how the Alaska Marijuana Control Board and the City and Borough of Juneau decide to regulate marijuana clubs, we may consider applying to open one of those as well.

We intend to sell our cultivated product in our retail store only. We do not plan to do extractions at this facility.

Area: Our building is zoned Industrial and its use code is Commercial Miscellaneous. We are located between the city's wastewater treatment plant on Thane, the Alaska Shirt Company's warehouse and a row of boat condos. Our operation will not increase the level of noise in the area.

Construction: Non-load bearing walls will be constructed in the warehouse. Warehouse windows at eye level have been boarded and drywalled.

Hours of operation: The cultivation facility will be operational 24 hours a day, with most work done during regular business hours. The retail store will open no earlier than 8 a.m. and will close no later than 1 a.m., in accordance with CBJ ordinance 49.65.1250.

Sign: There is currently a two-legged sign post at the corner of Mill Street and Thane that we will utilize. It will fit a 6'x3' sign. There will also be a sign at the entrance of the retail store that will be 4'x3.5'.

Odor management: The facility will utilize carbon filters and fans before exhausting air from the garden. If necessary, we may introduce an ozone generator into the exhaust line after the carbon filters. As our facility is located adjacent to a city wastewater facility, we very much understand the importance of ensuring no detectable odor is emitted from our operation.

Waste management: Cannabis plant waste will be logged into the Metrc system and stored for 72 hours before being ground and added to a compost tea solution for use in the garden.

Used soil will be re-amended for further use in the garden. Wastewater will be used to water outdoor landscaping. Packet Page 380 of 635

Any cannabis waste that cannot be recycled into the garden (we expect little to none) will be securely transported to the local dump.

Security: Exterior security lighting will be installed to illuminate a 20 foot radius around each exterior door and window to provide sufficient lighting for surveillance cameras. Because we are located in an industrial area, ambient lighting from other buildings will allow for surveillance cameras to have sufficient lighting beyond the prescribed 20 foot radius.

The alarm system will be activated on all exterior doors and windows when the licensed premises is closed for business. Motion detection alarms will be installed throughout interior of the facility. These alarms will notify the security monitoring company, law enforcement and the owners if any intruders are detected during non-business hours. Exterior doors and windows will have contact sensors that are activated when the facility is closed for the night.

Panic buttons will also be installed at strategic locations in the building. When pressed by employees, these buttons will trigger alarms and send notifications to the security monitoring company, law enforcement officials and the owners. Security cameras will also be accessible for off-site monitoring via the internet.

In the event of a breach of security during non-business hours, a designated manager or owner will assist the local law enforcement agency and provide access to security footage requested. In the event of an incident while the facility is open, employees will attempt to evacuate any customers and themselves after activating panic switches to alert authorities. If unable to evacuate, employees will work to ensure the safety of any customers in the building. All security breaches will be logged with an incident report.

Cameras will be placed at each entrance throughout the building, inside the secured room and throughout the grow, retail and club areas. Cameras will also be placed outside the building adjacent to building lights to ensure any activity within 20 feet of the building is captured.

Video surveillance and official logs and records will be kept in a secured cabinet within the safe room. Only owners and one trusted employee will be able to access the safe room and secured cabinet. These people are the only ones authorized to escort law enforcement or an agent of the board to the secured cabinet for inspection. The cabinet will be made of metal and will have a secure lock.

No loitering signs will be posted near each entrance. Employees will be trained to recognize and disperse loiterers.

All visitors must show ID, proving that they're 21 or older. Each guest will sign in on a log noting the date, their age, time of arrival and time of departure. Each visitor will be issued a visitor identification badge upon approval by a manager or owner.

No more than five visitors will be admitted per marijuana handler certified employee. All logs will be secured within the safe room for safekeeping.

Visitors to the facility will be subject to approval by an owner or manager. No one will be allowed into the facility without owner or manager approval, a valid identification and they must be accompanied by an approved, permitted employee.

Diversion prevention: Our business will use Metrc by Franwell as required by the State of Alaska. The system will track cannabis from seed to sale with RFID tags. This system is fully accessible to state officials at any time. We will also likely utilize a backup tracking system such as MJ Freeway or Green Bits, which are cannabis compliance softwares popular in the industry and are fully integratable with Metrc.

Securable and lockable containers will be required for any employee or affiliate to transfer marijuana product from the facility. These containers must be concealed during transit. A certified marijuana handler must accompany the packages at all times. However, we currently don't have plans to sell our product to stores other than our own.

The transport of marijuana from the packaging room to the retail store will require either the sole presence of the licensee or two employees at a time. If product must be transported through an area which the public has access to then the shared area must be cordoned off until transport is complete. All products will be stored and transported securely and in accordance with state and local laws.

Security cameras will monitor all indoor work spaces and storage areas. Employees will be subject to search if suspected of theft or diversion of product. Green Elephant will have a zero tolerance policy for theft and employees guilty of such will be terminated immediately. Criminal charges may be filed.

Signs stating "Persons under 21 are not allowed on premises" will be posted at all outside access points. Employees will be trained on how to spot fake or illegitimate identification cards. Each visitor's ID will be scanned into an ID scanner to enhance security and assure legitimacy.

Employees/Traffic: To start, only the owners and two employees will work in the facility. When the facility is at capacity we expect to hire 2-3 more employees. We expect to hire 4-5 additional employees when the retail store opens .

In the summer, we may receive tourist shuttles. If warranted, we will take advantage of an option to lease additional parking space that would be easier for the shuttles to navigate.

Parking: There are 23 parking spots adjacent to the building, 3 of which are handicapped reserved. There is additional unstriped parking near the southeast corner of the building which will be utilized first by owners and employees.

According to CBJ parking requirements, we will need 6 spaces for the cultivation area (~6,072 sq. ft.), 4 spaces for the retail area (1,033 sq. ft.) and 1 space for the office area (285 sq. ft.). We have 12 excess parking spots. In the summer there are also additional parking spaces where snow is stored during the winter.

Carbon dioxide: Our facility will use carbon dioxide to enrich the plants. The emission of CO2 gas will be electronically monitored to control ppm throughout the garden to keep it within ideal and safe levels. Our CO2 use will be in compliance with all applicable regulations.

We will utilize CO2 in tanks, and may transition to a CO2 generator in the future. There will be CO2 detectors set to alarm at 5,000 ppm in each area utilizing the gas and a master control valve to shut off the gas at the source. This system will comply fully with the Fire Marshal's recommendations.

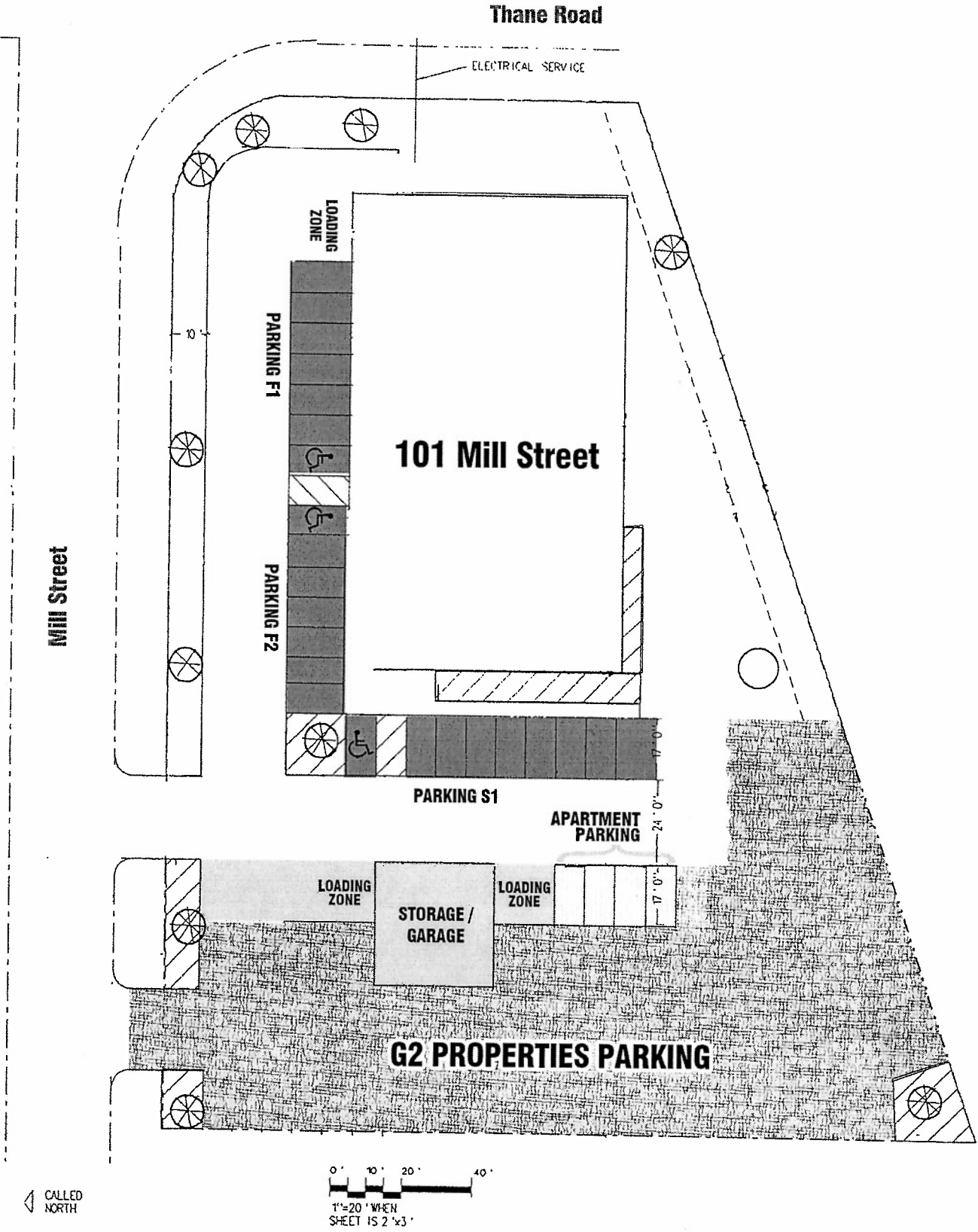
Chemicals, pesticides and fertilizers: Cleaning supplies to be used include the following: bleach, hydrogen peroxide, vinegar, alcohol, and Simple Green.

Nutrients and fertilizers include the following: nitrogen, phosphorus, potassium, calcium, sulfur, magnesium, silicon, boron, chlorine, manganese, iron, zinc, copper, molybdenum, nickel, selenium, sodium, molasses, citric acid, ascorbic acid, maltodextrin, salt, plant-based extracts, guano, composted manure, blood meal, worm castings, mycorrhizae, compost tea, compost, kelp meal.

Pest management: plant-based extracts and plant-based pesticides including neem oil, Dawn dish soap, natural extract, pyrethrin.

Etc: rooting hormone, cinnamon

Security plans are on file with the CBJ Community Development Department





101 Mill Street, Potential Consumption Lounge Side



101 Mill Street, East Side



101 Mill Street, Front Façade, Cultivation Side



101 Mill Street, Rear

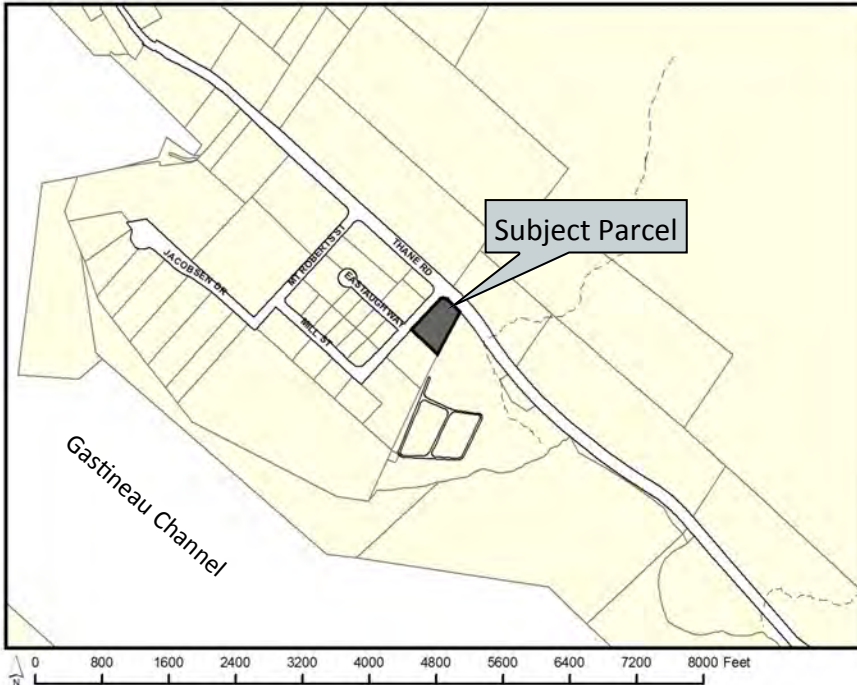


101 Mill Street, Loading Area



101 Mill Street, Retail Side

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: USE2016 0027: Conditional Use Permit for a standard marijuana cultivation establishment in the Industrial zoning district.
USE2016 0028: Conditional Use Permit for a marijuana retail establishment in the Industrial zoning district.

File Nos:	USE2016 0027 & USE2016 0028	Applicant:	Green Elephant LLC
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K15-001-0
Hearing Date:	December 13, 2016	Owner:	G2 Properties
Hearing Time:	7:00 PM	Lot Size:	55,606 sq. ft. (1.28 acres)
Place:	Assembly Chambers	Zoned:	I (Industrial)
	Municipal Building	Site Address:	101 Mill Street
	155 South Seward Street	Accessed Via:	Mill Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Chrissy Steadman at christine.steadman@juneau.org or (907) 586-0761.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☒ CBJ and State Licenses (for renewal inspection only)
 - ☒ Health warning
 - ☒ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits
- ☒ Check out alarm system – make sure all exterior windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Check out fertilizers
- ☒ ~~N/A~~ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)
 - ☒ Verify carbon filters are installed/no noticeable odor outside building vents
 - ☒ Verify ventilation system installed and operational
 - ☒ Any additional conditions imposed by CUP
- ☒ **Passed inspection**
- ☐ **Incomplete inspection**

Items not complete:

Inspected by: Allison Eddins, Planner MJL# 06 - Green Elephant (Cultivation)

Date: 12/19/17



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible form the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

For cultivation or processing operations only:

- ☐ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☒ Verify fertilizers used and mold/pet control

☒ PASSED INSPECTION

☐ INCOMPLETE INSPECTION

Items not complete:

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items.
- ☒ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: NW413, Planner MJL# MJL -06, 010

Date: 11/4/19

CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

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- ☐ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☐ Verify security surveillance system back up system (e.g. generator or batteries)
- ☐ Verify all entry and exit points to the facility are video monitored from inside and out
- ☐ Verify that there is no product visible form the public right-of-way
- ☐ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☐ Verify safe is installed in a secure room
- ☐ Verify an approved waste disposal method is in use
- ☐ Verify carbon filters are installed/no noticeable odor outside building vents
- ☐ Verify ventilation system installed and operational
- ☐ Any additional conditions imposed by CUP

For cultivation or processing operations only:

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For cultivation operations only:

- ☐ Verify fertilizers used and mold/pet control

☐ **PASSED INSPECTION**

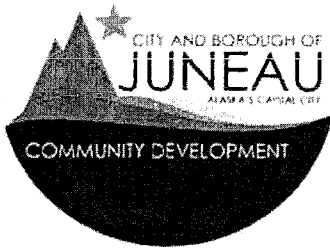
☐ **INCOMPLETE INSPECTION**

Items not complete:

- ☐ Complete inspection in 'GOVERN Inspections'
- ☐ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items.
- ☐ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: , Planner MJL#

Date: 11/12/2020



Application Marijuana Establishment License

Community Development • 155 S. Seward Street • Juneau, AK 99801 • (907) 586-0770

☐ New License

☒ Renewal of Current License

Type of License

- ☐ Marijuana Retail Store License with On-site Edible Consumption ☐ Marijuana Product Manufacturing Facility License
☐ Marijuana Retail Store License w/o On-site Edible Consumption ☐ Marijuana Testing Facility License
☒ Marijuana Cultivation Facility License

Trade Name of Marijuana Establishment: Green Elephant

Authorized Representative Name: Richard Dudas Title: Partner

Facility Address: 101 Mill St., Suite A

Applicant Mailing Address: P O Box 21315 Juneau AK 99802

Phone: 907-290-8400 Email: rich@greenelephantgardens.com

Submittal Requirements:

☐ Application/Renewal fee of \$250

☐ Proof of ownership of the proposed licensed premises or

☒ Copy of State of Alaska Marijuana Business License

☒ Copy of the lease or deed for property where marijuana facility will be located

☒ Organizational Documents for all entities

☐ List of all other uses on the property

No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under article 49.65.1105 shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates State or federal law, all licenses issued under article 49.65.1105 shall be deemed immediately revoked by operation of law, with no ground for appeal or redress on behalf of the licensee. Under article 49.65.1120, no license granted or issued under any of the provisions of this title shall be in any manner assignable or transferrable. Licenses issued are effective from the date of issuance through December 31 of the same year. In order to be eligible for renewal, a licensee must submit proof of inspection by the department or the department's designees for compliance with this chapter and any applicable permit. The licensee shall schedule the inspection no later than sixty days prior to the annual expiration of the license. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee and proof of inspection. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

I acknowledge I have read and understand the above statements concerning the application and obtainment of a marijuana license with the City and Borough of Juneau. Also, I am verifying compliance with any buffer requirements imposed by 3 AAC Chapter 306 of the Alaska Administrative Code. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the City and Borough of Juneau Municipal Code and all Rules and Regulations which govern my Marijuana Establishment License Application.

Authorized Representative Signature: [Signature] Date: 10-28-20

Marijuana Establishment License Number:

MJL-006

Intake Initials

AS

City and Borough of Juneau

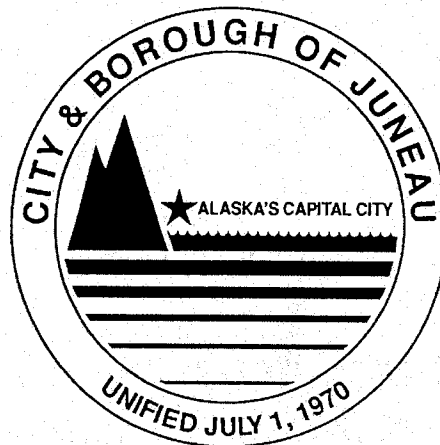
Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

June 01, 2017



Expiration Date

December 31, 2017

GREEN ELEPHANT LLC

101 MILL ST

MJL00000006

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

City and Borough of Juneau

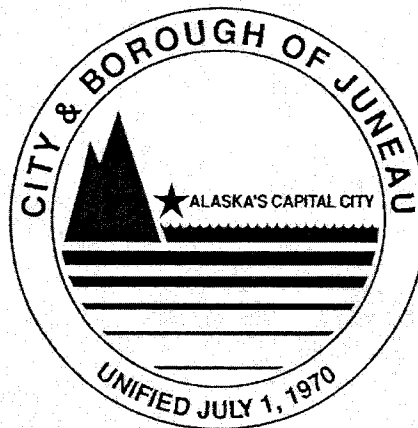
Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2020



Expiration Date

December 31, 2020

GREEN ELEPHANT LLC

101 MILL ST

MJL00000006

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City and Borough of Juneau

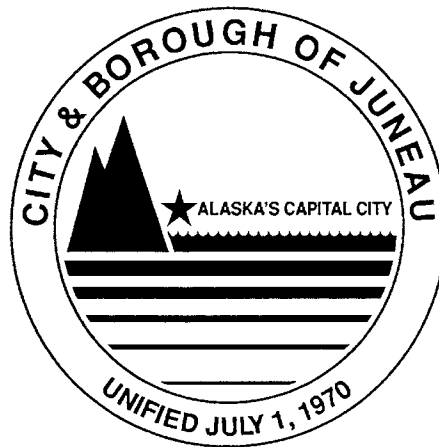
Community Development Department

Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2021



Expiration Date

December 31, 2021

GREEN ELEPHANT LLC

101 MILL ST

MJL00000006

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STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10315**

FORM CONTROL 101

MARIJUANA ESTABLISHMENT LICENSE

2016 - 2017

TYPE OF LICENSE: Standard Marijuana Cultivation Facility

ISSUE DATE: 02/10/2017

EXPIRATION DATE: 06/30/2017

EFFECTIVE DATE: 3-30-2017 *J*

LOCAL GOVERNMENT: City and Borough of Juneau

D/B/A: Green Elephant, LLC
101 Mill Street, Suite A
Juneau, AK 99801

Mail Address:

Green Elephant, LLC
PO Box 21315
Juneau, AK 99802

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD



DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - MARIJUANA CONTROL BOARD
FORM CONTROL MJ-341

LICENSE NUMBER **10315**

MARIJUANA ESTABLISHMENT LICENSE

2018 - 2019

TYPE OF LICENSE: Standard Marijuana Cultivation

RENEWAL APPLICATION DUE BY: 6/30/2019

ISSUE DATE: 08/17/2018

EXPIRATION DATE: 08/31/2019

EFFECTIVE DATE: 08/17/2018

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: Green Elephant, LLC
101 Mill Street, Suite A
Juneau, AK 99801

Mail Address:

Green Elephant, LLC
P.O. Box 21315
Juneau, AK 99802

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD

Erika McConnell

DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10315**

FORM CONTROL MJ-130

**MARIJUANA ESTABLISHMENT LICENSE
2019 - 2020**

TYPE OF LICENSE: Limited Marijuana Cultivation

RENEWAL APPLICATION DUE BY: 6/30/2020

ISSUE DATE: 09/19/2019

EXPIRATION DATE: 08/31/2020

EFFECTIVE DATE: 09/19/2019

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: Green Elephant, LLC
101 Mill Street, Suite A
Juneau, AK 99801

Mail Address:

Green Elephant, LLC
PO Box 21315
Juneau, AK 99802

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of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD

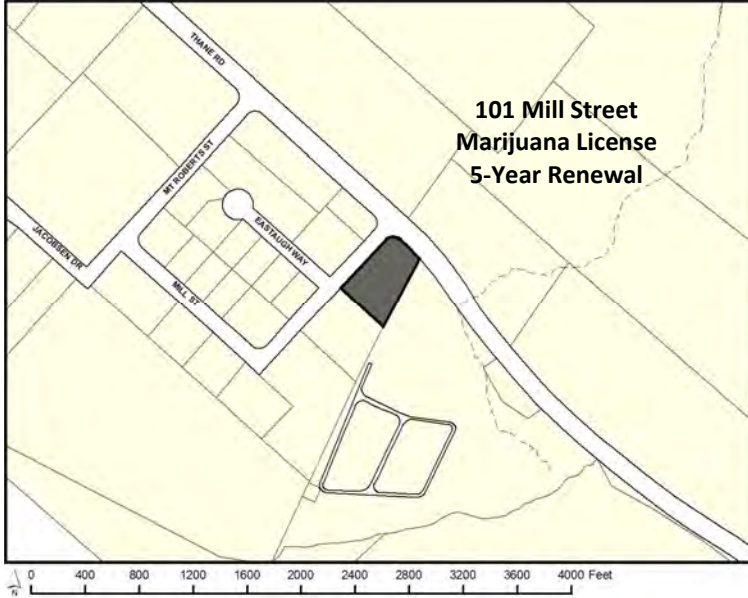


DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

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:

A Marijuana Cultivation License 5-Year Renewal and a Marijuana Retail License 5-Year Renewal are up for consideration and public hearing by the Planning Commission for **Green Elephant** at **101 Mill Street** in an **Industrial Zone**.

TIMELINE

Staff Report expected to be posted **Monday, October 18, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through Oct. 4

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

Oct. 5 — noon, Oct. 25

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

HEARING DATE & TIME: 7:00 pm, October 26, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/89613819418>. The Webinar ID is: 896 1381 9418. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

October 27

The results of the hearing will be posted online.

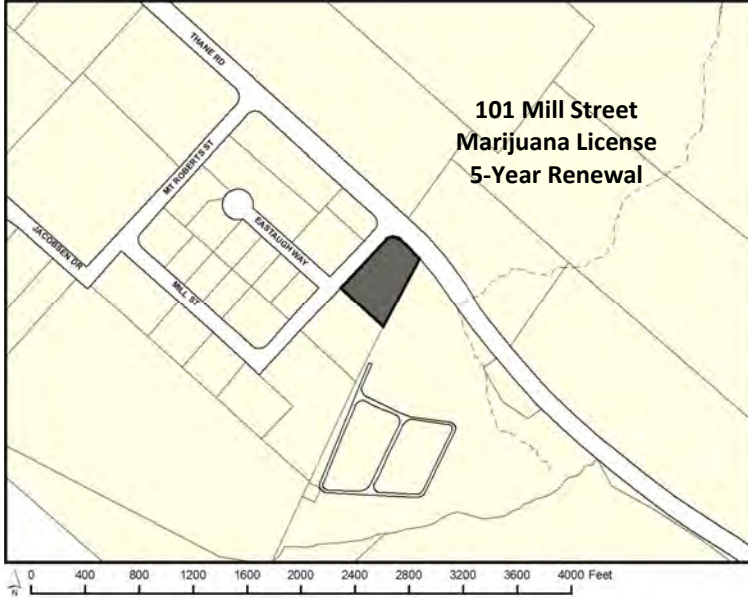
Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed September 24, 2021

Case No.: USE2016 0027; USE2016 0028
Parcel No.: 1C110K150010
CBJ Parcel Viewer: <http://epv.juneau.org>

Revised Notice

Re: Marijuana Cultivation & Retail License 5-Year Renewals
Hearing Rescheduled



155 S. Seward Street Juneau, Alaska 99801

TO:

POSTPONED

You are receiving this notice regarding applications being heard by the Planning Commission for a **Marijuana Cultivation License 5-Year Renewal** and a **Marijuana Retail License 5-Year Renewal** for **Green Elephant** at **101 Mill Street**. Originally, the hearing was set for October 26, 2021.

The hearing has been rescheduled for November 9, 2021.

TIMELINE

Staff Report expected to be posted **Monday, November 1, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through noon, November 8

Comments received during this period will be sent to Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling these cases, Joseph Meyers, will also read any written comments that are received. You may also contact him via the phone number listed below.

HEARING DATE & TIME: 7:00 pm, November 9, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/82646379779>. The Webinar ID is: 826 4637 9779. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

November 10

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed October 22, 2021

Case No.: USE2016 0027; USE2016 0028
Parcel No.: 1C110K150010
CBJ Parcel Viewer: <http://epv.juneau.org>



NOTICE For more information 586-0715
pc_comments@juneau.org

**Marijuana Cultivation & Retail
5-year Renewal**
USE2016 0028 & USE2016 0027

PROPOSAL: Five-year
Renewal of a Special Use Permit
for a marijuana cultivation and
retail facility

Hearing Date: 11/9/2021





Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: November 17, 2021
File No.: USE2021 0019/USE2016 0027

Green Elephant, LLC
Attn: Richard Dudas
101 Mill Street
Juneau, Alaska 99801

Proposal: A five-year renewal of Special Use Permit (USE2016 0027) for a marijuana cultivation facility

Property Address: 101 Mill Street

Legal Description: Alaska Juneau IV Block A Lot 1

Parcel Code No.: 1C110K150010

Hearing Date: November 9, 2021

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 1, 2021, and approved the renewal of a five-year Special Use Permit to be conducted as described in the project description and project drawings submitted with the application.

Attachments: November 1, 2021, memorandum from Joseph Meyers, Community Development, to the CBJ Planning Commission regarding USE2021 0019/USE2016 0027.

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

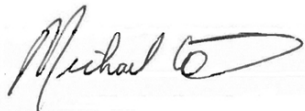
Green Elephant, LLC
 File No.: USE2021 0019/USE2016 0027
 November 17, 2021
 Page 2 of 2

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, November 9, 2021

Expiration Date: The permit will require review five (5) years after the effective date, or November 10, 2026 per CBJ 49.65.1245(e). Application for permit extension must be submitted thirty days prior to the expiration date.

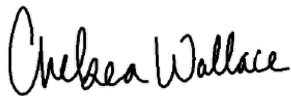
Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.



Michael Levine, Chair
 Planning Commission

November 18, 2021

Date



Filed With City Clerk

November 19, 2021

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**

USE2016 0028: A Marijuana Retail License 5-Year Renewal for Green Elephant - (USE2021 0020) -
APPROVED AS RECOMMENDED

AGENDA ITEM:

Case No.: USE2016 0028
Applicant: Green Elephant
Location: 101 Mill Street
Proposal: A Marijuana Retail License 5-Year Renewal for Green Elephant

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow a Marijuana Retail License five-year renewal without amended conditions.

ATTACHMENTS:

	Description	Upload Date	Type
▣	Staff Report for USE2016 0028 5-Year Renewal (USE2021 0020) - Part 1	11/1/2021	Staff Report
▣	Staff Report for USE2016 0028 5-Year Renewal (USE2021 0020) - Part 1	11/1/2021	Staff Report
▣	Notice of Decision for USE2016 0028/USE2021 0020	11/19/2021	Notice of Decision



PLANNING COMMISSION STAFF REPORT
SPECIAL USE PERMIT RENEWAL USE2021 0020
HEARING DATE: NOVEMBER 9, 2021

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

DATE: November 1, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Joseph Meyers, Planner 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a five-year renewal of Special Use Permit (USE2016 0028) for a marijuana retail facility.

STAFF RECOMMENDATION: Approval

KEY CONSIDERATIONS FOR REVIEW:

- Notice of Decision was issued on the original Special Use Permit on December 13, 2021.
- No infractions on record for this facility.
- State Marijuana License #10844 is current; CBJ Marijuana License MJL-010 is current.
- There have been no major modifications to the Special Use Permit.
- All required inspections have been passed.

GENERAL INFORMATION	
Property Owner	G2 Properties, LLC
Applicant	Green Elephant, LLC
Property Address	101 Mill Street
Legal Description	Alaska Juneau IV Block A Lot 1
Parcel Number	1C110K150010
Zoning	Industrial
Land Use Designation	Heavy industrial (HI)
Lot Size	55,606 square feet
Water/Sewer	CBJ
Access	Mill Street
Existing Land Use	Miscellaneous Commercial
Associated Applications	USE2016 0028; USE2016 0027 (cultivation facility); USE2021 0019 (cultivation extension)
Type of Facility	Retail

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 49.65.1245
 - o 49.15.330
 - o 49.80

The Commission shall hear and decide the case per 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

Northeast (ROW)	Thane Road
Southwest (I)	Boat storage facility
Southeast (I/WI)	CBJ Utility facility
Northwest (ROW)	Mill Street

SITE FEATURES

Anadromous	None
Flood Zone	None
Hazard	No known
Hillside	None
Wetlands	None
Parking District	None
Historic District	None
Overlay Districts	N/A

BACKGROUND INFORMATION

Project Description – This application is for a Five-Year Renewal of the Special Use Permit for the Green Elephant Cultivation facility at 101 Mill Street.

Background – The Planning Commission approved a Special Use Permit (USE2016 0028), effective December 13, 2016, to allow a Marijuana retail facility in the Industrial zoning district with the following condition:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

ANALYSIS

CBJ 49.65.1220 establishes the requirements for this renewal.

1. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee.
2. No outstanding corrective orders or enforcement actions.
3. Proof of inspection.
4. In compliance with the applicable Conditional Use Permit.

Requirement: Has the applicant applied for and remitted the fee for renewal of a Special Use Permit timely?

Analysis: Yes. The application for renewal of USE2016 0028 was received on October 11, 2021 and the fee remitted timely.

Requirement: At least ten days prior to the hearing, notice of the renewal request must be mailed to adjacent property owners. At least two days prior to the hearing, a general notice shall be printed in the newspaper of general circulation in the municipality.

Analysis: Yes. The Public Notice requirements of Title 49 have been met for this renewal.

Requirement: Conditions contained in the Special Use Permit cannot be changed unless the Commission amends or adds conditions to ensure compliance with this title. Have the conditions been changed to ensure compliance with Title 49?

Analysis: No. Conditions placed on the Special Use Permit have not been changed.

PUBLIC COMMENTS

CDD conducted a public comment period between October 8, 2021 and November 9, 2021. 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 public comments were submitted at the writing of this report.

FINDINGS

Special Use Permit Renewal Criteria – Per CBJ 49.15.250, Development Permit Extension, the Director makes the following findings on the criteria for granting the requested Special Use permit extension:

1. *Was the application for the requested Special Use permit renewal complete and received timely?*

Analysis: No further analysis required.

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

2. *Have there been any corrective or enforcement issues for this facility in the past five years?*

Analysis: No further analysis required.

Finding: No. There have been no enforcement of corrective issues for this facility in the last five years.

3. *Have all inspections been passed?*

Analysis: No further analysis required.

Finding: Yes. All conducted inspections have been passed.

4. *Is the marijuana license maintained current?*

Analysis: State and CBJ licenses are being maintained. Copies of each permit are located in Attachment B.

Finding: Yes. State and CBJ marijuana licenses are current.

5. *Have any modifications been made to the Special Use Permit?*

Analysis: No further analysis required.

Finding: No. No major modifications have been made to the Special Use Permit.

6. *Have the conditions of the Special Use Permit been met and maintained?*

Analysis: No further analysis required.

Finding: Yes. The conditions of the Special Use Permit have been met and maintained.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow a Marijuana Retail License five-year renewal without amended conditions.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Supporting Documents
Attachment C	Public Notice



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address <u>101 Mill St.</u>		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <u>LOT 4, Block A. Alaska Juneau IV</u>		
	Parcel Number(s) <u>1-C11-0-K15-001-0</u>		
	This property located in the downtown historic district		
	This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner <u>Green Elephant LLC</u>	Contact Person <u>Richard Dudas</u>	
	Mailing Address _____	Phone Number(s) <u>907-321-5886</u>	
	E-mail Address <u>Green elephant alaska@gmail.com</u>		
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	<u>[Signature]</u> Landowner/Lessee Signature	<u>10-15-21</u> Date	
X	_____ Landowner/Lessee Signature	_____ Date	
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 <u>SAME</u>		Contact Person _____	
Mailing Address _____		Phone Number(s) _____	
E-mail Address _____			
X	<u>[Signature]</u> Applicant's Signature	<u>10-15-21</u> Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Intake Initials <u>JPM</u>	
Case Number	Date Received <u>10/15/2021</u>



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

Renewal of C.U.P. - MJ Revail

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

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # USE 2016 0028 ☐ NO

UTILITIES PROPOSED

WATER: ☐ Public ☐ On Site

SEWER: ☐ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot _____ square feet Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) _____ square feet

EXTERNAL LIGHTING

Existing to remain
Proposed

☐ No
☐ No

☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
☐ 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	\$ _____			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ _____			
Pub. Not. Sign Deposit	\$ _____			
Total Fee	\$ _____			

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	Date Received

10/15/21

Green Elephant Retail CUP Renewal Narrative

Prior permit: USE2016 0028

Address: 101 Mill st., STE B

Current use: MJ retail 49.25.300.2.300

Project: Renewal

Proposed Use: MJ retail 49.25.300.2.300

We are requesting a renewal of our CUP for Green Elephant - Retail

Our retail has been operating since mid-2017 in a cooperative and compliant manner with CBJ's rules and regulations.

To my knowledge there have been no problems or issues that have come up in this time.

Green Elephant has been compliant and on-time with all taxes, fees and permits.

We strive to do everything by the book, in full compliance with all rules and act in good faith. I believe that we have accomplished this, and will do so in the future.

A handwritten signature in black ink, appearing to read 'R DUDAS', with a stylized, cursive script.

Richard Dudas - partner

Green Elephant



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

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: December 14, 2016
File No.: USE2016 0028

Green Elephant LLC
PO Box 21315
Juneau, AK 99801

Proposal: Conditional Use Permit for a marijuana retail establishment in the Industrial zoning district.

Property Address: 101 Mill Street

Legal Description: Lot 1 Block A Alaska Juneau IV

Parcel Code No.: 1-C11-0-K15-001-0

Hearing Date: December 13, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 6, 2016 and approved the Conditional Use Permit for a marijuana retail establishment in the Industrial zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following condition:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

Attachments: December 6, 2016 memorandum from Chrissy Steadman, Planner Community Development, to the CBJ Planning Commission regarding USE2016 0027.

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).

Green Elephant LLC
File No.: USE2016 0028
December 14, 2016
Page 2 of 2

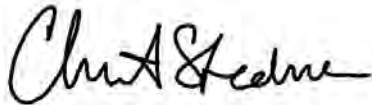
Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

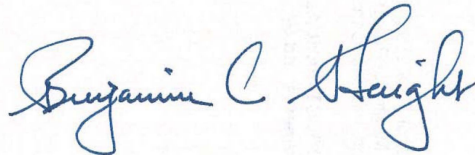
Effective Date: The permit is effective upon approval by the Commission, December 13, 2016.

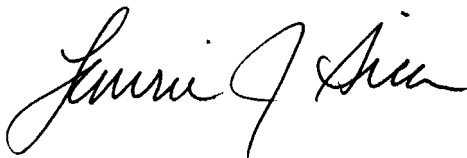
Expiration Date: The permit will expire 18 months after the effective date, or June 13, 2018 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) 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.

Project Planner:


Chrissy Steadman, Planner
Community Development Department


Ben Haight, Chair
Planning Commission


Filed With City Clerk

December 19, 2016
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.



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

DATE: December 6, 2016

TO: Planning Commission

FROM: Chrissy Steadman, Planner II
Community Development Department

FILE NO.: USE2016 0028

PROPOSAL: Conditional Use Permit for a marijuana retail establishment in the Industrial zoning district

A handwritten signature in black ink, appearing to read "Chrissy Steadman".

GENERAL INFORMATION

Applicant: Green Elephant LLC

Property Owner: G2 Properties LLC

Property Address: 101 Mill Street

Legal Description: Alaska Juneau IV Block A Lot 1

Parcel Code Number: 1-C11-0-K15-001-0

Site Size: 55,606 Square Feet (1.28 acres)

Comprehensive Plan Future Land Use Designation: Heavy Industrial (HI)

Zoning: Industrial (I)

Utilities: City Water and Sewer

Access: Mill Street

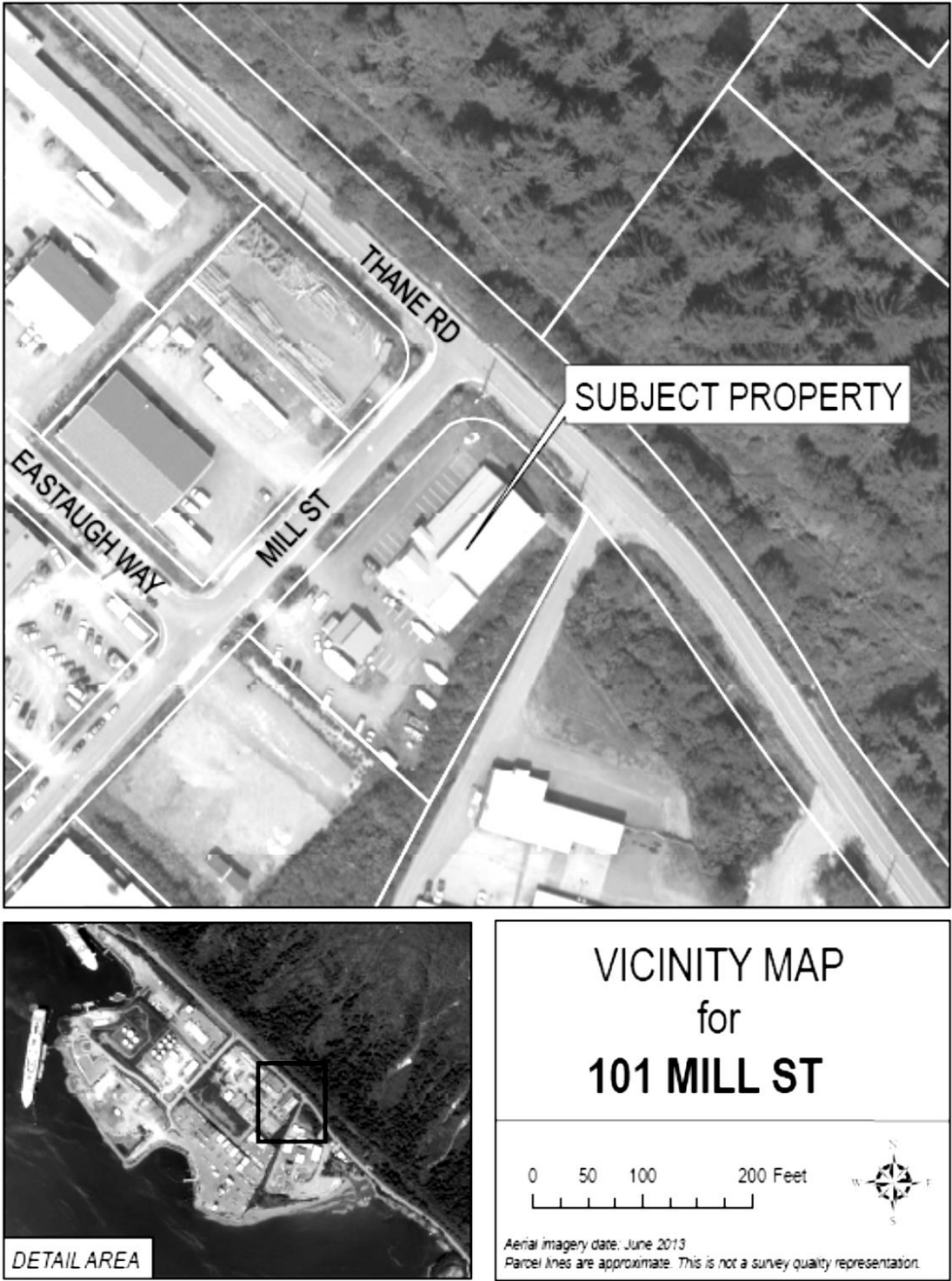
Existing Land Use: Commercial Warehouse/Caretaker Residence

Surrounding Land Use:

- North - Industrial/Warehouse
- South - CBJ Public Works facility
- East - Thane Road/Vacant AJT Mining Property
- West - Industrial/Boat condominium storage

Planning Commission
File No.: USE 2016 0028
December 6, 2016
Page 2 of 11

Vicinity Map



Planning Commission
File No.: USE 2016 0028
December 6, 2016
Page 3 of 11

ATTACHMENTS

Attachment A: Conditional Use Permit application
Attachment B: Site plan
Attachment C: Parking plan
Attachment D: Site photos
Attachment E: Public notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a marijuana retail establishment south of downtown Juneau in the Industrial zone.

BACKGROUND

The building to be used for the proposed marijuana retail and marijuana cultivation (USE2016 0027) establishments was previously occupied by the Alaska Litho printing company. There is a caretaker apartment on the second story, occupied by the applicant. The building has not had a permanent use since Alaska Litho relocated seven years ago. The building was constructed in 1997 and the detached garage in 2002 with the required building permits (BLD1997-00344 and BLD2002-00562). The garage is not proposed to be used for the marijuana retail use of marijuana cultivation. Use of the garage for either marijuana retail or cultivation would require state and local review and approval. There are no other uses on the property.

The applicant has stated that there is space in the building to develop a commercial kitchen and conduct marijuana product manufacturing in the future. The applicant may also pursue a consumption endorsement when those regulations are adopted at the state and local level.

The applicant has submitted an application with the State of Alaska Marijuana Control Board and will obtain a CBJ Marijuana License if both the state license and this Conditional Use Permit are approved. The inspection required for the CBJ marijuana license will ensure that the applicant is held to the plans proposed, to special use requirements found in CBJ 49.65.1200, and to any conditions required by this permit.

According to CBJ 49.65.1245(e), an approved Conditional Use Permit for marijuana establishments is subject to review by the Commission every five years from the date of issuance.

ANALYSIS

Project Site – The subject site is located on the corner of Mill Street and Thane Road south of

Planning Commission
File No.: USE 2016 0028
December 6, 2016
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downtown Juneau in the Rock Dump area. The property is accessed via Mill Street. The subject lot was platted in 1997. The subject lot has an average width of 244 feet and an average depth of 167 feet totaling 55,606 square feet. The minimum lot size in the Industrial zone is 2,000 square feet. Setbacks in the Industrial zone are ten feet for the front and rear yards and zero feet for the side yards. The existing structures meet all of the required yard setbacks.

In addition to the 11,200 square foot commercial building, there is a garage on the west side of the property. As previously stated, the garage will not be used for marijuana retail use. The first floor of the subject building is approximately 9,200 square feet, and the second story apartment is approximately 2,000 square feet. Approximately 1,000 square feet of the first floor is proposed to be occupied by the retail use and approximately 6,000 square feet is proposed to be used for marijuana cultivation (USE2016 0027). There is an additional 1,200 square feet on the first floor which the applicant intends to use as a consumption area should state and local regulations allow for such a use in the future. Until such a time, that area will remain vacant and closed off from the general public. The second story of the building contains a caretaker unit occupied by the applicant. There are no other uses currently on the property or proposed.

Project Design – The existing building will undergo interior renovations in order to accommodate the cultivation of marijuana and meet state and local marijuana regulation requirements. The retail portion of the facility will undergo minimal renovations. The applicant has applied for a building permit for these renovations. The retail area will be separated from the cultivation area by the boiler room, bathrooms, employee break room and hallway.

The northeast corner of the building contains a 312 square foot room accessed by a bay door and a person door (Attachment B and D). The bay door and person door currently contain windows. The applicant has stated that they will block off the windows with nontransparent material such as plywood. The area currently has an exposed entryway into the rest of the warehouse. The applicant proposes installing a secure door to separate this area from the rest of the facility. The room will be used as a loading area for supplies and products and trash storage.

State and local regulations require that no marijuana products be visible from a public right-of-way. There are two four-pane windows in the retail area which face westward. The applicant proposes leaving these windows intact. Staff conducted a site visit to verify whether travelers on the right-of-way can see into the windows from Mill Street. The distance from the road and location of the windows is sufficient to screen views of the interior from the Mill Street right-of-way. However, staff recommends as a condition of approval that no marijuana products be directly displayed in the windows. There is one entrance into the proposed retail area from outside the building and one entryway from the hallway that separates the cultivation and retail uses. Both entrances will be secured with cameras, alarms, lights and restricted access

Planning Commission
File No.: USE 2016 0028
December 6, 2016
Page 5 of 11

signs (see Floor plan). Customers' identification will be checked immediately upon entering the retail establishment.

The applicant has stated that they plan to supply the retail establishment with their own cultivated product. This will be limited to marijuana bud and pre-rolled joints. At this time, it is unknown if additional products such as marijuana edibles or concentrates will be available to purchase wholesale from a marijuana product manufacturing facility. The applicant has stated that if those products are available to purchase wholesale, they will likely sell them in the proposed retail establishment.

Customers will not be able to access products without a handler present. All products will be displayed in cases or on shelving behind permitted marijuana handlers. Customers will be served directly by a handler at the counter. The two owners anticipate having 5 full time employees once the facility is fully operational.

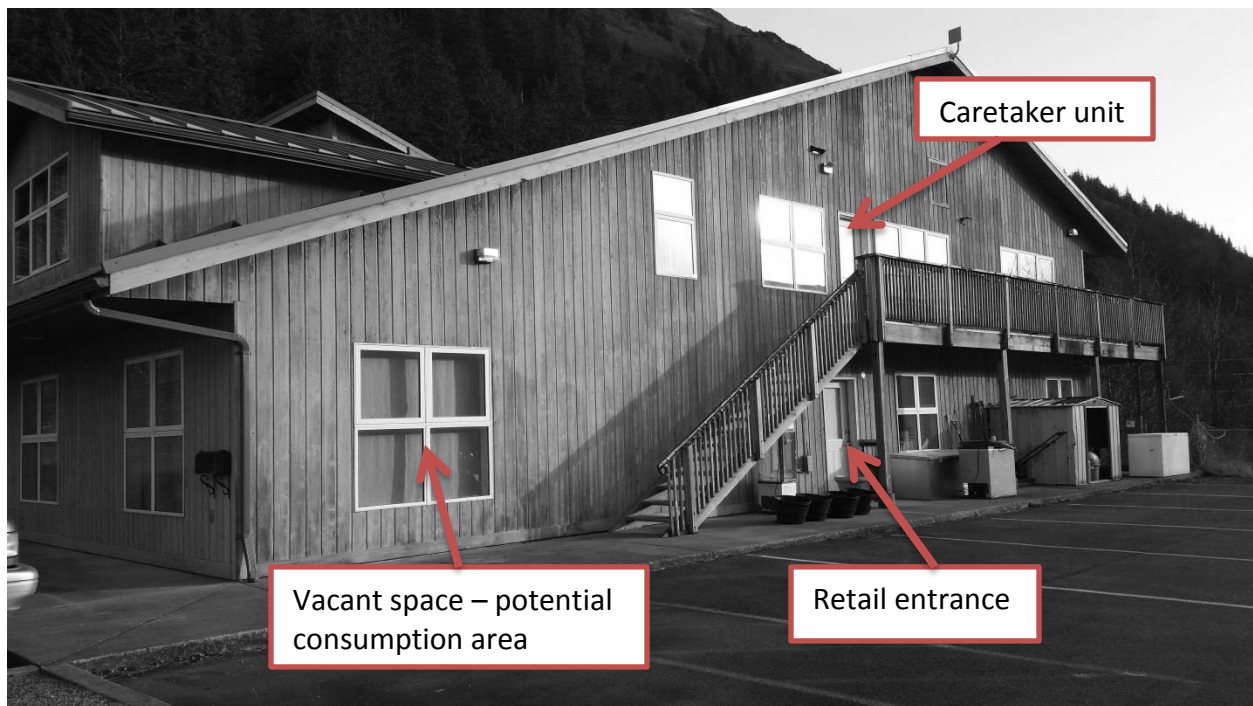


Figure 1: West facing façade – retail entrance

CBJ 49.65.1245 identifies additional submittal requirements for marijuana establishments. Those items to be reviewed are detailed below.

Ventilation & Filtration/Odor - The retail area will have its own ventilation and filtration system. The applicant is currently working with an engineer to design a system which will be reviewed as part of the building permit process. The HVAC system will include carbon filters to

Planning Commission
File No.: USE 2016 0028
December 6, 2016
Page 6 of 11

scrub the air of odor before it exits the facility either through the ventilation system or through the entrance to the retail area. Odor is primarily a concern with marijuana cultivation. Once the product is ready for sale the majority of it will be packaged. Small amounts of marijuana will be enclosed in containers for customers to smell. Further, the site has adequate separation distance from adjacent properties such that the minimal scent of marijuana that might escape from the retail area is expected to have no impact.

Security – According to CBJ 49.65.1245(a)(2), applicants are required to submit a security plan. State regulations require exterior lighting, alarm systems, video monitoring and commercial grade door locks. Those features can found in Attachment B. The owner/operator will also continue to live onsite above the facility, adding an additional layer of security.

The building currently has sixteen exterior lights surrounding the building. Further, the ambient light in the surrounding area illuminates the entire property after sunset. The secure office space will house the surveillance hardware and safe. Seven surveillance cameras are proposed for the retail area. Two cameras are proposed on the exterior of the building adjacent to the retail area, one on the southwest corner and the second above the retail entrance. Lights on the west side of the building are positioned on the second story at the entrance to the caretaker unit and under the deck that runs over the entrance to the proposed retail establishment. All exterior and interior doors will be alarmed. All motion and contact sensors will be activated when the facility is closed.

Waste disposal – It is not possible to determine at this time the amount of marijuana waste that would be produced by the marijuana retail establishment since that may be based on demand, shelf life of products, or if there is a recall on a product. Any unsalable products will be disposed of according to the state waste disposal regulations, which include grinding up the waste and mixing it with another organic material in order to render it unusable. Though the applicant has stated that they plan to reuse much of the marijuana plant waste as fertilizer, staff recommends as a condition of approval that all waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

Screening – CBJ 49.65.1245(a)(4) prohibits marijuana product being visible to the public from the right-of-way. As stated in the project design description, the general public is not able to see into the windows from the Mill Street or Thane Road Right-of-Ways.

CBJ 49.15.330(g) identifies the general items that staff reviews for all Conditional Use Permits. Those items are detailed below.

Traffic – Traffic to and from the site will consist of customers, employees and supply delivery. The applicant does not currently plan to deliver any product off site. The applicant anticipates a total of 4 employees for the cultivation facility and an additional 5 employees for the retail

Planning Commission
 File No.: USE 2016 0028
 December 6, 2016
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establishment.

In addition to local traffic, customer traffic will likely include foot traffic and tour vans and/or busses transporting tourists to the facility. The most similar use listed in the most recent edition of the ITE Trip Generation Manual is for a pharmacy or drugstore, which generates an average of 45 trips per day.

CBJ 49.40.300 states that a traffic impact analysis is NOT required when a development is projected to generate less than 250 average trips in a day. Further, the expected traffic generated by the Green Elephant cultivation facility is no more than what is expected from other uses permitted in the district.

Parking and Circulation – According to CBJ 49.40.210, the total number of parking spaces required for the proposed cultivation and retail establishments is 11.

Use	Use parking space requirement	Size of use	Parking spaces required
Office	1 per 300 sf	285 sf	1
Marijuana Cultivation	1 per 1,000 sf	6,000 sf	6
Marijuana Retail	1 per 300 sf	1,000 sf	3
Caretaker unit	1	N/A	1
Total			11

CBJ 49.40.210(b)(3) requires that for 1 to 25 parking spaces, one space must be ADA accessible. Accessible spaces are required to be 13 feet by 17 feet, including an access aisle that measures 5 feet by 17 feet. A staff site visit confirmed there are 20 preexisting standard striped parking spaces and three ADA spaces. Therefore, the site exceeds the required number of parking spaces per CBJ 49.40.210(b)(1)&(b)(3)(C). As stated in the project site description, the 312 square foot area in the northeast corner of the building will be used as a loading area.

Noise – Surrounding uses include the AML shipping yard, the headquarters for the Holland America Princess tour bus division, a CBJ Public Works facility, and a commercial warehouse. These uses cumulatively generate high amounts of traffic and noise. The only other residence in the area is a caretaker unit located in the boat condos to the west. Noise from the proposed facility is expected to be less than other uses that may be permitted outright in the Industrial Zone.

Public Health or Safety – Several aspects of public health and safety related to a marijuana retail establishment were addressed in previous sections of this report including product testing, security, and odor management. Public health issues related to marijuana retail also include quality control of the salable product. Samples of all products are required to be tested prior to sale to ensure the absence of harmful microbial and residual solvents and provide

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potency information. State regulated potency limits, package labeling, and sign posting requirements are meant to ensure consumers are educated about the products' potency, time elapsed effect, and dosage recommendations. The applicant has indicated that they plan to use non-toxic fertilizers and use organic means of pest control. Therefore, any risk of toxic substances being transferred to a consumer would be mitigated by this growing method.

The site will be more secure than many other businesses in the area. The site will be equipped with twenty-four hour surveillance including motion activated lighting, an alarm system, and high resolution security cameras. The applicant's proposal meets all the state and local requirements for security including an alarm system, video surveillance, lighting, door locks and appropriate signage. Finally, carbon filters will be used in the ventilation and filtration system to manage marijuana odor.

Habitat – No habitat regulated by Title 49 is affected by this proposal.

Vegetative Cover – CBJ 49.50.300 requires that five percent of the site be maintained with live vegetative cover. For this site, 2,780 square feet of vegetative cover is required. A site visit by staff confirmed that the site exceeded the minimum vegetative cover requirement for the Industrial zoning district.

Property Value or Neighborhood Harmony – Adjacent existing uses in the neighborhood include one of the CBJ Wastewater Treatment Facilities to the south, warehouse storage to the north, and boat condominiums to the west. Three large tourism companies are headquartered in the vicinity. Gastineau Guiding's offices and parking lot are located to the northwest, Alaska Coach Tours is located to the north and Holland America Princess is located to the west. The AML shipping yard is also located to the west, just beyond the Holland America Princess bus yard.

The wastewater treatment facility, shipping yard, tourism companies and the cruise ship dock at the northwest end of the Rock Dump area generate high amounts of traffic, noise and odor. The marijuana retail establishment is expected to produce less traffic, noise, and odor due to its low number of employees, air filtration system and internal operations than these adjacent uses and should, therefore, have a neutral effect on the neighborhood. At the time this staff report was due no comments were received from the public. There is no evidence to suggest that the use will have an impact on property value or be out of harmony with the neighborhood.

Conformity with Adopted Plans – The subject site is located in Subarea 6 of the 2013 Comprehensive plan and has a land use designation of Heavy Industrial (HI). According to the HI land use designation definition found on page 149 of the Comprehensive Plan, large-scale food production and processing and other manufacturing processes should be allowed on these

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 File No.: USE 2016 0028
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lands. Retail and personal services are explicitly stated as not being appropriate for lands designated HI by the Comprehensive Plan. However, in this instance retail use is coupled with an HI appropriate use, marijuana cultivation.

Staff further reviewed the 2013 Comprehensive Plan for policies that may be relevant to the proposal:

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

POLICY 5.10 TO ENCOURAGE RESIDENTS AND BUSINESSES TO “LOOK LOCAL FIRST” FOR PURCHASES OF GOODS AND SERVICES.

POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

The proposed development would help to diversify the economy and is a new business as encouraged by these policies.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,

Planning Commission
 File No.: USE 2016 0028
 December 6, 2016
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3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

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?

Yes. Staff finds 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?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 2.300 for the Industrial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter as well as CBJ 49.65.1245. Public notice of this project was provided in the December 2, 2016 and December 12, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right-of-way.

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

No. The applicant has proposed a surveillance and security system that meets the minimum state and local regulations. Further, much of the use aside from employee, customer, and delivery traffic is contained indoors in a secure facility where non-employees are strictly monitored. Product sold to consumers will be tested prior to sale to ensure the absence of harmful residual solvents, pesticides and microbials. Based on the above analysis, the proposed development, with conditions, will not endanger the public's health or safety.

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

No. The use is adjacent to a wastewater treatment facility and other industrial uses with similar and more intense off-site impacts such as noise and traffic. The proposed marijuana retail facility is not expected to decrease the value of or be out of harmony with property in the neighborhood.

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

Yes. The development of private businesses in Juneau is supported by the Comprehensive Plan. Further, the HI land use designation supports manufacturing uses.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a marijuana retail facility in the Industrial zone.

The approval is subject to the following condition:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

DEVELOPMENT PERMIT APPLICATION

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Project Number <u>USE 2016 0027</u>	CITY and BOROUGH of JUNEAU	Date Received: <u>10/4/16</u>
Project Name (City Staff to Assign Name)		

INFORMATION

PROJECT / APPLICANT

Project Description <u>Marijuana cultivation facility, residential</u>		
Street Address <u>101 Mill Street</u>		City/Zip <u>Juneau/99801</u>
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>ALASKA JUNEAU IV BL A LT 1</u>		
Assessor's Parcel Number(s) <u>1C110K150010</u>		
Property Owner's Name <u>G2 Properties LLC</u>	Contact Person: <u>Hayden Garrison</u>	Work Phone: <u>907-321-8122</u>
Mailing Address <u>808 5th St., Juneau, AK 99801</u>	Home Phone:	Fax Number:
E-mail Address <u>garrisonhayden@gmail.com</u>	Other Contact Phone Number(s):	
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 <u>[Signature]</u> Landowner/Lessee Signature		<u>10-3-16</u> Date
X _____ Landowner/Lessee Signature		_____ Date
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's Name <u>Green Elephant LLC</u>		Contact Person: <u>Jennifer Canfield</u>
Mailing Address <u>PO Box 21315 Juneau, AK 99802</u>		Work Phone: <u>907-209-7663</u>
E-mail Address <u>greenelephantalaska@gmail.com</u>		Home Phone:
Other Contact Phone Number(s):		Fax Number:
X <u>[Signature]</u> Applicant's Signature		<u>10/4/16</u> Date of Application

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS

☒	Building/Grading Permit		
	City/State		
	Project Review and City Land Action		
	Inquiry Case (Fee in Lieu, Letter of ZC, Use Not Listed)		
	Mining Case (Small, Large, Rural, Extraction, Exploration)		
	Sign Approval (If more than one, fill in all applicable permit #'s)		
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
XXX	Use Approval (Allowable, Conditional) Cottage Housing, Mobile Home Parks, Accessory Apartment		
	Variance Case (De Minimis and all other Variance case types)		
	Wetlands Permits		
	Zone Change Application		
	Other (Describe)		
Comments:			
***Public Notice Sign Form filled out and in the file.			
<u>USE 2016 0027</u>			
<u>DPZ</u>			

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

FORMS\2010 Applications

Attachment A - Application Packet

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Packet Page 120 of 135

Project Number	Project Name (15 characters)	Case Number <u>USE20160027</u>	Date Received <u>10-4-16</u>
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TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED cultivation

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)
☒ Use Listed in §49.25.300 (USE)
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: Marijuana Establishment
14.245

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

Standard marijuana cultivation

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES – Case # _____

CURRENT USE OF LAND OR BUILDING(S): None

PROPOSED USE OF LAND OR BUILDING(S): Marijuana cultivation / retail

UTILITIES PROPOSED: **WATER:** ☒ Public ☐ On Site **SEWER:** ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 55,606 square feet Total Area of Existing Structure(s) 9,100 square feet
 Total Area of Proposed Structure(s) ~6,100 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

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☐ Site Plan ☐ Floor Plan of proposed buildings ☐ Elevation view of existing and proposed buildings ☐ Proposed Vegetative Cover	☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)
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For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	ALLOWABLE/CONDITIONAL USE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	<u>350</u>			
	Admin. of Guarantee	\$ _____			
	Adjustment	\$ _____			
	Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>				
Total Fee	\$ <u>500</u>	<u>visa</u>	<u>8654</u>	<u>10/4/16</u>	

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Site Plan and Location Narrative

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Green Elephant LLC
Owners Richard Dudas and Jennifer Canfield
101 Mill Street
Juneau, AK 99801
ALASKA JUNEAU IV BL A LT 1
Parcel #1C110K150010
Industrial Zoning

Scope: We plan to operate a marijuana cultivation facility in the warehouse area of our building. We also plan to operate a marijuana retail store on the opposite side of the building. Depending on how the Alaska Marijuana Control Board and the City and Borough of Juneau decide to regulate marijuana clubs, we may consider applying to open one of those as well.

We intend to sell our cultivated product in our retail store only. We do not plan to do extractions at this facility.

Area: Our building is zoned Industrial and its use code is Commercial Miscellaneous. We are located between the city's wastewater treatment plant on Thane, the Alaska Shirt Company's warehouse and a row of boat condos. Our operation will not increase the level of noise in the area.

Construction: Non-load bearing walls will be constructed in the warehouse. Warehouse windows at eye level have been boarded and drywalled.

Hours of operation: The cultivation facility will be operational 24 hours a day, with most work done during regular business hours. The retail store will open no earlier than 8 a.m. and will close no later than 1 a.m., in accordance with CBJ ordinance 49.65.1250.

Sign: There is currently a two-legged sign post at the corner of Mill Street and Thane that we will utilize. It will fit a 6'x3' sign. There will also be a sign at the entrance of the retail store that will be 4'x3.5'.

Odor management: The facility will utilize carbon filters and fans before exhausting air from the garden. If necessary, we may introduce an ozone generator into the exhaust line after the carbon filters. As our facility is located adjacent to a city wastewater facility, we very much understand the importance of ensuring no detectable odor is emitted from our operation.

Waste management: Cannabis plant waste will be logged into the Metrc system and stored for 72 hours before being ground and added to a compost tea solution for use in the garden.

Used soil will be re-amended for further use in the garden. Wastewater will be used to water outdoor landscaping. Packet Page 431 of 635

Any cannabis waste that cannot be recycled into the garden (we expect little to none) will be securely transported to the local dump.

Security: Exterior security lighting will be installed to illuminate a 20 foot radius around each exterior door and window to provide sufficient lighting for surveillance cameras. Because we are located in an industrial area, ambient lighting from other buildings will allow for surveillance cameras to have sufficient lighting beyond the prescribed 20 foot radius.

The alarm system will be activated on all exterior doors and windows when the licensed premises is closed for business. Motion detection alarms will be installed throughout interior of the facility. These alarms will notify the security monitoring company, law enforcement and the owners if any intruders are detected during non-business hours. Exterior doors and windows will have contact sensors that are activated when the facility is closed for the night.

Panic buttons will also be installed at strategic locations in the building. When pressed by employees, these buttons will trigger alarms and send notifications to the security monitoring company, law enforcement officials and the owners. Security cameras will also be accessible for off-site monitoring via the internet.

In the event of a breach of security during non-business hours, a designated manager or owner will assist the local law enforcement agency and provide access to security footage requested. In the event of an incident while the facility is open, employees will attempt to evacuate any customers and themselves after activating panic switches to alert authorities. If unable to evacuate, employees will work to ensure the safety of any customers in the building. All security breaches will be logged with an incident report.

Cameras will be placed at each entrance throughout the building, inside the secured room and throughout the grow, retail and club areas. Cameras will also be placed outside the building adjacent to building lights to ensure any activity within 20 feet of the building is captured.

Video surveillance and official logs and records will be kept in a secured cabinet within the safe room. Only owners and one trusted employee will be able to access the safe room and secured cabinet. These people are the only ones authorized to escort law enforcement or an agent of the board to the secured cabinet for inspection. The cabinet will be made of metal and will have a secure lock.

No loitering signs will be posted near each entrance. Employees will be trained to recognize and disperse loiterers.

All visitors must show ID, proving that they're 21 or older. Each guest will sign in on a log noting the date, their age, time of arrival and time of departure. Each visitor will be issued a visitor identification badge upon approval by a manager or owner.

No more than five visitors will be admitted per marijuana handler certified employee. All logs will be secured within the safe room for safekeeping.

Visitors to the facility will be subject to approval by an owner or manager. No one will be allowed into the facility without owner or manager approval, a valid identification and they must be accompanied by an approved, permitted employee.

Diversion prevention: Our business will use Metrc by Franwell as required by the State of Alaska. The system will track cannabis from seed to sale with RFID tags. This system is fully accessible to state officials at any time. We will also likely utilize a backup tracking system such as MJ Freeway or Green Bits, which are cannabis compliance softwares popular in the industry and are fully integratable with Metrc.

Securable and lockable containers will be required for any employee or affiliate to transfer marijuana product from the facility. These containers must be concealed during transit. A certified marijuana handler must accompany the packages at all times. However, we currently don't have plans to sell our product to stores other than our own.

The transport of marijuana from the packaging room to the retail store will require either the sole presence of the licensee or two employees at a time. If product must be transported through an area which the public has access to then the shared area must be cordoned off until transport is complete. All products will be stored and transported securely and in accordance with state and local laws.

Security cameras will monitor all indoor work spaces and storage areas. Employees will be subject to search if suspected of theft or diversion of product. Green Elephant will have a zero tolerance policy for theft and employees guilty of such will be terminated immediately. Criminal charges may be filed.

Signs stating "Persons under 21 are not allowed on premises" will be posted at all outside access points. Employees will be trained on how to spot fake or illegitimate identification cards. Each visitor's ID will be scanned into an ID scanner to enhance security and assure legitimacy.

Employees/Traffic: To start, only the owners and two employees will work in the facility. When the facility is at capacity we expect to hire 2-3 more employees. We expect to hire 4-5 additional employees when the retail store opens .

In the summer, we may receive tourist shuttles. If warranted, we will take advantage of an option to lease additional parking space that would be easier for the shuttles to navigate.

Parking: There are 23 parking spots adjacent to the building, 3 of which are handicapped reserved. There is additional unstriped parking near the southeast corner of the building which will be utilized first by owners and employees.

According to CBJ parking requirements, we will need 6 spaces for the cultivation area (~6,072 sq. ft.), 4 spaces for the retail area (1,033 sq. ft.) and 1 space for the office area (285 sq. ft.). We have 12 excess parking spots. In the summer there are also additional parking spaces where snow is stored during the winter.

Carbon dioxide: Our facility will use carbon dioxide to enrich the plants. The emission of CO2 gas will be electronically monitored to control ppm throughout the garden to keep it within ideal and safe levels. Our CO2 use will be in compliance with all applicable regulations.

We will utilize CO2 in tanks, and may transition to a CO2 generator in the future. There will be CO2 detectors set to alarm at 5,000 ppm in each area utilizing the gas and a master control valve to shut off the gas at the source. This system will comply fully with the Fire Marshal's recommendations.

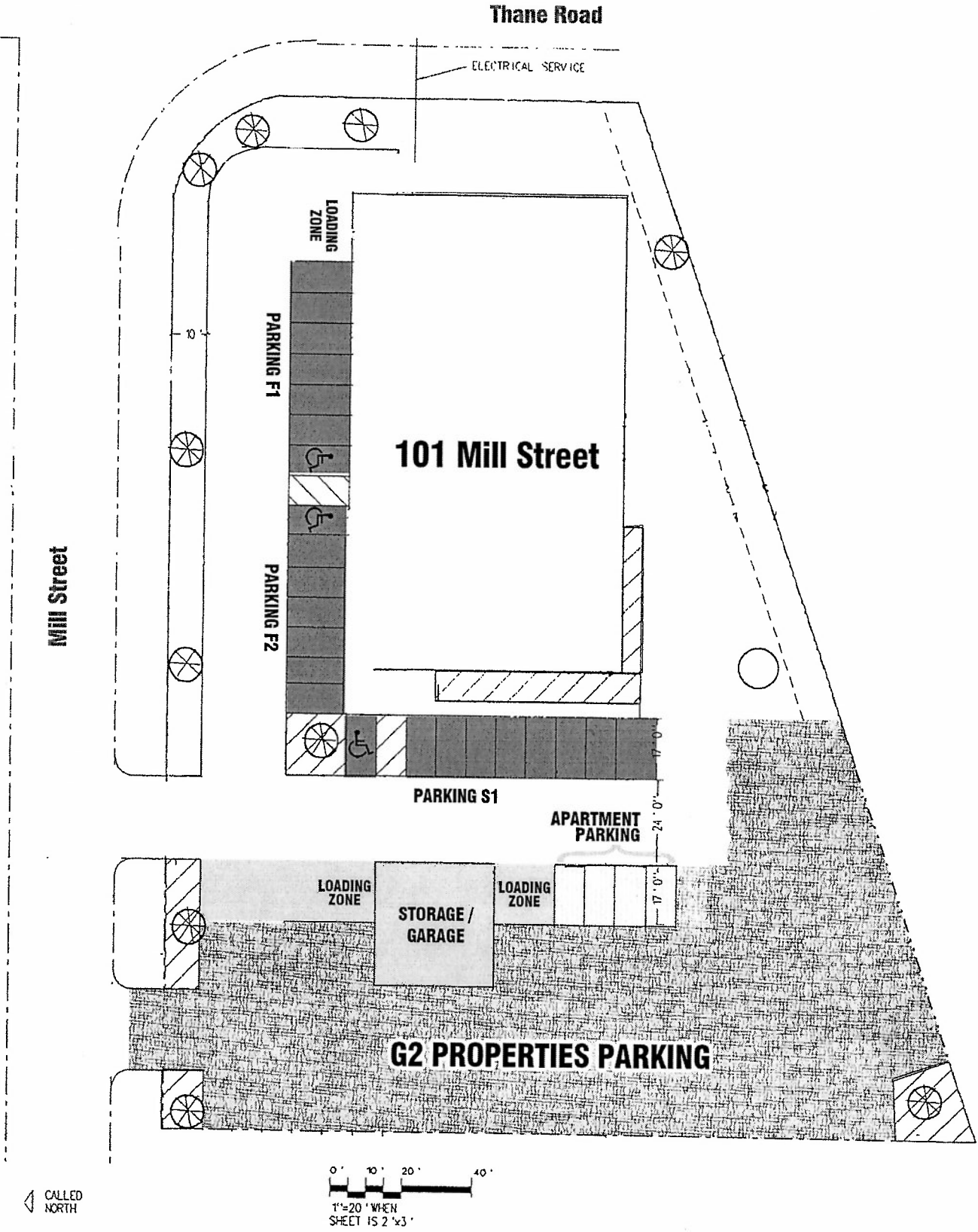
Chemicals, pesticides and fertilizers: Cleaning supplies to be used include the following: bleach, hydrogen peroxide, vinegar, alcohol, and Simple Green.

Nutrients and fertilizers include the following: nitrogen, phosphorus, potassium, calcium, sulfur, magnesium, silicon, boron, chlorine, manganese, iron, zinc, copper, molybdenum, nickel, selenium, sodium, molasses, citric acid, ascorbic acid, maltodextrin, salt, plant-based extracts, guano, composted manure, blood meal, worm castings, mycorrhizae, compost tea, compost, kelp meal.

Pest management: plant-based extracts and plant-based pesticides including neem oil, Dawn dish soap, natural extract, pyrethrin.

Etc: rooting hormone, cinnamon

Security plans are on file with the CBJ Community Development Department





101 Mill Street, Potential Consumption Lounge Side



101 Mill Street, East Side



101 Mill Street, Front Façade, Cultivation Side



101 Mill Street, Rear

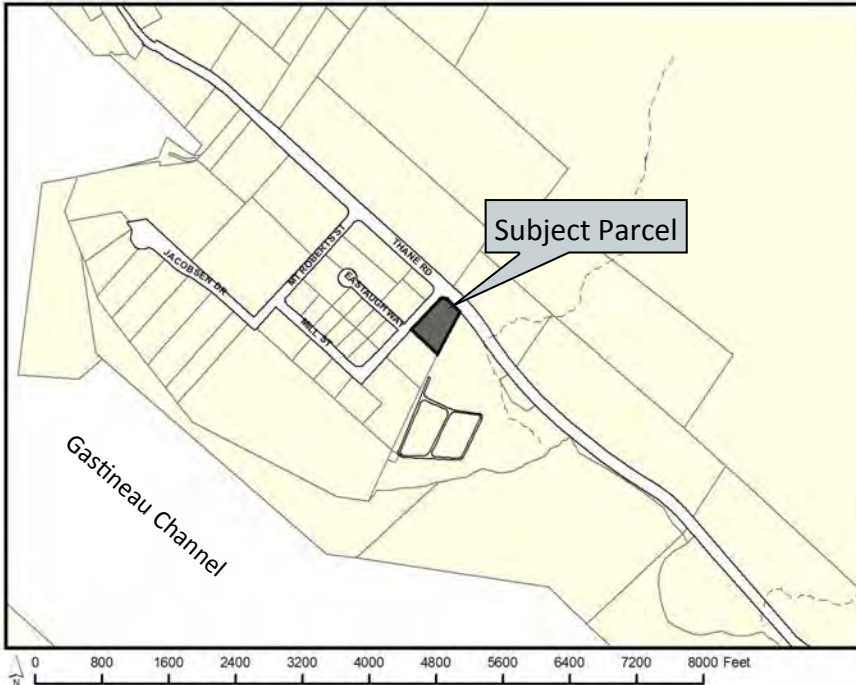


101 Mill Street, Loading Area



101 Mill Street, Retail Side

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: USE2016 0027: Conditional Use Permit for a standard marijuana cultivation establishment in the Industrial zoning district.
USE2016 0028: Conditional Use Permit for a marijuana retail establishment in the Industrial zoning district.

File Nos:	USE2016 0027 & USE2016 0028	Applicant:	Green Elephant LLC
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K15-001-0
Hearing Date:	December 13, 2016	Owner:	G2 Properties
Hearing Time:	7:00 PM	Lot Size:	55,606 sq. ft. (1.28 acres)
Place:	Assembly Chambers	Zoned:	I (Industrial)
	Municipal Building	Site Address:	101 Mill Street
	155 South Seward Street	Accessed Via:	Mill Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Chrissy Steadman at christine.steadman@juneau.org or (907) 586-0761.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

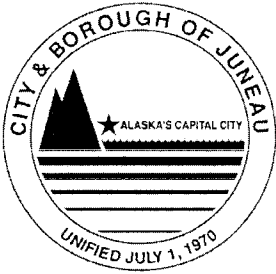
- ☐ Limited access areas are marked
- ☐ Verify visitor log is properly maintained
- ☐ Floor plan matches what was approved under the CUP
- ☐ Check out alarm system – make sure all windows and doors have an alarm
- ☐ Verify that the security surveillance system is working
- ☐ Verify security surveillance system back up system (i.e. generator, batteries)
- ☐ Verify all entry and exit points to the facility are video monitored from inside and out
- ☐ Verify that there is no product visible from the public right-of-way
- ☐ Verify doors and locks meet regulatory standards
- ☐ Verify safe is installed in a secure room
- ☐ Verify property waste disposal method is in use
- ☐ Check out fertilizers
- ☐ Verify storage of carbon dioxide (also part of Fire Dept. inspection)
- ☐ Verify carbon filters are installed
- ☐ Verify ventilation system installed and operational
- ☐ Any additional conditions imposed by CUP

- ☒ Passed inspection
- ☐ Incomplete inspection

Items not complete:

Inspected by: Chris Anderson, Planner MJL# -010

Date: 6/1/17



Application Marijuana Establishment License

Community Development • 155 S. Seward Street • Juneau, AK 99801 • (907) 586-0770

Type of License

- ☐ Marijuana Cultivation Facility License
☒ Marijuana Retail Store License

- ☐ Marijuana Product Manufacturing Facility License
☐ Marijuana Testing Facility License

Trade Name of Marijuana Establishment: Green Elephant

Authorized Representative Name: Richard Dudas Title: owner

Facility Address: 101 Mill St., Suite B

Applicant Mailing Address: PO Box 21315

Phone: 907-321-5886 Email: richd99802@gmail.com

Submittal Requirements:

- ☐ Application Fee of \$250
☒ Copy of State of Alaska Marijuana Business License
 or
☐ Organizational Documents for all entities

- ☒ Notice of Decision approving the Conditional Use permit issued by the CBJ Planning Commission
☐ Proof of ownership of the proposed licensed premises
 or
☒ Copy of the lease or deed for the property where the marijuana facility will be located
☒ List of all other uses on the property
 Submitted by Applicant

No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under article 49.65.1105 shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates State or federal law, all licenses issued under article 49.65.1105 shall be deemed immediately revoked by operation of law, with no ground for appeal or redress on behalf of the licensee. Under article 49.65.1120, no license granted or issued under any of the provisions of this title shall be in any manner assignable or transferrable. Licenses issued are effective from the date of issuance through December 31 of the same year. In order to be eligible for renewal, a licensee must submit proof of inspection by the department or the department's designees for compliance with this chapter and any applicable permit. The licensee shall schedule the inspection no later than sixty days prior to the annual expiration of the license. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee and proof of inspection. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

I acknowledge I have read and understand the above statements concerning the application and obtainment of a marijuana license with the City and Borough of Juneau. Also, I am verifying compliance with any buffer requirements imposed by 3 AAC Chapter 306 of the Alaska Administrative Code. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the City and Borough of Juneau Municipal Code and all Rules and Regulations which govern my Marijuana Establishment License Application.

Authorized Representatives Signature: _____ Date: _____

Marijuana Establishment License Number:	Intake Initials
MSL 00000010	

Attachment B - Supporting Documents



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits
- ☒ Check out alarm system – make sure all exterior windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Check out fertilizers
- ☒ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP
- ☒ **Passed inspection**
- ☐ **Incomplete inspection**

Window
break
Sensor
across
entrance

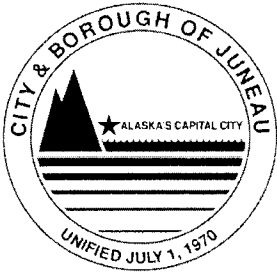
N/A

Items not complete:

Grow rooms will be constructed later on ^{Extra} CO₂ not present yet

Inspected by: Amy Liu, Planner MJL# MJL -06, -10

Date: Dec 18, 2018



Application Marijuana Establishment License

Community Development • 155 S. Seward Street • Juneau, AK 99801 • (907) 586-0770

Type of License

- ☐ Marijuana Cultivation Facility License
 ☐ Marijuana Product Manufacturing Facility License
☒ Marijuana Retail Store License
 ☐ Marijuana Testing Facility License

Trade Name of Marijuana Establishment: Green Elephant

Authorized Representative Name: Richard Dardas Title: owner-partner

Facility Address: 101 Mill St Juneau AK 99801

Applicant Mailing Address: PO Box 21315 Juneau, AK 99802

Phone: 907-321-5886 Email: richd99802@gmail.com

Submittal Requirements:

- ☒ Application Fee of \$250
☐ Copy of State of Alaska Marijuana Business License
 or
☐ Organizational Documents for all entities
☐ Notice of Decision approving the Conditional Use permit issued by the CBJ Planning Commission
☐ Proof of ownership of the proposed licensed premises
 or
☐ Copy of the lease or deed for the property where the marijuana facility will be located
☐ List of all other uses on the property

Submitted by Applicant

No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under article 49.65.1105 shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates State or federal law, all licenses issued under article 49.65.1105 shall be deemed immediately revoked by operation of law, with no ground for appeal or redress on behalf of the licensee. Under article 49.65.1120, no license granted or issued under any of the provisions of this title shall be in any manner assignable or transferrable. Licenses issued are effective from the date of issuance through December 31 of the same year. In order to be eligible for renewal, a licensee must submit proof of inspection by the department or the department's designees for compliance with this chapter and any applicable permit. The licensee shall schedule the inspection no later than sixty days prior to the annual expiration of the license. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee and proof of inspection. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

I acknowledge I have read and understand the above statements concerning the application and obtainment of a marijuana license with the City and Borough of Juneau. Also, I am verifying compliance with any buffer requirements imposed by 3 AAC Chapter 306 of the Alaska Administrative Code. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the City and Borough of Juneau Municipal Code and all Rules and Regulations which govern my Marijuana Establishment License Application.

Authorized Representatives Signature: [Signature] Date: 12-17-18

Marijuana Establishment License Number:

10844 MS-10

Intake Initials

AS

CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
 - ☐ CBJ and State Licenses (for renewal inspection only)
 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible form the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

For cultivation or processing operations only:

- ☐ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☒ Verify fertilizers used and mold/pet control

☒ **PASSED INSPECTION**

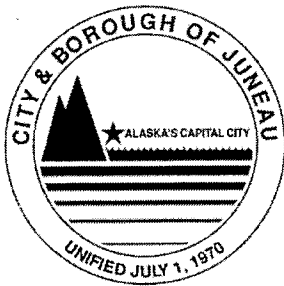
☐ **INCOMPLETE INSPECTION**

Items not complete:

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items.
- ☒ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: N. W. H. S., Planner MJL# MJL -06, 010

Date: 11/4/19

**Application****Marijuana Establishment License**

Community Development • 155 S. Seward Street • Juneau, AK 99801 • (907) 586-0770

Type of License

- ☐ Marijuana Cultivation Facility License
☒ Marijuana Retail Store License

- ☐ Marijuana Product Manufacturing Facility License
☐ Marijuana Testing Facility License

Trade Name of Marijuana Establishment: Green Elephant 10844Authorized Representative Name: Richard Dudas Title: LicenseeFacility Address: 101 Mill St.Applicant Mailing Address: PO Box 21315Phone: 907-321-5886 Email: riche@greenelephantgardens.com**Submittal Requirements:**

- ☒ Application Fee of \$250
☒ Copy of State of Alaska Marijuana Business License
or
☐ Organizational Documents for all entities

- ☐ Notice of Decision approving the Conditional Use permit issued by the CBJ Planning Commission
☐ Proof of ownership of the proposed licensed premises
or
☐ Copy of the lease or deed for the property where the marijuana facility will be located
☐ List of all other uses on the property
Submitted by Applicant

No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under article 49.65.1105 shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates State or federal law, all licenses issued under article 49.65.1105 shall be deemed immediately revoked by operation of law, with no ground for appeal or redress on behalf of the licensee. Under article 49.65.1120, no license granted or issued under any of the provisions of this title shall be in any manner assignable or transferrable. Licenses issued are effective from the date of issuance through December 31 of the same year. In order to be eligible for renewal, a licensee must submit proof of inspection by the department or the department's designees for compliance with this chapter and any applicable permit. The licensee shall schedule the inspection no later than sixty days prior to the annual expiration of the license. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee and proof of inspection. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

I acknowledge I have read and understand the above statements concerning the application and obtainment of a marijuana license with the City and Borough of Juneau. Also, I am verifying compliance with any buffer requirements imposed by 3 AAC Chapter 306 of the Alaska Administrative Code. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the City and Borough of Juneau Municipal Code and all Rules and Regulations which govern my Marijuana Establishment License Application.

Authorized Representatives Signature: M. S. D. S. Date: 11-4-19

Marijuana Establishment License Number:

M5L-10

Intake Initials



CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

For all marijuana establishments:

- ☐ Required signs are present in conspicuous place near main entrance:
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 - ☐ Health warning
 - ☐ Consumption and transportation warning
- ☐ Limited access areas are marked
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- ☐ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☐ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☐ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☐ Verify security surveillance system back up system (e.g. generator or batteries)
- ☐ Verify all entry and exit points to the facility are video monitored from inside and out
- ☐ Verify that there is no product visible from the public right-of-way
- ☐ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☐ Verify safe is installed in a secure room
- ☐ Verify an approved waste disposal method is in use
- ☐ Verify carbon filters are installed/no noticeable odor outside building vents
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For cultivation or processing operations only:

- ☐ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

For cultivation operations only:

- ☐ Verify fertilizers used and mold/pet control

☒ **PASSED INSPECTION**

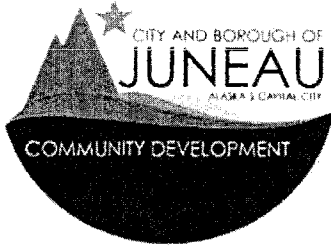
☐ **INCOMPLETE INSPECTION**

Items not complete:

- ☐ Complete inspection in 'GOVERN Inspections'
- ☐ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items.
- ☐ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: N. [Signature], Planner MJL# 10

Date: 11/12/2020



Application Marijuana Establishment License

Community Development • 155 S. Seward Street • Juneau, AK 99801 • (907) 586-0770

☐ New License

☒ Renewal of Current License

Type of License

- ☐ Marijuana Retail Store License with On-site Edible Consumption ☐ Marijuana Product Manufacturing Facility License
☒ Marijuana Retail Store License w/o On-site Edible Consumption ☐ Marijuana Testing Facility License
☐ Marijuana Cultivation Facility License

Trade Name of Marijuana Establishment: Green Elephant

Authorized Representative Name: Richard Dudas Title: Partner

Facility Address: 101 Mill St., Suite B

Applicant Mailing Address: PO Box 21315 Juneau, AK 99802

Phone: 907-290-8400 Email: rich@greenelephantgardens.com

Submittal Requirements:

☐ Application/Renewal fee of \$250

☐ Proof of ownership of the proposed licensed premises or

☐ Copy of State of Alaska Marijuana Business License

☐ Copy of the lease or deed for property where marijuana facility will be located

☒ Organizational Documents for all entities

☐ List of all other uses on the property

No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under article 49.65.1105 shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates State or federal law, all licenses issued under article 49.65.1105 shall be deemed immediately revoked by operation of law, with no ground for appeal or redress on behalf of the licensee. Under article 49.65.1120, no license granted or issued under any of the provisions of this title shall be in any manner assignable or transferrable. Licenses issued are effective from the date of issuance through December 31 of the same year. In order to be eligible for renewal, a licensee must submit proof of inspection by the department or the department's designees for compliance with this chapter and any applicable permit. The licensee shall schedule the inspection no later than sixty days prior to the annual expiration of the license. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee and proof of inspection. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

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Authorized Representative Signature: M. S. D. Date: 10-28-20

Marijuana Establishment License Number:

MJL-010

Intake Initials

AS

City and Borough of Juneau

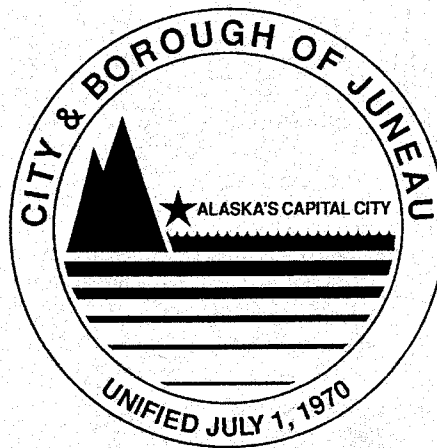
Community Development Department

Marijuana Establishment Business License

Retail

Effective Date

June 01, 2017



Expiration Date

December 31, 2017

GREEN ELEPHANT

101 MILL ST

MJL00000010

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Retail

Effective Date

January 01, 2018



Expiration Date

December 31, 2018

GREEN ELEPHANT

101 MILL ST

MJL00000010

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

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City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Retail

Effective Date

January 01, 2019



Expiration Date

December 31, 2019

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City and Borough of Juneau

Community Development Department

Marijuana Establishment Business License

Retail

Effective Date

January 01, 2020



Expiration Date

December 31, 2020

GREEN ELEPHANT

101 MILL ST

MJL00000010

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City and Borough of Juneau

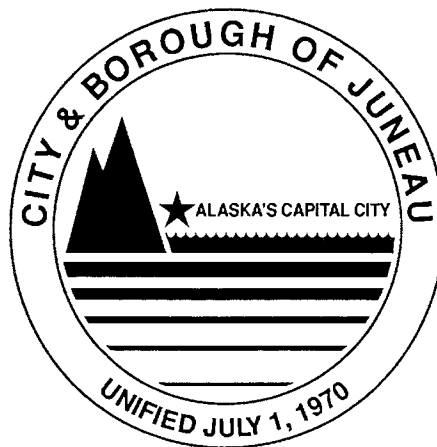
Community Development Department

Marijuana Establishment Business License

Retail

Effective Date

January 01, 2021



Expiration Date

December 31, 2021

GREEN ELEPHANT

101 MILL ST

MJL00000010

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10315**

FORM CONTROL **101**

MARIJUANA ESTABLISHMENT LICENSE

2016 - 2017

TYPE OF LICENSE: Standard Marijuana Cultivation Facility

ISSUE DATE: 02/10/2017

EXPIRATION DATE: 06/30/2017

EFFECTIVE DATE: 3-30-2017

LOCAL GOVERNMENT: City and Borough of Juneau

D/B/A: Green Elephant, LLC
101 Mill Street, Suite A
Juneau, AK 99801

Mail Address:

Green Elephant, LLC
PO Box 21315
Juneau, AK 99802

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD



DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10844**

FORM CONTROL MJ-483

MARIJUANA ESTABLISHMENT LICENSE

2018 - 2019

TYPE OF LICENSE: Retail Marijuana Store

RENEWAL APPLICATION DUE BY: 6/30/2019

ISSUE DATE: 10/04/2018

EXPIRATION DATE: 08/31/2019

EFFECTIVE DATE: 10/04/2018

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: Green Elephant, LLC
101 Mill Street, Suite B
Juneau, AK 99801

Mail Address:

Green Elephant, LLC
P.O. Box 21315
Juneau, AK 99802

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD



DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

Attachment B - Supporting Documents

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10844**

FORM CONTROL 100-0000

MARIJUANA ESTABLISHMENT LICENSE

2019 - 2020

TYPE OF LICENSE: Retail Marijuana Store

RENEWAL APPLICATION DUE BY: 6/30/2020

ISSUE DATE: 09/19/2019

EXPIRATION DATE: 08/31/2020

EFFECTIVE DATE: 09/19/2019

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: Green Elephant, LLC
101 Mill Street, Suite B
Juneau, AK 99801

Mail Address:

Green Elephant, LLC
PO Box 21315
Juneau, AK 99802

This license cannot be transferred without permission
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE
MARIJUANA CONTROL BOARD

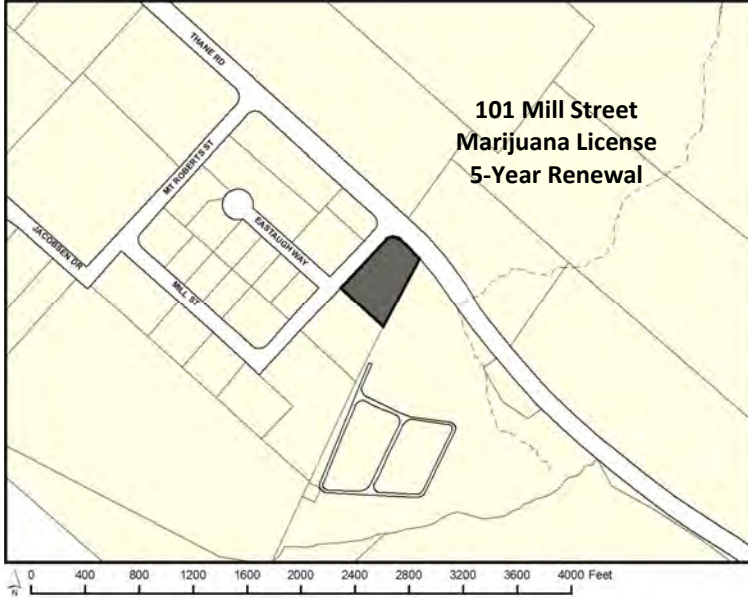
Erika McConnell

DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

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:

A Marijuana Cultivation License 5-Year Renewal and a Marijuana Retail License 5-Year Renewal are up for consideration and public hearing by the Planning Commission for **Green Elephant** at **101 Mill Street** in an **Industrial Zone**.

TIMELINE

Staff Report expected to be posted **Monday, October 18, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through Oct. 4

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

Oct. 5 — noon, Oct. 25

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

HEARING DATE & TIME: 7:00 pm, October 26, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/89613819418>. The Webinar ID is: 896 1381 9418. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

October 27

The results of the hearing will be posted online.

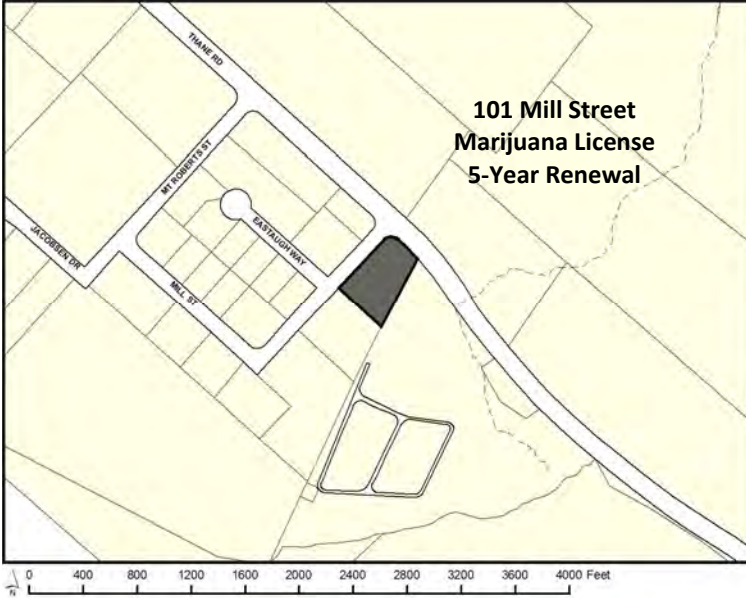
Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed September 24, 2021

Case No.: USE2016 0027; USE2016 0028
Parcel No.: 1C110K150010
CBJ Parcel Viewer: <http://epv.juneau.org>

Revised Notice

Re: Marijuana Cultivation & Retail License 5-Year Renewals
Hearing Rescheduled



155 S. Seward Street Juneau, Alaska 99801

TO:

POSTPONED

You are receiving this notice regarding applications being heard by the Planning Commission for a **Marijuana Cultivation License 5-Year Renewal** and a **Marijuana Retail License 5-Year Renewal** for **Green Elephant** at **101 Mill Street**. Originally, the hearing was set for October 26, 2021.

The hearing has been rescheduled for November 9, 2021.

TIMELINE

Staff Report expected to be posted **Monday, November 1, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through noon, November 8

Comments received during this period will be sent to Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling these cases, Joseph Meyers, will also read any written comments that are received. You may also contact him via the phone number listed below.

HEARING DATE & TIME: 7:00 pm, November 9, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/82646379779>. The Webinar ID is: 826 4637 9779. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

November 10

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed October 22, 2021

Case No.: USE2016 0027; USE2016 0028
Parcel No.: 1C110K150010
CBJ Parcel Viewer: <http://epv.juneau.org>



NOTICE For more information 586-0715
pc_comments@juneau.org

**Marijuana Cultivation & Retail
5-year Renewal**
USE2016 0028 & USE2016 0027

PROPOSAL: Five-year
Renewal of a Special Use Permit
for a marijuana cultivation and
retail facility

Hearing Date: 11/9/2021





Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: November 17, 2021
File No.: USE2021 0020/USE2016 0028

Green Elephant, LLC
Attn: Richard Dudas
101 Mill Street
Juneau, Alaska 99801

Proposal: A five-year renewal of Special Use Permit (USE2016 0028) for a marijuana retail facility

Property Address: 101 Mill Street

Legal Description: Alaska Juneau IV Block A lot 1

Parcel Code No.: 1C110K150010

Hearing Date: November 9, 2021

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 1, 2021, and approved the renewal of a five-year Special Use Permit to be conducted as described in the project description and project drawings submitted with the application.

Attachments: November 1, 2021, memorandum from Joseph Meyers, Community Development, to the CBJ Planning Commission regarding USE2021 0020/USE2016 0028.

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

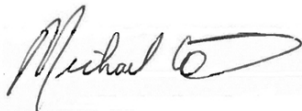
Green Elephant, LLC
 File No.: USE2021 0020/USE2016 0028
 November 17, 2021
 Page 2 of 2

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, November 9, 2021.

Expiration Date: The permit will require review five (5) years after the effective date, or November 10, 2026 per CBJ 49.65.1245(e). Application for permit extension must be submitted thirty days prior to the expiration date.

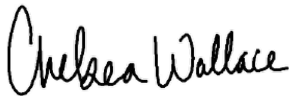
Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.



Michael Levine, Chair
 Planning Commission

November 18, 2021

Date



Filed With City Clerk

November 19, 2021

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**

USE2021 0011: A Conditional Use Permit for a cold weather emergency shelter to be located at
Resurrection Lutheran Church - APPROVED AS AMENDED

AGENDA ITEM:

Case No.: USE2021 0011

Applicant: Resurrection Lutheran Church

Location: 740 W. Tenth Street

Proposal: A Conditional Use Permit for a cold weather emergency shelter to be located at Resurrection Lutheran Church

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 cold weather emergency shelter to be located at Resurrection Lutheran Church.

The approval is subject to the following conditions:

1. Prior to opening the facility, smoke detectors must be installed in the sleeping area and in each of shelter restrooms.
2. Prior to opening the facility, an alarm must be installed on the emergency exit door in the cold weather emergency shelter sleep area.
3. If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for USE201 0011	11/3/2021	Staff Report
☐ Presentation for USE2021 0011	11/9/2021	Presentation
☐ Notice of Decision for USE2021 0011	11/19/2021	Notice of Decision



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

DATE: November 2, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Allison Eddins, Planner II *A. Eddins*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Conditional Use Permit to operate an emergency cold weather shelter at Resurrection Lutheran Church

STAFF RECOMMENDATION: Approval with conditions.

KEY CONSIDERATIONS FOR REVIEW:

- An emergency shelter is a permissible use in the Light Commercial zoning district.
- Church staff have experience managing shelters in Juneau and San Francisco.
- JPD and CBJ staff will work closely with shelter to mitigate off-site impacts.

GENERAL INFORMATION	
Property Owner	Resurrection Lutheran Church
Applicant	Resurrection Lutheran Church
Property Address	740 W 10 th Street
Legal Description	Casey Shattuck Block 226 Lots 6, 7, & 8
Parcel Number	1C060C260060
Zoning	Light Commercial (LC)
Land Use Designation	Commercial (C)
Lot Size	10,800 square feet
Water/Sewer	City water and sewer
Access	W 10 th Street
Existing Land Use	Church
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 49.15.330
 - o 49.80

The Commission shall hear and decide the case per 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 (D5)	Residential
South (LC)	Residential
East (D5)	Residential
West (LC)	Commercial

SITE FEATURES	
Anadromous	None
Flood Zone	Zone X, area of minimal risk
Hazard	None known
Hillside	None
Wetlands	None
Parking District	No
Historic District	Casey Shattuck Historic Neighborhood
Overlay Districts	Downtown Juneau ADOD

AGENCY COMMENTS

Name, Title	Comment Summary
Scott Ciambor, CBJ Housing Officer	Working with shelter managers to ensure the project runs effectively.
Charlie Ford, Chief Building Inspector	Church is structurally sound. Recommending the installation of smoke detectors.
Ed Mercer, Juneau Police Chief	Working with shelter managers to coordinate public safety efforts.
Dan Jager, Fire Marshal	Recommending the installation of smoke detectors.

PUBLIC COMMENTS

CDD conducted a public comment period between October 19, 2021 and November 1, 2021. Property owners within 500 feet of the proposed shelter site were mailed an abutters' notice with instruction on how to comment. A public notice sign was posted on site two weeks prior to the November 9, 2021 public hearing. Resurrection Lutheran Church hosted a neighborhood meeting on Wednesday, October 27, 2021. The meeting was held in the church sanctuary and was a hybrid of virtual and in person. Public comments submitted at the time of writing this staff report can be found in Attachment C.		
Name	Comment Summary	Type of Comment
Judy and Jay Crondahl, Parkshore Condo residents	No objection. Welcome the cold weather emergency shelter (CWES) into the neighborhood.	Email to pc_comments@juneau.org

Barbara Frank, Parkshore Condo resident	No objection. Applauds the church's efforts.	Email to pc_comments@juneau.org
Renee Guerin, Parkshore Condo resident	No objection. In favor of the CWES in her neighborhood.	Email to pc_comments@juneau.org
Jetta Whittaker, Flats resident	No objection. Believes Resurrection Lutheran Church will manage the CWES with compassion and efficiently.	Email to pc_comments@juneau.org
Will Ellis, Parkshore Condo resident	Anticipates increased crimes of opportunity. CWES should be located in an area with a greater police presence.	Email to pc_comments@juneau.org
Bobby Lee, Parkshore Condo resident	No objection. Encourages shelter at this location. Church has experience with people who may use the shelter.	Email to pc_comments@juneau.org
Rob Steedle, Flats resident	No objection. The church is an appropriate location for a CWES. Has not seen negative impacts of the food pantry operated at the church.	Email to pc_comments@juneau.org
Tom Sullivan, First National Bank Manager	Concerned about the close proximity to the ATM and after hours deposit box. Concern for bank customers' safety.	October 27, 2021 neighborhood meeting
Miguel Rohrbacher, Flats resident and direct neighbor	Concerned about shelter staff capacity and the likelihood that a shelter may operate at this location year-round.	October 27, 2021 neighborhood meeting
Emily Kane, Juneau resident	No objection. Supports the warming shelter.	Email to pc_comments@juneau.org
Betsy Lawer, Board Chair and CEO of First National Bank	Concerned about CBJ's lack of a comprehensive plan to address homelessness, the safety of bank customers and employees and the likelihood of vandalism.	Email to pc_comments@juneau.org

BACKGROUND INFORMATION

CBJ Land Use Code (Title 49) – A CWES is considered an "assisted living facility". This is a permissible use in the Light Commercial (LC) zoning district with an approved Conditional Use Permit.

CBJ 49.80 Definitions.

Assisted Living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services and emergency shelter. Assisted living use that occurs within a single-family dwelling is regulated as a single-family dwelling use.

ANALYSIS

Project Description – Resurrection Lutheran Church is proposing to operate a CWES at 740 W 10th Street. The shelter will primarily serve homeless adults who cannot participate at the Glory Hall or AWARE shelters. Entry to these shelters is typically denied due to intoxication. The CWES is contractually obligated to operate from 11:00 P.M. to 6:30 A.M. November 15 to April 15 on nights when the predicted temperature is 32 degrees or below. These are the minimum requirements. The contract does allow for flexibility on the hours and days of operation. Depending on need and staff availability, the shelter may open early and on days when temperatures are above freezing. Illuminated signs will be posted at the church, City Hall, the Downtown Transit Center, in the Valley, and Lemon Creek letting patrons know when the shelter is open.

The shelter will be managed by Pastor Karen Perkins and Mr. Bradley Perkins. Pastor Perkins has over 25 years of experience operating shelters in San Francisco and Juneau. Mr. Perkins recently served as the General Manager of St. Vincent de Paul and managed the Juneau CWES for the past three years.

Project Design – The church is proposing to run the shelter out of the church social hall. The space is approximately 2,000 square feet providing space for 28 sleeping areas in addition to two restrooms, and a commercial kitchen. Each sleeping area will have a single cot, space for personal belongings and a privacy partition. Sleeping areas will be spread out as a COVID precaution, and COVID testing will be available with assistance from Capital City Fire and Rescue (CCFR). The space has an emergency exit and a manual fire alarm. The CCFR Fire Marshal has requested that smoke detectors be installed in the sleeping area and in the restrooms.

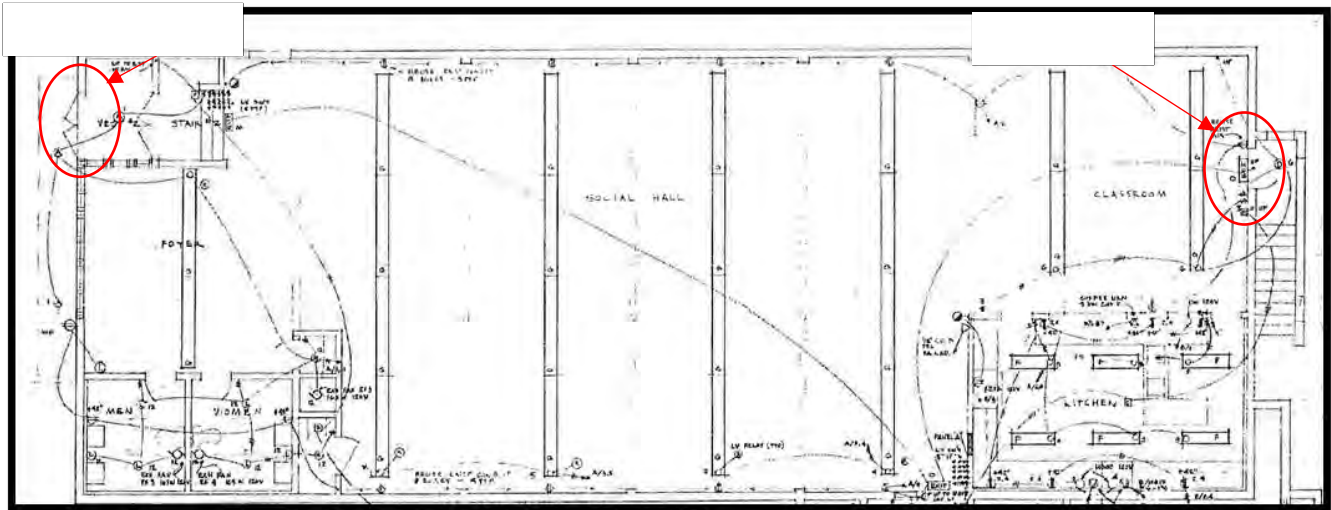


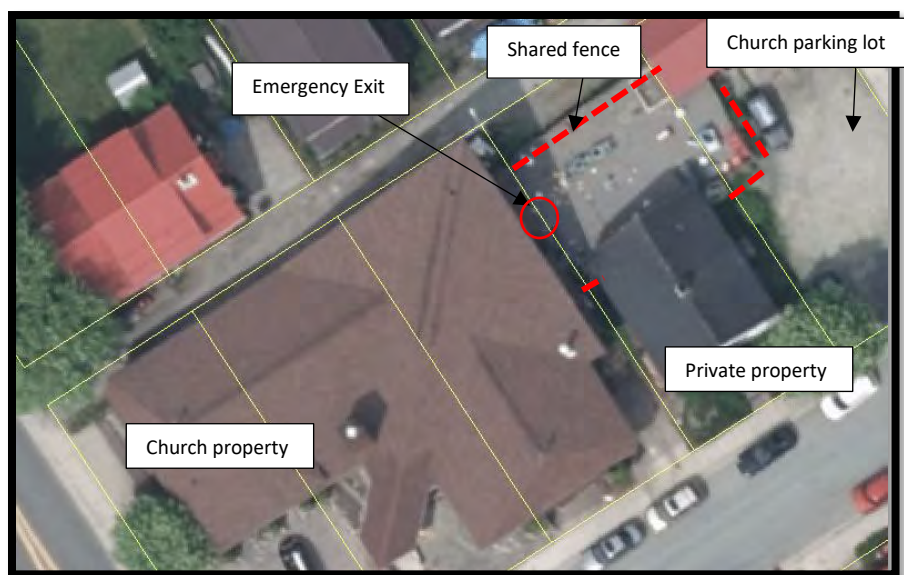
Figure 1: Floor plan of proposed shelter space

Condition #1: Prior to opening the facility, smoke detectors must be installed in the sleeping area and in each of the church restrooms used by the shelter.



Figure 3: Shelter entrance w/ public notice sign at the corner of Glacier Ave and the alley

All CWES patrons will enter and exit the facility through the Glacier Avenue entrance that is pictured above. Up until recently, the church owned the lot and single-family home next door. The lot is fenced in and was used as a playground for the church daycare. The church sold the property this summer and is currently in communications with the new owners to reconstruct and relocate the fence entirely onto the private property. The social hall does have one emergency exit and this exit leads directly into the private yard next door. The property owners are concerned that patrons will use the exit to leave and re-enter the facility throughout the night. This is a valid concern considering the emergency exit door is currently not alarmed. Church staff has spoken with CBJ staff and the concerned neighbor about installing an alarm on the emergency exit door to help ensure that it is only used in an emergency situation. This is recommended as a condition of approval.



Condition #2: Prior to opening the facility, an alarm must be installed on the emergency exit door in the CWES sleep area.

The CWES will operate as a shelter of last resort for patrons who are not permitted to sleep at the Glory Hall or AWARE. This is usually due to intoxication. The CWES will permit intoxicated patrons, but will not allow violent patrons to enter. Upon encountering a violent person, shelter staff will call JPD to deal with the individual. In the past, operators of the CWES have worked closely with CBJ staff and JPD to maximize the health and safety of the patrons and minimize impacts to neighbors. Patrons will be provided with a hot meal before bed, and breakfast in the morning.

Project Site – Resurrection Lutheran Church is located on the northeast corner of W. 10th Street and Glacier Avenue in the Flats neighborhood. The church is located a short distance from multiple bus stops and the downtown fire station. It is located near Harborview Elementary School, First National Bank, downtown businesses, and residences.



Figure 2: Aerial image and surrounding uses

CBJ staff and CWES staff will coordinate efforts to ensure the CWES patrons are safely moved to another shelter location after the CWES shelter closes in the morning. JPD will increase patrols in the area before and during shelter hours, and if needed, officers will help patrons up and out in the morning. CWES staff will provide patrons with bus tokens or cab fare in the morning. Patrons will be encouraged to head to the Glory Hall campus where they will find food and shelter amenities like showers and laundry facilities. Depending on availability, the CWES staff may be able to transport patrons to the Glory Hall in a passenger van leased from St. Vincent de Paul.

The church intends to contract with a cleaning service to sanitize the sleeping space after every use, and to clean up litter and other debris that may accumulate around the site. The church acknowledges that open and frequent communication with the neighbors will be key to the shelter's success at this location and plans to use social media as the primary communication tool.

Traffic – According to CBJ 49.40.300(a)(2), a traffic impact analysis is not required for a project that generates less than 250 average daily trips (ADT). The table below illustrates the estimated ADT based on the Institute of Transportation Engineers *Trip Generation Manual*. Based on the CWES operations of previous years, the only anticipated traffic will be from CWES staff and JPD and CCFR vehicles.

Use	Metric	Trips Generated	Total Trips
Assisted Living	per bed	2.6 trips	73
Total ADTs:			73

Condition: None recommended.

Vehicle Parking & Circulation – The church provides 18 parking spaces and one ADA space. The church does not have a parking requirement since it was constructed in the 1950s, and pre-dates minimum parking requirements. However, the Americans with Disabilities Act does require the church to meet the ADA parking requirement of one space. According to CBJ 49.40, 11 off-street parking spaces are required for the assisted living facility including one ADA space. CBJ 49.40 allows for joint use parking when daytime and nocturnal uses occupy the same or adjacent buildings. This allows the church and the CWES to share the one ADA space. No additional parking is required.

Use	Metric	Spaces Required	Total Spaces
Assisted Living	per bed	0.4 spaces per bed	11
Total Parking Requirement:			11
Off-Street Loading Spaces Required:			0
ADA Accessible Spaces Required:			1

Condition: None recommended.

Proximity to Transit and Non-motorized Transportation – The majority of CWES patrons depend on transit and walking to get around. The church is located within walking distance of numerous bus stops and is on the transit line that serves the Glory Hall neighborhood. The area around the church has well developed pedestrian infrastructure with 5-foot wide sidewalks along both sides of the surrounding right-of-ways.

Condition: None recommended.

Noise – The church is located along a major commercial corridor that abuts a residential neighborhood. Patrons will not be allowed to be disruptive inside or outside of the church. Any noise disruptions will be addressed swiftly, first by CWES or church staff, and if necessary, by JPD.

Condition: None recommended.

Lighting – The church has lights installed along the exterior perimeter of the site. The right-of-ways around the church, including the alley, have streetlights. All exterior lights are required to be full cut-off so as not to produce glare onto surrounding properties. Based on need, new lights may be added.

Condition #3: If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department.

Public Health, Safety, and Welfare – The following paragraphs were taken from the staff report written by Planner Gallion for the Conditional Use Permit for the new Glory Hall facility (USE2020 0008):

It is difficult to procure reliable statistics on crime in the area of Emergency Housing Shelters. Whatever your position, you can find the statistics to bear it out. The Juneau Police Department does not keep statistics on crimes involving people experiencing homelessness. This mindful decision on their part mitigates classism in law enforcement. A victim is a victim, and a perpetrator is a perpetrator, regardless of their socioeconomic conditions.

A survey of literature indicates agreement that the crimes associated with homelessness tend to be nuisance crimes, among them panhandling, loitering, trespass, shoplifting, and public intoxication. Some such crimes can be mitigated through Emergency Housing Shelter accommodations. For instance, day shelter operations can reduce loitering complaints. Note that while an Emergency Housing Shelter might establish “good neighbor” rules aiming to reduce impacts on neighbors, such rules can run afoul of the Fair Housing Act (Title VIII of the Civil Rights Act). Good neighbor rules cannot set terms, conditions or privileges for the provision of housing that would not apply to a citizen at large. For instance, you cannot deny housing to an individual if they go to an establishment (say, a neighboring bar) that the rest of the population can go to without jeopardizing their housing. Another example might regard loitering. If the population at large may stand in front of a downtown business, a shelter patron cannot be denied housing for doing just that.

Another challenge for neighbors is untreated mental illness. An individual cannot be forced into treatment unless a danger to themselves or others, or unable to function independently. While a social worker can convince someone to go in for a mental health evaluation, and JPD can compel someone to go in, neither can force a mental health hold. A mental health professional must make that determination, and have approval of a judge [AS 47.30.700]. The length of an involuntary hold is narrowly tailored in favor of the individual’s civil liberties. A 1975 Supreme Court ruling (O’Connor v. Donaldson) had established standards for involuntary committal. There was another landmark case in 1987 helped establish the stringent standards for involuntary committal that we have today.

The public has expressed concerns about the CWES in the neighborhood. CWES managers and CBJ staff are aware of these concerns. Chief Mercer and Deputy Chief Campbell with JPD have spoken with the CWES managers and are confident that the CWES can be effectively managed. Open and frequent communication with the public will be key to the CWES's success in this location. Social media will be the primary method of communication.

As mentioned previously, the church will install cameras along the perimeter of the building and these cameras

will be monitored in real time by CWES staff during operating hours. The church will also contract with a cleaning service to clean up any litter or debris that is left outside.

The structure has been inspected by the CBJ Building Official and Fire Marshal. The structure has been found to be safe for human occupation. The Fire Marshal is requesting that smoke detectors be installed in the sleeping area and restrooms. Staff is recommending that as Condition #1.

Staff anticipates the general welfare and safety of the CWES patrons to increase once the CWES is operational.

Condition: None recommended.

Property Value or Neighborhood Harmony – CBJ and the CWES managers are committed to working with and communicating frequently with the neighborhood businesses and residents. Some have expressed concern that property crime, theft, and robbery may increase with the CWES opening. JPD has been and will continue to be in communication with the CWES managers to address any criminal or neighborhood disturbance issues. Staff does anticipate calls from the neighborhood to JPD to increase once the CWES is open. Staff anticipates increase police patrols in the neighborhood.

CBJ's Assessor's Office does not consider proximity to Emergency Housing Shelters in property assessments. Locating the shelter in the area cannot be assumed to have negative impacts on property values.

Condition: None recommended.

CONFORMITY WITH ADOPTED PLANS

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	4	36	Policy 4.1	To facilitate the provision and maintenance of safe, sanitary, and affordable housing for CBJ Residents.
	4	36	4.1 – SOP 1	Fund, or assist in securing funding for, emergency shelters, transitional housing, permanent supportive housing, and appropriate supportive services for people who are homeless or near homeless or rent overburdened, particularly families and unaccompanied youth, and an increasing aging population.
	4	37	4.1 – IA7	Facilitate the provision of special needs and adaptive housing and supportive services in residential neighborhoods that are readily accessible to public transit, shopping, public amenities, and supportive services.
	13	213	Policy 13.3	To promote quality medical and social services in the CBJ to ensure the safety, health, well-being, and self-sufficiency of its residents.

PLAN	Chapter	Page No.	Item	Summary
	13	213	13.3 SOP1	Provide public funds for programs for the indigent and for high-risk groups such as youth, the elderly, disabled persons, and homeless persons and families.
	13	213	13.3 – IA3	Provide transportation assistance to homeless clients, including high school students, to support transport for job search efforts, to shelter, and for medical and social service care.

Note that Juneau's Housing Action Plan (2016) focus was "workforce housing" rather than homelessness.

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 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 Cold Weather Emergency Shelter (CBJ 49.80 *Assisted living*). The use is listed at CBJ 49.25.300, Section 7.200 for the Light Commercial 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 project does comply with the other requirements of Title 49 and the CBJ Building and Fire Code.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, the CBJ Building Code and the CBJ Fire Code.

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

Analysis: This finding hinges on the idea of "materially endanger." "Materially" means "significant or substantial." "Endanger" means "to bring into danger or peril."

Staff does anticipate the number of police interactions in the neighborhood to increase. The number of police patrols in the neighborhood is expected to increase. It is anticipated that the safety and welfare of the CWES users will increase.

Finding: No. With appropriate conditions, the requested permit for a CWES in a Light Commercial zoning district will not 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: CBJ Assessor does not consider proximity to an emergency housing shelter when assessing property.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested permit for a CWES in a Light Commercial zoning district will substantially decrease the value of 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: No further analysis needed.

Finding: Yes. The proposed cold weather emergency shelter, with the recommended conditions, will be in general conformity with the 2013 CBJ Comprehensive 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 cold weather emergency shelter to be located at Resurrection Lutheran Church.

The approval is subject to the following conditions:

1. Prior to opening the facility, smoke detectors must be installed in the sleeping area and in each of shelter restrooms.
2. Prior to opening the facility, an alarm must be installed on the emergency exit door in the cold weather emergency shelter sleep area.
3. If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Agency Comment
Attachment C	Public Comments
Attachment D	Abutters Notice



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 740 W 10th Street, Juneau, AK, 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Casey Shattuck BL 224 Lots 6, 7 & 8		
	Parcel Number(s) 1CD60C260060		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Resurrection Lutheran Church	Contact Person Bradley Perkins	Phone Number(s) 808-782-5795
	Mailing Address 740 W 10th Street, Juneau, AK, 99801		
	E-mail Address producer@juneaulive.org		
	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		October 15, 2021 Date	
X _____ Landowner/Lessee Signature		_____ Date	
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			
X Applicant's Signature		October 15, 2021 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.

Case Number
USE 21-11

Intake Initials

ANE

Date Received

10/15/21



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

Cold Weather Emergency Shelter

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: 7.2 - Assisted Living (Emergency Shelter)

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 10,800 square feet Total Area of Existing Structure(s) 5,034 square feet

Total Area of Proposed Structure(s) _____ 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			
Admin. of Guarantee			
Adjustment			
Pub. Not. Sign Fee			
Pub. Not. Sign Deposit			
Total Fee			

Application Fees: \$ 500.00
 Admin. of Guarantee: \$ _____
 Adjustment: \$ _____
 Pub. Not. Sign Fee: \$ 50.00
 Pub. Not. Sign Deposit: \$ 100.00
 Total Fee: \$ 650.00

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	Date Received
<u>use 21-11</u>	<u>10/15/21</u>

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

Allowable / Conditional Use Permit Application Narrative

Project

Resurrection Lutheran Church (RLC) proposes allocating space within its facility located at 740 W 10th Street to operate the Cold Weather Emergency Shelter (CWES) for the City and Borough of Juneau (CBJ), assuming the contract abrogated by St. Vincent de Paul (SVdP).

Narrative

RLC has been in Juneau since 1926. It has a long and proud history of serving those in need in Juneau and Southeast Alaska, including multiple generations. It is a member of Love INC, Southeast Alaska Food Bank, the Juneau Suicide Prevention Coalition, Family Promise and regularly participates in the Juneau Coalition on Housing and Homelessness and Collaborated Efforts meetings. The Resurrection Quilters donate their handcrafted quilts to those in need locally in Juneau and worldwide. While many churches closed during the COVID-19 pandemic, RLC actually stepped up its operations. The church was one of several churches to open a Safe Space for Schooling (RLC SSS) program to support students attending Zoom classes and was recognized by Juneau School District and its superintendent. NAMI Juneau and the Suicide Prevention Coalition recognized our RLC SSS Program Supervisor, Clarice Bethers, for exceptional work helping children in the community. In order to accommodate the RLC SSS program, the Downstairs Hall (where RLC proposes to operate the CWES) was renovated. RLC also expanded its weekly food pantry to allow patrons to continue to choose their own foods and receive other donated items.

Current Use of the Facility

In addition to weekly worship services, RLC operates the largest food pantry in Juneau feeding 150 to 200 individuals and families each week, where it operates a secondhand clothing outlet with donations from St. Vincent de Paul, congregation members, and the community. In addition to addiction and self-help groups, RLC hosts many of Juneau's performing arts organizations who rehearse and perform at RLC, including the Juneau String Ensembles. RLC's Juneau Live!™ community access outreach program (focusing on isolated and marginalized people in Juneau) is entering its second season with ten bi-weekly television shows on its YouTube channel, JuneauLive, and a weekly radio show on KINY. Its programs include Juneau Eats! (how to get and prepare free food), Into the Arts (sponsored by the JAHF), shows on real estate, yoga, pets, and three shows featuring local music – all originating from the Juneau Live! Studio at RLC. Juneau Live! has also hosted the Scouts Pinewood Derby, Polaris House, Alaska Folk Festival, Theater Alaska, and Juneau Jazz and Classics. RLC is currently sponsoring two scouting troops and the Shooting Stars Scholars home-tutoring program for students and families with immunocompromised individuals.

Proposed Project

In 2019, SVdP was awarded a contract to operate the CWES for the CBJ. Since its prior location, the Public Safety Building was no longer available (was scheduled to be demolished), SVdP proposed to operate the CWES in its Community Center on Teal Street. During the first year of operation, the COVID-19 pandemic (and need for social distancing of patrons) forced the

2,000 sq. ft. space — w/ COVID distancing — total of 28 cots

relocation of the CWES to the JACC, where it remained until earlier in 2021, when the JACC reopened. SVdP recently determined that it wouldn't operate the CWES for the 2021-2022 winter season, and has abrogated its contract with the CBJ.

While RLC is has no long-term plans or interest to be in the shelter business, RLC realized that it has:

- Extensive experience with the patrons likely to use the CWES due its existing outreach programs – RLC Food Pantry and clothing distribution, Collaborated Efforts participation and pastoral street ministry.
- Appropriate and available Downstairs Hall facility which is 25% larger than the SVdP Community Center (can accommodate about 28 socially-distanced patrons / 45 otherwise) with same amenities (including commercial kitchen, separate restrooms, etc.) and is located downtown.
- Expertise with Pastor Karen Perkins being the trainer and fill-in staff for the CWES and Brad Perkins being General Manager for SVdP and the CWES (and author of the CWES contract) for 2017-19. Additionally, Pastor Karen has 25 years of working with the homeless and those in need (including as a San Francisco Night Minister), and Brad has 20 years.

Believing there are limited viable alternatives to the CBJ to host the CWES for the upcoming winter and being aware of capacity issues at the new Glory Hall in the Valley, the RLC council felt it was its Christian obligation within its mission statement "...to promote spiritual growth in Christ and service to all people" to offer to operate the CWES.

CWES Operation

RLC will operate the CWES, as per the contract minimums with the CBJ:

- November 15 to April 15
- Days when the predicted temperature (as determined on the prior day at 6 pm) to be 32° or below
- From 11 pm to 6:30 am
- Two staff on duty with training in shelter operations, record-keeping/AKHMIS, homelessness, de-escalation, RLC guest services, first-aid/CPR, hazmat and AK food worker card.

Impact on Parking

RLC has three parking places and one ADA parking place at the church building, and a separate lot at the corner of 10th and D Streets (approximately 15 parking places). Any occasional visits by Juneau Police Department (JPD) and Capital City Fire and Rescue (CCFR) vehicles can be accommodated at the existing church lot. As patrons rarely have vehicles, RLC believes existing parking will be sufficient for CWES staff and other operations, and there will be no adverse impact on street parking.

Impact on Traffic

As discussed in the parking section, the only additional traffic is likely to be occasional visits by JPD or CCFR vehicles during the CWES operation hours of 11 pm to 6:30 am, which should not have a negative impact on the traffic in the area. The Capital Transit bus stop is directly outside the church building, so patrons will have easy access to public transportation.

Impact on Neighbors

Mitigating the impact of the operation of CWES on RLC's neighbors and Harborview Elementary School is a high priority and focus of the church. RLC plans the following:

- Public meeting (hybrid meeting on Zoom / at church w/tour) during week of October 24th to hear concerns, suggestions for impact mitigation and to answer questions.
- Visible and public effort (with assistance of JPD, if necessary) to move CWES patrons away from RLC and neighborhood/school area) upon CWES closing each morning (including offering bus tokens when necessary).
- Make sure patrons are not loitering around RLC, either waiting for the CWES to open and when it is not operating. RLC will make use of the web, social media and electronic signs to notify patrons when the CWES is operating.
- Working with other Juneau shelters (i.e., The Glory Hall, AWARE, Housing First) to make sure the CWES is only sheltering patrons for whom it is a last resort. AWARE has offered to help transport residents who show up at the CWES to their own shelters.
- Regularly patrol and cleanup the area around RLC.
- The neighborhood will be able to contact the CWES via its website <http://warmingshelter.org> with LiveChat, direct email manager@warmingshelter.org, regular programming on Juneau Live! and phone number 907-586-2380 with concerns, comments or questions.

RLC hopes these measures, in addition to others suggested by the neighborhood, school and community will mitigate the impact of the CWES.

Impact on Harborview Elementary School

As the church was one of several churches to open a Safe Space for Schooling (RLC SSS) program to support students attending Harborview Elementary School, RLC developed a close working relationship with the school. In addition to the steps listed above for the neighborhood, RLC plans to have regular communication with Harborview Elementary School to mitigate the impact of the CWES.

Noise

RLC expects to work with JPD and CCFR to limit use sirens to or from the CWES on their occasional visits. Additionally, the CWES itself will be in a concrete walled section of the building, where the patrons will generally be sleeping. Finally, the staff will work to move patrons quickly in and out of the CWES to minimize their time outside the shelter and will request JPD assistance when necessary.

(Including Water, Sewer, Driveway, Grading, Mechanical, Plumbing, Electrical, and Building Safety Inspections)

(APPLICANT PLEASE FILL IN TOP PORTION OF PAGE AFTER FIRST LINE)

CONTRACTOR/OWNER-BUILDER Resurrection Lutheran Church Mailing Address 740 W 10th Street, Juneau, AK, 99801		☒ Contact by E-Mail <u>producer@juneaulife.org</u>	Contact Person Bradley Perkins Phone No. 808-782-5795
ARCHITECT / ENGINEER Mailing Address _____		☐ Contact by E-Mail _____	Contact Person _____ Phone No. _____ License Number _____
PERMIT CLASS ☐ NEW ☒ ADDITION ☐ REPAIR/REMOD		☐ ELECTRICAL ☐ PLUMBING ☐ MECHANICAL ☐ WOODSTOVE ☐ WATER ☐ SEWER ☐ DEMOLITION ☐ GRADING ☐ DRIVEWAY ☐ BUILDING SAFETY ☒ OTHER <u>Change of Use</u>	
BUILDING TYPE ☐ Residential ☒ Commercial ☐ Other _____			
EXISTING DWELLING UNITS ON PROPERTY <u>32</u>		NEW DWELLING UNITS THIS PROJECT <u>1</u>	
TOTAL EXISTING BUILDINGS ON PROPERTY <u>1</u>			
DESCRIPTION OF WORK: CBJ Community Planning and Development asked owner (RLC) to file this change of use permit application for the downstairs Fellowship Hall. The space has been used for the Catholic Community Service Day Care, RLC Food Pantry and was rennovated last year for the SSS program. It has been included in a CBJ BID # 20-090 for the cold weather emergency shelter (attached).		VALUE: _____ TYPE (ie: house, garage, deck, unfinished) New: _____ Sq. Ft. New: _____ Sq. Ft. New: _____ Sq. Ft. New: _____ Sq. Ft. Cost of Remodeling: \$ _____ (If any)	
I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.			
Signature of Owner, Contractor or Authorized Agent:		Date:	
<u>X</u>		<u>X</u>	

(OFFICE USE ONLY BELOW THIS LINE)

<u>BUILDINGS</u> Occupancy Class _____ FCC Code _____		Type of Construction _____ Permit Classification _____	
Occupancy _____	Square Feet _____	@ Rate _____	= Valuation _____
Bedrooms _____	Stories _____		
<u>LAND USE.</u>	<u>ENGINEERING/PUBLIC WORKS</u>		
PARKING _____	CITY WATER Units: _____		
FLOOD ELEV. _____	Case No: _____		
FIRM ZONE _____	Service - Size _____		
FIRM MAP _____	Fire Line - Size _____		
	Metered _____		
	Extended Pay # _____		
LAND USE PERMITS:	CITY SEWER Units: _____		
Case Number _____	Case No: _____		
Case Number _____	BOND Case No: _____		
Case Number _____	OTHER Case No: _____		
Case Number _____	ADEC On-site Water No _____ Date _____		
Case Number _____	ADEC On-site Sewer No _____ Date _____		
<u>Water Connection Permits</u>			
I hereby acknowledge receipt of a _____ inch meter yoke.			
X _____	Date: _____		
<u>PLAN REVIEW APPROVALS</u>			
		Initials	Date
___ Fire _____			
___ Zoning _____			
___ Engineering _____			
___ Water _____			
___ Sewer _____			
___ Architectural _____			
___ Structural _____			
___ Plumbing _____			
___ Mechanical _____			
___ Electrical _____			
___ Access _____			
___ Special Inspection Form _____			
<u>APPROVED FOR ISSUANCE</u>			
Signature _____			
Date _____			
<u>BUILDING PERMIT FEES</u>			
<u>PLAN REVIEW FEES</u>			
___ Building Plan Review		\$ _____	
___ Grading Plan Review		\$ _____	
Total Review Fees		\$ _____	
<u>PLAN REVIEW PAYMENT</u>			
___ Date _____		Recelpt No. _____ CK _____	
<u>PERMIT ISSUANCE FEES</u>			
___ Adjusted Plan Review Fee		\$ _____	
___ Fast Track Fee		\$ _____	
___ Early Start Fee		\$ _____	
___ Building Permit Fee		\$ _____	
___ Water Assessment Fee		\$ _____	
___ Water Inspection Fee		\$ _____	
___ Sewer Assessment Fee		\$ _____	
___ Sewer Inspection Fee		\$ _____	
___ Grading Permit Fee		\$ _____	
___ Driveway Permit Fee		\$ _____	
___ Bond for _____		\$ _____	
___ Other _____		\$ _____	
Total Issuance Fees		\$ _____	
<u>PERMIT ISSUANCE PAYMENTS</u>			
___ Date _____ Rcpt _____		Ck _____ \$ _____	
___ Date _____ Rcpt _____		Ck _____ \$ _____	
___ Date _____ Rcpt _____		Ck _____ \$ _____	
___ Date _____ Rcpt _____		Ck _____ \$ _____	

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Continued on Reverse Side

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TYPES OF INSPECTIONS

BU (Commercial Buildings)

DM (Demolition)	
E100	Sewer Capped
E110	Debris Filled
E120	Excavation Filled
E500	Demolition Final

MS (Install Mobile Home)

I100 Selbacks
I110 Foundation
I120 Electrical Hookup
I130 Plumbing Hookup
I140 Porches & Stairs
I150 Skirting
I500 Mobile Home Final

SF (Single Family - 4 Units)

- D101 (Res. Building Safety Inspection)
- D100 Setbacks
- D110 Excavation/Forms
- D115 Stem Walls/Footing/Rebar
- D120 Temporary Power
- D140 Rough Framing
- D150 Rough Electrical
- D160 Rough Plumbing
- D170 Underlaid Utilities
- D180 Vents (Bath, Dryer, etc.)
- D190 Firewall Separation
- D210 Yellow Tag Electrical
- D220 Woodstove/Chimney
- D230 Smoke Detection
- D240 Insulation
- D250 Cross Connection Control
- D255 Meter Yoke
- D257 Oil & Gas Piping/Tanks
- D260 Grading/Drainage
- D263 ADEQ On-Site Water Final
- D266 ADEQ On-Site Sewer Final
- D270 Repair/Rehab Exemption
- D280 Res Zoning Final
- D800 Residential Final

WS (Wood Stove)

K100	Approved Model
K110	Stove Clearances
K120	Stack Clearances
K130	Hearth
K200	Woodstove Final

FS (Fire Sprinkler)

FA (Fire Alarm)

- L100 Pressure Test
- L110 Underground Flush
- L120 Proper Bracing
- L130 Return Bends
- L140 Head Placement
- L150 FDC Location
- L160 Alarm Panel/Transfer
- L170 Alarm Zones
- L180 Battery/Backup
- L190 Phone Connection
- L200 Reset Procedures
- L210 System Test
- L220 Detectors Spare
- L500 Fire Final

PB (Plumbing)

J100 Underground Plumbing
J110 Water Piping
J120 DWV Piping
J130 Hydronic System
J140 Water Heater
J150 Water Softener
J160 Water Service
J170 Gas Piping
J180 Cross Connection Control
J500 Plumbing Final

MC (Mechanical)

H110	Plenums & Ducts
H120	Furnace
H130	Inlets & Outlets
H140	Combustion Air
H150	Compressor
H160	Appliance Clearance
H170	Smoke Detection Systems
H190	Commercial Hood
H500	Mechanical Final

EC (Electrical)

- F100 Temporary Power
- F110 Building Service
- F120 Conduit & Raceway Systems
- F140 General Wiring
- F150 Cable Systems
- F160 Bonding
- F170 Grounding
- F180 Devices & Equipment
- F190 Smoke Detection
- F500 Electrical Final

DW (Driveway)

N160 Location
N200 Grade
N210 Width
N330 Headwalls
N350 Culvert
N400 Curb Cut
N410 Curb Box/Thaw Wire
N420 Bond Return Request
N800 Driveway Final

WC (Water Connection)

WE (Water Extended)
WI (Water Inspection)
FC (Fire Connection)
D100 Water Meter/Yoke
D105 Water Meter Required
D110 Size of Water Service
D200 Depth (Water) Depth
D130 Cross Connection Contr
D140 Pressure Test
D150 Thaw Waiver
D500 Turn Water OFF
D100 Seasonal Water Turn O
D550 Hold
D600 Turn Water ON
D610 Seasonal Water Turn O
Z080 Billing Authorization - W
D800 Water Final

SC (Sewer Connection)

SI (Sewer Inspection)
C100 Depth
C110 Soil
C120 Material
C125 Grade
C130 Cleanouts
C140 Sewer Connection
C150 Sewer Disconnect
2070 Billing Authorization - See
C500 Sewer Final

GR (Grading)

G100	Retaining Walls, etc
G120	Drainage
G130	Slopes
G140	Compaction
G150	Material
G200	Grading Final

ADDITIONAL CONDITIONS AND HOLDS (STAFF)

From: [Charlie Ford](#)
To: [Allison Eddins](#)
Subject: FW: Resurrection Lutheran Church as warming shelter
Date: Monday, October 25, 2021 10:23:04 AM
Attachments: [image002.png](#)
[image001.png](#)

Here are Dan's comments.

Charlie Ford | Building Official

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

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

Office: 907.586.0767



From: Dan Jager <Dan.Jager@juneau.org>
Sent: Thursday, October 14, 2021 2:09 PM
To: Scott Ciambor <Scott.Ciambor@juneau.org>; producer@rlclive.org; Charlie Ford <Charlie.Ford@juneau.org>
Cc: Rich Etheridge <Rich.Etheridge@juneau.org>
Subject: Resurrection Lutheran Church as warming shelter

Good afternoon. Charlie and I have discussed this location as meeting code for a warming shelter use. It would be classified as an R-1 occupancy group due to being a transient population. As such, the fire code only requires a manual fire alarm system, which is what exists already. There is no requirement for a sprinkler system as I had originally thought. I have looked at the fire code and Title 19 Local Ordinances and State Fire Marshal amendments.

I would still want to see some sort of smoke alarm device(s) installed if this space is to be used simply because there is nothing there now, this is an at risk population and there is no indication as to how attentive staff will be (this is true for even hotel/motels, and other similar spaces). There does need to be a sense of caution on the human factor when it comes to life safety.

If you have any other questions on this, I suggest replying to Charlie and myself as we are both working on this from different codes and perspectives, so we can be sure to capture any possible issues early on.

I appreciate the opportunity to tour the facility yesterday and thank you for your patience as we researched the code requirements.

Daniel M. Jager EFO, CFO
 Fire Marshal



-
Capital City Fire Rescue

*820 Glacier Avenue
Juneau, Alaska 99801
907-586-5322 Ext. 4323 (Office)
907-586-8323 (Fax)*

*"If it is predictable, then it is preventable.
If it is preventable then it is not an accident".*

From: [Scott Ciambor](#)
To: [Allison Eddins](#)
Subject: RE: A couple questions
Date: Friday, October 22, 2021 1:37:11 PM
Attachments: [image004.png](#)
[image003.png](#)

Hi Allison –

Here are some answers; still tracking down the PIT 2021 #'s. They are around. Thanks scott

I'm working on the staff report and I have a few questions.

- How long has CBJ partnered with a non-profit for a cold weather shelter?
 - o Cold weather shelter started after recommendation [from the 2017 Assembly Taskforce on Homelessness](#)
 - First two years were operated out of the public safety building by Glory Hall/AWARE/St. Vincent de Paul
 - In 2019, St. Vincent received the contract through 2023 and operated the first winter out of their community room on Teal Street
 - Covid-19 hit in March that first winter. For health and safety purposes operations moved to the Juneau Arts and Culture Center. Capacity jumped from 28-30 beds to 70 beds. St. Vincent extended their seasonal contract to full years operation from March 2020-August 1, 2021 at the JACC. Coinciding with the opening of the new Glory Hall, the JACC was returned to the JACC and reverted back to original terms of contract; Nov-April.
 - Early October, St. Vincent DePaul notified the CBJ that they would not be able to operate this year.
- ~~— How long has Juneau had cold weather shelters?~~
- ~~— They have been located at the Public Safety Bldg. and the JACC. Anywhere else?~~
- The current contract has two more years? Expires April 2023? Until I read closely last week, I thought the contract ended this winter but actually it does have two renewal years. If passing through planning commission, a modification to transfer these terms to Resurrection will take place. An evaluation of program to take place throughout winter/spring to look ahead to the future.
- Will the contract automatically renew? Yes, if terms accepted when the contract transferred.

Thank you!

Scott Ciambor | /SKAHT CHAM-bor/
 Chief Housing Officer | ph: 907-586-5240 ext. 4171(NEW)
 155 S. Seward Street | Juneau, Alaska 99801
Scott.Ciambor@Juneau.org



From: Allison Eddins <Allison.Eddins@juneau.org>
Sent: Thursday, October 21, 2021 2:09 PM
To: Scott Ciambor <Scott.Ciambor@juneau.org>
Subject: A couple questions

Hi Scott,

I'm working on the staff report and I have a few questions.

- How long has CBJ partnered with a non-profit for a cold weather shelter?
- How long has Juneau had cold weather shelters?
- They have been located at the Public Safety Bldg. and the JACC. Anywhere else?
- The current contract has two more years? Expires April 2023?
- Will the contract automatically renew?

Thank you!

Allison Eddins | Planner II

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0753 ext. 4131

Our telephone system is changing. Beginning May 3, 2021, I may be reached at 907-586-0753 ext. 4131.



From: [David Campbell](#)
To: [Allison Eddins](#)
Subject: RE: Cold Weather Shelter - Request for Comment
Date: Friday, October 29, 2021 1:29:15 PM
Attachments: [image001.png](#)

My saved version still has the comments, I'm not sure why it didn't send properly. Yes, it should be similar. Here is what I wrote:

Specific Questions from Planner:

Do you anticipate any negative impacts on the surrounding neighborhood that relate to your department? If so, how can those impacts be mitigated.

JPD has worked with warming shelters in various locations. Our approach to having the warming shelter be at RLC would be the same. If there are issues in the surrounding neighborhood, JPD is available to respond when notified.

Agency Comments:

RCL and the staff working on this issue are familiar with warming shelters. Chief Mercer and I spoke with the responsible staff members and we believe they can effectively manage the program.

Hope this helps.

From: Allison Eddins
Sent: Friday, October 29, 2021 1:24 PM
To: David Campbell <DSCampbell@juneaupolice.com>; Ed Mercer <EDMercer@juneaupolice.com>; Charlie Ford <Charlie.Ford@juneau.org>; Dan Jager <Dan.Jager@juneau.org>; Scott Ciambor <Scott.Ciambor@juneau.org>
Subject: RE: Cold Weather Shelter - Request for Comment

Hi David,

I think you might have sent the wrong version. The comment section is blank. I have reviewed JPD's past comments for the Glory Hall and sleep off center. I'm assuming they're going to be fairly similar.

From: David Campbell <DSCampbell@juneaupolice.com>
Sent: Friday, October 29, 2021 12:18 PM
To: Allison Eddins <Allison.Eddins@juneau.org>; Ed Mercer <EDMercer@juneaupolice.com>; Charlie Ford <Charlie.Ford@juneau.org>; Dan Jager <Dan.Jager@juneau.org>; Scott Ciambor <Scott.Ciambor@juneau.org>
Subject: RE: Cold Weather Shelter - Request for Comment

JPD's comments are attached.

DC Campbell

From: Allison Eddins

Sent: Thursday, October 21, 2021 9:28 AM

To: David Campbell <DSCampbell@juneaupolice.com>; Ed Mercer <EDMercer@juneaupolice.com>; Charlie Ford <Charlie.Ford@juneau.org>; Dan Jager <Dan.Jager@juneau.org>; Scott Ciambor <Scott.Ciambor@juneau.org>

Subject: Cold Weather Shelter - Request for Comment

Hello All,

Resurrection Lutheran Church (740 W 10th St.) has applied for a Conditional Use Permit to operate an emergency cold weather shelter. If granted, Resurrection would take over the contract previous held by St. Vincent de Paul who operated the shelter at the JACC last year. Resurrection Church would provide 28 socially distanced beds on the ground floor of the church building. The shelter would be open from November 15th to April 15th on nights when predicted temps are 32 or below. The shelter would accommodate guests from 11pm-6:30am.

Attached is a fillable agency comment form and the permit application. Please submit any comments you may have by October 29th. Let me know if you have any questions or would like more information.

Thanks,
Allison

Allison Eddins | Planner II

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0753 ext. 4131

Our telephone system is changing. Beginning May 3, 2021, I may be reached at 907-586-0753 ext. 4131.



From: Jetta Whittaker <wheedle@alaska.net>
Sent: Sunday, October 24, 2021 12:01 PM
To: PC_Comments
Subject: support for RLC as warming shelter

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

I am a resident of "the Flats" and also a former executive director of The Glory Hole (now Hall). I am in full support of using Resurrection Lutheran Church as the site of the community's warming shelter this coming winter. I have observed how the volunteers and staff of Resurrection Lutheran Church work compassionately and efficiently to help shoppers at their Food Pantry every Monday. I believe Pastor Perkins has the capacity and management skills to add operation of a warming shelter to her duties this winter. As the Flats neighborhood has had some negative experiences with particular transient people in the past, I know she will work hard to communicate her plans with the surrounding neighborhood, and will listen, consider and address neighbors' concerns. Additionally, RLC is way more "homey" feeling than the JACC, which is important for promoting resting, relaxation, and peace among the patrons of the warming shelter. Taken together, these qualities will ensure that Juneau's less fortunate citizens receive the care they need and deserve in the coming cold months.

In sum, I am totally in favor of this Conditional Use Permit. Since use of the Bill Ray Center concept in this way did not evolve, RLC will otherwise be unused during the week, and another/better location hasn't surfaced, I believe this is an excellent use of RLC. I am very glad and extremely thankful that the RLC congregation has recognized this community need and agreed to step up to meet it.

Jetta Whittaker
502 W 10th
Juneau AK 99801

From: Rob Steedle <robsteedle@gmail.com>
Sent: Thursday, October 28, 2021 8:36 AM
To: PC_Comments
Subject: cold weather emergency shelter at Resurrection Lutheran Church

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

Dear Ms. Eddins,

I support Resurrection Lutheran Church's application to operate a cold weather emergency shelter. The location is appropriate for the needs of a warming shelter's patrons. It is situated one block from the Federal Building bus shelter. A grocery store is nearby and other services, such as the SEARHC Front Street Clinic, are also within walking distance.

The church has operated a food pantry for many years. I reside 500 feet from the church, at 502 W 10th Street. I have not seen evidence of a negative impact on this residential neighborhood attributable to that complementary use.

Sincerely,

Rob Steedle

From: Bobby Lee <bobbylee@gci.net>
Sent: Tuesday, October 26, 2021 4:12 PM
To: PC_Comments
Subject: emergency shelter atRLC

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

My home in the Parkshore Condominium complex is 3 or so blocks from the Resurrection Lutheran Church. I have seen the long lines at the church on the day they do the food bank.

I suppose they are familiar with some of the people that may use an emergency shelter on the cold nights that are looming. I encourage the emergency shelter at this location.

I wish to thank the congregation at this church for showing a compassionate and kind demeanor; something that Christians living their commitments do.



October 29, 2021

City and Borough of Juneau
Community Development – Planning Commission
155 S. Seward Street
Juneau, AK 99801

Dear Commission Members,

First National Bank Alaska is grateful for this opportunity to offer our thoughts on your consideration of a Conditional Use Permit for a cold weather emergency shelter to be located at the Resurrection Lutheran Church. We have concerns about not only this particular situation but also about the community's lack of a comprehensive plan to address the overriding issue of homelessness and its root causes, including substance abuse and mental illness.

As a business community leader, we wanted to add specific concerns about the risks of establishing this homeless shelter at the Resurrection Lutheran Church. Our understanding is that the shelter's clients will include those unable to stay at Glory Hall, and other facilities, for various reasons, including drug use, drunkenness and violent behavior.

As the facility will be for nighttime use, clients will most likely remain outside the shelter during the day. The parking lot for our employees and customers is in very close proximity to the church. From behavior observed at other shelters, we foresee a strong possibility that shelter clients will approach employees as they go to and from their vehicles several times a day. Some encounters are likely to be troublesome and, at the very least, upsetting to employees and customers.

The bank has an ATM and night drop within approximately 150 feet of the proposed shelter. The clients would pose an increased security risk to users of these First National services.

There are additional concerns regarding increased vandalism, especially to our drive-thru area during a time when, for health concerns (primarily related to COVID), many customers prefer using drive-thru facilities. Drive-thru ingress and egress, and other traffic at this busy intersection also poses an increased risk of injury or death to the shelter clients themselves due to the busy vehicular patterns in the immediate area.

Much of our concern stems from the fact that no comprehensive, collective plan has been offered to protect the safety of those doing business or visiting the neighborhoods of homeless shelters in Juneau. Our experience tells us the very best models of these types of facilities provide a very aggressive response to control not only the physical area but also the clients using the shelter. This is especially important for this cold weather shelter if indeed some of the clients are dealing with substance abuse and mental health issues.

These are all very tangible areas that show the heightened possibility of physical risk to our employees, customers, properties and the shelter clients.

First National has supported the communities we serve since 1922. First National has donated millions of dollars to non-profits, with one of our focus areas being emergency social services. We know that Alaskans can fall on hard stretches and at times need help to make it through.

First National agrees that a cold weather shelter is a necessary element in a comprehensive plan designed to help our neighbors in need, and that is the bigger question for the community. This critical question, as long as it remains unanswered, causes us to stop short of adding our support for a proposal such as the one regarding the Resurrection Lutheran Church conditional use permit.

We spoke to this same matter last year in September, when the Bill Ray Center was being considered as a homeless shelter. The cold weather shelter seems to be just shifting the problem from "church basement to church basement" because we still do not see a collective plan to address the risks and manage the neighborhood impact of sheltering the homeless.

Thanks for your consideration of this letter on the shelter's location and our concerns.

Sincerely,

Betsy Lawer

Board Chair and CEO

From: Emily Kane <dremilykane@gmail.com>
Sent: Thursday, October 28, 2021 2:30 PM
To: PC_Comments
Cc: Juneau Condos; Beth Weldon
Subject: Warming shelters

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

Dear Assembly Members

Thank you for moving forward with plans to ensure sufficient warming shelters to protect the more vulnerable in our community.

The will and actions to protect all community members in need remains the hallmark of your integrity and compassion.

Dr Emily Kane

Juneau

www.DrEmilyKane.com

www.naturopathic.org

[**lifewavex39.com/dremilykane**](http://lifewavex39.com/dremilykane)

From: Renee Guerin <renwrite@acsalaska.net>
Sent: Sunday, October 24, 2021 9:41 AM
To: PC_Comments
Subject: Case: USE2021 0011

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

Good for the Lutherans!

I am totally in favor of a warming shelter in my neighborhood. Cold is cold, and there should be a safe, warm place to sleep for those within our community who do not have a permanent home.

I live in the Parkshore Condos at 800 F Street.

Renée Guerin
907-586-2274

From: Barbara Frank <akbarbara.frank@aol.com>
Sent: Friday, October 22, 2021 9:01 AM
To: PC_Comments
Subject: Case No. USE2021 0011

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

Case No. USE2021 0011

As a resident of Parkshore Condominiums, in very close proximity to Resurrection Lutheran Church, I applaud the church's offer to provide the warming shelter. Providing safe haven for vulnerable is a generous and meaningful contribution to community. It has been well documented that a safe place to sleep is essential.

There is no doubt we can do more AND this step by the Resurrection Lutheran Church is a piece of the solution. In full support of any needed permits AND any financial supports the City can offer to make this happen.

Barbara Frank
800 F Street Unit F2
Juneau, AK 99801

Sent from my iPhone

From: Willard Ellis <trpwill@gmail.com>
Sent: Sunday, October 24, 2021 2:10 PM
To: PC_Comments
Subject: Conditional Use Permit for a cold weather emergency shelter at Resurrection Lutheran Church

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

Dear Planning Commission

I am a resident of Parkshore Condominiums, and I am opposed to CBJ issuing a Conditional Use Permit for a cold weather emergency shelter at Resurrection Lutheran Church, which is three blocks from Parkshore. Unfortunately a lot of our homeless people are substance abuse addicts, and as such are the primary source of the theft, criminal mischief, and criminal trespass problems occurring at Parkshore. With locating this homeless shelter in a residential area it increases crimes of opportunity that addicts commit to finance their addiction when they are leaving the shelter or are denied entry to the shelter because they are intoxicated. Additionally, there is not enough of a police presence to deter these crimes, nor are these crimes often prosecuted, resulting in no protection or relief of nearby residents. This shelter needs to be located away from residential neighborhoods and should be in areas of good lighting/visibility with regular police patrols.

Regards
Will Ellis

From: Judy Crondahl <crondahl@gmail.com>
Sent: Friday, October 22, 2021 8:37 AM
To: PC_Comments
Subject: Case No. USE2021 0011

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

We are owners and residents of a condo unit in Building A of Parkshore Condos located at 800 F Street, two blocks from Resurrection Lutheran Church (RLC). Our building is on the far north end of the complex, closer to the proposed shelter than any other Parkshore building.

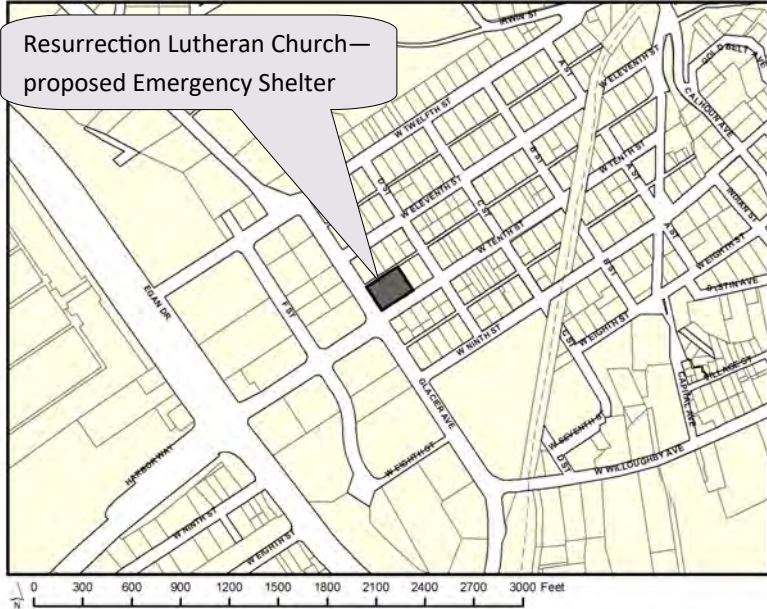
We have no objection to, in fact welcome, the use of RLC as a cold weather emergency shelter this winter. We are grateful that there are organizations and people in our community who step forward to help those in need and would not want to impede their efforts and good will.

We encourage approval of this Conditional Use Permit.

Judy and Jay Crondahl
800 F St, A-4
Juneau, AK 99801

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 for a cold weather emergency shelter to be located at Resurrection Lutheran Church.**

TIMELINE

Staff Report expected to be posted **Monday, November 1, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through Nov. 1st

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

Nov. 2 noon, Nov. 5

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

HEARING DATE & TIME: 7:00 pm, Nov. 9, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/82646379779>; Or Dial US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592 or 833 548 0282 (Toll Free) **Webinar ID: 826 4637 9779**

Nov. 10th

The results of the hearing will be posted online.

Phone: (907)586-0753 ♦ Email: pc_comments@juneau.org
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed November 1, 2021

Case No.: USE2021 0011
Parcel No.: 1C060C260060
CBJ Parcel Viewer: <http://epv.juneau.org>

USE2021 0011

Recommend **APPROVAL with conditions** for a cold weather emergency shelter (CWES) at Resurrection Lutheran Church.



Background

- Cold Weather Emergency Shelters provided in Juneau since 2017
- CBJ contracts with a non-profit provider
- Cold Weather Emergency Shelters act as shelters of last resort
- COVID-19 restrictions, Building and Fire Code standards limit the number of suitable spaces
- Additionally, an ideal space should be near emergency services and public transit

Agency Comment

Name, Title	Comment Summary
Scott Ciambor, CBJ Housing Officer	Working with shelter managers to ensure the project runs effectively.
Charlie Ford, Chief Building Inspector	Church is structurally sound. Recommending the installation of smoke detectors.
Ed Mercer, Juneau Police Chief	Working with shelter managers to coordinate public safety efforts.
Dan Jager, Fire Marshal	Recommending the installation of smoke detectors.

Public Comment

- To date, 14 comments have been received.
- No one expressed they were against the idea of a CWES.
- Nine in favor of the location or had no concerns.
- Five have concerns:
 - Lack of police patrols in the neighborhood
 - Likelihood of increased crimes of opportunity
 - Safety of bank customers
 - Fear of decreased property values
 - Lack of public phones and restrooms in the area
 - Lack of comprehensive plan to address homelessness

Zoning requirements & Vicinity Map



CBJ 49.80 Definitions.

*Assisted Living means a facility providing housing and institutional care for people unable to live independently or without assistance. **Assisted living includes facilities that provide nursing care services and emergency shelter.** Assisted living use that occurs within a single-family dwelling is regulated as a single-family dwelling use.*

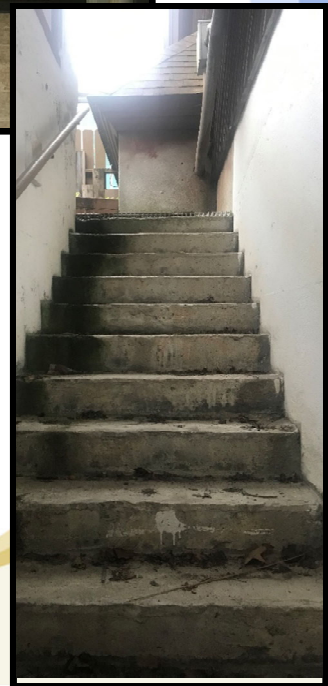
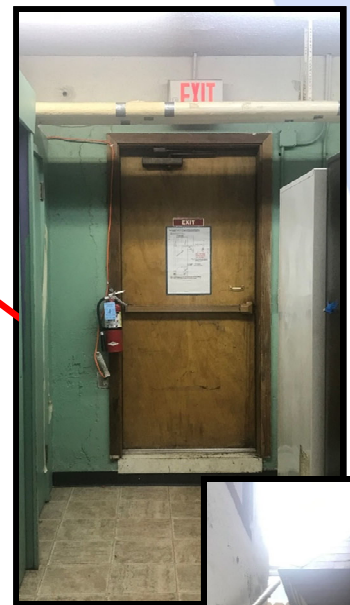
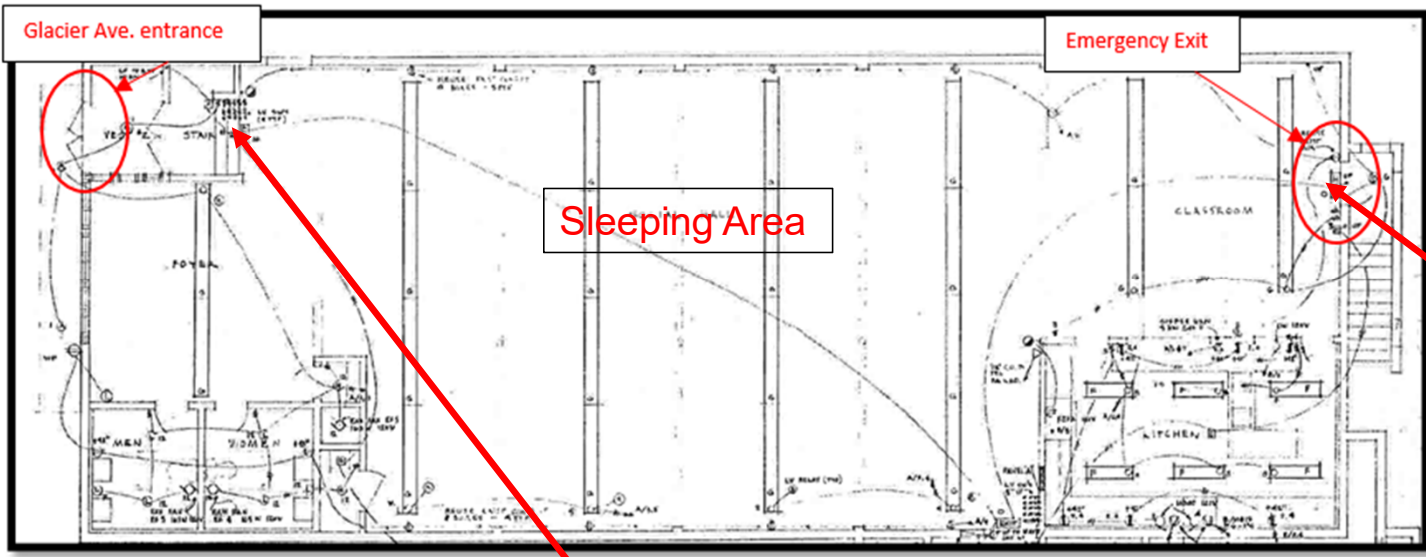
	Use Description	Zoning
7.000	Institutional Day or Residential Care	LC
7.200	Assisted Living	3

Project Description & Design

Minimum requirements – Nov.15th – April 15th
11:00PM to 6:30AM
32 degrees or below

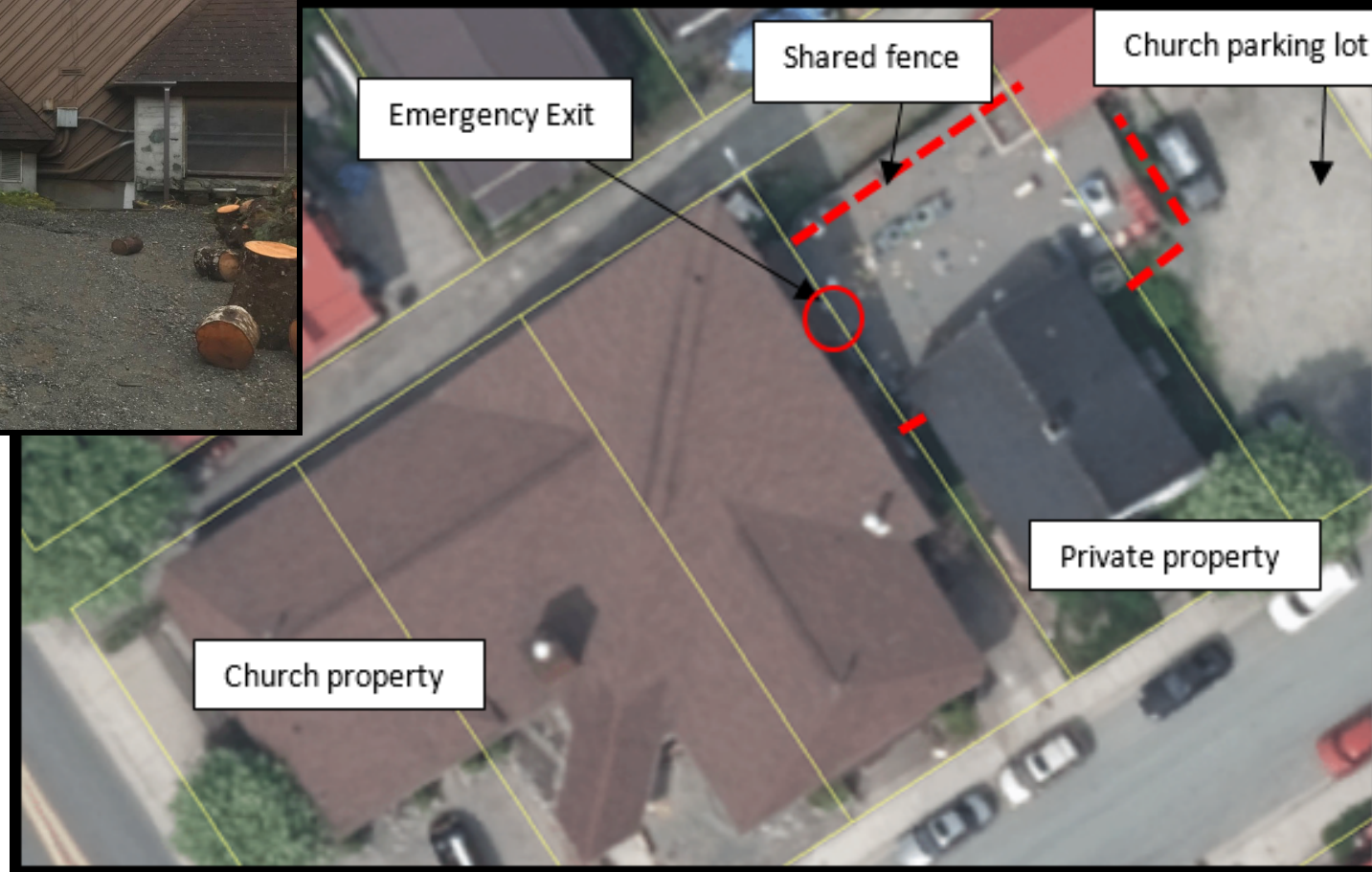
Hours can be extended based on need & staff availability
Contract is for two years





Condition #1: Prior to opening the facility, smoke detectors must be installed in the sleeping area and in each of the church restrooms used by the shelter.

Condition #2: Prior to opening the facility, an alarm must be installed on the emergency exit door in the CWES sleep area.





Condition #3: If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department.

Property value or neighborhood harmony

- *Assessed* value not impacted by Emergency Shelter
 - USE21-11 is not a permit for a permanent location nor is the facility suitable for a permanent emergency shelter.

Conformity with Comprehensive Plan

- Providing emergency housing service
- Readily accessible to public transit
- Serving high-risk groups
- USE2021-0011 does conform with the CBJ Comprehensive Plan.



*Project Homeless Connect, 2019
Photo courtesy of Gus Marx, JYS/JCHH*

Findings for USE2020 0008

- Application is complete
- In Table of Permissible Uses
- Complies with elements of Title 49
- Will not materially endanger
- Will not substantially decrease property value
- Conforms with plans

Recommendation and Conditions

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 cold weather emergency shelter to be located at Resurrection Lutheran Church.

- Condition #1: Prior to opening the facility, smoke detectors must be installed in the sleeping area and in each of shelter restrooms.
- Condition #2: Prior to opening the facility, an alarm must be installed on the emergency exit door in the CWES sleep area.
- Condition #3: If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department.

QUESTIONS & COMMENTS



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: November 15, 2021
Case No.: USE2021 0011

Resurrection Lutheran Church
Attn: Bradley Perkins
740 W 10th Street
Juneau, AK 99801

Proposal: Conditional Use Permit to operate an emergency cold weather shelter at Resurrection Lutheran Church.

Property Address: 740 W 10th Street

Legal Description: Casey Shattuck Block 226 Lots 6, 7, and 8

Parcel Code No.: 1C060C260060

Hearing Date: November 9, 2021

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 2, 2021, and approved the operation of a cold weather emergency shelter to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to the opening of the facility, smoke detectors must be installed in the sleeping area and in each of the shelter's restrooms.
2. Prior to the opening of the facility, an alarm must be installed on the emergency exit door in the shelter's sleeping area.
3. If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department.
4. Prior to the opening of the facility, exterior security cameras must be installed and functional.
5. The shelter facility's operating start time will not be before 9:00 P.M. and will end by 6:30 A.M. the next day.

Resurrection Lutheran Church

Case No.: USE2021 0011

November 15, 2021

Page 2 of 2

6. The shelter facility can operate from November 1 to May 1.
7. When the shelter facility is operating there must be a minimum of two (2) staff present at all times.
8. The shelter facility will provide a contact number to the surrounding neighbors that will be actively answered during operating hours. The intent of this condition is to provide a way for shelter staff to respond to issues as they arise in the area.
9. This permit will expire on May 1, 2022.

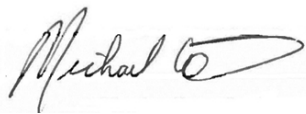
Attachments: November 2, 2021 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2021 0011.

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 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, November 9, 2021.

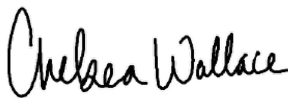
Expiration Date: The permit will expire on May 1, 2022.



Michael Levine, Chair
Planning Commission

November 18, 2021

Date



Filed With City Clerk

November 19, 2021

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**

SMP2021 0005: A subdivision of a 20.49 acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3221 Mendenhall Loop Road. The proposed wrestling center lot is 0.94 acres. -
 CONTINUED TO NOVEMBER 23, 2021 PLANNING COMMISSION UNLESS A SPECIAL MEETING IS SCHEDULED PRIOR TO THAT DATE

AGENDA ITEM:

Case No.: SMP2021 0005

Applicant: TDLH, LLC

Location: 3221 Mendenhall Loop Road

Proposal: A subdivision of a 20.49 acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3221 Mendenhall Loop Road. The proposed wrestling center lot is 0.94 acres.

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and DENY the requested preliminary plat for the subdivision of a 20.49-acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3221 Mendenhall Loop Road in a D15 zone.

If the Commission finds differently than the Director and approves this preliminary plat, the applicant could submit construction plans, and the final plat.

Recommended conditions for an approval include the following STANDARD conditions:

1. Prior to approval of the final plat, Certification from the CBJ Treasurer showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.
2. 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. The Director of Engineering & Public Works will review for compliance with CBJ 49.35.140.
3. 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.
4. Prior to approval of the final plat, the developer shall submit a final drainage plan for CBJ Engineering & Public Works approval. An Alaskan licensed engineer must prepare the plan [CBJ 49.35.510].

Recommended conditions for an approval include the following ADDITIONAL conditions:

1. Prior to submittal of the final plat, a plan showing 30 percent vegetative cover (at a minimum) shall be submitted for approval by the Commission.
2. Prior to submittal of the final plat, a construction plan will be submitted showing a barrier to vehicular traffic no less than 2 feet high shall be constructed along the front property line to define the driveway(s). This barrier may consist of a vegetated berm, fence, planter box, or other structures/improvements approved by the Community Development Department. Advisory: Fences over six feet tall require a building permit prior to construction. No sight-obscuring fence more than four feet tall may be constructed closer than 20 feet from the edge of a traveled way, and on corner lots, sight-obscuring fences are limited to three feet in height within 20 feet of intersecting traveled ways [CBJ §49.25.430(4)(L)]. The construction plan will be approved by the Commission.
3. (If easement access is approved): Prior to submittal of the final plat, an access easement meeting the requirements of 49.35.210(b)(3) must be drafted on the draft plat and submitted for review and approval by the Commission.
4. (If easement access is approved). Prior to submittal of the final plat, an access and maintenance

agreement meeting the requirements of 49.35.210(b)(3) will be drafted and submitted for review and approval by the Community Development Department.

5. Prior to submittal of the final plat, a construction plan will be submitted showing sufficient exterior lighting must be provided at the intersection of the proposed right-of-way and Mendenhall Loop Road to permit safe pedestrian access. Lighting will conform to CBJ Standard 118 unless another standard is approved. The construction plan will be approved by the Community Development Department.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for SMP2021 0005	11/3/2021	Staff Report
☐ Presentation for SMP2021 0005	11/9/2021	Presentation



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD

155 S. Seward Street • Juneau, AK 99801

DATE: November 3, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Irene Gallion, Senior Planner 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a preliminary plat review for subdivision of a 20.49-acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3221 Mendenhall Loop Road in a D15 zoning district.

STAFF RECOMMENDATION: Denial

KEY CONSIDERATIONS FOR REVIEW:

- Access options available either create nonconformity or deny future subdivision.
- In order to take advantage of a property tax waiver, the nonprofit wrestling center must be on its own lot by January 1 in order to qualify for the waiver, or own the lot in its entirety.
- Director has determined the proposed two-lot subdivision is a major subdivision due to phasing and impacts of access realignment.

GENERAL INFORMATION	
Property Owner	TDLH, LLC
Applicant	TDLH, LLC
Property Address	3221 Mendenhall Loop Road
Legal Description	USS 1053 Tract A2
Parcel Number	5B2101030001
Zoning	D15
Lot Size	892,544 square feet, 20.49 acres
Water/Sewer	CBJ
Access	Mendenhall Loop Road
Existing Land Use	Wrestling Center under construction
Associated Applications	BLD2021 0615 Grading/lot prep

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.

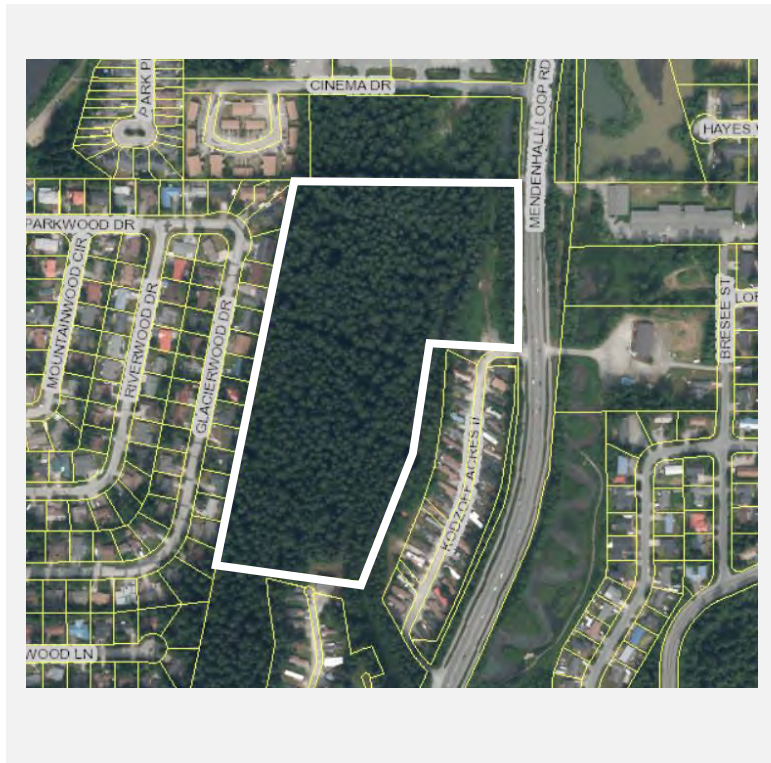
STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - o 49.15.402
 - o 49.15.411
 - o 49.25.430
 - o 49.35
 - o 49.80

The Commission shall hear and decide the case per 49.15.400(a) - Purpose and applicability. *The purpose of this article is to facilitate the subdivision of land to promote the public health, safety, and general welfare of the citizens of the CBJ in accordance with the Comprehensive Plan of the City and Borough of Juneau, Alaska.*

And per 49.15.402(a) *A major subdivision permit is required for subdivisions resulting in 14 or more lots.*

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D15)	Condos/Apartments
South (D15)	Mobile Homes
East (D15)	Mobile Homes/Mendenhall Loop Road
West (D5)	Riverwood Subdivision Single-family dwellings

SITE FEATURES	
Anadromous	Yes
Flood Zone	Yes
Hazard	No
Hillside	No
Wetlands	Yes
Parking District	No
Historic District	No
Overlay Districts	None

BACKGROUND INFORMATION

Project Description – The applicant seeks to subdivide the tract into two lots to facilitate transfer of a nonprofit wrestling center. The proposed wrestling center lot is 0.94 acres (**Attachment A**).

The nonprofit wrestling center may be eligible for a property tax waiver. To take advantage of that provision, the entirety of the lot needs to be owned by the nonprofit. This occupation requirement must be on the first of the year in order for that year's taxes to be waived. The applicant seeks to complete this subdivision by December 31 – that includes Planning Commission (Commission) final plat approval, and recording through the Alaska Department of Natural Resources.

This subdivision began under a Minor Subdivision case number (MIP2021 0012), then was transferred to the Major Subdivision process due to concerns regarding phasing and proposed access that were discovered upon further analysis of the submitted plat. These issues are discussed in more detail under "Access," below. The key challenges are:

- A subdivision along an arterial must provide an access street or (under an exception) a common access easement [CBJ 49.35.210].
- If the common access easement is utilized, future subdivision is prohibited.
- If a right-of-way is constructed, it makes the wrestling center nonconforming. Subdivision cannot make a conforming property nonconforming.
- Considering an Alternative Residential Subdivision (ARS):
 - An ARS could not be built without construction of a right-of-way access onto Mendenhall Loop road.

- o An access in the proposed location of the driveway would make the wrestling center nonconforming.
- o The wrestling center could not be combined with the ARS due to restrictions on permitted structures [CBJ 49.15.920(m)].

Note that CBJ 49.35 cannot be varied [CBJ 49.20.200].

Background – This tract has a complex background. The Commission has made decisions on the tract in the past (Conditional Use Permit for the wrestling facility, Variance to streamside setback). Decision documents and final documents are attached for context and support.

This tract of land was part of a homestead tract recorded in 1917 (**Attachment B**). A 1997 plat created Tract 2, which was sold to the applicant (**Attachment C**). A 2007 survey provided topo and boundary survey of Tract 2 (**Attachment D**).

A 2019 Conditional Use Permit approved construction of the wrestling center (**Attachment E**).

The Community Development Department (CDD) issued Building Permit BLD2021 0039 for bank stabilization of Duck Creek on February 8, 2021 (**Attachment F**), allowing work within required stream setbacks. The permit had been issued under CBJ 49.70 Article 9, which was based in the Alaska Coastal Management Plan and included an exemption for development required in or adjacent to a water body in order to function [CBJ 49.70.950(f)]. Neighbor concerns elevated the interpretation to the CBJ Law Department, which determined that the permit had been issued in error because of code references to the Alaska Coastal Management Program, which was ended by the State in July of 2011. A Stop Work Order was issued on March 3, 2021. The applicant appealed the Stop Work Order (APL2021 0002, **Attachment G**). The applicant and the Director agreed to a Joint Stay of the Appeal, which was granted until November 1, 2021. The Director and applicant have agreed to a Status Conference scheduled for November 8, 2021 with the Hearing Officer.

Subsequently, the applicant submitted a stream setback variance application (VAR2021 0004) for the work in the stream setback. A direct abutter appealed the Director's decision to accept the VAR2021 0004 application on the grounds that the application was incomplete (APL2021 0003, **Attachment H**).

The Commission approved a stream setback variance (VAR2021 0004) that allowed installation of a culvert for a future stream crossing, requiring Alaska Department of Fish and Game approval of a revegetation plan. Two other requests under this Variance were denied: stream channelization and stream bank stabilization (**Attachment I**). The Commission declined to hear the direct abutter's appeal, stating the fact that the Director accepted the application indicated the application was complete.

The applicant was issued a building permit that excluded work in the stream setback (BLD2021 0615).

The applicant applied for a two-lot subdivision to separate the non-profit wrestling center (MIP2021 0012). The application was taken under a Minor Subdivision case number, requiring Director approval. During the staff review process, staff identified concerns with access and conformity. The Director determined that right-of-way access would make the conforming wrestling facility nonconforming for rear yard setback. The Director is also concerned that the proposed access limits or shapes future development options. CBJ 49.15.220(1) requires Commission review of major development, which includes possible phasing. The application was transitioned to a Major Subdivision due to these concerns (SMP2021 0005).

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

Item	Summary
1917 Plat	Homestead Plat
1997 Plat	Plat creating Tract 2, the lot proposed for subdivision
2007 Topo and Boundary Survey	Details on existing Tract 2
USE2019 0013 NOD	Notice of Decision: Conditional Use Permit approval for a 5,000 square foot indoor recreation facility.
BLD2021 0039	Issued February 8, 2021: Bank stabilization of Duck Creek
Stop Work Notice	Issued March 10, 2021 for BLD2021 0039
APL2021 0002	Stop Work Notice Appeal
VAR2021 004 NOD	Notice of Decision: Variance to allow stream bank and stream restoration within the 50-foot, no-development and 25-foot, no-disturbance buffers from Duck Creek. Approved in part, see discussion above.
BLD2021 0615	Building permit for grading outside of stream setbacks.
MIP2021 0012	Minor Subdivision application.
SMP2021 0005	Transition to Major Subdivision due to access concerns.

ANALYSIS

Phasing – The access issues discussed below under “Access” raised concerns about how this subdivision might complicate future development. CDD does not currently have information on proposed future development for the large tract.

Minimum Lot Dimensions – The proposed lots shown on the preliminary plat meet or exceed the dimensional standards listed in CBJ 49.25.400. The CBJ 49.25.400 Dimensional Standards are listed below.

Dimensional Standard	Requirement	Met?
Minimum Lot Size	5,000 square feet	☒ Meets/Exceeds ☐ Not met
Minimum Lot Width	50 feet	☒ Meets/Exceeds ☐ Not met

Density – The table below demonstrates how many dwelling units each lot can accommodate after the proposed subdivision has been completed.

Lot Number	Square Feet	Maximum Number of Dwelling Units
A-2A	40,957	14
A-2B	852,309	294

Habitat – Duck Creek is an anadromous stream, Alaska Department of Fish and Game catalog number 111-50-10500-2002. Duck Creek is included in Appendix B of the 2013 Comprehensive Plan, so requires a 25-foot, no-disturbance buffer and a 50-foot, no-development buffer. The applicant has received a Variance to build a culvert for a future stream crossing (VAR2021 0004).

Note that the Duck Creek Restoration Assessment Report (Juneau Watershed Partnership and Alaska Department of Environmental Conservation, 2007) states:

It is questionable as to what extent funds should continue to be allocated to restoring fish habitat and water quality on Duck Creek when numerous other streams in CBJ merit protection or recovery actions (page 18)... Although it may not be possible to correct habitat modifications made to Duck Creek, this stream still functions for stormwater removal, provides open space and wildlife habitat, and has potential to be an aesthetically pleasing recreational greenway corridor through the center of the Mendenhall Valley...Although Duck Creek may not provide viable fish habitat, the watershed should still be considered as habitat for other wildlife...Although Duck Creek may not support viable anadromous fish populations again, improvements to the water quality and wetland development will benefit the entire ecosystem as a whole and improve the quality of the community living in the watershed (page 19).

CBJ's 1994 Juneau Wetlands Management Plan mapped wetlands on public land and on private land where the landowner had provided permission to do so. The plan excludes the tract proposed for subdivision.

Condition: None.

Plat Notes:

DUCK CREEK (111-50-10500-2002 ADFG STREAM ID #) IS DETERMINED TO BE AN ANADROMOUS STREAM PER THE CITY AND BOROUGH OF JUNEAU 2013 COMPREHENSIVE PLAN. SPECIAL REGULATIONS INCLUDING DEVELOPMENT BUFFERS MAY APPLY.

WETLANDS MAY EXIST ON PARTS OF THIS SUBDIVISION. SPECIAL REGULATIONS MAY APPLY.

Hazard Zones – The Duck Creek area of the lot has:



AE Special Flood Hazard Area: With an elevation of 31.6 to 34.5 feet, the AE Special Flood Hazard Area (SFHA) has a 1 percent annual chance of flood. In the image to the left, the AE SFHA is shown in blue.

Floodway: The floodway is a channel that other watercourses and adjacent land need in order to discharge the bases flood without cumulatively increasing base flood elevation. In the image to the left, the floodway is shown with blue and red hatching.

Development constraints in the SFHA are verified through CBJ's building permit process, which includes Flood Zone Development Permits when applicable.

Condition: None.

Plat Note:

PARTS OF THIS SUBDIVISION ARE LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO THE EFFECTIVE CITY AND BOROUGH OF JUNEAU FLOOD INSURANCE RATE MAPS (FIRM) COMMUNITY PANEL #02110C 1239E, DATED SEPTEMBER 18, 2020. SPECIAL DEVELOPMENT STANDARDS MAY APPLY ACCORDING TO CBJ TITLE 49, LAND USE CODE.

Vegetative Cover – One commenter expressed concern over maintaining vegetative cover. The vegetative cover requirement for the D15 zoning district is 30%. Per CBJ 49.50.300, development site shall be maintained with *live* vegetative cover. (emphasis added)

While the majority of the lot has had trees cut (eventual lot A-2B), the underlying vegetation remains.

Tract A-2A is 40,957 square feet. The wrestling center facility is 4,900 square feet. Scaling the site plan provided with the building permit application for the wrestling center, the parking lot and driveway is approximately 24,000 square feet. The wrestling center and parking lot cover 71 percent of the lot.

The parking lot is currently gravel, which does not count towards vegetative cover requirements under existing code.

If the parking lot is paved, vegetative cover would be close to or below minimums. This would impact the development of subsequent accessory structures on lot A-2A.

Condition: Prior to submittal of the final plat, a plan showing 30 percent vegetative cover (at a minimum) shall be submitted for approval by the Community Development Department.

Plat Note: None.

TRAFFIC

Traffic – A traffic impact analysis is not required [CBJ 49.40.300(a)(2)]. Average Annual Daily Traffic (AADT) is less than 250.

Wrestling center traffic was analyzed under USE2019 0013 and anticipated 29.2 AADT. The development plans for the larger tract created under this proposed subdivision are unknown. A right-of-way width of 60 feet would be required for this subdivision [CBJ 49.35.240(a)(3)]. Under the access standards of code [CBJ 49.35.240, Table of Roadway Construction Standards], a 60-foot right-of-way could accommodate the most demanding access standards.

Condition: None.

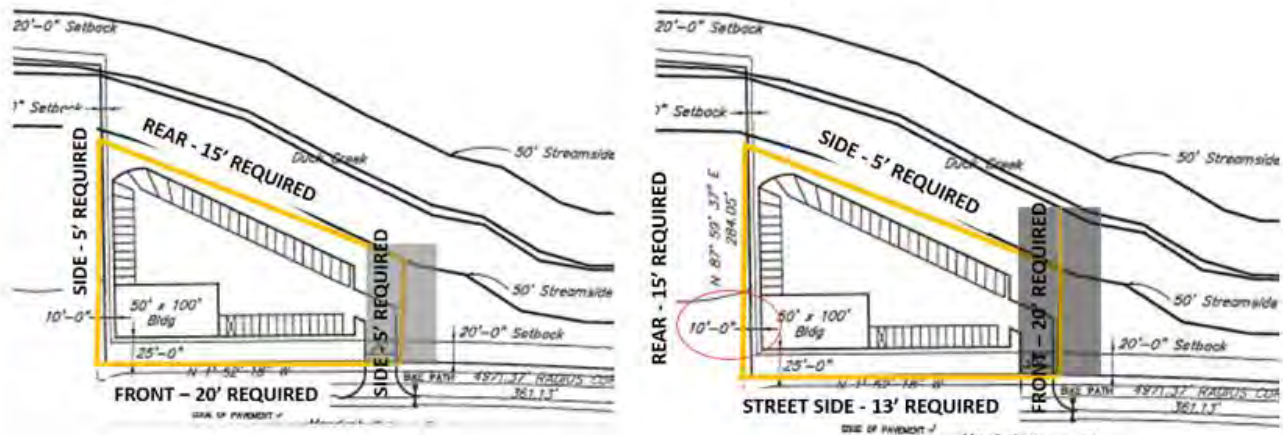
Use	Total Sq. Ft.	Trips Generated	Total Trips
Athletic Club Facility	5,000	5.84 per 1000 sq. ft.	29.2
Total ADTs:			29.2

ACCESS AND PUBLIC IMPROVEMENTS

Access – Access and phasing concerns are the reason this application transitioned to a Major Subdivision, which requires Commission review. Some of those requirements fall under CBJ 49.35, which cannot be varied [CBJ 49.20.200].

The wrestling center currently has access directly onto Mendenhall Loop Road, with corresponding setbacks.

To maintain the ability to subdivide the larger lot in the future, the proposed subdivision would require construction of right-of-way access where the current driveway is. That would change the access orientation of the wrestling center, moving the “front” lot line to the north (to the right in the graphic).



Left: Setbacks with shared access. **Right:** Setbacks with right-of-way.

At the core of the issue is interpretation of CBJ 49.25.430(3), the “Yard Setbacks” discussion of “Multiple frontage lots.”

*On undeveloped corner lots or **corner lots on which existing buildings conform to required setbacks**, the owner may establish the rear yard opposite either right-of-way frontage. The remaining yard(s) not fronting on a street right-of-way will be considered a side yard(s).*

The existing wrestling center conforms to setbacks in the existing access configuration, with access to Mendenhall Loop Road creating the front lot line.

The applicant holds that subdivision is allowed, and the wrestling center lot maintains its rear setback against Duck Creek.

The Director finds that the above code references existing structures on existing corner lots—not future corner lots. The Director holds that the existing structure must conform to the proposed setbacks as a threshold issue before yard designation can be determined. Further, CBJ 49.30 does not allow conforming situations to become nonconforming through subdivision or other development actions.

As discussed under “Traffic,” the 60-foot right-of-way requirement would accommodate the most demanding access standards. Per 49.35.250(a), staff has determined that the proposed public right-of-way provides the primary access to the subdivision. The applicant can demonstrate that each lot will have direct and practical access to a public right-of-way through the frontage of the lot [CBJ 49.35.250(b)] (but does not address the nonconforming rear yard setback).

Lot Number	Primary access
A-2A	Proposed right-of-way
A-2B	Proposed right-of-way

The right-of-way requires a *cul de sac*.

Condition: Prior to submittal of the final plat, a construction plan will be submitted showing a barrier to vehicular traffic no less than 2 feet high shall be constructed along the front property line to define the driveway(s). This barrier may consist of a vegetated berm, fence, planter box, or other structures/improvements approved by the CDD. Advisory: Fences over six feet tall require a building permit prior to construction. No sight obscuring fence more than four feet tall may be constructed closer than 20 feet from the edge of a traveled way, and on corner lots, sight-obscuring fences are limited to three feet in height within 20 feet of intersecting traveled ways [CBJ 49.25.430(4)(L)]. The construction plan will be approved by the Commission.

Plat Note: NO LOT WILL DIRECTLY ACCESS MENDENHALL LOOP ROAD.

Arterial Streets – According to the Roadway Classification Map adopted by the CBJ Assembly, Mendenhall Loop Road is classified as a minor arterial. The below table lists requirements for subdivisions along arterial streets under two alternatives:

- Right-of-way – existing structure is made nonconforming.
- Easement – further subdivision would not be allowed.

Note that to subdivide on an arterial, all lots created must have a common access point.

Standard	Requirement	Met?	Conditions and Plat Notes
49.35.210(b)(1)(2) Access Restricted	No lot created through the subdivision shall have direct access onto an arterial street. A separate access street or frontage road is required. A plat note is required.	☐ Meets/Exceeds ☒ Not met ^A	Condition: See above. Plat Note: NO LOT WILL DIRECTLY ACCESS MENDENHALL LOOP ROAD. ^B
49.35.210(b)(3) Access Exception – Parcels with less than 500 feet of frontage or 350 feet in depth	• All resulting lots meet or exceed 36,000 sq. ft. • All lots share a common access point; an easement is provided.^C • The applicant has submitted a plan demonstrating parking standards can be met – no back-out parking is allowed. • A signed maintenance agreement has been provided.	☐ Meets/Exceeds ☒ Not met	Condition: None Plat Note: NO LOT WILL DIRECTLY ACCESS MENDENHALL LOOP ROAD. ^B

A: A separate access street or frontage would make the wrestling center lot nonconforming.

B: Should the Commission find differently than the Director, this condition should be considered.

C: If a shared access easement is created, future subdivision (including ARS) is not allowed [CBJ 49.35.210(b)(3))(B)].

If the Commission finds differently than the Director and approves access under the Exception, the conditions below should be considered.

Condition: Prior to submittal of the final plat, an access easement meeting the requirements of 49.35.210(b)(3) will be drafted on the draft plat and submitted for review and approval by the Commission.

Condition: Prior to submittal of the final plat, an access and maintenance agreement meeting the requirements of 49.35.210(b)(3) must be drafted and submitted for review and approval by the Community Development Department.

49.35.240 Table of Roadway Construction Standards – Road construction standards are based on the existing wrestling center.

Condition: None.

Plat Note:

ADTs	TIA	Sidewalks	Travel Way Width	Street Lights	ROW Width	Paved	Publically Maintained
29	No	No	20 feet	At intersection with Mendenhall Loop Road	60 feet	Yes	No

Street Lighting – A streetlight is required at the intersection of the proposed right-of-way with Mendenhall Loop Road.

Condition: Prior to submittal of the final plat, a construction plan will be submitted showing sufficient exterior lighting must be provided at the intersection of the proposed right-of-way and Mendenhall Loop Road to permit safe pedestrian access. Lighting will conform to CBJ Standard 118 unless another standard is approved. The construction plan will be approved by the Community Development Department.

Plat Note: None.

Pedestrian Access – At this time, separate pedestrian accommodations are not required.

Condition: None.

Plat Note: None.

Drainage – A drainage plan had been submitted. One public comment expressed concern that the wrestling center off-street parking lot was gravel, and the lot would not “sheet flow” as indicated in the drainage plan.

It appears that the drainage plan was recognizing a “worst case scenario” in the event that the off-street parking lot was paved, while recognizing that the majority of drainage would infiltrate into the ground or flow through vegetation. The drainage flow from the off-street parking lot is not channeled currently or in the proposed subdivision.

The commenter's concern seems to rise from the second page of the drainage plan, which states, "The new lot on the eastern side of the [Duck] Creek will be developed with a 5,000 sf (0.11 acre) building and 24,586 sf (0.56 acre) parking lot. Runoff will sheet flow across the parking lot and then sheet flow across a minimum of 50 feet of vegetated buffer consisting of undisturbed trees, shrubs, and underbrush."

Earlier in that same paragraph the report talks about the land to the west of Duck Creek, saying, "Any storm water that does not infiltrate into the ground will sheet flow into Duck Creek over vegetated surfaces."

As noted in the "Summary" section of the report, "The project site has very minimal slope and high infiltration capacity, which results in a relatively minor increase in stormwater runoff. The use of retained vegetation and a 50-foot undisturbed buffer along Duck Creek further reduce potential runoff from the site."

Condition: None.

Plat Note: None.

Fire Code Improvements – None required at this time.

Condition: None.

Plat Note: None.

AGENCY REVIEW

CDD conducted an agency review comment period under MIP2021 0012 between July 30, 2021 and October 1, 2021. Only CBJ Building Division responded, and expressed no concerns (**Attachment J**).

Feedback from the Alaska Department of Transportation and Public Facilities is anticipated by November 3, 2021.

PUBLIC COMMENTS

Under MIP2021 0012, CDD conducted a public comment period beginning August 10, 2021 (**Attachment K**). Notices were sent to properties that abut the proposed subdivision. One comment was received (**Attachment L**).

Staff review of access raised concerns about access impacting future development. The project was transitioned to a Major Subdivision process.

CDD conducted an additional public comment period between October 8, 2021 and October 19, 2021 (**Attachment M**). Notices were sent to properties within 500 feet of the proposed subdivision.

A public notice sign was also posted on site two weeks prior to the scheduled hearing (**Attachment N**). Public comments submitted at time of writing this staff report are in **Attachment O**.

Name	Summary
Cohen	Request for materials, questions regarding sequence of events.
Barnhill	Concerns about sequence of events and future development.

FINDINGS

Major Subdivision Preliminary Plat Approval Criteria – Per CBJ 49.15.402(c)(4), the Director makes the following findings on the proposed development:

1. *Does the preliminary plat comply with CBJ 49.15.411?*

Analysis: The final plat must show a right-of-way and cul de sac. A construction plan, vegetative cover plan, and corrections to the draft plat will be required.

Finding: Yes. With recommended conditions, the preliminary plat complies with preliminary platting requirements listed in CBJ 49.15.411.

2. *Will applicable subdivision development standards be met, or can reasonably be met with conditions?*

Analysis: The development is required to meet dimensional standards set in 49.25.400.

The applicant is required to plat a 60 foot wide right-of-way, and install a road with 20 foot wide travel lanes. A streetlight will be required at the right-of-way intersection with Mendenhall Loop Road.

The wrestling center's current side setback will become a rear yard and require a rear yard setback. The structure would be made nonconforming.

Finding: No. Applicable subdivision development standards cannot be reasonably met.

3. *Will the proposed subdivision provide suitable building sites for the zoning district?*

Analysis: Lots created through this subdivision meet dimensional requirements for the D15 zoning district. If a right-of-way is constructed, the wrestling center will be made nonconforming for rear yard setbacks. If an easement is provided, the large lot cannot be further subdivided.

Finding: No. The proposed subdivision provides building sites suitable for the D15 zoning district, but creates a nonconformity.

4. *Will the proposed street names be unique or continuations of existing streets?*

Analysis: There are no proposed street names yet.

Finding: Yes. Proposed street names can be unique or are extensions of existing streets.

5. *Has the Director of Engineering and Public Works reviewed the application and determined that:*

(i) The subdivision can be constructed to conform to applicable drainage and water quality requirements;

(ii) The streets, pioneer paths, and pedestrian ways as proposed accommodate anticipated traffic, align with, and, where appropriate, connect with streets and pedestrian ways serving adjacent properties;

(iii) Any proposed improvements conform to the requirements of this Title 49 and can be feasibly constructed; and,

(iv) Where public sewer is not required, the applicant has shown that soils are suitable for individual on-lot

wastewater treatments and disposal or has shown the feasibility of alternative methods of wastewater disposal and treatment.

Analysis: Engineering's preliminary plat review comments were provided to the applicant.

Finding: Yes. Engineering and Public Works has reviewed the proposed subdivision application and supplemental materials, and believes the above criteria can be met.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and DENY the requested preliminary plat for the subdivision of a 20.49-acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3221 Mendenhall Loop Road in a D15 zone.

If the Commission finds differently than the Director and approves this preliminary plat, the applicant could submit construction plans, and the final plat.

Recommended conditions for an approval include the following STANDARD conditions:

1. Prior to approval of the final plat, Certification from the CBJ Treasurer showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.
2. 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. The Director of Engineering & Public Works will review for compliance with CBJ 49.35.140.
3. 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.
4. Prior to approval of the final plat, the developer shall submit a final drainage plan for CBJ Engineering & Public Works approval. An Alaskan licensed engineer must prepare the plan [CBJ 49.35.510].

Recommended conditions for an approval include the following ADDITIONAL conditions:

5. Prior to submittal of the final plat, a plan showing 30 percent vegetative cover (at a minimum) shall be submitted for approval by the Commission.
6. Prior to submittal of the final plat, a construction plan will be submitted showing a barrier to vehicular traffic no less than 2 feet high shall be constructed along the front property line to define the driveway(s). This barrier may consist of a vegetated berm, fence, planter box, or other structures/improvements approved by the Community Development Department. Advisory: Fences over six feet tall require a building permit prior to construction. No sight-obscuring fence more than four feet tall may be constructed closer than 20 feet from the edge of a traveled way, and on corner lots, sight-obscuring fences are limited to three feet in height within 20 feet of intersecting traveled ways [CBJ §49.25.430(4)(L)]. The construction plan will be approved by the Commission.
7. (If easement access is approved): Prior to submittal of the final plat, an access easement meeting the requirements of 49.35.210(b)(3) must be drafted on the draft plat and submitted for review and approval by the Commission.

8. (If easement access is approved). Prior to submittal of the final plat, an access and maintenance agreement meeting the requirements of 49.35.210(b)(3) will be drafted and submitted for review and approval by the Community Development Department.
9. Prior to submittal of the final plat, a construction plan will be submitted showing sufficient exterior lighting must be provided at the intersection of the proposed right-of-way and Mendenhall Loop Road to permit safe pedestrian access. Lighting will conform to CBJ Standard 118 unless another standard is approved. The construction plan will be approved by the Community Development Department.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	1917 Homestead Plat
Attachment C	1997 Plat
Attachment D	2007 Topographic and Boundary Survey
Attachment E	2019 NOD for Conditional Use Permit USE2019 0013
Attachment F	2021 Building Permit BLD2021 0039, and Stop Work Order
Attachment G	2021 Appeal of Stop Work Order, APL2021 0002
Attachment H	2021 Appeal of Director's Decision to Accept the Application for VAR2021 0004
Attachment I	2021 NOD for Variance to Stream Side Setbacks, VAR2021 0004
Attachment J	Building Division Comments on Subdivision
Attachment K	Abutters Notice for MIP2021 0012
Attachment L	MIP2021 0012 Comment from Chuck Cohen
Attachment M	Abutters Notice for SMP2021 0005
Attachment N	Public Notice Sign
Attachment O	Comments on SMP2021 0005



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 3221 Mendenhall Loop Road		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) USS No. 1053 Tract A-2		
	Parcel Number(s) 5B2101030001		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner TDLH, LLC	Contact Person Travis Arndt	Phone Number(s) 907-321-3118
	Mailing Address 10840 Lilac Drive		
	E-mail Address constellation_dev@hotmail.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 _____ Landowner/Lessee Signature		5/24/21 Date	
X _____ Landowner/Lessee Signature		_____ Date	
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			
X _____ Applicant's Signature		5/24/21 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.

Intake Initials LEC
Case Number MP21-12
Date Received 7-15-21



SUBDIVISION AND DEVELOPMENT PLAN APPLICATION

See subdivision hand-outs 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

Subdivide 1 parcel into 2 parcels to change ownership for non-profit property tax exemption.

Number of Existing Parcels 1 Total Land Area 20.49 Number of Resulting Parcels 2

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS

☐ NO

☐ YES Case Number _____

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

MINOR DEVELOPMENT

(changing or creating 13 or fewer lots)

- ☒ Preliminary Plat (MIP)
- ☐ Final Plat (MIF)
- ☐ Panhandle Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation (SLC)
- ☐ Bungalow Lot Subdivision
- ☐ Common Wall/Zero Lot Subdivision
- ☐ Other _____

MAJOR DEVELOPMENT

(changing or creating 14 or more lots)

- ☐ Preliminary Plat (SMP)
- ☐ Final Plat (SMF)
- ☐ Preliminary Development Plan – PUD (PDP)
- ☐ Final Development Plan – PUD (PDF) Preliminary
- ☐ Development Plan – ARS (ARP) Final
- ☐ Development Plan – ARS (ARF)
- ☐ Bungalow Lot Subdivision
- ☐ Common Wall/Zero Lot Subdivision
- ☐ Other _____

ALL REQUIRED DOCUMENTS ATTACHED

- ☒ Pre-application conference notes
- ☒ Narrative including:
 - ☒ Legal description(s) of property to be subdivided
 - ☒ Existing structures on the land
 - ☒ Zoning district
 - ☒ Density
 - ☐ Access
 - ☐ Current and proposed use of any structures
 - ☒ Utilities available
 - ☒ Unique characteristics of the land or structure(s)

☒ Preliminary Plat checklist

DEPARTMENT USE ONLY BELOW THIS LINE

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>450.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Total Fee	\$ <u>450.00</u>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number <u>MIP21-12</u>	Date Received <u>LEC 7-15-21</u>
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Revised October 2019 - Page 1 of 1

Parcel #: 5B2101030001

Legal Description: USS No. 1053 Tract A-2

Size: 20.49 acres

Zoning: D15

Existing Structure: Wrestling Gym (under construction)

Current/Proposed use of Structure: Wrestling Gym (under construction)

Density: 0

Access: Commercial Driveway connecting to Mendenhall Loop Road

Utilities: All public utilities available

Unique Feature of Land: Duck Creek

Working with the CBJ assessor's office, we have learned that a non-profit entity must own the property as opposed to lease the property to qualify for the Real Property tax relief for the portion they use. Thus, in order to satisfy those requirements, we desire to subdivide our lot into two lots.

Laurel Christian

From: Jill Maclean
Sent: Tuesday, July 6, 2021 12:03 PM
To: Laurel Christian
Cc: Alexandra Pierce
Subject: T. Arndt subdivision - Mendenhall Loop

Hi,

Please be aware that I've informed Travis that his subdivision is a minor sub, not a major, as it's two lots.

Thanks,

Jill M. Maclean, AICP | Director
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0715 ext. 4118 ← NEW



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Mendenhall Loop Road Subdivision and Variance

Case Number: PAC2021 0036

Applicant: Travis Arndt, Constellation Development

Property Owner: Tdlh LLC and Juneau Condos LLC

Property Address: 3101 Mendenhall Loop Road and 9090 Cinema Drive

Parcel Code Number: 5B2101030001 and 5B2101320030

Site Size: 892,544 sq. ft. (20.49 acres)

Zoning: D15 Multi-family Residential

Existing Land Use: Indoor Sports Gym (under construction);
 Cinema Drive Condos 72 unit development (under construction)

Conference Date: 5/27/2021

Report Issued: 6/2/2021

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
Travis Arndt	Applicant	constellation_dev@hotmail.com
Laurel Christian	Planning	Laurel.christian@juneau.org
Jill Maclean	CDD	Jill.maclean@juneau.org
Autumn Sapp	General Engineering	Autumn.sapp@juneau.org

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

Applicant proposes to subdivide one lot into two. The indoor sports gym (wrestling center) will be on one lot, the remaining lot will be vacant until further development plans. The applicant also requests a non-administrative variance to CBJ 49.70.310 to allow work within the 25' no disturbance and 50' no development buffers from Duck Creek. The variance would allow channelization work. This type of variance requires Planning Commission (Board of Adjustment) approval.

The director has determined that the subdivision shall be processed as a major subdivision per 49.15.220(1):

Unless otherwise specified in this title, minor development shall require department approval. If the director determines that a series of applications for minor developments, taken together, constitute a major development, the applications shall be subject to the appropriate major development permit procedures and standards.

Planning Division

1. **Zoning** – Lot is zoned D15.
2. **Subdivision** –
 - a. **Minimum lot size** – 5,000 sq. ft.
 - b. **Minimum lot width** – 50'
 - c. **Minimum lot depth** – 80'
3. **Setbacks** – 20' front; 15' rear; 5' side; 13' street side.
 - a. Where one zoning district abuts another, the greater setback applies. The lot abuts D5 to the west. The setbacks will be established based on lot line assignments through the preliminary plat application.
4. **Height** – 35' permissible uses; 25' accessory uses
5. **Access** – Mendenhall Loop Road
 - a. Mendenhall Loop Road is classified by CBJ as a minor arterial.
 - b. An easement is required for the existing driveway. The existing driveway must serve both lots, and future lots if further subdivision occurs.
 - c. 49.35.210(b) applies:

(b) Major and minor arterials. Except as provided in subsection (3) of this section, if a new subdivision involves frontage along an arterial street:

 - (1) The plat shall note that no lots shall access directly onto the arterial;*
 - (2) Access shall be provided onto an interior access street or a separate frontage road.*

Pre-Application Conference Final Report

(3) A parcel of land with less than 500 feet of frontage on a street, or with less than 350 feet in depth may be subdivided so as to allow access directly onto a minor arterial street if all of the following conditions are met:

- (A) All of the resulting lots must meet the minimum lot area standard for a single-family dwelling in the D-1 zoning district (36,000 square feet).*
- (B) All of the lots must share a common access point and further subdivision of the newly created lots is not allowed.*
- (C) Common access to all lots is required and back out parking is prohibited. The applicant must submit a plan that shows the feasibility of off street parking for all lots and an adequate area for a turnaround to prevent back out parking.*
- (D) The applicant must provide assurance in the form of an easement, plat note, and maintenance agreement that is recorded with the subdivision, all of which must be acceptable to the director, that ensures the required common access will be constructed and maintained by the property owners.*
- (E) The proposed subdivision must meet all other applicable subdivision standards and requirements.*

6. Parking & Circulation– Dependent on use.

- a. Parking for the wrestling facility should be completely on the new lot, or a shared parking agreement will be required.

7. Lot Coverage – Maximum 50%

8. Vegetative Coverage – Minimum 30%

- a. The applicant should submit a site plan showing that after the subdivision, each lot will have the required minimum vegetative cover.

9. Lighting – Will be reviewed with building plans.

10. Noise – Dependent on use.

11. Flood – A Flood Development Permit will be required for work within the flood zone.

- a. The revised Floodplain Ordinance is attached to this report – it is effective May 26th, 2021 and not yet available on the muni-code website as of the date of issuing this report.
- b. Special provisions apply to work within floodways, and will be reviewed with a flood development permit. See the attached ordinance.

12. Hazard/Mass Wasting/Avalanche/Hillside Endorsement – Not applicable.

13. Wetlands – No known.

14. Habitat – Duck Creek is an anadromous waterbody.

15. Traffic – Dependent on use.

16. Nonconforming situations – No known.

Building Division

17. Building – Will review completed applications.

18. Outstanding Permits –

Pre-Application Conference Final Report

- a. **BLD2020 0293** – New Gymnasium
- b. **BLD2021 0039** – Bank Stabilization of Duck Creek
- c. **BLD2021 0128** – Grading
- d. **Stop Work Order** – Issued March 10, 2021

General Engineering/Public Works**19. Engineering –**

- a. Any structures or development including culverts and fill within the 50' streamside setbacks shall be included in the variance. Please also keep in mind the following requirements for development within the floodway, 49.70.400 Floodplain, (i) Additional provisions in floodways:

Encroachments, including fill, new construction, and other development, except subdivisions, within a floodway are prohibited unless an engineer licensed in the State of Alaska submits a hydrologic and hydraulic analyses to the director indicating that the encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. The hydrologic and hydraulic analyses must be performed in accordance with standard engineering practice acceptable by the Federal Emergency Management Agency.

- b. **Easements:** Site plan (plat) shall include all existing (and proposed) easements for drainage, utility lines including plumbing lines, access, snow storage, trash (dumpster) storage, or any other shared use that requires crossing the property line. For plats include the width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary.
- c. **Agreements:** A maintenance and hold harmless (of CBJ) agreement will need to be drafted, signed, and recorded for all shared infrastructure for the development, e.g. driveway, water, sewer, etc.

20. Drainage – Submit with the preliminary plat the following information:

- a. Drainage report. A preliminary report specifying the method by which the applicant proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on adjacent areas. Unlike the drainage plan required by CBJ 49.35.510, the preliminary drainage report does not need to be prepared by a licensed engineer. The report must address the following:
 - (A) A calculation of the increase in stormwater runoff resulting from the proposed development as well as the runoff from all drainage areas associated with the site. Runoff calculations shall be based on a fully-developed subdivision and a 25-year storm event;
 - (B) How drainage from the proposed subdivision will join an established drainage channel or channels, unless the director of engineering and public works approves use of an alternative drainage way;
 - (C) An evaluation of existing drainage ways and structures located between the subdivision and the receiving water body, and verification that the existing drainage ways can accommodate the increased runoff. If the increased runoff cannot be handled, the plan must propose solutions to the problem; and
 - (D) All required improvements, on or off site, that are shown on the construction plans in accordance with CBJ 49.35, article V, and that will be constructed as part of the subdivision.

Pre-Application Conference Final Report

- b. Erosion control. A report explaining the method by which the applicant proposes to control erosion and manage runoff, and potential impacts to adjacent properties or water bodies. The report shall include a plan for preservation of ground cover in areas where runoff and resulting erosion need to be minimized.
21. **Utilities** – (water, power, sewer, etc.) A minimum of 1" water service and 4" sewer service will need to be installed to the property line of each newly created lot within one-year of recording of the plat. At the time of preliminary plat submittal, please submit a construction plan for the new utilities. The submittals must meet current CBJ Standards and Specifications. The plan needs to include pipe locations, type, sizing, for both water and sewer and grades for sewer to indicate appropriate fall will be achieved. The construction plan can be shown on an existing as-built drawing that also includes existing features such as structures and other existing utilities. Permits required for the proposed work will be identified during the review of the submitted construction plan.
22. **Grading Plan:** The submitted grading plan, BLD20210128, shall be modified to include all areas of grading work. As the grading work will or has taken place over an area greater than two acres, tree and stump removal shall be indicated on the plan. Additionally, after further discussions with the Developer it is believed that fill in excess of 1,000 cubic yards has or will be taking place. As a result the following is requirement for the revised plan per 19.12.060.3 Grading Designation:

Grading in excess of 1,000 cubic yards (765 m3) shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading."

The modified engineered plan shall include the floodway delineation on both the plan view and cross section view.

The engineered grading plan shall adhere to all requirements as outlined in 19.12 – Excavation and Grading Code. This specifically the plan shall address fills, compaction, setbacks, and erosion control and stormwater quality.

As this is an engineered grading plan a Special Inspection shall be required by a civil engineer of all grading work and shall adhere to 19.12.140.2 Civil Engineer. The Special Inspection form is attached. The form shall be completed by both the Developer and the inspecting Engineer and will need to be submitted to the Permit Center prior to issuance of the Grading Permit. Upon completion of the work the final report shall include the following per 19.12.150.1 Final Reports:

- a. *An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 19.12.140.5 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.*

Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

- b. *The grading contractor shall submit in a form prescribed by the building official a statement of conformance to said as-built plan and the specifications.*

Fire Marshal

23. **Fire Items/Access** – Will review completed applications.

Pre-Application Conference Final Report

Other Applicable Agency Review

1. DOT&PF may be consulted for access requirements onto Mendenhall Loop Road (AKDOT ROW).
 - a. If the subdivision is approved, DOT permits may be required. Applicant should consult DOT.
2. Support from the Alaska Department of Fish and Game is critical for the variance. Staff will request agency review comments once an application is submitted.
 - a. If the variance is granted, ADFG permits may be required. Applicant should consult ADFG.
3. ACOE may be consulted during review of the variance.
 - a. If the variance is granted, ACOE permits may be required. Applicant should consult ACOE.

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. Major Subdivision Preliminary Plat Application
2. Variance Application
3. Development 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. For the subdivision:
 - a. A copy of this pre-application conference report.
 - b. Preliminary Plat Checklist – required items are highlighted on the attached document.
 - c. Preliminary Plat
 - d. Sketch plat in accordance with 49.15.410
 - e. Drainage plan and drainage report for the subdivision – At this time, the drainage plan does not need to be engineered.
 - f. Preliminary construction drawings for additional water and sewer service.
2. For the variance:
 - a. Narrative must demonstrate the grounds for the variance, and discuss the reasons channelizing the creek and why grading is being requested within the 50' buffer for bank stabilization.
 - b. Narrative will demonstrate the reasons for storing the fill.
 - c. Site plan showing areas of work
 - d. Typical sections for the creek
 - e. Site plan showing flood development areas.
 - f. Drainage report is necessary to demonstrate the grounds for a variance, including:
 - i. A preliminary report specifying the method by which the applicant proposes to manage surface and subsurface drainage for the variance and the effect of such method on adjacent areas. Unlike the drainage plan required by CBJ 49.35.510, the preliminary

Pre-Application Conference Final Report

drainage report does not need to be prepared by a licensed engineer. The report must address the following:

- ii. A calculation of the increase in stormwater runoff resulting from the proposed development (channelization) as well as the runoff from all drainage areas associated with the site. Runoff calculations shall be based on a fully-developed site and a 25-year storm event;
- iii. How drainage from the proposed channelization will join an established drainage channel or channels;
- iv. An evaluation of existing drainage ways and structures located between the channelization area and the receiving water body, and verification that the existing drainage ways can accommodate the increased runoff. If the increased runoff cannot be handled, the plan must propose solutions to the problem; and
- v. All required improvements, on or off site, that are shown on the construction plans in accordance with CBJ 49.35, article V, and that will be constructed as part of the channelization.

The preliminary drainage report is necessary, as this variance will change the creek. At the same, we recognize that if the variance is approved by the commission, you will then need to seek and obtain permits from Army Corps and F&G, and possibly other agencies as well. At that time, a full hydrologic study may be necessary, unless F&G has other methods. As discussed, conducting this level of work doesn't make sense unless and until you have approval of the variance.

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. Major Subdivision - \$110 per lot for preliminary plat review
 - a. Public notice sign fee - \$50 plus \$100 refundable deposit
2. Non Administrative Variance - \$400
 - a. Public notice sign fee - \$50 plus \$100 refundable deposit

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

Submit your Completed Application

You must submit your application(s) in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street

Pre-Application Conference Final Report

Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715

Web: www.juneau.org/cdd

Attachments:

49.70 Article IV – Floodplain Development

49.20 - Variances

Preliminary Plat Checklist

Special Inspection Form



1945 Alex Holden Way #101	Juneau, AK 99801	907-780-4004	solutions@proHNS.com
219 Main Street #13	Haines, AK 99827	907-419-6070	www.proHNS.com

June 11, 2021

TDLH LLC
 Travis Arndt
 10840 Lilac Dr
 Juneau, AK 99801
 constellation_dev@hotmail.com

RE: Subdivision of USS 1053 TR A2 – Preliminary Drainage Report

To Whom It May Concern,

The following Preliminary Drainage Plan has been prepared for the subdivision of USS 1053 TR A2 in Juneau, AK. The project generally consist of 1.12 acres of clearing and construction of a new 5,000 sf building of one lot on the east of Duck Creek, as well as 16.97 acres of clearing of a second lot on the west side of Duck Creek. The total pre-developed parcel size is 20.49 acres. A pre-developed and post-developed map have been included with this report.

Site Runoff Calculation Method:

The project site consist of two separate drainage basins. One on the west side of Duck Creek and one on the east side of Duck Creek. Each basin was modeled using the SCS TR-55 model method, as described in Appendix D of the *City and Borough of Juneau Manual of Stormwater Best Management Practices*.

Site Drainage Patterns:

Pre-Developed Conditions: During a site visit performed on 6/10/2021 it was observed that the site is generally flat with local mounds and depressions. The majority of the western portion of the site appears to drain in a generally southwestern direction, though there was no evidence of channelization or concentrated flow. There were no defined drainage channels or discharge points on the western property line, thus it is presumed that the rainfall is absorbed by the dense vegetation and infiltrated into the ground. The *Soils of the Juneau Area (Schoephorster & Furbush 1974)* classify the onsite soils as well-drained "Fine Sandy Loam". Onsite exposed soils appeared to be visually consistent with this classification, which supports the notion that rainfall is absorbed by the onsite soils. In the event that the amount of precipitation exceeds the soils infiltrative capacity, it appears that ponding would occur in the southwestern corner of the property until the ponded water overflows into a ditch in the southeastern corner of the property and flows into Duck Creek. A portion of the site, on both the east and west sides of Duck Creek, is sloped towards the creek. Any water not infiltrated into the soil in these areas would sheet flow over vegetated surfaces into Duck Creek.

Page 1 | 3



1945 Alex Holden Way #101 | Juneau, AK 99801 | 907-780-4004 | solutions@proHNS.com
 219 Main Street #13 | Haines, AK 99827 | 907-419-6070 | www.proHNS.com

Post-Developed Conditions: The new lot on the western side of the creek will be cleared and grubbed. The site will be graded to have a very mild slope in the southeastern direction and then vegetated with grass and/or native ground cover. Any stormwater that does not infiltrate into the ground will sheet flow into Duck Creek over vegetated surfaces. No buildings or impervious surfaces are proposed on the western side of the creek at this time. The entire western portion of the site will be vegetated, with the 50 feet immediately adjacent to the creek consisting of undisturbed trees, shrubs, and underbrush. The new lot on the eastern side of the Creek will be developed with a 5,000 sf (0.11 acre) building and 24,586 sf (0.56 acre) parking lot. Runoff will sheet flow across the parking lot and then sheet flow across a minimum of 50 feet of vegetated buffer consisting of undisturbed trees, shrubs, and underbrush.

Anticipated Site Runoff:

Using the SCS Method, the amount of stormwater runoff during the 25-year storm event per catchment area was determined. See Tables 1.1 and 1.2 below for results. It can be seen that the increase in stormwater runoff from the entire site will be 2.29 cfs.

Table 1.1	Area (acres)	Peak Runoff (cfs)
Basin A: Pre-developed (area west of Duck Creek)	16.97	0.59
Basin B: Pre-developed (area east of Duck Creek)	1.12	0.04
Basin A: Post-developed (area west of Duck Creek)	16.97	2.41
Basin B: post-developed (area east of Duck Creek)	1.12	0.51

Table 1.2	
Bains A Increase (cfs)	1.82
Bains B Increase (cfs)	0.47
Total Increase (cfs)	2.29

Conveyance/Discharge Structure Capacities:

For this project Duck Creek is considered the receiving water body. Conveyance will consist primarily of sheet flow, with a short section of wide ditching in the southeast corner of the site, thus there are no capacity concerns for the routing of stormwater before it reaches the receiving water body.



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219 Main Street #13	Haines, AK 99827	907-419-6070	www.proHNS.com

Summary:

The project site has very minimal slope and high infiltration capacity, which results in a relatively minor increase in stormwater runoff. The use of retained vegetation and a 50 foot undisturbed buffer along Duck Creek further reduce potential runoff from the site.

Our preliminary analysis shows that there are no capacity concerns from the increase in stormwater resulting from this project before it reaches the receiving water body.

Respectfully,

A handwritten signature in cursive script that reads "Lucas Chambers".

Lucas Chambers, P.E.
Principal Engineer – proHNS LLC Juneau

Attachments:
Pre-Developed and Post-Developed Drainage Maps (2 sheets)



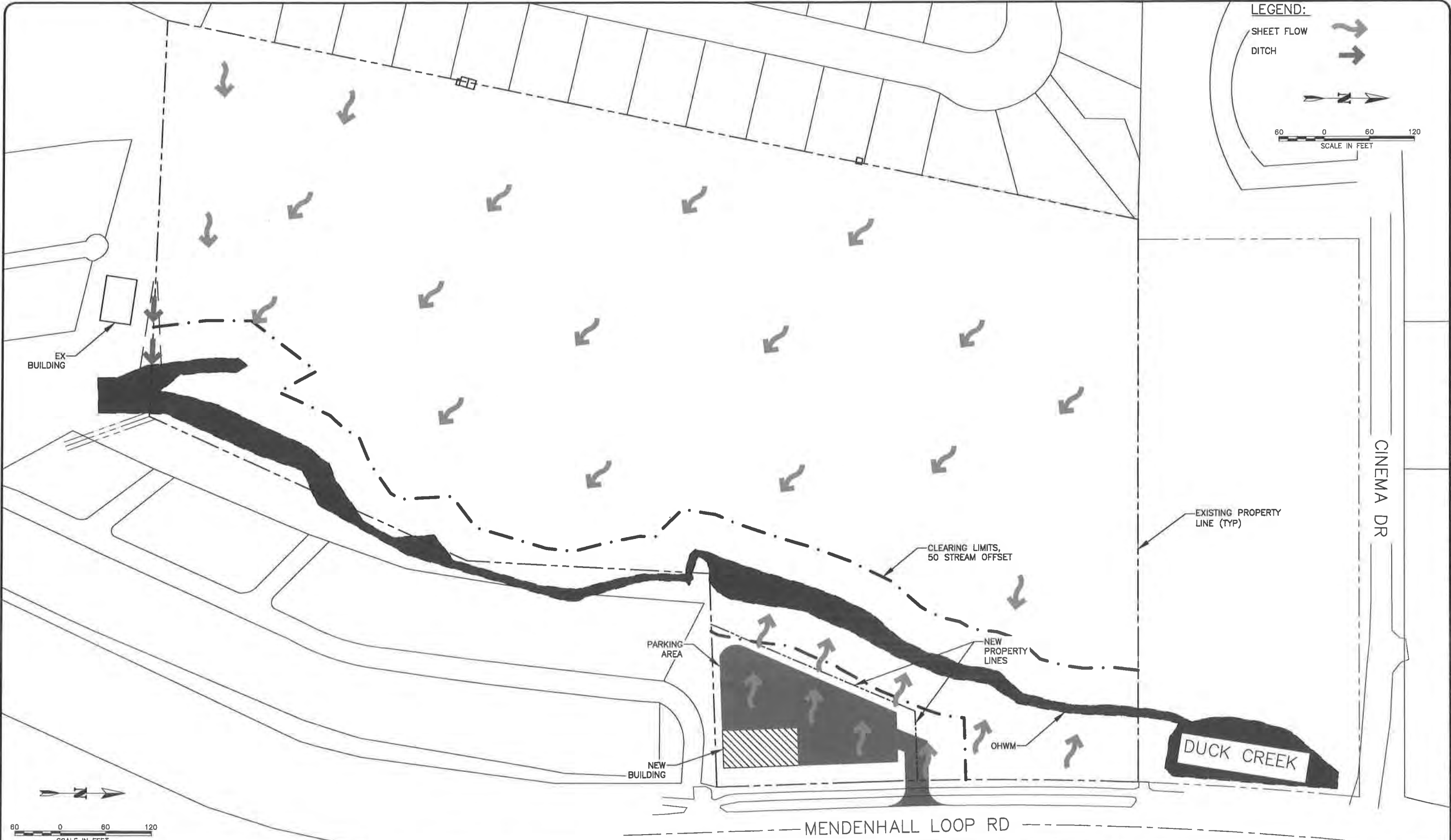
C:\Users\Chris\Dropbox (proHNS)\Projects\Juneau\Constellation Development\Juneau\Constellation Development\C3D\Sheets\Cinema Drive Condos_Drainage.dwg

June 11, 2021

RECORD OF REVISIONS				DRAWN BY: C. BYDLON	DESIGNED BY: C. BYDLON	CHECKED BY: L. CHAMBERS	1946 ALEX HOLDEN WAY #101 JUNEAU, AK 99801 (907) 780-4004	solutions@proHNS.com www.proHNS.com	CBJ REVIEW	APPROVED: _____	DATE: _____	SUBDIVISION OF USS 1053 TR A2	PRE-DEVELOPED DRAINAGE MAP	SHEET NUMBER	
No.	DATE	DESCRIPTION	BY											1	OF
		SMP2021 0005 ATTACHMENT A, Page 16												2	



June 11, 2021



C:\Users\Chris\Dropbox (proHNS)\Projects\Juneau\Constellation Development\c3d\Sheets\Cinema Drive Condos_Drainage.dwg

June 11, 2021

RECORD OF REVISIONS			
No.	DATE	DESCRIPTION	BY
		SMP2021 0005	
		ATTACHMENT A, Page 17	



proHNS LLC
CERTIFICATE OF AUTHORIZATION
#100862

DRAWN BY: C. BYDLON
DESIGNED BY: C. BYDLON
CHECKED BY: L. CHAMBERS

1945 ALEX HOLDEN WAY #101
JUNEAU, AK 99801
(907) 780-4004

solutions@proHNS.com
www.proHNS.com

CBJ REVIEW

APPROVED: _____

DATE: _____

SUBDIVISION OF
USS 1053 TR A2

POST-DEVELOPED
DRAINAGE MAP

SHEET NUMBER	
2	OF
2	



CONSTELLATION DEVELOPMENT

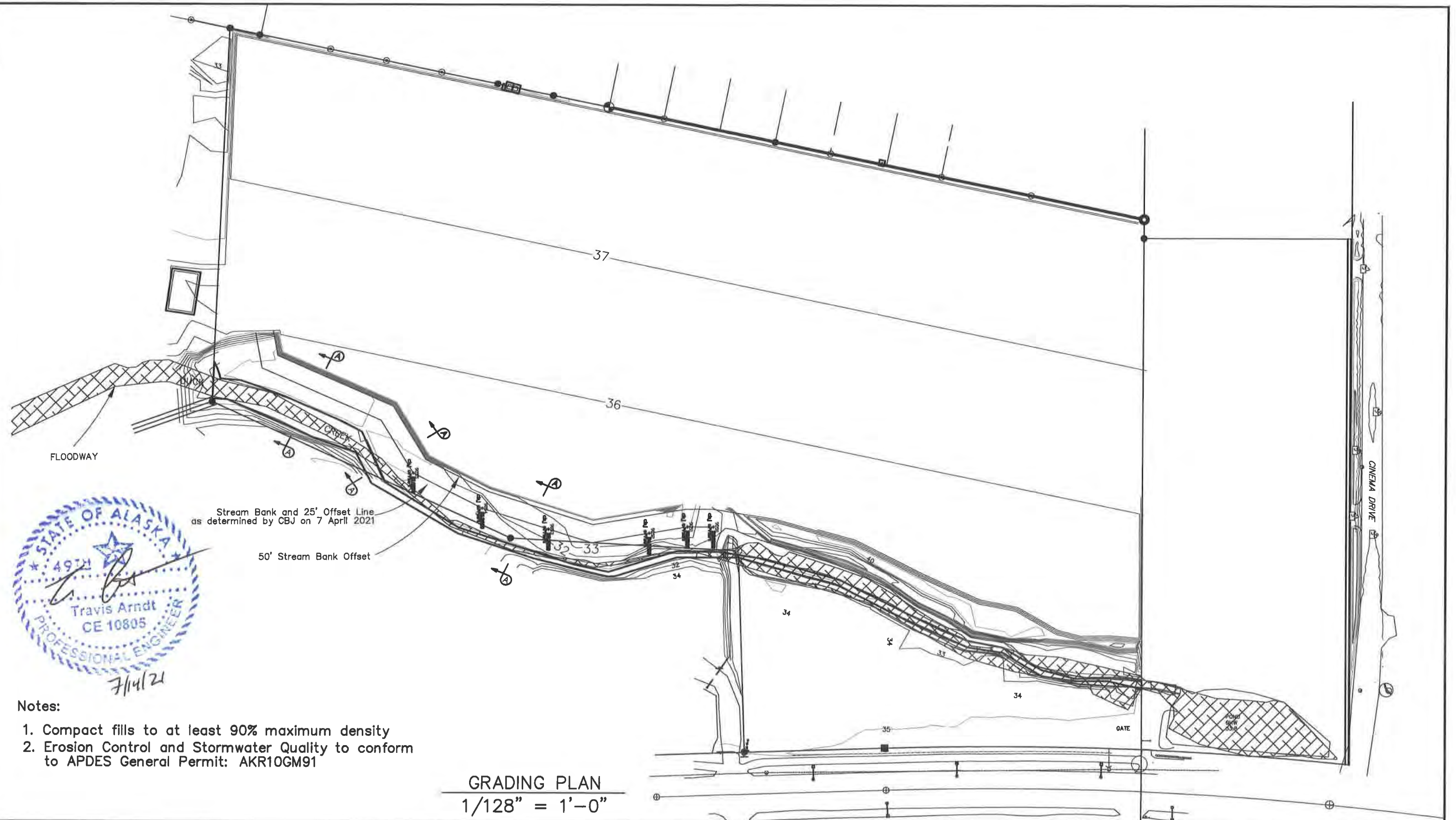
SMP2021 0005
ATTACHMENT A, Page 18

10840 Lileo Drive
Juneau, AK 99801
907-321-3118

Tract A-2

USS No. 1053.

EXISTING GRADING



Notes:

1. Compact fills to at least 90% maximum density
2. Erosion Control and Stormwater Quality to conform to APDES General Permit: AKR10GM91

CONSTELLATION DEVELOPMENT

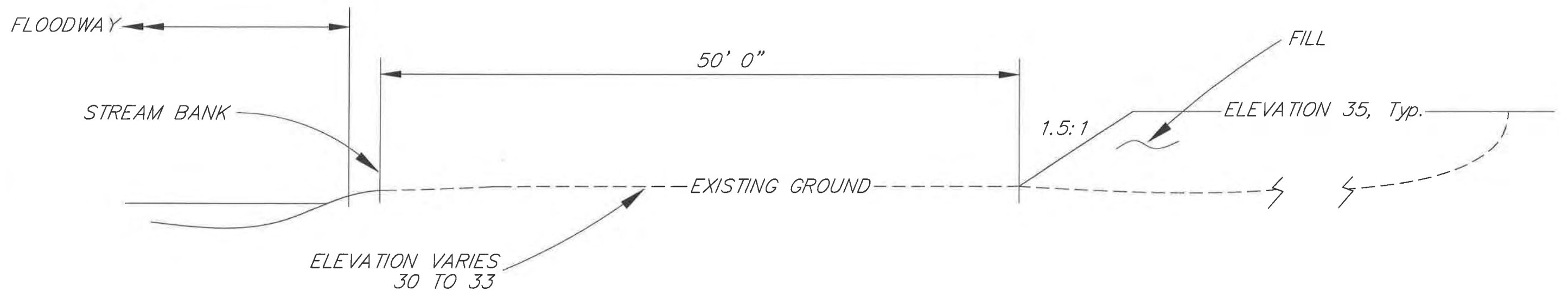
SMP2021 0005
ATTACHMENT A, Page 19

10840 Lila Drive
Juneau, AK 99801
907-321-3118

Tract A-2

USS No. 1053.

GRADING SITE PLAN



Section A-A
1/8" = 1'-0"

CONSTELLATION DEVELOPMENT

SMP2021 0005
ATTACHMENT A, Page 20

10840 Lila Drive
Juneau, AK 99801
907-321-3118

Tract A-2

USS No. 1053.

GRADING DETAILS

CORPORATE OWNERSHIP CERTIFICATE:

WE, HEREBY CERTIFY THAT TDLH, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE, AS MEMBERS, HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO THE PUBLIC OR PRIVATE USE AS NOTED.

DATE: _____, 2021

TRAVIS ARNDT, MEMBER
TDLH, LLC

DOUGLAS TRUCANO, MEMBER
TDLH, LLC

NOTARY ACKNOWLEDGEMENT:

UNITED STATES OF AMERICA

STATE OF ALASKA

THIS IS TO CERTIFY THAT ON THIS ____ DAY OF _____, 2021, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TRAVIS ARNDT AND DOUGLAS TRUCANO, TO ME KNOWN AND KNOWN TO ME TO BE THE PERSONS THEY REPRESENTS THEMSELVES TO BE AND THE MEMBERS OF TDLH, LLC WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS THE FREE ACT AND DEED OF THE SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED, BEING FULLY AUTHORIZED TO DO SO.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES:

COMMUNITY DEVELOPMENT DEPARTMENT PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, ANCHORAGE, ALASKA.

DATED _____, 2021

JILL MACLEAN, DIRECTOR, COMMUNITY DEVELOPMENT
DEPARTMENT CITY AND BOROUGH OF JUNEAU

ATTEST:

MUNICIPAL CLERK, CITY AND BOROUGH OF JUNEAU

NOTES:

- 1) THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:10,000.
- 2) ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
- 3) RECORD INFORMATION DERIVED FROM THE OFFICIAL PLAT OF US SURVEY 1053; A PLAT IF TRACT A-1 AND TRACT A-2 A SUBDIVISION OF TRACT A, US SURVEY 1053 PLAT 96-106 RECORDED 18 DECEMBER 1996; RIVERWOOD SUBDIVISION PLAT No. 77-10 RECORDED 31 MARCH 1977; RECORD OF SURVEY BOUNDARY AND TOPOGRAPHIC SURVEY OF TRACT A-2 US SURVEY 1053 PLAT No. 2007-72 RECORDED 19 DECEMBER 2007; THE CONDOS AT THE CINEMA - PHASES 1, 2, 3, 4, 5, PLAT No. 2020-38 RECORDED 13 OCTOBER 2020 ON FILE WITH IN THE JUNEAU RECORDING DISTRICT.
- 4) WHERE DIFFERENT FROM RECORD OR CALCULATED, RECORD DIMENSIONS ARE SHOWN IN PARENTHESIS AND REFERENCED TO A RECORDED PLAT (R#).
- 5) DOMESTIC WATER & SANITARY SEWER PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
- 6) SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- 7) PARTS OF THIS SUBDIVISION ARE LOCATED IN A SPECIAL FLOOD HAZARD ZONE AREA ACCORDING TO THE ADOPTED CITY AND BOROUGH OF JUNEAU FLOOD INSURANCE RATE MAPS (FIRM) COMMUNITY PANEL# 02110C1239E, EFFECTIVE AS OF 18 SEPTEMBER 2020 SPECIAL DEVELOPMENT STANDARDS MAY APPLY ACCORDING TO CBJ TITLE 49, LAND USE CODE.

CURVE TABLE

CURVE RADIUS	ARC LENGTH	CHORD	CHORD BEARING	Δ ANGLE
C1 4871.37	62.35'	62.34'	S 01°28'48" E	0°43'07"
C2 4971.37	286.95'	286.85'	S 00°35'08" W	3°28'41"



5/8" x 3/8" REBAR WITH RED PLASTIC CAP
PRIMARY MONUMENT
2.5" x 30" ALUMINUM PIPE WITH 3.28" DIAMETER ALUMINUM CAP WITH CLEAR DEEP 1 MAGNET AT THE BASE

TYPICAL SET MONUMENT DETAIL
N.T.S.

SURVEYOR'S CERTIFICATE

I, JOSHUA FRANTZ IVANISZEK, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

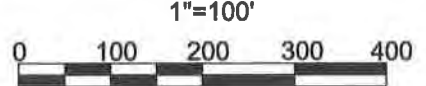
DATED: 28 MAY 2021



LEGEND:

- BLM PRIMARY MONUMENT RECOVERED
- R&M PRIMARY MONUMENT RECOVERED
- JW BEAN 3650-S PRIMARY MONUMENT RECOVERED
- CHILKAT SURVEYING PRIMARY MONUMENT ESTABLISHED
- 1410-S SECONDARY MONUMENT RECOVERED
- 6277-S SECONDARY MONUMENT RECOVERED
- 3650-S MONUMENT RECOVERED
- CONCRETE ROW POST
- SECONDARY MONUMENT SET THIS SURVEY
- PROPERTY LINES
- UNSURVEYED LINES
- EASEMENT BOUNDARY

- (N 45°11' W)R1 RECORD INFORMATION FROM US SURVEY 1053
- (N45°04'15" W)R2 RECORD INFORMATION FROM PLAT No. 96-106
- (S00°06'33" W)R3 RECORD INFORMATION FROM PLAT No. 2007-72



SMP2021 0005
ATTACHMENT A, Page 21

PLAT OF
TRACT A-2A AND TRACT A-2B
SUBDIVISION OF
TRACT A-2 FRACTION OF US SURVEY 1053
WITHIN THE CITY AND BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

STATE RECORDERS OFFICE AT ANCHORAGE

CHILKAT SURVEYING & MAPPING, LLC
10654 PORTER LANE JUNEAU, ALASKA 99801
907-957-1908

OWNERS
TDLH, LLC
10840 LILAC DR. JUNEAU, AK 99801

SMP: 2021XXXX SCALE: 1" = 100' DATE: 28 JUNE 2021 SHEET NO. 1 OF 1

CHILKAT SURVEYING & MAPPING, LLC
10654 PORTER LANE JUNEAU, AK 99801
907 957-1908 chilkat.surveying@gmail.com

Date: 8 JULY 2021

To: CBJ COMMUNITY DEVELOPMENT DEPARTMENT
155 SOUTH SEWARD ST.
Juneau, Alaska 99801

Subject: Lot closure reports TRACTS A-2A AND A-2B

Remarks: The lot closure reflects the proposed subdivision of TRACT A-2 INTO TRACTS A-2A AND A-2B

Tract A-2A

Norththing	Easting	Bearing	Distance
2391923.090	2511087.207		
Radius: 4971.370 Chord: 62.345 Degree: 1°09'09" Dir: Right			
Length: 62.345 Delta: 0°43'07" Tangent: 31.173			
Chord BRG: N01°29'46"W Rad-In: N 88°08'40" E Rad-Out: N 88°51'47"E			
Radius Point: 2392084.054, 2516055.971			
2391985.413	2511085.580		
		N 87°59'37" W	93.104
2391988.673	2510992.533		
		S 23°15'02" W	294.530
2391718.063	2510876.266		
		N 88°04'53" E	216.750
2391725.319	2511092.895		
		N 01°38'50" W	197.853
2391923.090	2511087.207		

Closure Error Distance> 0.00000 Error Bearing> N 90°00'00" E
Closure Precision> 1 in 1856674427932.7 Total Distance> 864.581
Polyline Area: 40957 sq ft, 0.9403 acres

Tract A-2B

Norththing	Easting	Bearing	Distance
82392284.248	2511088.634		
Radius: 4971.370 Chord: 298.850 Degree: 1°09'09" Dir: Left			
Length: 298.895 Delta: 3°26'41" Tangent: 149.493			
Chord BRG: S 00°35'08" W Rad-In: S 87°41'31" E Rad-Out: N88°51'48"E			
Radius Point: 2392084.043, 2516055.971			
2391985.413	2511085.580		
		N 87°59'37" W	93.104
2391988.673	2510992.533		
		S 23°15'02" W	294.530
2391718.063	2510876.266		
		S 88°04'53" W	66.781
2391715.827	2510809.523		
		S 03°08'38" W	321.736
2391394.575	2510791.878		
		S 24°33'31" W	462.052
2390974.321	2510599.839		
		N 87°42'37" W	526.972
2390995.375	2510073.287		
		N 11°39'17" E	304.659
2391293.753	2510134.833		

CHILKAT SURVEYING & MAPPING, LLC

CHILKAT SURVEYING & MAPPING, LLC
10654 PORTER LANE JUNEAU, AK 99801
907 957-1908 chilkat.surveying@gmail.com

		N 11°41'43" E 239.896
2391528.669	2510183.462	
		N 11°42'14" E 772.026
2392284.644	2510340.072	
		S 89°58'11" E 748.562
2392284.248	2511088.634	

Closure Error Distance> 0.00000
Total Distance> 4129.215
Polyline Area: 852309 sq ft, 19.5663 acres

CHILKAT SURVEYING & MAPPING, LLC



PRELIMINARY PLAT CHECK LIST

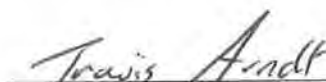
Name of Proposed Subdivision: _____

The following items must be included with the initial submittal of a Preliminary Plat:

- ☒ Application, filled out completely
- ☒ Project Narrative
- ☒ Pre-application Conference Report
- ☒ Disclosure of all known environmental hazards and any proposed mitigation measures recommended in the applicable environmental document.
- ☒ Preliminary Plat Checklist: I have reviewed the checklist and all submittals for completeness and accuracy.
- ☒ Application fee (see fee schedule)
- ☒ Five (5) – 24" by 36" Copies PDF acceptable for review
- ☒ Lot Closure Report


 Applicant or Surveyor - Signature

7/14/21
 Date


 Applicant or Surveyor - Print Name

GENERAL REQUIREMENTS

- ☒ The preliminary plat shall be prepared by a professional land surveyor, registered in the State of Alaska
- ☒ The preliminary plat shall be submitted on 22 by 34 inch sheets. The director of engineering and public works may approve alternate sheet sizes
- ☒ The preliminary plat shall be drawn with black ink to a scale of one-inch to 100 feet or less, or other suitable scale approved by the director of engineering and public works
- ☒ The preliminary plat shall be oriented with north toward the top of the sheet.
- ☒ A vicinity map shall be located in the upper right-hand corner of the sheet
- ☒ The vicinity map shall be oriented in the same direction as the plat
- ☒ A suitable north arrow shall be shown for the plat and vicinity map
- ☒ All line work and lettering must be of professional quality, and all line widths and lettering sizes must be of such size that all information can be clearly shown without overlap or confusion

GRAPHIC REQUIREMENTS - A preliminary plat shall contain the following information:

Title block - An enclosed title block in the lower right-hand corner containing the following information:

- ☒ The proposed name of the subdivision
- ☒ The legal description of the parcel to be subdivided including U.S. Survey, U.S. Mineral Survey, A.T.S. number or section, township, and range number, as applicable
- ☒ "City and Borough of Juneau, Alaska"
- ☒ "State Recorder's Office at Juneau" Anchorage
- ☒ The date the preliminary plat was prepared and revised
- ☒ The horizontal scale
- ☒ The name and address of the owner of record
- ☒ The name, address, and telephone number of the surveyor preparing the preliminary plat



PRELIMINARY PLAT CHECK LIST

Lot, block, and street information:

- ☒ The area of each lot
- ☒ The dimensions in feet and hundredths of a foot
- ☒ An identifying number and letter for lots and blocks
- ☒ Lots numbered consecutively, commencing with the number "1," with no omissions or duplications
- ☒ If the remainder of an original parcel being subdivided is relatively large, it shall be designated as a "tract" with an identifying number
- ☒ All parcels of land intended to be dedicated for public use or reserved for the use of all of the property owners in the proposed subdivision shall be shown as lots, and consecutively numbered. The purpose and any conditions or limitations on the use of the parcel shall be noted on the plat
- ☒ Abutting properties shall be shown with dashed lines, numbers, and/or letters
- ☐ For resubdivisions or public way vacations, the lines and legal description of the previous lots shall be shown with light dashed lines, numbers, and/or letters, or by a separate plat on the same sheet showing the previous lot lines
 - ☒ The minimum data shown for each curve shall be as follows:
 - ☒ Length
 - ☒ Central angle
 - ☒ Radius
 - ☐ Bearing and distance of long chord
- ☒ Setbacks shall be shown on all corner lots and any lots with multiple frontage. Setbacks shall be shown on typical lots

Boundary lines:

- ☒ All boundary lines of the subdivision with bearings and distances described
- ☒ All retraced boundary lines shall show record and measured bearings and distances where they differ. Record dimension information shall be shown within parentheses and include a record source identification
- ☒ The exterior boundary lines of the subdivision shall be a solid black opaque line that is of a width that distinguishes it from all other property lines shown on the plat
- ☒ If phasing is proposed, then the boundaries and number of each phase, sequential lot numbering, and a subdivision name consistent with previous phases shall be shown

Monumentation:

- ☒ The monuments used to establish the basis of bearing
- ☒ Each monument found or set shall be identified on the plat by a symbol
- ☒ A complete description of the monument, including type and all information printed on the cap. A typical drawing shall be shown for each type of monument cap set
- ☒ A legend showing the symbols for all the types of monuments
- ☐ The identification, description location, elevation, and datum of the benchmark used to establish vertical control

Site access, circulation, and utilities:

- ☒ The widths and names of existing rights-of-way within the subdivision and within 100 feet of the subdivision boundary
- ☒ Proposed rights-of-way, including their widths and proposed names
- ☒ The grades of existing and proposed streets within these rights-of-way
- ☒ The width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary
- ☒ The width, ownership, and use of all proposed easements



PRELIMINARY PLAT CHECK LIST

- ☒ All proposed and existing easements shall have sufficient dimensions shown to determine their location on the ground. Show easements for drainage, utilities, and access.
- ☒ Existing trails or pathways within the subdivision and within 100 feet of the subdivision boundary, including the width of any associated rights-of way or easements.
- ☒ Proposed trails or pathways and widths of their rights-of-way.
- ☒ If the plat submitted covers only a part of the tract under the control of the applicant, a sketch plat of the prospective street system of the unplatted part shall be submitted.
- ☒ The location of any existing or proposed driveways/curb cuts that access or are proposed to access any existing or proposed street.

Topographic information:

- ☒ For slopes of less than five percent, show one foot contour lines and include spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions.
- ☒ For slopes between five percent and ten percent, show two foot contour lines.
- ☒ For slopes greater than ten percent, show five foot contour lines.
- ☒ Every fifth elevation contour shall be distinctive and clearly labeled.
- ☒ Dashed lines shall represent existing contours.
- ☒ Mapping shall include any significant features which can materially affect the design of the subdivision, including, but not limited to, structures, fences, walls, and utility poles.
- ☒ If irregular slopes or special features are present, additional contour information may be required by the director of engineering and public works for planning or construction purposes. Additional required information may include projecting the topography of the site after grading has taken place, showing such items as:
 - ☐ Pad elevations and drainage patterns for each lot
 - ☐ Tops and toes of all manufactured slopes, including daylight lines
 - ☐ Existing and proposed retaining wall locations and heights
- ☒ For subdivisions located in hillside areas with slopes greater than eighteen percent, additional requirements apply in accordance with CBJ 49.70, Article II.

Sewer and water:

- ☒ Existing sewer and water mains within the tract with pipe sizes and grades.
- ☒ A draft plan for proposed water and sewer lines showing the size, approximate slope, and connection points with elevations for the purpose of determining the feasibility of construction.

Multisheet plats: (If applicable)

- ☒ When a plat requires more than one sheet, exclusive of a certificate sheet, an index sheet shall be included. When a plat requires more than three sheets, a cover sheet shall also be included, showing the subdivision title, a key map, and all certificates. Each additional sheet shall include the following data:
 - ☐ North arrow
 - ☐ Legend
 - ☐ Surveyor's seal and signature
 - ☐ Title block
 - ☐ Sheet _____ of _____
 - ☐ Scale
 - ☐ All plat notes
 - ☐ Vicinity map



PRELIMINARY PLAT CHECK LIST

ADDITIONAL MAPPING OR REPORTS- *At the pre-application meeting, it will be determined if any of the following additional mapping or reports are required to be submitted with the preliminary plat. If required, the following additional mapping or reports shall be submitted:*

Hazard and Special Habitat Areas:

- ☒ Any portion of a special flood hazard area, landslide or avalanche area, habitat area as defined by CBJ 49.70.310, or watersheds, either existing at the proposed subdivision site or shown on the overlay maps, adopted pursuant to this title, to exist at the proposed subdivision site, must be depicted on the preliminary plat
- ☒ The boundaries of any wetland areas must be depicted on the preliminary plat. Boundaries must be determined by a person qualified to perform wetland delineations

Soils report:

- ☐ A soils report prepared by an engineer licensed by the State of Alaska shall be required if the proposed subdivision is located farther from the existing public sewer system than specified in CBJ 49.35, and the applicant chooses to provide on-lot waste disposal rather than to connect to the public system. A soils report shall include the following:
 - ☐ Certification that the proposed lots are large enough and have soil of sufficient permeability to permit the construction of approved waste treatment systems for on-lot waste disposal
 - ☐ The location and size of drain fields for each lot
 - ☐ The locations and logs of test borings, percolation test results, and a hydrological evaluation of on-site sewage disposal
 - ☐ If the soils report indicates that the soils found on the site are not of sufficient permeability or the lots are not large enough to permit the construction of systems for on-lot waste disposal, the size of the proposed lots must be increased or alternate methods for waste disposal proposed
 - ☐ The soils report shall describe the nature of the subsurface soils and any soil conditions that would affect the design of the proposed development. The soils report shall state whether the proposed subdivision plan is feasible and provide general solutions for all known geotechnical conditions or problems

Drainage report:

☒ A preliminary report specifying the method by which the applicant proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on adjacent areas. Unlike the drainage plan required by CBJ 49.35.510, the preliminary drainage report does not need to be prepared by a licensed engineer. The report must address the following:

- ☐ A calculation of the increase in stormwater runoff resulting from the proposed development as well as the runoff from all drainage areas associated with the site. Runoff calculations shall be based on a fully-developed subdivision and a 25-year storm event
- ☐ How drainage from the proposed subdivision will join an established drainage channel or channels, unless the director of engineering and public works approves use of an alternative drainage way
- ☐ An evaluation of existing drainage ways and structures located between the subdivision and the receiving water body, and verification that the existing drainage ways can accommodate the increased runoff. If the increased runoff cannot be handled, the plan must propose solutions to the problem
- ☐ All required improvements, on or off site, that are shown on the construction plans in accordance with CBJ 49.35, Article V, and that will be constructed as part of the subdivision

Water:

- ☐ For subdivisions of five or more lots, including major subdivisions, the following shall be included, where applicable, in accordance with CBJ 49.15.412:
 - ☐ If a proposed subdivision is located at greater distance from the existing public water system than specified in CBJ 49.35, Article III, and the applicant chooses not to connect to the public system, a statement that the applicant will provide a community water system or that individual wells will be used



PRELIMINARY PLAT CHECK LIST

- ☐ A report by a registered engineer or geologist that clearly supports the legal and physical availability of adequate water. Methods for proof of water availability and the standards for quantity are listed in CBJ 49.35, Article III
- ☐ A copy of the State application for a permit to appropriate water in the quantity required to meet the subdivisions demands
- ☐ This does not apply to remote subdivisions unless: the subdivider of the remote subdivision chooses to provide potable water, a public water system is available and the subdivision falls within the criteria outlined in CBJ 49.35.310(a), or the subdivision has four or fewer lots.
- ☐ The director for minor subdivisions, and the planning commission for major subdivisions, may, for good cause, temporarily waive the requirement to provide a water report and proof of water, and condition the approval of the preliminary plat upon the provision of both documents as part of the final plat application and approval process.

Erosion control:

- ☐ A report explaining the method by which the applicant proposes to control erosion and manage runoff, and potential impacts to adjacent properties or water bodies. The report shall include a plan for preservation of ground cover in areas where runoff and resulting erosion need to be minimized.

Traffic study:

- ☐ A traffic impact analysis may be required with the preliminary plat in accordance with CBJ 49.40.300.

Shadow plats:

- ☐ For subdivisions of five or more lots in transition areas, a shadow plat shall be submitted according to CBJ 49.70.710. The shadow plat shall consist of a sketch superimposed on the proposed subdivision layout. This sketch shall reflect any future resubdivision of the parcels into smaller lots consistent with the higher density and the lot size allowed under the transition zoning.

SPECIAL INSPECTION PROPOSAL FORM

Note: This form must be completed by the Owner or Architect/Engineer of Record and approved by the Building Official prior to issuance of a Building Permit. The qualified individual special inspector must be identified along with their firm.
Special Inspector may not be employed by the Contractor or anyone responsible for the construction work.

PROJECT 3221 Mendonhall Grading **PERMIT APPLICATION NO.:** BLD20210331 BLD2021 0128
OWNER TDLH, LLC **DATE:** 7/14/24

PROPOSED SPECIAL INSPECTOR Firm: and Individual: Travis Andl, PESE
(Please fill out one of these forms for each Special Inspector on this project. Attach proposed inspector's qualifications.)

PROPOSED TESTING AGENCIES _____
(Specify which category they are testing.)

The use of a special inspector does not negate the need to call for and have all normal required CBJ inspections inspected and approved by CBJ Inspectors. Report requirements shall comply with the 2006 IBC Section 1704.1.2

TYPES OF INSPECTIONS REQUIRED: Check each type of inspection required by Architect/Engineer of Record as indicated on the approved building plans and specifications.

- ☐ **1. CONCRETE**
Inspection Scope & Schedule* _____
Frequency of Sampling Materials _____
Frequency of Testing _____
- ☐ **2. BOLTS INSTALLED IN CONCRETE**
Inspection Scope & Schedule* _____
- ☐ **3. SPECIAL MOMENT - RESISTING CONCRETE FRAME**
Inspection Scope & Schedule* _____
Frequency of Sampling Materials _____
Frequency of Testing _____
- ☐ **4. REINFORCING STEEL AND PRESTRESSED STEEL TENDONS**
Inspection Scope & Schedule* _____
Method of Testing _____
- ☐ **5. WELDING**
 - ☐ **A. SPECIAL MOMENT - RESISTING STEEL FRAMES**
Inspection Scope & Schedule* _____
Type of non-destructive testing _____
Frequency of Tests _____
 - ☐ **B. STRUCTURAL WELDING INCLUDING REINFORCING STEEL**
Inspection Scope & Schedule* _____
Type of non-destructive testing _____
Frequency of Tests _____
- ☐ **6. HIGH-STRENGTH BOLTING**
Inspection Scope & Schedule* _____
Method of Testing _____
Frequency of Testing _____
- ☐ **7. STRUCTURAL MASONRY**
Inspection Scope & Schedule* _____
Frequency of Sampling Materials _____
Frequency of Testing _____
- ☐ **8. REINFORCED GYPSUM CONCRETE**
Inspection Scope & Schedule* _____
Frequency of Sampling Materials _____
Frequency of Testing _____

OVER →

☐ **9. INSULATING CONCRETE FILL**
 Inspection Scope & Schedule* _____

 Frequency of Sampling Materials _____
 Frequency of Testing _____

☐ **10. SPRAYED-ON FIREPROOFING**
 Inspection Scope & Schedule* _____

 Method of Inspection _____
 Frequency of Sampling Materials _____
 Frequency of Testing _____

☐ **11. PILING, DRILLED PIERS AND CAISSONS**
 Inspection Scope & Schedule* _____

 Method of Inspection _____

☐ **12. SHOTCRETE**
 Inspection Scope & Schedule* _____

 Method of Inspection _____
 Frequency of Sampling Materials _____
 Frequency of Testing _____

☒ **13. SPECIAL GRADING, EXCAVATION AND FILLING**
 Inspection Scope & Schedule* _____

The engineered fill shall be constructed in accordance with the approved plan, applicable CBJ codes and shall be stable and not create a hazard to public or private property. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading:

1. A minimum of 1" water service and 4" sewer service will need to be installed to the property line of each newly created lot within one-year of recording of the plat. At the time of preliminary plat submittal, please submit a construction plan for the new utilities. The submittals must meet current CBJ Standards and Specifications. The plan needs to include pipe locations, type, sizing, for both water and sewer and grades for sewer to indicate appropriate fall will be achieved. The construction plan can be shown on an existing as-built drawing that also includes existing features such as structures and other existing utilities.
2. The grading contractor shall submit in a form prescribed by the building official a statement of conformance to said as-built plan and the specifications.

SPECIAL INSPECTOR CERTIFICATION:

I hereby certify that I am qualified to perform the special inspection items marked above, that I will perform the special inspections at the appropriate times scheduled by the contractor and that I will submit weekly and final reports.

Special Inspector: Tai Curt Date: 7/14/21

OWNER CERTIFICATION: (May be signed by Architect /Engineer of Record on Owner's behalf.)

I hereby certify that I will employ the aforementioned Special Inspector to perform the inspections shown above.

Owner: Tai Curt Date: 7/14/21

BUILDING OFFICIAL'S APPROVAL OF PROPOSAL OF SPECIAL INSPECTION:

Building Official: _____ Date: _____

Note:

Special Inspection weekly reports must be submitted to the owner and to the Building Official within 5 working days of the last day of the week being reported to avoid Suspension of the Building Permit and possible Stop Work Order. A monthly summary letter is required for overall status including any outstanding items that require followup. The final special inspection approval letter(s) must be submitted before use or occupancy. Any variation to the special inspection proposal requires prior approval of the Building Official.

* (extent of work inspected; continuous or periodic, frequency)

Department of Commerce, Community, and Economic Development
CORPORATIONS, BUSINESS & PROFESSIONAL
LICENSING

[State of Alaska](#) / [Commerce](#) / [Corporations, Business, and Professional Licensing](#) / [Search & Database](#)

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LICENSE DETAILS

License #: AELC10805

Program: Architects, Engineers and Land Surveyors

Type: Registered Professional Civil Engineer

Status: Active

Issue Date: 05/30/2003

Effective Date: 12/30/2019

Expiration Date: 12/31/2021

Mailing Address: JUNEAU, AK, UNITED STATES

Owners

Owner Name	Entity Number
TRAVIS WILLIAM ARNDT	

Relationships

No Relationships Found

Designations

No Designations Found

Agreements/Actions/Accusations

No Agreements/Actions/Accusations Found

CORPORATE OWNERSHIP CERTIFICATE:

WE, HEREBY CERTIFY THAT TDLH, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HERON AND THAT WE , AS MEMBERS, HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO THE PUBLIC OR PRIVATE USE AS NOTED.

DATE: _____, 2021

TRAVIS ARNDT, MEMBER
TDLH, LLC

DOUGLAS TRUCANO, MEMBER
TDLH, LLC

NOTARY ACKNOWLEDGEMENT:

UNITED STATES OF AMERICA

)

)SS

STATE OF ALASKA

)

THIS IS TO CERTIFY THAT ON THIS ____ DAY OF _____, 2021, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TRAVIS ARNDT AND DOUGLAS TRUCANO, TO ME KNOWN AND KNOWN TO ME TO BE THE PERSONS THEY REPRESENTS THEMSELVES TO BE AND THE MEMBERS OF TDLH, LLC WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS THE FREE ACT AND DEED OF THE SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED, BEING FULLY AUTHORIZED TO DO SO.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES:

COMMUNITY DEVELOPMENT DEPARTMENT PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, ANCHORAGE, ALASKA.

DATED _____, 2021

JILL MACLEAN, DIRECTOR, COMMUNITY DEVELOPMENT
DEPARTMENT CITY AND BOROUGH OF JUNEAU

ATTEST:

MUNICIPAL CLERK, CITY AND BOROUGH OF JUNEAU

NOTES:

1) THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:10,000.

2) ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.

3) RECORD INFORMATION DERIVED FROM THE OFFICIAL PLAT OF US SURVEY 1053; A PLAT IF TRACT A-1 AND TRACT A-2 A SUBDIVISION OF TRACT A, US SURVEY 1053 PLAT 96-106 RECORDED 18 DECEMBER 1996; RIVERWOOD SUBDIVISION PLAT No. 77-10 RECORDED 31 MARCH 1977; RECORD OF SURVEY BOUNDARY AND TOPOGRAPHIC SURVEY OF TRACT A-2 US SURVEY 1053 PLAT No. 2007-72 RECORDED 19 DECEMBER 2007; THE CONDOS AT THE CINEMA - PHASES 1, 2, 3, 4, 5, PLAT No. 2020-38 RECORDED 13 OCTOBER 2020 ON FILE WITH IN THE JUNEAU RECORDING DISTRICT.

4) WHERE DIFFERENT FROM RECORD OR CALCULATED, RECORD DIMENSIONS ARE SHOWN IN PARENTHESIS AND REFERENCED TO A RECORDED PLAT (R#).

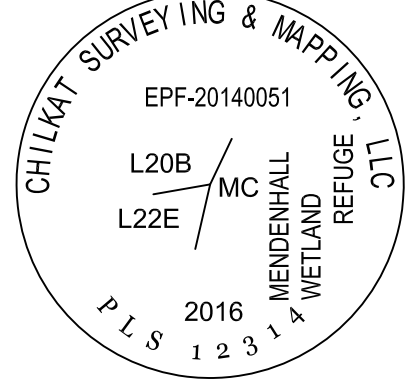
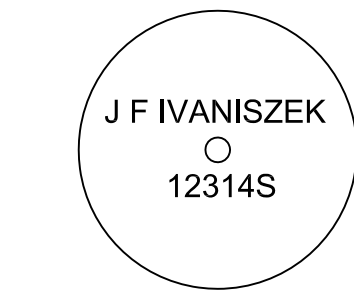
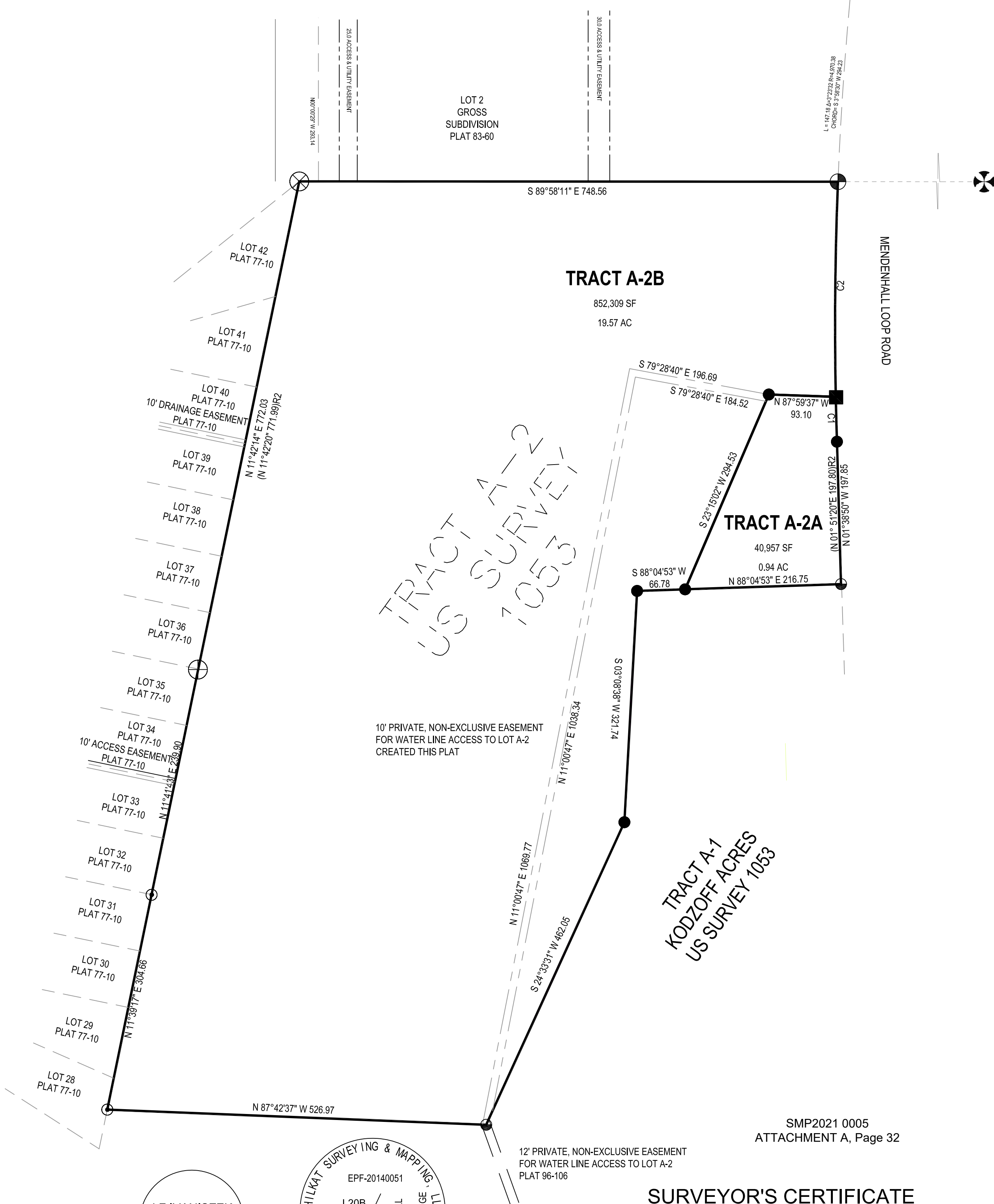
5) DOMESTIC WATER & SANITARY SEWER PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.

6) SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

7) PARTS OF THIS SUBDIVISION ARE LOCATED IN A SPECIAL FLOOD HAZARD ZONE AREA ACCORDING TO THE ADOPTED CITY AND BOROUGH OF JUNEAU FLOOD INSURANCE RATE MAPS (FIRM) COMMUNITY PANEL# 02110C1239E, EFFECTIVE AS OF 18 SEPTEMBER 2020 SPECIAL DEVELOPMENT STANDARDS MAY APPLY ACCORDING TO CBJ TITLE 49, LAND USE CODE.

CURVE TABLE

CURVE RADIUS	ARC LENGTH	CHORD	CHORD BEARING	Δ ANGLE
C1 4971.37'	62.35'	62.34'	S 01°29'46" E	0°43'07"
C2 4971.37'	298.89'	298.85'	S 00°35'08" W	3°26'41"



5/8" x 3/8" REBAR WITH
RED PLASTIC CAP

PRIMARY MONUMENT
2.5" x 30" ALUMINUM PIPE WITH 3.25"
DIAMETER ALUMINUM CAP WITH CLEAR
DEEP 1" MAGNET AT THE BASE

TYPICAL SET MONUMENT DETAIL

N.T.S.

SURVEYOR'S CERTIFICATE

I, JOSHUA FRANTZ IVANISZEK, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE: 26 MAY 2021



LEGEND:

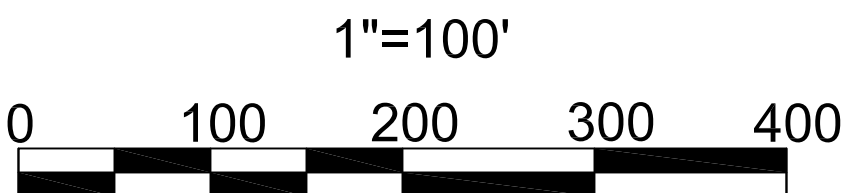
- BLM PRIMARY MONUMENT RECOVERED
- R&M PRIMARY MONUMENT RECOVERED
- JW BEAN 3650-S PRIMARY MONUMENT RECOVERED
- CHILKAT SURVEYING PRIMARY MONUMENT ESTABLISHED
- 1410-S SECONDARY MONUMENT RECOVERED
- 6277-S SECONDARY MONUMENT RECOVERED
- 3650-S MONUMENT RECOVERED
- CONCRETE ROW POST
- SECONDARY MONUMENT SET THIS SURVEY

- PROPERTY LINES
- UNSURVEYED LINES
- EASEMENT BOUNDARY

(N 45°11' W)R1 RECORD INFORMATION FROM US SURVEY 1053

(N45°04'15" W)R2 RECORD INFORMATION FROM PLAT No. 96-106

(S00°06'33"W)R3 RECORD INFORMATION FROM PLAT No. 2007-72



PLAT OF
TRACT A-2A AND TRACT A-2B
SUBDIVISION OF
TRACT A-2 FRACTION OF US SURVEY1053
WITHIN THE CITY AND BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

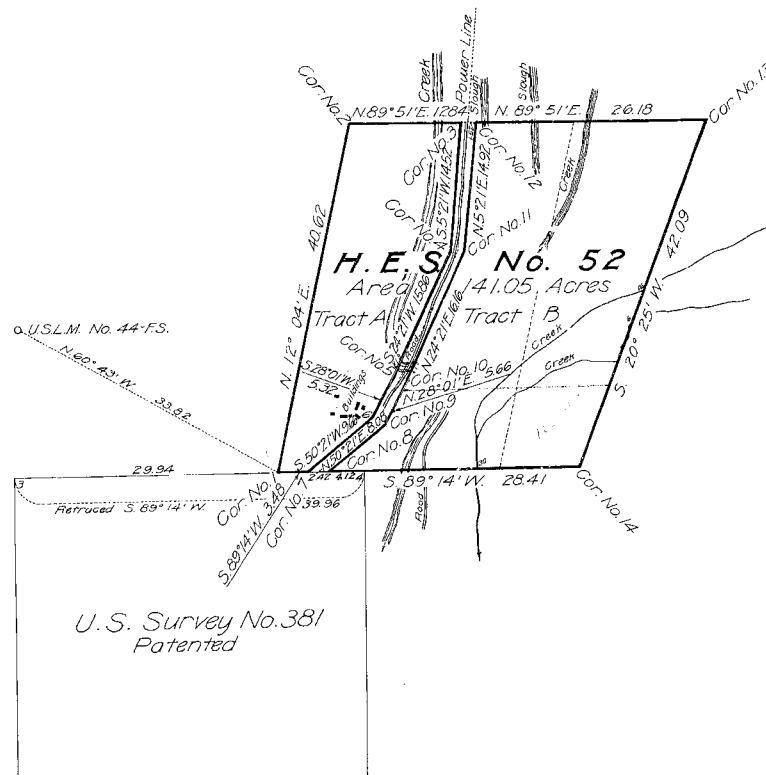
STATE RECORDERS OFFICE AT ANCHORAGE

CHILKAT SURVEYING & MAPPING, LLC
10654 PORTER LANE JUNEAU, ALASKA 99801
907-957-1908

OWNERS
TDLH, LLC
10840 LILAC DR. JUNEAU, AK 99801

SMP: 2021XXXX SCALE: 1" = 100' DATE: 29 JUNE 2021 SHEET NO. 1 OF 1

(Survey No. 1053)
Plat of
**HOMESTEAD
ENTRY SURVEY**
No. 52
in the
**TONGASS
NATIONAL FOREST**
on
Mainland of Alaska
near Mendenhall Glacier and Juneau
Unsurveyed Land
TERRITORY OF ALASKA



This plat of Homestead Entry Survey No. 52 Territory of Alaska is strictly conformable to the field notes thereof on file in this office, which have been examined and approved.

U.S. Surveyor General's Office
Juneau, Alaska.
Feb. 15, 1917.

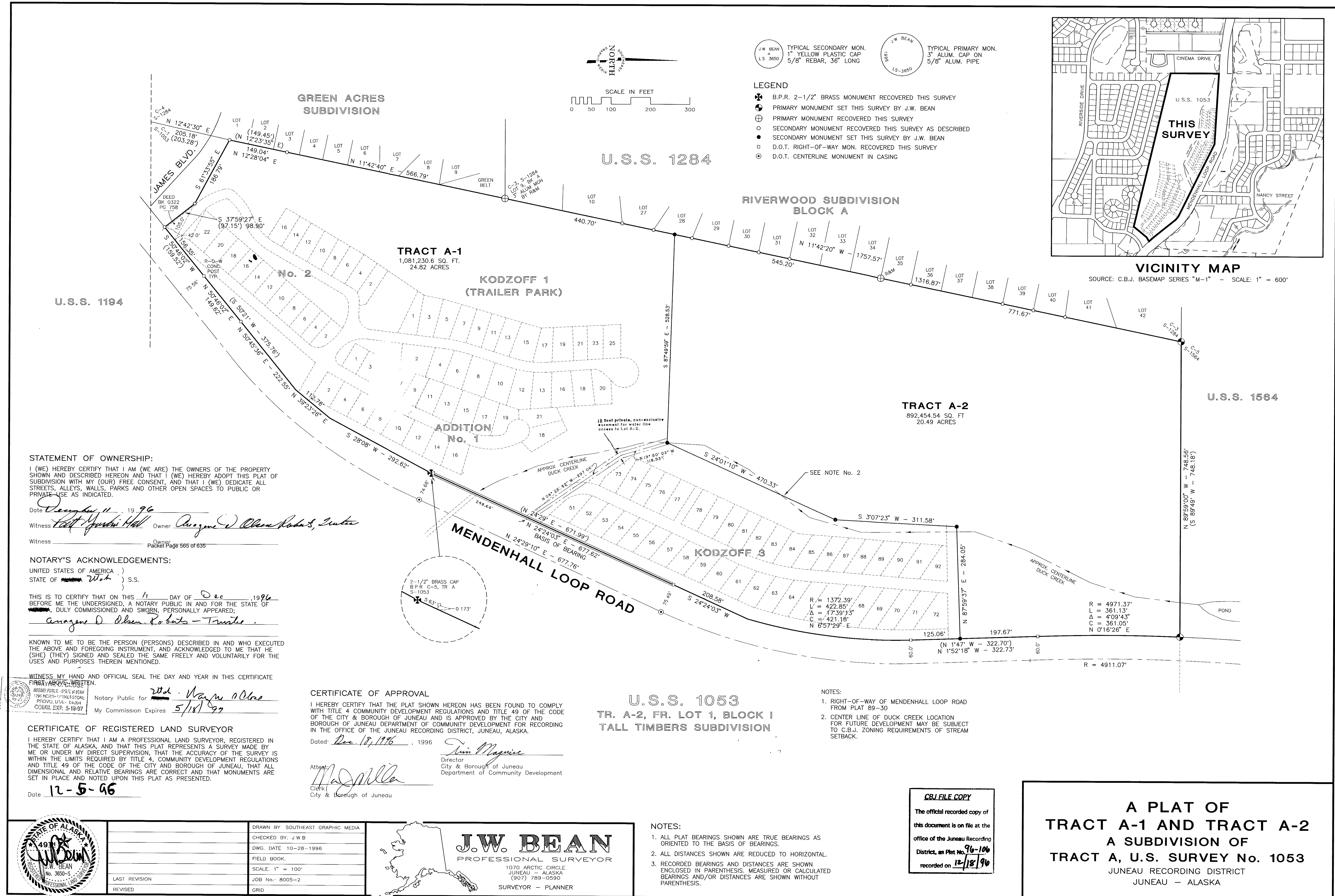
Charles E. Davidson
U.S. Surveyor General

SMP2021 0005
ATTACHMENT B, Page 1
SCALE 10 chains to 1 inch

Surveyors Designated	By whom Surveyed	Inst. Cont. Group		When Surveyed		Date of Approval
		No.	Date	Began	Completed	
H.E. Survey No. 52	Geo. W. Root	52	Feb. 1, 1915.	June 2, 1916.	June 6, 1916.	Feb. 15, 1917
	Surveyor - Forest Service					

Areas in Acres	
H.E. Survey No.	Conflicts
In Tract A	47.17
In Tract B	93.88
In Section	
In Section	
Total	141.05

Act of June 11, 1906	Act of March 4, 1915.
Last No. 6-970	Nov. 6, 1913.
6-1235	Dated March 13, 1914.
Latitude 58° 22' 40" N.	Observations at
Longitude 134° 34' W.	Corner No. 1
Mean Mag. Decl. 31° 11' E.	





Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: May 29, 2019
Case No.: USE2019 0013

Juneau Condos LLC
ATTN: Travis Arndt
10840 Lilac Drive
Juneau, AK 99801

Proposal: A Conditional Use Permit for a 5,000 square foot indoor recreation facility

Property Address: Mendenhall Loop Road

Legal Description: USS 1053 TR A2

Parcel Code No.: 5B2101030001

Hearing Date: May 28, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 16, 2019, and approved the Conditional Use Permit for a 5,000 square foot indoor recreation facility to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The applicant must submit a lighting plan during the building permit process for review by the Community Development Department; the lighting shall be designed, located, and installed to minimize off-site glare.
2. The applicant shall submit a parking plan during the building permit process for review by the Community Development Department. The parking plan shall include:
 - a. Accessible and van-accessible parking spaces;
 - b. Off-street loading areas; and
 - c. Standard parking spaces

Juneau Condos LLC
Case No.: USE2019 0013
May 29, 2019
Page 2 of 2

3. The parking spaces shall be striped, or wheel stops shall be placed, and spaces shall be signed with required accessible and van-accessible signage prior to the issuance of a Certificate of Occupancy.

Attachments: May 16, 2019, memorandum from Laurel Christian, Community Development, to the CBJ Planning Commission regarding USE2019 0013.

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.

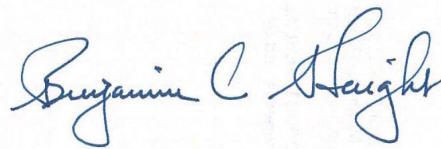
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any 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, May 28, 2019.

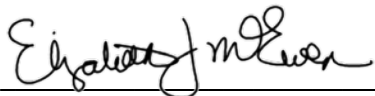
Expiration Date: The permit will expire 18 months after the effective date, or November 28, 2020, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: 

Laurel Christian, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With Municipal Clerk

5/31/2019
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.



BUILDING PERMIT

Permit No. BLD20210039
Packet Page 569 of 635

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspection, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any of said ordinances.

The granting of this permit does not authorize the violation of any federal, state or local law regulating construction for the violation of the terms of any deed or covenant or any zoning or other regulation.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress and before final inspection.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within one year or if work or construction is suspended or abandoned for a period of one year at any time after work has commenced.

Note: City Ordinances REQUIRE a Final Inspection be approved for every Building Permit.

Inspections

Inspections can be arranged by telephoning **586-1703** or by written or by online form or Email.

The Online Building Inspection Request Form is at: www.juneau.org/community-development/cdd-inspection-request.

Work shall not proceed until the inspector has approved the various stages of construction. An approved Final Inspection is required.

All inspections must be requested before noon the business day prior. Same day inspections must be requested by calling 586-0770

Please provide the following information: 1 Permit Number, 2 Address, 3 Type of Inspection, 4 Date and Time and 5 Contact Name and Phone Number.

Job Address: **3101 MENDENHALL LOOP RD**
Permit Number: **BLD20210039**
Project Description: Bank stabilization of Duck Creek

Issued Date : **02/08/2021**
Parcel No: **5B2101030001**

Parcel Information : USS 1053 TR A2

Setbacks: Zone: :
Front: 20.00 Ft. Side 1: 5.00 Ft.
Rear: 15.00 Ft. Side 2: 5.00 Ft.
Street Side: 13.00 Ft.

Comments:

Owner : TDLH LLC
10840 LILAC DR
JUNEAU AK 99801

Applicant : TRAVIS ARNDT
10840 LILAC DR
JUNEAU AK 99801

Fee Type	Date	Receipt	Amount Paid
BLD- Grading Plan Review	01/25/2021	10195	\$40.57
BLD- Grading Permit Fee	01/25/2021	10195	\$124.00
Total Fees Paid:			\$164.57

Valuation for Permit Fee Calculations:

S.F.	Type	Rate	Amount
Total Valuation:			

Project Conditions and Holds:
None.

Inspections Required: Call for inspection before covering or concealing any of the work described below. Inspections may be combined.
E-General Engineering Final

SMP2021 0005
ATTACHMENT F, Page 1

JUNEAU PERMIT CENTER - 230 S. Franklin Street - 4th Floor, Marine View Center - Mail: 155 S. Seward Street, Juneau, AK 99801
Phone: 586-0770 - FAX: 586-4529 - Inspection Requests: 586-1703, Inspections@Juneau.org - Questions, Email: permits@juneau.org
Web Site: www.juneau.org/community-development



NOTICE OF APPEAL OF DIRECTOR'S DETERMINATION

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

APPELLANT'S CONTACT INFORMATION

TDLH LLC
Appellant's Name (please print)

constellation_dev@hotmail.com
E-mail Address

(907) 321-3118
Phone

10840 Lilac Drive
Mailing Address

Juneau
City

AK 99801
State Zip

X 
Appellant's Signature

DECISION THAT IS BEING APPEALED*

STOP WORK NOTICE

Date of Director's Determination March 10, 2021

Attach a copy of the Director's Decision (E-mail, Notice of Decision, Letter, etc.).

* Notice must be submitted within 20 days of the date of the decision being appealed.

APPEAL SPECIFICS (please fill in all that apply)

Parcel Number 5B2101030001 Zoning District D15

Case Number BLD20210039 Title 49 Code Section 49.20.110

Current Use of Land or Buildings _____

Proposed Use of Land or Buildings Bank stabilization of Duck Creek

Other _____

ALL REQUIRED MATERIALS ATTACHED

- ☒ Complete Application
- ☒ Appeal Decision
- ☒ Narrative including:
- ☒ Grounds for Appeal
- ☐ Specific questions you would like the Planning Commission to address

DEPARTMENT USE ONLY BELOW THIS LINE

APPEAL FEES	Fees	Check No.	Receipt	Date
Notice Fees	\$ _____			
Refund (Yes/No)	\$ _____			
Total Fee	\$ <u>200.00</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.

SMP2021 0005

ATTACHMENT G, Page 1

Case Number	Date Received/Intake Initials
<u>APL21-02</u>	<u>3/30/21-JFM</u>

Appeal Submittal Information

Appeals of Director's Determination is outlined in CBJ 49.20.110

Notice of Appeal Submittal Date: Review by the Planning Commission of the decision of the Director, may be requested by filing a notice of appeal stating with particularity the grounds therefore with the Community Development Department **within 20 days of the date of the decision appealed.**

Notice of Appeal Submittals: These items are needed for the Planning Commission to make a determination:

1. **Forms:** A completed Notice of Appeal form including the appellant's signature.
2. **Fees:** The fee for an Appeal of Director's Determination is \$200. The fee will be refunded if the applicant prevails.
All fees are subject to change.
3. **Appeal Description:** A detailed letter or narrative describing the findings, issues, concerns, grounds for appeal, and what you want the Planning Commission to specifically address
4. **Submittals:**
 - A. Document stating the date of the Director's Determination
 - B. Copy of the Director's Determination
 - C. Photos/plans relating to the appeal (if applicable)

Document Format: All information submitted shall be either of the following formats:

- A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department
- B. Paper copies may not be larger than 11" X 17" in size (Unless an alternate paper size is preapproved by the Community Development Department)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

49.20.110 - Appeals to the Planning Commission.

- (a) Review by the commission of a decision of the director, may be requested by filing a notice of appeal stating with particularity the grounds therefor with the department within 20 days of the date of the decision appealed. The notice shall be considered by the commission at a regular scheduled meeting. The department and any aggrieved person, including the developer, may appear at that meeting and explain to the commission why it should hear the appeal. The appeal shall be heard unless it presents only minor or routine issues and is clear from the notice of appeal and any evidence offered at the consideration thereof, that the decision appealed was supported by substantial evidence and involved no policy error or abuse of discretion.
- (b) If the commission decides to hear the appeal, it shall announce whether it intends to review the entire decision, or merely a portion thereof and whether review shall be de novo or on the record. If the commission decides to hear the appeal, it shall give public notice thereof in a newspaper of general circulation in the municipality. The department shall prepare the record on appeal, which shall consist of the original application and supporting materials, written public comment thereon, and all notes, memoranda, minutes and other department material in relation thereto. The burden of proof in the appeal shall be on the party challenging the decision of the director. In a hearing de novo, proof shall be established by a preponderance of the evidence. If the appeal is heard on the record, argument may be heard, but no evidence outside the record shall be admitted and 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. The commission may confirm, reverse, or modify the director's decision, or change the conditions which the director placed on approval. The commission shall support its action with written findings.
- (c) Upon its own motion, the commission may certify a case directly to the assembly without review, hearing or recommendation.

(Serial No. 87-49, § 2, 1987; Serial No. 92-10, § 3, 1992; Serial No. 95-35, § 4, 1995; Serial No. 97-01, § 6, 1997)

Grounds for Appeal

1. The Stop Work Notice is not supported by substantial evidence;
2. The Stop Work Notice is not supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decision appealed from was made;
3. The Stop Work Notice is unreasonable, not justified by the facts or the law/policy, and an abuse of discretion; and
4. The Stop Work Notice is arbitrary and capricious.

CITY AND BOROUGH OF JUNEAU

NOTICE

Date 3/10/2021

To the Owner, Agent, Contractor, Workers or any other person or person engaged in doing or causing work to be done on this building: Permit Bid 20210039

By authority of Section 19.01.090(b) of the Code of the City and Borough of Juneau, the Building Official has inspected these premises and has found work being carried on in violation of Section 19.01.110 of the Code. Pursuant to Section 19.01.090(d) it is therefore ordered that all parties concerned shall immediately

STOP WORK

Resumption of work and removal of this notice shall be authorized by the Building Official upon full compliance with the Building Codes.

Violation of this order is a misdemeanor punishable by a \$1,000 fine. Repeat offenders may also be punished by 90 days imprisonment. Violators are guilty of a separate offense for each and every day during any portion of which a violation is committed, continued or permitted.

Time of issuance: 11:30 AM

Received by: Ken

Date: 3/10/2021

By Charlie Ford
Building Official

PRINTED IN JUNEAU BY ALASKA LITHO, INC.

Todd Araujo

From: Robert Palmer <Robert.Palmer@juneau.org>
Sent: Wednesday, March 10, 2021 12:17 PM
To: 'kodzoff@alaskan.com'
Cc: Sherri Layne; Todd Araujo
Subject: Constellation/Arndt Stop Work order and email
Attachments: 2021-03-10 Constellation Stop Work Order.pdf

Hi Mr. Cohen,

Thanks for the call this morning. Consistent with your public records request, attached is the formal stop work order/permit revocation and associated email from Monday.

I have included Sherri Layne, who is the attorney in my office that primarily works with the Community Development Department/Planning Commission. I have also included Todd Araujo, who is representing the property owners.

Thanks

Rob

Robert Palmer
 CBJ Municipal Attorney
 907-586-0909
 Robert.Palmer@juneau.org

From: Charlie Ford <Charlie.Ford@juneau.org>
Sent: Monday, March 8, 2021 4:46 PM
To: 'constellation' <dev@hotmail.com>
Cc: Jill Maclean <Jill.Maclean@juneau.org>; Alexandra Pierce <Alexandra.Pierce@juneau.org>; Autumn Sapp <Autumn.Sapp@juneau.org>
Subject: Stop Work Order

Travis,

I have to issue a Stop Work Order for your Grading Permit BLD20210039.

Unfortunately CDD acted in error and applied the incorrect section of code. We are revoking the grading permit for bank stabilization, you can apply for a new grading permit that more accurately covers your current activities. We will refund your fee. In 2011, the Coastal Management Program was repealed and 49.70.950(f) was nullified. 49.70.310 applies, with the 25 foot no disturbance buffer and the 50 foot no development buffer.

Please consider this email a Stop Work Order. I will hand deliver an official order tomorrow.

I apologize for the confusion.

Please contact me with any questions.

Thanks,

Charlie Ford | Building Official

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0767



CITY AND BOROUGH OF JUNEAU

NOTICE

Date 3/10/2021

To the Owner, Agent, Contractor, Workers or any other person or person engaged in doing or causing work to be done on this building: Permit Bid 20210039

By authority of Section 19.01.090(b) of the Code of the City and Borough of Juneau, the Building Official has inspected these premises and has found work being carried on in violation of Section 19.01.110 of the Code. Pursuant to Section 19.01.090(d) it is therefore ordered that all parties concerned shall immediately

STOP WORK

Resumption of work and removal of this notice shall be authorized by the Building Official upon full compliance with the Building Codes.

Violation of this order is a misdemeanor punishable by a \$1,000 fine. Repeat offenders may also be punished by 90 days imprisonment. Violators are guilty of a separate offense for each and every day during any portion of which a violation is committed, continued or permitted.

Time of issuance: 11:30 AM

Received by: Ken

Date: 3/10/2021

By Charlie Ford
Building Official

PRINTED IN JUNEAU BY ALASKA LITHO, INC.



NOTICE OF APPEAL OF DIRECTOR'S DETERMINATION

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

APPELLANT'S CONTACT INFORMATION

Kodzoff Acres, LLC

kodzoff@alaskan.com

907 789 5154

Appellant's Name (please print)

E-mail Address

Phone

PO Box 33200

Juneau

AK 99803

Mailing Address

City

State Zip

X

Appellant's Signature

DECISION THAT IS BEING APPEALED*

Date of Director's Determination June 15, 2021

Attach a copy of the Director's Decision (E-mail, Notice of Decision, Letter, etc.).

* Notice must be submitted within 20 days of the date of the decision being appealed.

APPEAL SPECIFICS (please fill in all that apply)

Parcel Number 5B21010030001; 5B2101320030

Zoning District

D-15

Case Number VAR2021 0004

Title 49 Code Section

49.15.130(b); 49.20.250(b)

Current Use of Land or Buildings N/A

49.20.230

Proposed Use of Land or Buildings N/A

Other Acceptance of incomplete application for Non-Administrative Variance; Misleading and Incomplete Notice of Hearing; Improper Phasing of Permit Review; Failure to Require

ALL REQUIRED MATERIALS ATTACHED

☒ Complete Application

☒ Appeal Decision

☒ Narrative including:

☒ Grounds for Appeal

☒ Specific questions you would like the Planning Commission to address

DEPARTMENT USE ONLY BELOW THIS LINE

APPEAL FEES	Fees	Check No.	Receipt	Date
Notice Fees	\$ <u>200.00</u>			
Refund (Yes/No)	\$ <u> </u>			
Total Fee	\$ <u>200.00</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.

Case Number

Date Received/Intake Initials

APL21-003

6/30/21

NOTICE OF APPEAL OF DIRECTOR'S DETERMINATION

GROUND'S FOR APPEAL

- (1) The Director's decision application for VAR2021 0004 was complete and scheduling it for a premature public hearing was arbitrary and capricious in violation of CBJ 49.15.130(b); 49.20.230 ; 49.20.250(b) and Alaska law.
- (2) The Director's authorization of a misleading and incomplete public hearing notice for VAR2021 0004 was arbitrary and capricious.
- (3) The Director's sequencing of permit review for the full scope of work described in application for VAR2021 0004 violates CBJ 49.15.130; 49.20.230; 49.20.250(b); and, Alaska law.
- (4) The Director's Failure for require a Major Development permit with respect to ongoing and proposed development on USS Survey 1053 Tract A-2 is arbitrary, capricious and violates Alaska and CBJ municipal law.

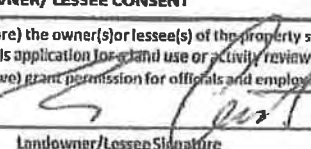
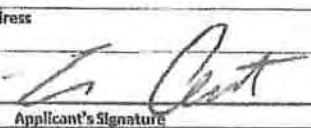
SPECIFIC QUESTIONS FOR PLANNING COMMISSION

- (1) Whether the Director's decision application for VAR2021 0004 was complete and scheduling it for a premature public hearing was arbitrary and capricious in violation of CBJ 49.15.130(b); 49.20.230 ; 49.20.250(b) and Alaska law?
- (2) Whether the Director's authorization of a misleading and incomplete public hearing notice for VAR2021 0004 was arbitrary and capricious?
- (3) Whether Director's sequencing of permit review for the full scope of work described in application for VAR2021 0004 violates CBJ 49.15.130; 49.20.230; 49.20.250(b); and, Alaska law?
- (4) Whether the Director's Failure for require a Major Development permit with respect to ongoing and proposed development on USS Survey 1053 Tract A-2 is appropriate?



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 9090 Cinema Drive		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Gross Lot 2		
	Parcel Number(s) 5B2101320030		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Juneau Condos, LLC	Contact Person Travis Arndt	Phone Number(s) 907-321-3118
	Mailing Address 10840 Lilac Drive		
	E-mail Address constellation_dev@hotmail.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 (or 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		5/24/21 Date	
X _____ Landowner/Lessee Signature		_____ Date	
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			
X  Applicant's Signature		5/24/21 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.

Intake Initials 
Case Number Var 21-04
Date Received 6/15/21



DEVELOPMENT PERMIT APPLICATION

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

PROPERTY LOCATION		
Physical Address 3221 Mendenhall Loop Road <i>3101 Mendenhall Loop Rd (check w/ Quinn)</i>		
Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) USS No. 1053 Tract A-2		
Parcel Number(s) 5B2101030001		
☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
LANDOWNER/ LESSEE		
Property Owner TDLH, LLC	Contact Person Travis Arndt	Phone Number(s) 907-321-3118
Mailing Address 10840 Lilac Drive		
E-mail Address constellation_dev@hotmail.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	<i>[Signature]</i> Landowner/Lessee Signature	<i>5/24/21</i> Date
X	_____ Landowner/Lessee Signature	_____ Date
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		
Applicant SAME	Contact Person	Phone Number(s)
Mailing Address		
E-mail Address		
X	<i>[Signature]</i> Applicant's Signature	<i>5/24/21</i> 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.

Case Number VAR 21-04	Intake Initials LEC
	Date Received 6/15/21



VARIANCE 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.
Not to be used for Administrative Variances**

To be completed by Applicant	PROJECT SUMMARY			
	Stream and Stream bank Restoration			
	VARIANCE REQUESTED (list CBJ Code section you are requesting a variance to)			
	49.70.310 Habitat			
	Previous Variance Applications? YES ☐ NO ☒ Date of Filing: _____			
Previous Case Number(s): _____		Building Permit related to this variance? YES ☐ NO ☐		
Was the Variance Granted? YES ☐ NO ☐				
UTILITIES AVAILABLE: WATER ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site				
ALL REQUIRED MATERIALS ATTACHED				
Complete application per CBJ 49.65.210				
Narrative including:				
Any characteristics of land or building(s) or extraordinary situations that are unusual to this property or structure				
Why a variance would be needed for this property regardless of the owner				
What hardship would result if the variance is not granted				
Site Plan				

DEPARTMENT USE ONLY BELOW THIS LINE

VARIANCE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$400			
Adjustment	\$150			
Total Fee	\$550			

→ Public Notice Sign Fee/Deposit

Fee Waived per Director

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

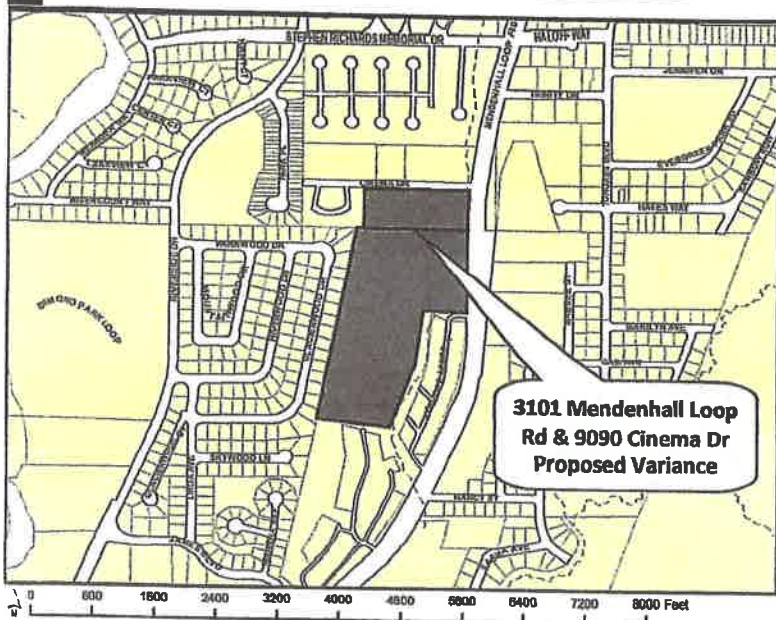
For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
VAR 21-04	LEC 6/15/21

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 **Non-administrative Variance to 49.70.310(a)(2) and 49.70.310(b)(1)** to allow stream bank and stream restoration within the 50-foot, no-development and 25-foot, no-disturbance buffer from Duck Creek at 3101 Mendenhall Loop Road & 9090 Cinema Drive in a D15 Zone.

TIMELINE

Staff Report expected to be posted **Monday, July 5, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through 12 noon, July 12

Comments received during this period will be sent to Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling this case, Laurel Christian, will also read any written comments that are received. You may also contact her via the phone number listed below.

HEARING DATE & TIME: 7:00 pm, July 13, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/92097499673>. The Webinar ID is: 920 9749 9673. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

July 14

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed June 18, 2021

Case No.: VAR2021 0004
Parcel No.: 5B2101030001 & 5B2101320030
CBJ Parcel Viewer: <http://epv.juneau.org>

KODZOFF ACRES, LLC
d/b/a Kodzoff Acres Mobile Home Park

P.O. Box 33200, Juneau, Alaska 99803
Telephone: (907) 789-5154 Facsimile: (907) 789-5117

July 1, 2021

City & Borough of Juneau
Planning Commission
155 So. Seward Street
Juneau, Alaska 99801

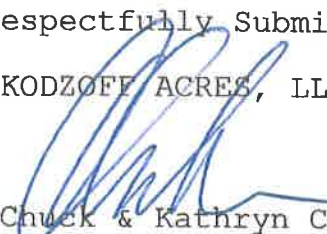
RE: Appeal of Director's Decision
APL2021 0003
Initial Memorandum in Support of Appeal

Dear Commission Members:

Yesterday we sent the enclosed letter to Director Jill Maclean requesting she reconsider and reverse decisions which gave rise to this appeal, and cancel and re-notice the variance hearing scheduled for the Board of Adjustment set for July 13, 2021. Enclosed is a copy of our letter. Against the possibility the director declines to honor our request, this letter is submitted to the Planning Commission as our initial memorandum in support of our appeal.

Respectfully Submitted,

KODZOFF ACRES, LLC



Chuck & Kathryn Cohen

Enclosure (1):

Letter Dated June 30, 2021
Kodzoff Acres, LLC to Director Jill Maclean

RECEIVED

JUL 01 2021

Permit Center/CDD

KODZOFF ACRES, LLC

d/b/a Kodzoff Acres Mobile Home Park

P.O. Box 33200, Juneau, Alaska 99803
Telephone: (907) 789-5154 Facsimile: (907) 789-5117

June 30, 2021

Via email: jill.maclean@juneau.org

Jill Maclean, Director
City & Borough of Juneau
Department of Community Development
155 So. Seward Street
Juneau, Alaska 99801

Re: TDLH, LLC & Juneau Condos, LLC
Development Permits (2) and
Joint Application for a Non-Administrative Variance
US Survey 1053, Tract A-2
3221 Mendenhall Loop Road - 5B2101030001
Gross Lot 2
9090 Cinema Drive - 5B2101320030
CBJ - VAR 2021 0004

Dear Ms. Maclean:

On March 10, 2021, we were informed that effective Monday March 8, 2021, Permit BLDG 20210039 authorizing similar work within the Duck Creek setbacks previously issued to TDLH, LLC, had been revoked and a stop work order issued. The stop work order is the subject of an administrative appeal which has been suspended by stipulation without our participation before we had an opportunity to file our request to intervene.

Thereafter, we had several constructive meetings to discuss going forward regarding Duck Creek storm drainage and flood plain issues as well as collaborative Duck Creek rehabilitation and possible stream realignment and channeling. Following those meetings, Kathryn and I thought you had committed to providing us with direct notice if any future permit requests were accepted by CBJ in connection with Duck Creek and adjacent development. Late last week we were quite surprised to first learn by a CBJ postcard that the above reference permit applications had been received and

were scheduled for a hearing July 13, 2021. We are not certain whether you participated personally in this permit processing.

We immediately called CDD and received an email copy of Mr. Arndt's submission. (VAR 2021 0004) Today we reviewed CDD files and requested additional copies of relevant documents. Following our initial review, we have several procedural and substantive concerns with the work proposed. This letter will briefly deal with our procedural concerns.

CBJ 49.15.130 (b), which governs applications for all land use permits in general, provides: [an] application is complete when it contains all of the necessary information to determine if the development will comply with all of the requirements of the permit applied for." This variance application, by the admission of the applicant, is intentionally incomplete and, therefore, must be rejected. The proper approach is to require the applicant to submit all of the information necessary for CDD to process all required permits for the full scope of work at the inception of the review process. Failure to do so constitutes "phased" permitting which is generally disfavored and likely illegal here.

Next, the public notice of hearing provided by CDD is fatally flawed. To be legal, a public notice must fairly inform the public and adjacent property owners of the issues to be considered at the hearing. The CDD notice here is for a variance to: "allow stream bank and stream restoration" of Duck Creek, nothing further. Describing what the applicant is proposing here as a habitat improvement project is unbelievably misleading. How about: "A proposed roadway crossing and culvert system to serve access for the future major residential development". Or, "Large floodplain fill adjacent to 800 lineal feet of Duck Creek to expand uplands for future residential development". After the applicant has just destroyed the natural habitat of Duck Creek on its western bank beyond any possible restoration benefit which might occur in the future, to describe this request for a variance as "stream restoration" seems disingenuous and misleading. We are uncertain how this classification of the work was made, whether by the applicant or CDD but it is, nonetheless, incomplete and misleading for a public notice.

Processing and conducting a public notice and hearing on a request for a non-administrative variance in advance of CDD obtaining from the applicant and providing to the public all the details of the work to be authorized compounds the problem. CBJ 49.25.250(b) states that a variance may only be approved as a narrow exception to address specific development hardship not

created by the applicant and that cannot otherwise be accommodated. Here applicant's request is for a "blanket" variance. The application states details would require: "significant expenditure, time and agency coordination and detailed design will be completed after issuance of the variance." This is improper.

A comment period and public hearing before CDD administrative review of other related permits denies to the Board of Adjustment information vital to a reasoned adjudication. It is like asking a judge to render a verdict before hearing the evidence. Any Board of Adjustment decision under such circumstances would be arbitrary and capricious simply because it cannot possibly be narrowly drawn. Moreover, the public and affected adjacent property owners such as ourselves are denied due process. In order to meet due process standards, the public must be provided a reasonable opportunity to comment on the details of the proposed design for the work before the Board of Adjustment adjudicates the variance issue.

Since CDD and GE review of a grading permit or a floodplain permit would not require public notice and comment or even a notice of decision, an aggrieved adjacent property owner such as ourselves has no way of knowing when to file a timely appeal. This creates a confusing and unspecified procedural process where the public has no idea how or when the CDD decision-making will occur or if, in fact, it has occurred. Such a procedure is, on its face, a denial of procedural due process. It is precisely the reason we did not learn about the applicant's original plan to harvest timber and regrade fill into the floodplain until after the project was well underway. (BLD2021 0039) The permitting occurred without any notice to adjacent property owners, other government agencies or adjacent riparian property owners. That really was a big but avoidable mistake so why repeat it?

Finally, as we commented earlier during the Conditional use permit process for the gym, a Major Development Permit process must be required for any development work on Tract A-2. This is a twenty plus acre D-15 parcel which is being permitted in phases. This is illegal. To be legal, this permitting process must be in comprehensive. Moreover, the adjacent Gross Lot 2 development is being prosecuted by the same applicant who has owned and controlled both parcels since 2019. Regardless of the particulars or precise timing, issues including maximum storm water drainage and capacity to avoid flooding and grading to minimize siltation in Duck Creek, access and traffic safety from what was originally approved as a single use driveway at Mendenhall Loop Road is now morphed without significant CDD or ADOT review or public input into a proposed major intersection.

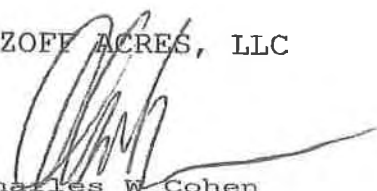
A Major Development permit process is the intended vehicle to manage the complex multi-CBJ-permit as well as multi-State and Federal agency permitting process for a large tract development. This applicant's phased permitting on these two adjacent lots started with a condo project. It was followed with a gym. Next was an illegal violation of CBJ 49.70.310 twice: the water line across Duck Creek to the gym; and, illegal logging which was also a zoning violation. In the meantime, before CDD issued its Stop Work order, all of the mature trees and ground cover which was intended to be protected by CBJ 49.70.310 had been destroyed. So much for protecting an impaired urban stream.

Now the applicant has proposed a set of related permits to: authorize stream habitat destruction to narrow and channel the watercourse and generate more developable uplands (ironically called stream restoration); a stream crossing for access before any specific residential development is proposed on the other side; removal of all remaining mature tree stumps and vegetative cover to regrade the entire parcel to reverse the natural westerly surface storm-water drainage and direct it toward Duck Creek; and a massive project to fill most of the floodplain adjacent to Duck Creek to generate more developable uplands (again, ironically called stream rehabilitation) It is about time CDD treat this series of permit requests as a major development and stop the illegal phased permitting process.

We request the Board of Adjustment variance hearing be cancelled and re-noticed in the future, if necessary. Please consider this letter an appeal to your decision to accept the application for a variance and schedule a hearing.

Best regards,

KODZOFF ACRES, LLC



Charles W. Cohen

Kathryn A. Cohen

CC: Robert Palmer, Esq.
City Attorney

From: Chuck Cohen kodzoff@alaskan.com
Subject: Premature and Incomplete Application for Non-Administrative Variance (VAR 2021 0004)
Date: June 30, 2021 at 12:23 PM
To: Jill Maclean jill.maclean@juneau.org
Cc: Palmer Robert Robert.Palmer@juneau.org, Koester Katie katie.koester@juneau.org

Jill:

Attached is a letter detailing our concerns regarding procedure for the pending variance application.

Best regards,

Chuck & Kathryn



Premature
Applica...e.docx



Planning Commission

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

BOARD OF ADJUSTMENT NOTICE OF DECISION

Date: July 16, 2021
 File No.: VAR2021 0004

Juneau Condos, LLC & TDLH, LLC
 Attn: Travis Arndt
 10840 Lilac Drive
 Juneau, AK 99801

Proposal: Non-administrative Variance to 49.70.310(a)(2) and 49.70.310(b)(1) to allow stream bank and stream restoration within the 50- foot, no-development and 25-foot, no-disturbance buffer from Duck Creek.

Property Address: 9090 Cinema Drive & 3101 Mendenhall Loop Road (reassigned to 3221 Mendenhall Loop Road per CBJ GIS Analyst)

Legal Description: Gross Lot 2 & USS 1053 Tract A2

Parcel Code No.: 5B2101320030 & 5B2101030001

Hearing Date: July 13, 2021

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 6, 2021, and **APPROVED ELEMENT 1**, the installation of a culvert for a future stream crossing, of the Variance application to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to the issuance of a grading permit for the proposed work, the applicant shall submit to the Department a revegetation plan for disturbed areas. The plan must be approved by the Alaska Department of Fish & Game. The developer shall plant all exposed soil in grass or other soil-retaining vegetation and shall maintain the vegetation after planting.

The Board of Adjustment, at its regular public meeting, modified the findings listed in the attached memorandum dated July 6, 2021, and **DENIED ELEMENT 2**, stream channelization, of the Variance application.

2. Does the Variance as requested meet the criteria of Section 49.20.250(b)(1), Non Administrative Variances?

*Finding: **Yes.** Elements 1 of the requested Variance meet the criteria of Section 49.20.250(b)
No. Elements 2 and 3 do not meet the criteria of Section 49.20.250(b)(1).*

Juneau Condos, LLC & TDLH, LLC
 File No: VAR2021 0004
 July 16, 2021
 Page 2 of 2

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 6, 2021, and **DENIED ELEMENT 3**, stream bank stabilization, of the Variance application.

Attachment: July 6, 2021, memorandum from Laurel Christian, Community Development, to the CBJ Board of Adjustment regarding VAR2021 0004.

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

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment 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 Board, July 13, 2021.

Expiration Date: The permit will expire 18 months after the effective date, or January 13, 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.


 Nathaniel Dye for Michael LeVine, Chair
 Planning Commission

7/19/2021
 Date


 Filed With City Clerk

7/19/2021
 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.

Irene Gallion

From: Jeffrey Hedges
Sent: Friday, July 30, 2021 3:12 PM
To: Irene Gallion; Dan Jager
Cc: Charlie Ford
Subject: RE: MIP21-12: two-lot subdivision

Hey,

I see no concerns from a building standpoint.

Thanks,

Jeff Hedges, MCP, CBO, CSP | Building Inspector III

Community Development Department | City & Borough of Juneau, AK

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

Mailing: 155 S. Seward Street, Juneau, AK, 99801

Office: 907.586.0767 x4137 | Cell: 907.321.4361



Fostering excellence in development for this generation and the next.

From: Irene Gallion <Irene.Gallion@juneau.org>
Sent: Friday, July 30, 2021 2:17 PM
To: Jeffrey Hedges <Jeffrey.Hedges@juneau.org>; Dan Jager <Dan.Jager@juneau.org>
Cc: Charlie Ford <Charlie.Ford@juneau.org>; Irene Gallion <Irene.Gallion@juneau.org>
Subject: MIP21-12: two-lot subdivision

Hello Jeff and Dan,

Attached is an application for a two-lot subdivision off of Mendenhall Loop Road. If you know where the proposed wrestling center is near Kodzoff, or the Cinema Condos, you have an idea of the area (Parcel 5B2101030001).

The purpose of the subdivision is to make the wrestling center its own lot. It cannot get nonprofit property tax exemption unless it is on its own lot.

Let me know if you have any ideas or concerns,

Irene Gallion | Senior Planner

Community Development Department | City & Borough of Juneau, AK

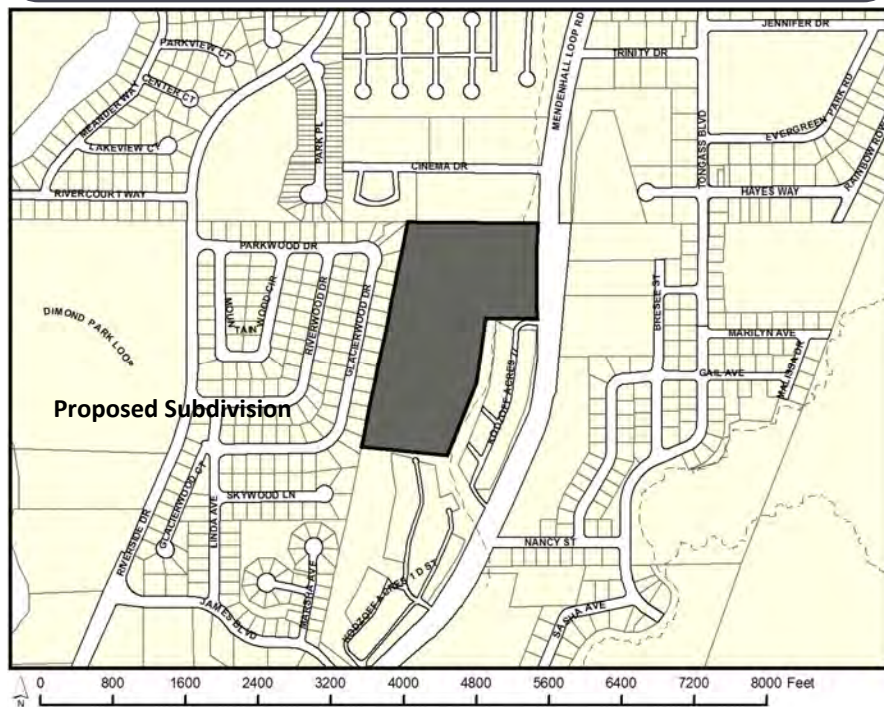
Location: 230 S. Franklin Street | 4th Floor Marine View Building

Office: 907.586.0753 X2



Fostering excellence in development for this generation and the next.

Public Notification



TO:

An application is being reviewed by the Community Development Department for a subdivision of a 20.49 acre lot into two, at 3221 Mendenhall Loop Road, to facilitate ownership transfer of the nonprofit wrestling center. The wrestling center lot is proposed at 0.94 acres.

PLEASE NOTE:

- ◆ This application is being reviewed for consistency with applicable CBJ codes and regulations before approval including lot minimum dimensions, access, drainage, utilities etc. You are welcome to provide comments.
- ◆ This notice has been mailed to property owners abutting the property in accordance with CBJ 49.15.401(c)(2).
- ◆ This project does not require a public hearing by the Planning Commission. If an application is submitted for further development of the parcel that requires Planning Commission approval, public notice will be provided, and there will be opportunity for public comment and input.

Questions or comments? Contact Irene Gallion

Email: irene.gallion@juneau.org ♦ Phone: (907)586-0753

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

Date printed: August 10, 2021 Sent to: Abutting owners

Case No.: MIP2021 0012

Parcel No.: 5B2101030001

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

Irene Gallion

From: Chuck Cohen <kodzoff@alaskan.com>
Sent: Monday, August 16, 2021 2:28 PM
To: Irene Gallion
Subject: Re: MIP21-12: Request for Draft Plat

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

Thank you.

Sent from my iPhone

On Aug 16, 2021, at 1:47 PM, Irene Gallion <Irene.Gallion@juneau.org> wrote:

From: Irene Gallion
Sent: Monday, August 16, 2021 8:18 AM
To: 'Chuck Cohen' <kodzoff@alaskan.com>
Subject: RE: MIP21-12: Request for Draft Plat

Hi Chuck,

Just a note to let you know I've received your comments. I plan to respond by end of week.

Thank you,

IMG

From: Chuck Cohen <kodzoff@alaskan.com>
Sent: Saturday, August 14, 2021 8:38 AM
To: Irene Gallion <Irene.Gallion@juneau.org>
Subject: Re: MIP21-12: Request for Draft Plat

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

Irene:

Thanks.

Was there an original lot grading and drainage plan approved during the building permit process? If so, please send us a copy. Is it being modified? The recycled asphalt paving currently spread on all of the non-building footprint of this proposed subdivision will not "sheet drain" as discussed in the engineer's report.

This conditional use was approved by the Planning Commission based on staff recommendations for conditions with the assumption that this was a 20.5 acre parcel not a subdivision. Is there a writing with all those conditions? If so, please send a copy.

How would conditional use issues and building permit conditions have varied had this subdivision been approved “before” rather than after. Issues such as lot coverage, access, retained vegetation may need to be reconsidered. The proposed plat does not designate an access easement to the new lot and the now constructed driveway road cut, or vice versa. Does the subdivision void the original conditional use and building permits? If not, what is the CBJ code authorized process for transfer where the use has not been established and the building construction barely started?

Which legal entity will be responsible for compliance going forward? Does this inverted subdivision process mean the former owner is relieved of all financial responsibility for compliance with the conditional use and building permits?

Best regards,

Chuck

On Aug 12, 2021, at 4:18 PM, Irene Gallion <Irene.Gallion@juneau.org> wrote:

Hi Chuck,

You said you wanted the plat, but you clarified you are interested in drainage as well. I've attached the draft plat and the associated drainage report.

Note that an access easement will need to be shown for both lots onto Mendenhall Loop Road.

We are in the process of reviewing the plat and will provide the Applicant with corrections or modifications that need to be made.

Thank you,

Irene Gallion | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK
Location: 230 S. Franklin Street | 4th Floor Marine View Building
Office: 907.586.0753 X2

<image003.jpg>

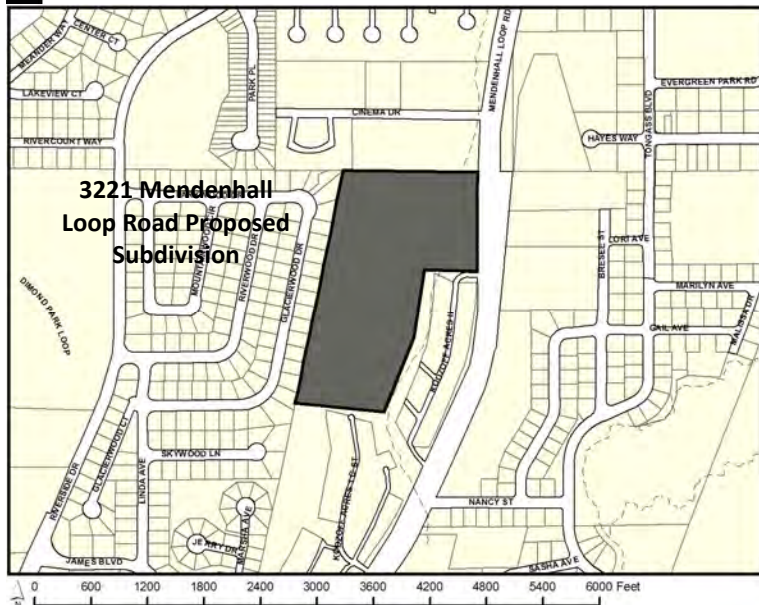
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<02 MIP21-12 Prelim Plat.pdf><Drainage Report.pdf>

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 subdivision of a 20.49 acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3221 Mendenhall Loop Road in a D15 Zone. The proposed wrestling center lot is 0.94 acres.

Application materials can be found at <https://juneau.org/community-development/planning-commission>. Scroll to the bottom and choose the November 9, 2021 meeting. The Staff Report is expected to be posted at the same site the week of **November 1, 2021**. Find hearing results, meeting minutes, and more here as well.

TIMELINE

Now through Oct. 19

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

Oct. 20 — noon, Nov. 8

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

HEARING DATE & TIME: 7:00 pm, November 9, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/82646379779>. The Webinar ID is: 826 4637 9779. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

November 10

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed October 8, 2021

Case No.: SMP2021 0005
Parcel No.: 5B2101030001
CBJ Parcel Viewer: <http://epv.juneau.org>

Irene Gallion

From: Travis Arndt <constellation_dev@hotmail.com>
Sent: Monday, October 25, 2021 1:19 PM
To: Irene Gallion
Subject: Sign pic

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

Here's your sign.

Thanks for your help.

T



From: Mike Barnhill <mikebarnhillak@gmail.com>
Sent: Tuesday, October 19, 2021 7:28 PM
To: PC_Comments
Subject: Case No. SMP2021. 0005

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

Ms Gallion:

Thank you for the opportunity to comment. We have lived at 3040 Glacierwood Dr since 1999. Our property adjoins the subject property.

We emphatically oppose the proposed application.

The applicant has consistently failed to disclose what the project is that is being pursued here. The applicant has inappropriately subdivided the permitting process into multiple steps that appear intended to avoid normal planning and evaluation. As such the CBJ has permitted improper phasing of a major development project.

Under the guise of a permit for a small gym, the applicant conducted a commercial logging operation and clear cut 20 acres of timber adjoining our residential neighborhood. Zero notice was given to the residents of this neighborhood. We found out only as the chainsaws steadily got closer to our house. When we reviewed the file, we saw the city had concluded that the work would not disrupt the "harmony" of the neighborhood. This finding was woefully incorrect. The clear-cutting operation completely altered the entire character of Glacierwood Dr, and resulted in multiple trees on residents' property being blown down as a result.

The applicant continues to seek permission to conduct various operations. But we don't know what the plan is. No one does! Is this a project to build dozens to hundreds of condo units? Is this a project to build a subdivision of single family homes? A high rise apartment building?

The improper phasing of this project must stop. We need to understand what the plan is and how it will impact the neighborhood and our house that we have lived in for 20+ years. How close will any new structures or roads be to our house? These issues matter.

Thank you for consideration of our concerns.

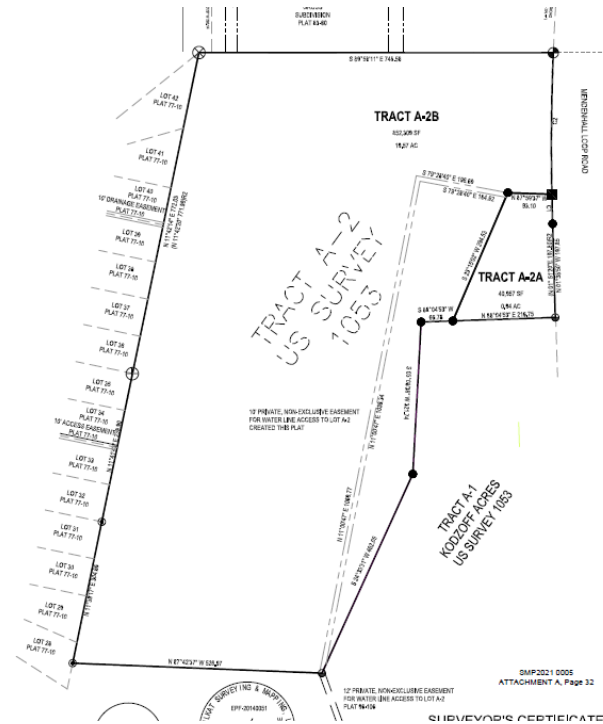
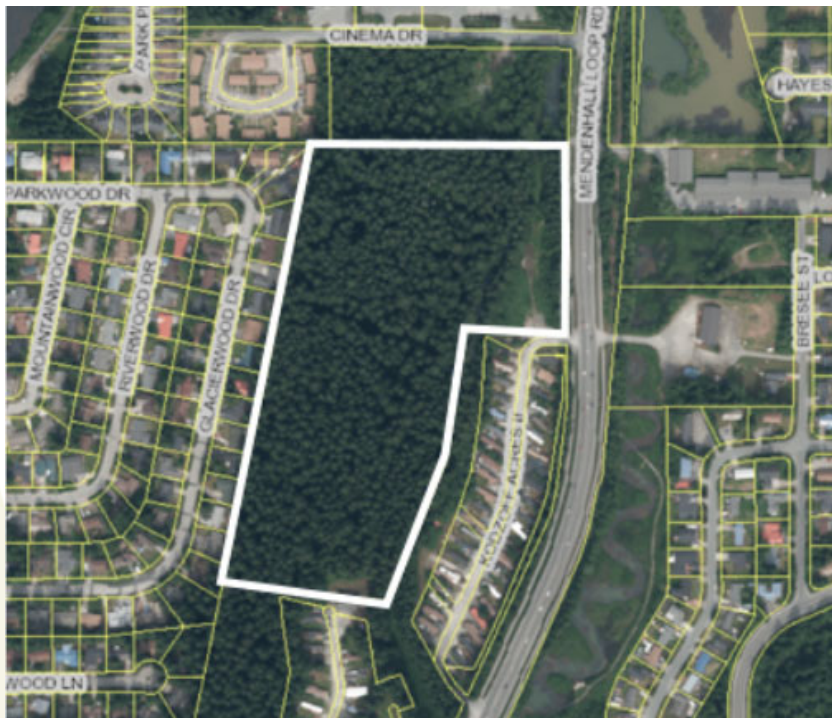
Mike & Peggy Barnhill
3040 Glacierwood Dr

SMP2021 0005

Subdivision of a 20.49 acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3221 Mendenhall Loop Road in a D15 zoning district.

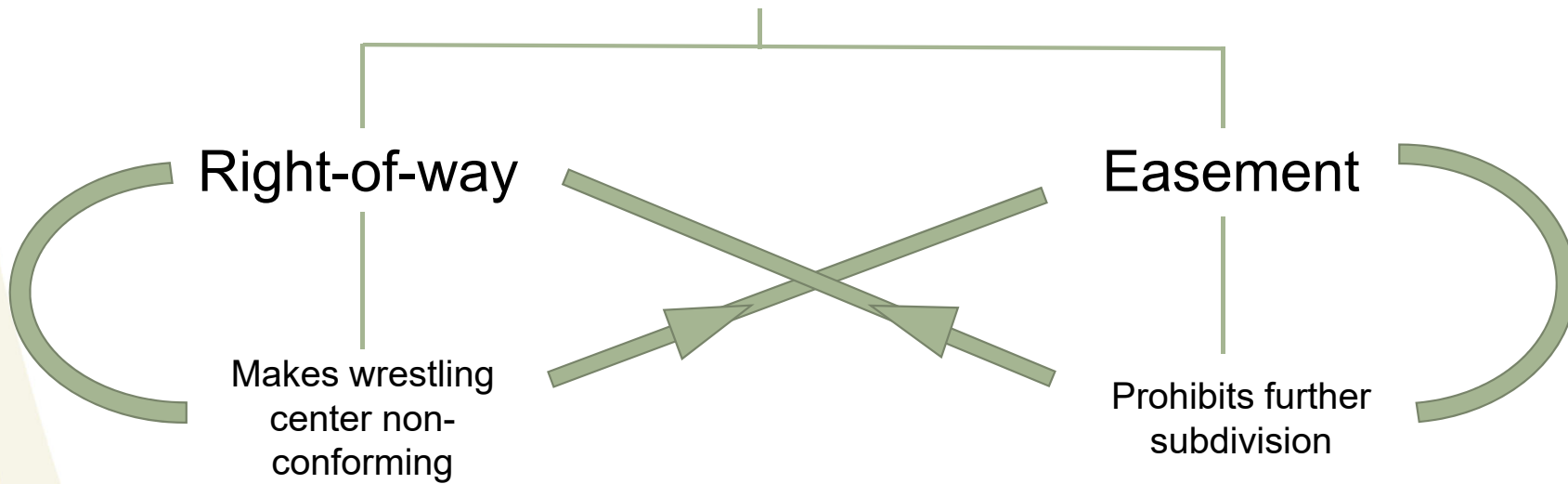
Recommendation: Denial

Location and proposal

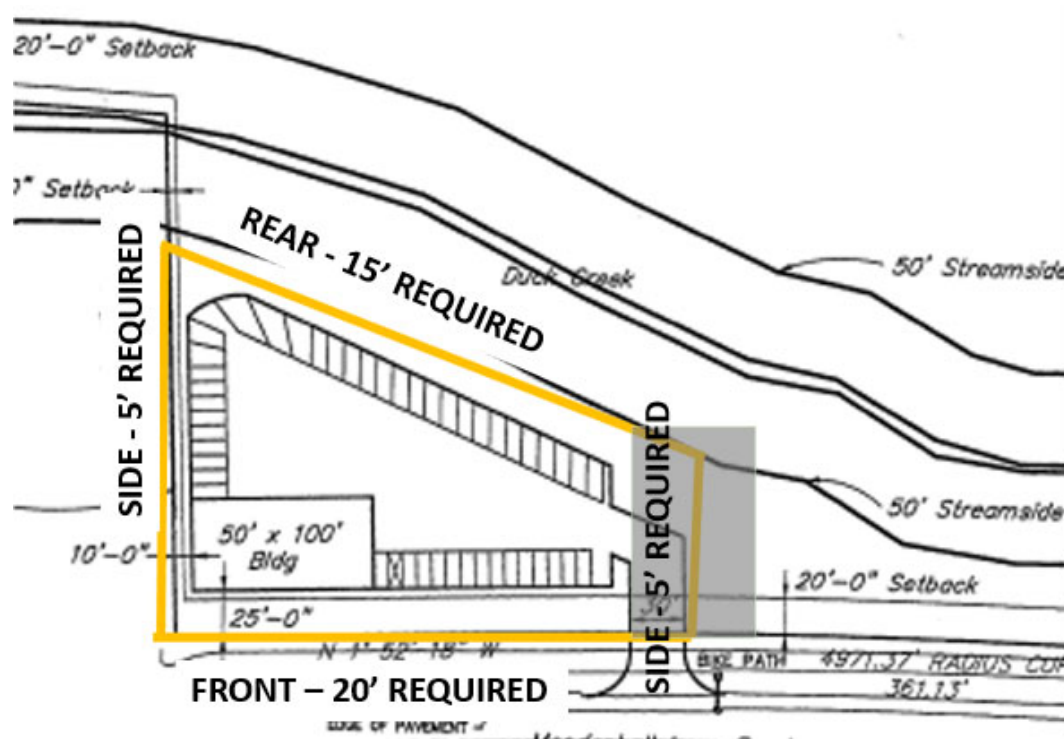


Arterial Access

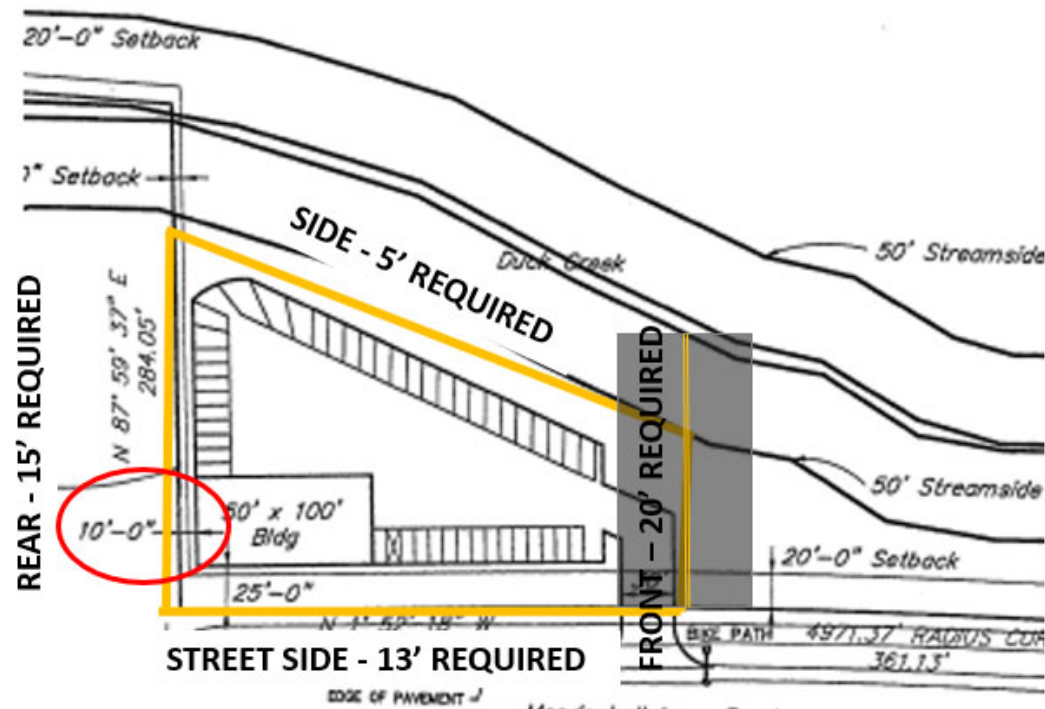
CBJ 49.35.210



Wrestling center currently conforms



Becomes nonconforming with ROW



CBJ 49.25.430(3), the “Yard Setbacks”

“Multiple Frontage Lots”

*On undeveloped corner lots or **corner lots on which existing buildings conform to required setbacks**, the owner may establish the rear yard opposite either right-of-way frontage. The remaining yard(s) not fronting on a street right-of-way will be considered a side yard(s).*

ARS Access

The parent lot shall front on and be accessed by a publically maintained right-of-way.

OR

The access shall be located completely on the parent lot;

If the Commission finds differently

- Plan for vegetative cover
- Vehicle barrier along Mendenhall Loop Road
- Lighting plan

If easement:

- Draft plat showing easement
- Access and maintenance agreement

Findings

- Preliminary plat can conform to platting requirements.
- Subdivision standards cannot be reasonably met due to access impacts on conformity or future subdivision
- Suitable building sites
- Unique street names
- GE review

Recommend DENIAL

- 49.35 cannot be waived
- Street makes existing structure nonconforming
- Easement disallows future subdivision

Thank you! Questions?

49.35.250 Access.

(a) *Principal access to the subdivision.* Except as provided below, the department shall designate one right-of-way as principal access to the entire subdivision. Such access, if not already accepted for public maintenance, shall be improved to the applicable standards for public acceptance and maintenance. It shall be the responsibility of the subdivider to pay the cost of the right-of-way improvements.

49.35.210 Street system.

(b) *Major and minor arterials.* Except as provided in subsection (3) of this section, if a new subdivision involves frontage along an arterial street:

- (1) The plat shall note that no lots shall access directly onto the arterial;
- (2) Access shall be provided onto an interior access street or a separate frontage road.
- (3) A parcel of land with less than 500 feet of frontage on a street, or with less than 350 feet in depth may be subdivided so as to allow access directly onto a minor arterial street if all of the following conditions are met:
 - (A) All of the resulting lots must meet the minimum lot area standard for a single-family dwelling in the D-1 zoning district (36,000 square feet).
 - (B) All of the lots must share a common access point and further subdivision of the newly created lots is not allowed.
 - (C) Common access to all lots is required and back out parking is prohibited. The applicant must submit a plan that shows the feasibility of off street parking for all lots and an adequate area for a turnaround to prevent back out parking.
 - (D) The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, all of which must be acceptable to the director, that ensures the required common access will be constructed and maintained by the property owners.
 - (E) The proposed subdivision must meet all other applicable subdivision standards and requirements.

49.25.430 Yard setbacks.

(3) *Multiple frontage lots.* Buildings on lots bordered by two or more rights-of-way must meet the front yard setback from one lot line adjoining the rights-of-way. Setbacks from the remaining lot lines adjoining rights-of-way will be considered street side yards.

On undeveloped corner lots or corner lots on which existing buildings conform to required setbacks, the owner may establish the rear yard opposite either right-of-way frontage. The remaining yard(s) not fronting on a street right-of-way will be considered a side yard(s).

On lots with existing buildings that have nonconforming setbacks, setbacks for yards shall be established based on the yard that most closely meets the respective setback requirement.

ARS Access

49.15.920 General provisions.

(f) *Frontage and access.* **The parent lot shall front on and be accessed by a publically maintained right-of-way.** Access within the development may be exempted from [chapter] 49.35 and be privately owned and maintained if it complies with the following requirements:

- (1) **The access shall be located completely on the parent lot;**
- (2) The access does not endanger public safety or welfare and provides for safe pedestrian and vehicular traffic circulation;
- (3) The access complies with the emergency service access requirements of CBJ [chapter] 19.10;
- (4) Access to and within the development is paved;
- (5) The developer submits adequate evidence that upon approval of the development, a homeowners' association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance; and
- (6) The alternative residential subdivision does not abut a developable parcel that lacks alternative and practical frontage on a publically maintained right-of-way.

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

Additional Materials for November 9, 2021 Planning Commission

ATTACHMENTS:

	Description	Upload Date	Type
▣	Additional Materials for November 9, 2021 Planning Commission	11/8/2021	Miscellaneous

Additional Materials

Regular Planning Commission Meeting

Virtual Meeting Only

7:00pm

Meeting Date: November 9, 2021

1. USE2021 0011:

- a. Public Comment – Denise E. Riddle, received 11.2.21
- b. Public Comment – Patricia Ware, received 11.3.21
- c. Public Comment – Walter Gregg, received 11.3.21
- d. Public Comment – Eric Ouderkirk, received 11.4.21
- e. Public Comment – Janie & Herb Freer, received 11.4.21
- f. Public Comment – Mark Kirchhoff, received 11.4.21
- g. Public Comment – Mark Kirchhoff, received 11.5.21
- h. Public Comment – Mila Cosgrove, received 11.8.21

2. SMP2021 0005:

- a. Memo from Irene Gallion with Alaska Department of Transportation & Public Facilities Comments
- b. Memo from Irene Gallion with comments provided by the applicant

Denise E. Riddle 1220 Glacier Avenue, Apt. 102, Juneau, AK 99801

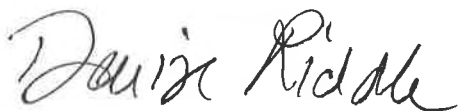
October 29, 2021

**RE: Conditional Use Permit for a cold weather shelter at the
Resurrection Lutheran Church**

I support the proposed cold weather emergency shelter.

Not having a shelter will produce more harm to those needing a shelter
and also to those who have to deal with the needy that need shelter.

Denise E. Riddle

A handwritten signature in black ink that reads "Denise Riddle". The signature is written in a cursive style with a large, stylized 'D' and 'R'.

Encl: Invitation to Comment postcard

RECEIVED

NOV 02 2021

Permit Center/CDD

From: Patricia ware <patty_ware@msn.com>
Sent: Wednesday, November 03, 2021 9:13 AM
To: PC_Comments
Subject: Comment on Proposed cold weather emergency shelter

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

Hello,

I am writing in strong support of the conditional use permit application from Resurrection Lutheran Church to operate a cold weather emergency shelter. I am grateful to Resurrection Lutheran for their willingness to provide this essential service.

As a resident of Parkshore condominiums, I live in close proximity to the shelter. I understand that some have expressed concerns about the shelter's location so close to residential neighborhoods. And while I understand these concerns, they do not, for me, override our responsibility to care for those in our community without housing.

Winter is upon us. We need to act quickly to ensure that Resurrection Lutheran is able to open their doors to shelter those who are unable to be served by the new Glory Hall.

Thank you,

Patty Ware
800 F Street, Unit H-3

From: Walter Gregg <g620w02@use.startmail.com>
Sent: Wednesday, November 03, 2021 2:52 PM
To: PC_Comments
Subject: Opposition to RLC Warming Center Permit

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

Walter Gregg; C Street; PO Box 21693; Juneau, Alaska 99802; G620W02@use.startmail.com; 1-833-231-6247; November 3, 2021. Dear Readers: It's with great reluctance that I ask you to deny the conditional use permit to operate a warming center at the Resurrection Lutheran Church. The people who need that shelter are our neighbors, friends, brothers, and sisters. But this plan has the same issues as last year's proposal to operate one at the Bill Ray Center. One of the biggest is that from 7 AM to 11 PM -- the daytime -- there are no public toilets in the area. Without that, it's not safe and not tenable. People will use alleyways and private porches and yards. It's a very real problem. Making sure our under-sheltered neighbors don't die in the cold is everyone's responsibility, but it isn't just 11 PM to 7 AM. It's a *government* responsibility to provide some sort of nearby facilities on a 24/7 basis. That really should include an outdoor courtesy phone so people with no cell can *call* 988 to get the suicide hotline. The ability to dial 988 is the whole reason the FCC took away 7-digit dialing. Indeed, it was the Republican chair that foisted off the 3/4 billion cost on the phone companies. Yet all Juneau proposes to provide to our most disadvantaged is an overnight cot and then you're outside with all your worldly possessions, nowhere to go, nowhere to sit, nowhere to shelter, without even the ability to call for help. That's not a plan. It's a recipe for disaster. It isn't as if there is no choice. There is always a choice. The city bought the old Public Safety Building, tore it down, and replaced it with a parking lot. It would not be impossible to quickly build some kind of temporary barracks there, along with those all-important 7 AM to 11 PM public bathrooms and a way to call for help. For that matter, the first floor of the downtown parking garage could be vacated and turned into a closely supervised campground. At least it has the bus shelter bathrooms in the days, a plastic outhouse for the nights, and a police substation on site. The planning commission should say no to the proposed location because nearby daytime government-run facilities are an essential component. Right now that appears to be wholly absent. Thank you. Sincerely, /s/ Walter Gregg

From: Eric Ouderkirk <dutchman.rla@gmail.com>
Sent: Thursday, November 04, 2021 5:42 PM
To: PC_Comments
Subject: Case No.: USE2021 0011 CUP for Cold Weather Emergency Warming Shelter at 740 W. Tenth Street

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

Thank you for taking my comments on Case: USE2021 0011, the application reads as being enthusiastically prepared, but perhaps premature in development. As a resident of "the flats" I believe that there are **insufficient specific conditions for approval placed** on the Conditional Use Permit (CUP) for a Cold Warming Emergency Shelter (CWES) at Resurrection Lutheran Church (RLC) located at 740 W. 10th.

The proposal relies heavily on handling situations on a case-by-case (often relying on JPD) rather than proactively developing solutions to likely problems. The proposed use is very different than a food pantry, or other services, which RLC operates in this location, because of the hours of operation and clients served. The impacts will be different, and a higher level of care should be applied. A wait and see approach seems lacking given "The shelter will primarily serve homeless adults who cannot participate at the Glory Hall or AWARE shelters" because of intoxication (page 454).

In hopes of making it easier to consider my comments they are grouped per 49.15.330 (f) *Commission determinations; standards*.

(1) *Materially endanger the public health or safety*

- I. The conditions of operations are flexible for hours and temperature. Minimums are established, but the facility may operate outside those parameters essentially meaning it may operate anytime and under any condition. That leaves a number of potential conflicts that are not addressed in the proposal.
 - A. The school breakfast program at Harborview Elementary School (HBV) is at 7:00am. With a 6:30am closure there may be users still in the area. If the morning is extended what will be done to provide for the safety of the children who need this program?
 - B. RLC has/had an agreement to house Homebridge to provide a safe learning environment for children - providing for contact that has been identified as needed - during the week. Volunteers have donated time and materials to prepare the space for the students, what conditions are in place to allow for the safety of all users in the church social hall?
 - C. The proposal identifies sponsoring a scouting troop. What is being done for the safety of all users? If a situation arises, what is the permit condition to address it?
 - D. Social Media is the identified means of keeping the neighborhood informed. What other methods will be used for the neighbors in the area who do not use social media?
- II. Given that the patrons are those who cannot participate at other shelters, it would seem prudent to have more defined safeguards for assisting violent patrons prior to issuing a CUP since the facility is adjacent to family dwellings.
 - A. The proposal notes that violent individuals will be escorted from the premise by JPD, what conditions are in the CUP to prevent return to the neighborhood? Will there be

adequate CWES staffing to assist JPD at all times of operations in a manner safe for staff and neighbors?

- B. Staff (and JPD if needed) will encourage patrons to use other facilities at the end of their stay. This seems insufficient to ensure the safety of the neighborhood. Perhaps RLC can transport patrons to those other facilities?
- C. University of Pennsylvania research found a 56% increase in property crime within 100m (+/- 300 ft) of homeless shelters that continues out to 400m (+/-1,325 ft, or approximately Calhoun Ave. or JDHS). Staff analysis has identified an anticipated increase calls to JPD and need for additional police presence/patrols (page 459). The measures proposed are for the RLC grounds, this does not address the potential for issues in the wider area.
- D. HBV staff already clean-up syringes and other waste from playground areas. While the proposed operating plan indicates clean-up at RLC, there is no defined proposal for the larger area that may be further impacted. Perhaps a condition for a larger area of the neighborhood should be added to the permit conditions.

(2) Substantially decrease the value or be out of harmony with property in the neighboring area

- I. The location proposed is on the border between Light Commercial and D5 Single Family Residential. One lot further northeast - the one formerly owned by RLC and now a private single family residence - and the CWES is in D5 zoning. It would seem more harmonious to provide greater separation between uses.
- II. Whether it is desirable or not, there is a stigma associated with these types of facilities that impact adjacent property values as determined by the market (versus how CBJ assesses property values for taxation). Studies published by the NY Times (2019) found a 7% decrease to home values within 500 feet and 6% decrease up to 1,000 ft away. A 2016 study by realtor.com found 12.3% decrease whether there was an increase in crime or not. The Assessor's Office may not include the CWES as a factor, but potential buyers will.
- III. RLC has stated it "has no long-term plans or interest to be in the shelter business." For what length of time is the CUP being sought, this year only, for five years or longer? No length of time is presented. A shorter period - one year - provides a better check on performance provided there are clear criteria of success showing little or no impacts on neighboring area.

(3) Lack general conformity with the comprehensive plan, thoroughfare plan or other officially adopted plans

- I. In 2012 CBJ prepared the Juneau Safe Routes to Schools Plan. Given the flexibility in hours and conditions of operations children walking or biking to school may have altercations. Children walk to HBV along this route and to the school bus stop located at 12th and Glacier Ave - approximately two blocks from the proposed CWES.
 - A. The Juneau Safe Routes to Schools Plan noted that one reason parents are hesitant to have children walk to school is darkness and safety. The hours of operation - particularly given the flexibility noted - makes both of these concerns more prevalent. Perhaps a permit condition requiring closure at 6:30am in conjunction with providing transportation to another shelter rather than encouraging patrons to go to these shelters.

Thank you for taking my comments,
 Eric Ouderkirk
 925 D Street
 Juneau, AK

November 4th, 2021

Community Development
City and Borough of Juneau
155 S. Seward St
Juneau, AK 99801
Sent via email to pc_comments@juneau.org

RE: Conditional Use Permit for a Cold Weather Emergency Shelter

Dear Sir/Madam,

St Vincent de Paul had many issues trying to run a Warming Shelter at the JACC which lead to them deciding not to run a Warming Shelter this year. The issues that led them to come to this decision are the reasons this Application for a Conditional Use Permit is a bad idea because of its location. The people using the shelter were threatening and had assaulting behavior to their staff and other patrons.

The people that are going to use this shelter have mental and drug issues that for the most part got them kicked out of the Glory Hall or made them very unwelcomed there. Some would have even been kicked out due to violence and others have mental issues that they are refusing treatment for. These are people who won't follow rules and which some, could be, felons and sex offenders. These are the people who will use this shelter.

Having this shelter in this church at this location, funded by CBJ, would be very detrimental to the neighborhood and it is just the wrong place to do this. The location is very close to an Elementary School, a Day Care Facility (at the Federal Building), and a Senior Housing Center where already a murder had taken place by a non-resident who entered the facility unwelcomed. These people that will use this shelter will have nowhere to go during the day except to hang around the neighborhood.

Since the City is paying for this it needs to be in a better location. There is no reason it should be next to a school or in a neighborhood where a large number of children live.

Please rethink this.

Sincerely, Janie & Herb Freer

921 D St
Juneau, AK 99801

Mailing address:
PO Box 32579
Juneau, AK 99803

From: Mark Kirchhoff <bcraver@gci.net>
Sent: Thursday, November 04, 2021 8:39 PM
To: PC_Comments
Subject: Warming shelter at Lutheran Resurrection Church

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

Dear Planning Commission,

I am writing this letter to express my disapproval of granting an allowable use permit for a warming shelter at Resurrection Lutheran Church this winter. I understand that there is an urgent need for such a facility, and am in agreement with some of my Flats neighbors that it is the compassionate thing to do. This location in a residential area in close proximity to an elementary school is the wrong place however.

Unlike some of my Flats neighbors, who have said they have had no ill effect from the church food bank and other assorted social services, I have had some issues with transient people in the past. I have had to chase a known sexual predator out of my garage who was stalking my son playing in our yard, and I witnessed a mentally ill man climbing on to a neighbor's roof and accessing the house through a second story window, sending the family panicking out in the street. I have also had to shield myself from a mentally ill man walking down 9th street with knives shouting obscenities, and on numerous occasions I have witnessed hypodermic needles discarded on our streets.

Let's be clear eyed here. Probably 95% of the patrons of the warming shelter will be perfectly well behaved while at the location; it's the other 5% I'm worried about. We're talking about potentially mentally disturbed individuals with substance abuse issues - meth, heroin, and alcoholism. One of the great joys of living in Juneau is that it is still one of those rare places in the world where kids can walk and bike unattended, especially on the way to and from Harborview Elementary. Are we willing as a community to say it's o.k. to put 28 homeless people with issues in their path each and every winter day? All it takes is one bad apple committing one indescribable act and Juneau will be changed forever.

So the solution seems obvious. Thank you Resurrection Lutheran for your caring offer; every homeless person deserves love and support, but just not at this location so close to a school and with so many kids around. CBJ is just going to have to find somewhere else.

Thank you for this opportunity to comment.

Sincerely,

MJ Kirchhoff

From: Mark Kirchhoff <bcraver@gci.net>
Sent: Friday, November 05, 2021 11:46 AM
To: PC_Comments
Subject: Proposed warming shelter at Resurrection Lutheran Church

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

Dear Planning Commission,

Last night I sent comments to the commission opposing the proposed warming shelter at Resurrection Lutheran Church, and arising this morning I realized that I had left out a point I wanted to make. And that point is the CBJ planning staff is being disingenuous with the Commission in supporting this plan. By their own admission, CBJ planning writes that “a survey of literature indicates that crimes [are] associated with homelessness,” including, but not limited to “panhandling, loitering, trespass, shoplifting, and public intoxication.” The Planning department also advises that they “anticipate calls from the neighborhood to increase once the CWES is open.” And yet, knowing that there are going to be adverse effects, the department still makes the finding that there will be no endangerment to public safety, health, and welfare. They use the term “with appropriate conditions” to reach this conclusion, but what do these words really mean? They could mean anything or nothing.

The planning department also states that with these same “appropriate conditions,” the development will not be out of harmony with the surrounding neighborhood. This defies common sense. You cannot bring into a stable residential neighborhood a collection of people with behavioral and mental health issues and not expect there to be problems.

I don’t have confidence that this experiment is going to work out well in my neighborhood; I hope the Planning Commission will ask serious questions to the planning staff about how they can be so confident it will.

Sincerely,

MJ Kirchhoff

From: Mila Cosgrove <milacosgrove@gmail.com>
Sent: Monday, November 08, 2021 8:58 AM
To: PC_Comments
Subject: Cold Weather Shelter

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

Dear Commissioners,

Please accept this email as support for the pending conditional use permit application by Resurrection Lutheran Church to house the Cold Weather Warming Shelter on their premises.

As context, my home is approximately 3 blocks from the site and I am on the natural walking path between the Resurrection Lutheran and downtown. I anticipate that there will be some impact due to the proximity. However, I believe the warming shelter is a critical service for our community and one that is difficult to find a location for. I applaud Resurrection Lutheran for its willingness to house this service and respectfully request that the Planning Commission approve the application.

Sincerely

Mila Cosgrove
1003 B Street



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

MEMO

From: Irene Gallion, Senior Planner 
To: Mike Levine, Chair, Planning Commission
Parcel No.: 5B2101030001
Legal Description: USS 1053 Tract A2
Case Number: SMP2021 0005

RE: Alaska Department of Transportation and Public Facilities Comments

Attached are comments provided by ADOT&PF. Our review team at ADOT&PF received these documents to review later in the process than usual, because we were hoping to have initial corrections made to the draft plat. Those corrections were unable to be made, so they reviewed the original submission.

Irene Gallion

From: Bizzarro, Caleb T (DOT) <caleb.bizzarro@alaska.gov>
Sent: Thursday, November 4, 2021 10:54 AM
To: Irene Gallion
Cc: Schuler, Michael K (DOT)
Subject: RE: SMP21-05: ADOT&PF Feedback
Attachments: APP_SMP21-05.pdf; MEMO_MIP21-12 DRAFT 1.pdf

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

Thank you Irene for the opportunity to review Constellation Development's requested subdivision (*Case No. MIP2021 0012*)

As is the situation with all properties when a 'change in use' shall occur adjacent DOT&PF owned infrastructure - the DOT&PF shall review a previously permitted access for compliance. Upon review, the Department may require alterations to ensure safe operating conditions within State Right of Way.

The access into Lot TRACT A-2 along Mendenhall Loop Road is sufficiently acceptable in design and use for the *currently* under construction wrestling club. Acknowledging CBJ's requirement for use of a **single shared approach**, DOT&PF requires a *Traffic Impact Analysis* be provided to ensure access is adequately designed for the increase in use.

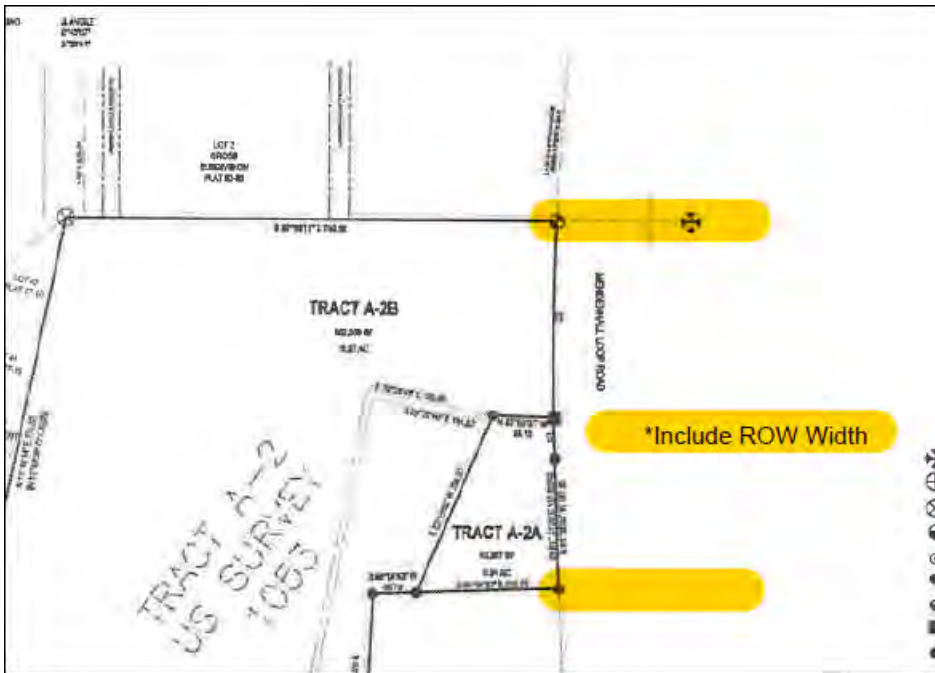
DOT&PF's intent is to ensure this approach and intersection does not materially impact safe operation of the minor arterial Mendenhall Loop Road. Furthermore, to ensure it simultaneously meets or exceeds design standards in conformance with the *Alaska Highway Preconstruction Manual*.

Therefore, it is DOT&PF SCR Right of Way's recommendation to CBJ, as a condition for approval of this subdivision request;

- 1) A *Traffic Impact Analysis* be performed to properly assess the outcomes of this imminent development.
- 2) At such time as can be determined; the property owner(s) shall make all required modifications outlined at that time by the Department to ensure safe and compliant access operation.
- 3) Label, at new northern most and southernmost property corner monuments, the width of State ROW of Mendenhall Loop Road on drafted plat.

Thank you again for the review opportunity,

Caleb Bizzarro
 Right Of Way Agent
 Department of Transportation & Public Facilities
 Southcoast Region Design & Engineering Services
 Ph: (907) 465 4519
 Email: caleb.bizzarro@alaska.gov



From: Bizzarro, Caleb T (DOT)
Sent: Monday, October 25, 2021 1:56 PM
To: Irene Gallion <Irene.Gallion@juneau.org>; Schuler, Michael K (DOT) <michael.schuler@alaska.gov>
Subject: RE: SMP21-05: ADOT&PF Feedback

Thank you Irene for sharing the subdivision request documents.

DOT&PF SCR Right of Way will review and respond before November 3rd.

Best Regards,

Caleb Bizzarro
 Right Of Way Agent
 Department of Transportation & Public Facilities
 Southcoast Region Design & Engineering Services
 Ph: (907) 465 4519
 Email: caleb.bizzarro@alaska.gov

From: Irene Gallion <Irene.Gallion@juneau.org>
Sent: Monday, October 25, 2021 1:28 PM
To: Bizzarro, Caleb T (DOT) <caleb.bizzarro@alaska.gov>; Schuler, Michael K (DOT) <michael.schuler@alaska.gov>
Cc: Irene Gallion <Irene.Gallion@juneau.org>
Subject: SMP21-05: ADOT&PF Feedback

Hello Caleb and Michael,

Attached is a proposed subdivision at 3221 Mendenhall Loop Road. I was hoping to have a revised plat to present to ADOT&PF for review, but the surveyor has been out of town, and the hearing is coming up November 9th, 2021. My understanding is the Applicant has been speaking to both of you.

I've attached our original draft memo to the Applicant so you know what has already been commented on. The comments were "draft" because our General Engineering Department has not been able to review due to staffing shortages and extended leave. However, we wanted the Applicant to have some items to start working on.

Let me know if ADOT&PF has any concerns, thank you for your time!

Irene Gallion | Senior Planner

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0753 X2



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155 S. Seward Street • Juneau, AK 99801

MEMO

From: Irene Gallion, Senior Planner 
To: Mike Levine, Chair, Planning Commission
Parcel No.: 5B2101030001
Legal Description: USS 1053 Tract A2
Case Number: SMP2021 0005

RE: Additional Materials provided by Applicant

Attached are two items provided by the Applicant:

- Supplemental information, including proposed revisions to findings and conditions.
- A revised plat incorporating comments from the initial review. Note that staff has not reviewed the plat to confirm incorporation.

Supplemental Information for SMP2021 0005

Desired Outcome, Findings and Proposed Conditions:

As the applicant, we have asked to use the easement for a common access point. We do not want the access street and associated right of way (ROW) encumbrances. We are aware of and understand the CBJ 49.35.210(b)(3)(B) future subdivision prohibition through the use of an easement with a common access point located on a minor arterial. The inclusion and discussion of issues around creating a second ROW was a Community Development Department (CDD) decision. We believe that it complicates and confuses what we have applied for and would have asked to have it removed given the opportunity.

Revised Findings:

2. Will the applicable subdivision development standards be met, or can be reasonably be met with conditions?

-Analysis: The development is required to meet the dimension standards set in CBJ 49.25.400. Utilizing an easement for a common access point, the dimensional standards are satisfied.

-Finding: Yes. With the recommended conditions, the preliminary plat complies with the dimensional standards.

3. Will the proposed subdivision provide suitable building site for the zoning district?

-Analysis: Lots created through this subdivision meet the dimensional requirements for the D15 zoning district.

-Finding: Yes. The proposed subdivision provides building sites suitable for the D15 zoning district.

Desired Outcome: Approval of the proposed Subdivision with the following conditions:

Proposed conditions to be included:

1. Prior to approval of the final plat, Certification from the CBJ Treasurer showing all real property taxes and special assessments levied against the property for the year of recording have been paid.

5. Prior to approval of the final plat, a plan showing 30 percent vegetative cover (at minimum) shall be submitted for approval by the Commission.

7. Prior to approval of the final plat, an access easement meeting the requirements of CBJ 49.35.210(b)(3) must be submitted for review and approval by the Commission.

8. Prior to approval of the final plat, an access and maintenance agreement meeting the requirements of CBJ 49.35.210(b)(3) must be submitted for review and approval by the Community Development Department.

Discussion of other CDD conditions not included:

2. Prior to approval of the final plat, the applicant shall submit a complete set of construction plans for all required improvements to the Community Development Department. The Director of Engineering & Public Works will review for compliance with CBJ 49.35.140.

Completed: The required improvements (water and sewer) have been permitted under the current building permit for building.

3. 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.

Redundant: The improvements are already part of the approved building permit for the current building. We will not be granted the Certificate of Occupancy (CO) without their completion.

4. Prior to approval of the final plat, the developer shall submit a final drainage plan for the CBJ Engineering & Public Works approval. An Alaskan licensed engineer must prepare the plan (CBJ 49.35.510).

Completed. We submitted a drainage plan prepared and stamped by an Alaskan licensed engineer meeting the requirements of CBJ 49.35.510 with the application. As noted in the staff report (page 11 Finding 5) the Director of Engineering and Public Works reviewed the application and determined the subdivision can be constructed to conform to applicable drainage and water quality requirements. Thus, the review and approval have been completed already.

6. Prior to submittal of the final plat, a construction plan will be submitted showing a barrier to vehicle traffic no less than 2 feet high shall be constructed along the front property line to define the driveways(s). This barrier may consist of a vegetated berm, fence, planter box, or other structures/improves approved by the Community Development Department. Advisory: Fences over six feet tall require a building permit prior to construction. No sight-obscuring fence more than four feet tall may be constructed closer than 20 feet from the edge of the traveled way, and on corner lots, sight-obscuring fences are limited to three feet in height within 20 feet of intersecting traveled ways (CBJ 49.25.430(4)(L)). The construction plan will be approved by the Commission.

N/A without second ROW. Where is this requirement found in code? Further, the condition is confusing as it includes both CDD and the Commission approvals.

9. Prior to submittal of the final plat, a construction plan will be submitted showing sufficient exterior lighting must be provided at the intersection of the proposed right-of-way and Mendenhall Loop Road to permit safe pedestrian access. Lighting will conform to CBJ Standard 118 unless another standard is approved. The construction plan will be approved by the Community Development Department.

N/A without the second ROW. The current common assess point location was chosen as it is located immediately adjacent to an existing street light. Further, the location is within SOA ROW. As such, SOA standards and approval would apply as opposed to CBJ.

CBJ 49.20.300 - interpretation of this title (Title 49):**CBJ 49.25.430 Interpretation:**

As the interpretation is directly relevant to the submitted staff report for SMP2021 0005, a separate application for interpretation has not been submitted.

While we do not wish to exercise the right of way version outlined in the staff report, we believe the access discussion on report page 7 is in error and would like the Commission to provide an interpretation for future developments. We are unable to understand the Director's interpretation and are unable to resolve the difference without Commission assistance.

We are utilizing our proposed subdivision and the associated staff report as the hypothetical example. CBJ 49.25.430(3) provides a discussion of multiple frontage lot. Street side setbacks only occur on lots that have multiple frontages, there are no other lot configurations that support this term. Thus, the drawing on the right-hand side of page 7 is by definition a multiple frontage lot. As soon as the lot is defined as multiple frontaged, CBJ 49.25.430(3) applies. The lot was conforming prior to the addition of the second ROW. The second paragraph of CBJ 49.25.430(3) allows the owner to define which is the rear yard (opposite either the front or the street side). Which ironically in this case would keep the rear and side yard locations the same as they currently are. There is no intermediate time period. ROWs are defined when platted, not constructed. There is no such thing as a "future corner lot". The lot either has one ROW and is conforming (current state); or has two ROWs and is a multiple frontaged lot where the owner chooses the rear yard, and thus is still conforming. Rendering the entire argument regarding creating nonconforming situations moot.

Even if the existing building was determined to have nonconforming setbacks with the addition of the second ROW, paragraph 3 of CBJ 49.25.430(3) provides the solution: "On lots with existing buildings that have nonconforming setbacks, setbacks for the yards shall be established based on the yard that most closely meets the respective setback requirement." The setbacks provided on the lot would clearly show that the "most closely" aligned setback requirements would leave the side and rear yard setbacks in their existing configuration.

Thus in either case, there would be no changing of the yard setbacks. The lot is currently conforming and with the addition of a second ROW, would still be conforming.

Does the Commission agree with that interpretation?

