

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

September 8, 2020
Virtual Meeting Only
7:00 PM

This virtual meeting will be by video and telephonic participation only. To join the webinar, paste this URL into your browser: <https://juneau.zoom.us/j/97543467794>. 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: 975 4346 7794.

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. August 11, 2020 Draft Minutes, Regular Planning Commission - APPROVED

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

VIII. UNFINISHED BUSINESS

A. USE2020 0016: A modification to a Conditional Use Permit (USE2016 0006) to include on-site consumption of edible marijuana products - APPROVED AS AMEDNED

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

A. Rules of Order Amendment - APPROVED

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 Packet - September 8, 2020 Planning Commission Meeting

XIX. ADJOURNMENT

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

August 11, 2020 Draft Minutes, Regular Planning Commission - APPROVED

ATTACHMENTS:

	Description	Upload Date	Type
▣	August 11, 2020 Draft Minutes, Regular Planning Commission	9/1/2020	Minutes

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
August 11, 2020

I. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:01p.m.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Assistant Clerk; Dan Hickok; Weston Eiler; Josh Winchell; Erik Pedersen

Commissioners absent: Ken Alper

Staff present: Jill Maclean, CDD Director; Irene Gallion, Planner; Emily Wright, LAW; Laurel Christian, Planner

Assembly members: Greg Smith

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

MOTION: *by Mr. DYE to continue USE2020 0016 to Sept 8 regular meeting.*

The motion passed with no objection.

III. APPROVAL OF MINUTES

A. July 14, 2020 Draft Minutes – Planning Commission Meeting

MOTION: *by Mr. Voelckers to approve the Planning Commission July 14, 2020, Planning Commission Committee of the Whole Meeting minutes.*

The motion passed with no objection.

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

Mr. LeVine explained the rules for public participation and stated public testimony would be limited to three (3) minutes each in order to accommodate the large number of expected public comments. Mr. LeVine also reminded public members to be respectful and explained that those not doing so would be removed from the meeting involuntarily.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS NONE**VI. ITEMS FOR RECONSIDERATION NONE****VII. CONSENT AGENDA NONE****VIII. UNFINISHED BUSINESS NONE****IX. REGULAR AGENDA**

USE2020 0017: A Conditional Use Permit for Transitional Housing
Applicant: Northwind Architects LLC
Location: 6205 Alaway Avenue

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITIONS the requested Conditional Use Permit. The permit would allow the development of Transitional Housing located at 6205 Alaway Avenue in a General Commercial Zoning District.

The approval is subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a revised parking plan meeting parking & circulation standards in CBJ 49.40.
2. Prior to issuance of a temporary certificate of occupancy, wheel stops or striping shall be placed in the parking lot to define the location of parking spaces, and all necessary ADA striping and signage will be installed.
3. Prior to the issuance of a temporary certificate of occupancy, all pavement markings, including directional arrows, parking space stripes, and other markings shown on the project site plan, shall be applied to the parking and circulation area shown on the site plan in a medium designed for such purposes
4. Prior to the issuance of a temporary certificate of occupancy, one or more covered bicycle racks providing spaces for at least four (4) bicycles shall be provided. The

- rack(s) shall be permanently affixed to the ground, building, or other permanent fixture, and shall be located so that parked bicycles do not encroach into a pedestrian walkway or vehicle area. Covered bicycle racks shall, at a minimum, be designed in accordance with the standards listed in the Juneau Non-Motorized Transportation Plan.
5. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department, according to the requirements of CBJ 49.40.230(d).

Staff Presentation

Ms. Christian presented **USE2020 0017**.

Questions from Commissioners

Mr. Winchell expressed a concern related to the lot being located close to a highway and whether there was a need for a fence or other barrier on the premise.

Ms. Christian stated the building was set back far from Glacier highway and generally speeds are lower in this section due to the school zone and crosswalks in the area. The Planning Commission could require fencing if deemed necessary.

Applicant Testimony

Talia Eames, Reentry and Recovery Department Manager, and Natasha McLanahan, Housing and Reentry Coordinator presented on behalf of Tlingit and Haida. From Northwind Architects, James Bibb, Shannon Crossley, and Armando De Asis presented for the architectural and design team.

Questions from Commissioners

Mr. Dye had questions how the 6-month minimum residency would be enforced. Ms. Eames explained it would be a competitive process for people to come in and the hope is they would be committed when they moved in.

Mr. Winchell asked how sobriety would be ensured. Ms. Eames explained it would be through the use of breathalyzers and testing in addition to the supportive environment as deterrents to substance abuse.

Mr. Voelckers asked about how the resident activities would be monitored and rules enforced in order to mitigate neighbor concerns. Ms. Eames explained there will be a curfew, visitor logs, and other controls in place.

Mr. Winchell asked about what safety measures were in place to protect visiting children from accessing the highway through the trees on the property. Mr. Bibb answered they hadn't finalized the plans for the vegetation that would make up that barrier and gave some examples of possibilities.

Mr. Arndt asked if the residents to be accepted to the program and if it would be limited to only non-violent offenders, for example. Ms. Eames explained that sex offenders would be barred from participating in this program but other inmates would be considered based on a number of factors including their crime as well as their conduct during incarceration.

Mr. Arndt understood the complex will be constructed using the CARES Act funding but asked how would on-going expenses be covered. Ms. Eames explained they have been awarded a \$750,000 grant from the Bureau of Justice which will pay for the on-site manager and cultural programming. Additional on-going funding will come from the profits from Tlingit and Haida businesses, such as Sacred Grounds, and from the rent paid by the residents of the facility.

Mr. Hickok asked if the program is limited to Alaskan Natives only. Ms. Eames explained that it does have Alaska Native preference but will be open to all inmates. Mr. Hickok asked if the residents will remain on probation for the entire time they live on-site. Ms. Eames said that is up to the Correctional system but probation and parole commonly is longer than two years.

Mr. Voelckers asked if the entry would be monitored 24 hours per day. Ms. Eames said that the monitoring would include cameras, check-in/check-out systems, a single point of entry/exit, and a manager living on-site.

Mr. Winchell asked how will the public be made aware if the rule excluding sex offenders were to change in the future. Ms. Eames said they do not anticipate changing that rule stating that the intent is for families to be reunited and having sex offenders on-site would endanger that part of the program.

Public Testimony

Christina Love, Downtown, Vice President, Haven House Juneau, spoke in support of the project stating it will increase safety in the area and told of the successes of the Haven House project.

Mr. Voelckers asked Ms. Love if there had been any incidents or issues with Haven House in a neighborhood setting. Ms. Love answered there have been zero problems and the neighbors are now supportive of the Haven House program.

Jorden Nigro, Downtown, Glory Hall board member, spoke in support of the project stating this has been critically needed for a long time and this will help make the community a safer place by helping people to transition back into society and by keeping families united.

Kara Nelson, former Director of Haven House Juneau, spoke in support of the project stating that as a former inmate and addict in recovery she knows first-hand the success of projects like this.

George Partlow, Douglas, spoke in support of the project and felt it is really needed in this community. Mr. Partlow told about the successes of Haven House for women and said this project is needed as a similar program for men.

Yulonda Candelario, Department of Justice Law Enforcement Reentry and Community Outreach Coordinator, gave an overview on Project Safe Neighborhood and its successes.

Jeni Brown, Lemon Creek, as a former inmate and addict who has been through the program at Haven House, she spoke to the successes of the program. She has 42 months sobriety and is now a productive member in society.

Tammy Jablonski, Valley, Case Management Specialist, Tlingit and Haida Reentry and Recovery Program, she will be the case manager on-site at the complex. She told of her experience in the field and spoke in support of the project stating "This stuff works!"

Phillip Moser, spoke in support of the project. Mr. Moser spoke of the City's recent efforts to address systemic racism and pointed out that those opposed to the project seemed to be concerned mostly with protecting property values and not with restorative justice.

Ryan Bradshaw, Lemon Creek, Support Specialist at JAMHI, is a former inmate and said he was able to reenter society successfully with the help of the halfway house and he supports the project.

Mariya Lovishchuk, Douglas, Glory Hall Executive Director and Project Coordinator for Juneau Housing First Collaborative, said Housing is a human right and this project is necessary as people exiting from prison must have a safe and appropriate place in order to succeed.

Keri Weldon, stated the neighbors were not notified until July and she has reservations regarding the safety in the neighborhood if this project goes forward.

Roald Helgesen, Tlingit and Haida Chief Operating Officer, spoke in support of the program and described his experiences working with reentry programs.

Wendy Hughes, Lemon Creek, spoke of concerns that the project was moved so quickly and would like to see it slowed or the permit denied until alternatives can be considered. Ms. Hughes said there is just not enough information yet for the neighborhood to be comfortable with the project.

Mr. Dye asked if there is something in particular in the policies that she would like to see that would make her more comfortable with it. Ms. Hughes liked the curfew but felt it should not be located in a residential area.

Mr. Winchell asked if there is any particular crime or class of crimes that she would want to see excluded. Ms. Hughes answered she is happy to see the sex offender exclusion and would also like to see those charged with violent crimes or theft to also be excluded.

Ric Iannolino, spoke in support of this project saying he has seen these programs be successful in other locations as far back as the 1970's. Addressing the concerns of the neighbors, he said to give the people a chance.

Shawn Wille, Lemon Creek, stated the problem is not with the plan but with the location. Mr. Wille has concerns with bringing that many felons into the neighborhood with all the children, the school, playgrounds, and bus stops. He feels this won't fit into the neighborhood.

Dave Ringle, Meadow Lane, General Manager of St. Vincent DePaul, spoke in support of the project and told about a former inmate he had taken into his home upon release and had provided support to help him get on his feet. As a result, that former inmate has been out of prison for over five years and has not reoffended.

Mary Alice McKeen, Haven House Board President, spoke in support of the project and spoke to the opposing testimony stating the successes of Haven House and its integration into the neighborhood.

Mr. Voelckers said some people felt there was a difference between a recovery house for eight women compared to one for sixteen men and asked Ms. McKeen what she thought of that. Ms. McKeen answered the statistics are similar for men and for women and while Haven House had one on-site counselor for eight residents, this project will have two for the sixteen men so it appears appropriate.

Cecelia Westman, Victims of Crimes Coordinator T&H Central Counselor, spoke in support of the program and wanted to remind people these individuals are humans.

Ms. Maclean read emails into the record:

Kirsa Hughes-Skandijs, wrote in support of the transitional housing project and in support of the parking waiver later in the agenda.

Sheila Dyer, wrote in support saying as the projects will benefit the community.

AT EASE 9:34 p.m. – 9:45 p.m.

Additional Applicant Comments

President Peterson said he heard concerns regarding the short timeline saying he recognizes the timeline is swift but the grant has a deadline of December 31 to spend the funds. He has lived in this area in the past and he understands the concerns of the neighbors and he believe the onus is on Tlingit and Haida to address those concerns and to keep the area safe. Regarding neighbor concerns for the children in the area, he reminded people that the residents' own children will be coming to the facility to visit their fathers. Regarding other neighborhood concerns, he said they plan to set up a neighborhood advisory committee.

Mr. Dye asked if adding the Advisory Committee as a condition of approval would be acceptable. President Petersen answered that it would.

Questions for Staff

Mr. Winchell referred to written testimony from the homeowners' association stating there is no other project like this in a residential area of CBJ and asked if this is correct. Ms. Christian answered that statement is not accurate. Transitional housing is allowed in all residential zoning districts.

Commissioner Discussion

Mr. Arndt stated it is important to remember that the inmates are choosing to live there and earn their position in the transitional housing and without this program, they could still live in the neighborhood but with this project, they have a better chance to succeed.

MOTION: *by Mr. Voelckers to accept staff's findings, analysis and recommendations and approve USE2020 0017 adding a 6th condition creating an Advisory Committee to include neighborhood associations in the area and affected agencies to periodically review management policies.*

Mr. Voelckers had been in support of the Haven House and sees this project also as a positive outcome project.

Mr. Eiler and Mr. LeVine had concerns whether the additional condition was appropriate as a condition and whether it would be enforceable.

Ms. Wright is not aware of any condition for an Advisory Commission being passed before.

Mr. Hickok spoke in favor of the motion saying he has worked with Juvenile Justice for a number of years.

AT EASE 10:06 p.m. – 10:07 p.m.

Mr. Dye spoke saying he supports the intent of the proposed additional condition saying he did not think it would be onerous to the applicant and felt it can be justified in code but he had concerns whether it would be enforceable.

MOTION TO AMEND: *by Mr. Winchell to add a condition excluding Sex Offenders in the program or on the Property.*

Ms. Wright stated the amendment would be outside of the Planning Commission's purview and not allowed under Title 49.

Mr. Winchell rescinded his motion and spoke in support of the original Motion on the floor.

Ms. Maclean asked if "*neighborhood associations*" was defined as those associations recognized by CBJ. Mr. Voelckers agreed that would be a good clarification.

Mr. Arndt spoke in support of the motion but had questions regarding enforcement of the additional condition and wondered if it was something they should add when considering the types of conditions the Commission has been striking from other applications in recent meetings. Mr. Dye agreed with Mr. Arndt and thought since the applicant has already said on the record that they would be setting up such a committee that maybe it would be appropriate to strike the added condition.

Mr. Voelckers felt the condition sends a good message to the neighbors.

Ms. Maclean said she is unsure how the Department could enforce the condition. She also spoke to remind the commission that when the commission approves a conditional use permit and the applicant wants to come back with modifications, if the modifications change any of the conditions, the Department would not be able to approve it and the applicant would then be required to reapply for a new Conditional Use Permit and go through the whole process again.

Mr. Hickok said he was in favor of the motion but felt the condition was beyond what they should be doing and felt the commission should not micromanage the program.

Mr. Winchell said that he is confident the applicants are professional and concerned with the community but it would be sad if a program did develop where sex offenders could be close to playgrounds and children and something terrible happened. He felt having community involvement would go a long way toward addressing the neighborhood concerns.

MOTION TO AMEND: *by Mr. Dye to remove the added Condition.*

ROLL CALL VOTE:

Yes: Mr. Dye, Mr. Hickok, Mr. Pedersen, Mr. Eiler, Mr. Arndt, Mr. LeVine

No: Mr. Voelckers, Mr. Winchell

The motion to amend passed 6 to 2.

The amended original motion passed with no objection.

USE2020 0018: A Conditional Use Permit for Transitional Housing
Applicant: Northwind Architects LLC
Location: 1921 Allen Court

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the requested Conditional Use Permit. The permit would allow the development of transitional housing at 1921 Allen Court.

The approval is subject to the following conditions:

1. Prior to issuance of a temporary certificate of occupancy, wheel stops or striping shall be placed in the parking lot to define the location of parking spaces, and all necessary ADA striping and signage will be installed.
2. Prior to the issuance of a temporary certificate of occupancy, all pavement markings, including directional arrows, parking space stripes, and other markings shown on the project site plan, shall be applied to the parking and circulation area shown on the site plan in a medium designed for such purposes.
3. Prior to issuance of a building permit, the applicant must submit documentation to demonstrate that all applicable parking code requirements have been met, in conformity with CBJ 49.40.200.
4. Prior to the issuance of a temporary certificate of occupancy, one or more covered bicycle racks providing spaces for at least four (4) bicycles shall be provided. The rack(s) shall be permanently affixed to the ground, building, or other permanent fixture, and shall be located so that parked bicycles do not encroach into a pedestrian walkway or vehicle area. Covered bicycle racks shall, at a minimum, be designed in accordance with the standards listed in the Juneau Non-Motorized Transportation Plan.
5. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department, according to the requirements of CBJ 49.40.230(d).

PWP2020 0003: A Parking Waiver to reduce the number of required spaces from 13 to 4
Applicant: Northwind Architects LLC
Location: 1921 Allen Court

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested parking waiver. The permit would reduce parking requirements from 13 off-street parking spaces to four for transitional housing.

Staff Presentation

Ms. Gallion presented **USE2020 0018** and **PWP2020 0003** simultaneously.

Questions from Commissioners

Mr. Arndt had questions about the reduction of spaces due to the applicant not allowing residents to have vehicles but what would happen if the applicant began allowing residents to have vehicles and then there were not enough spaces to be parked on the property.

Mr. Hickok asked if it mattered that the structures are not permanent. Ms. Gallion said they are expected to be permanent as they will be plumbed and established. Mr. Pedersen asked if the units are considered mobile homes. Ms. Maclean explained the units would not be allowed to be on wheels and must be affixed to the ground to be considered dwelling units. Discussion regarding whether these are permanent structures or not. Mr. Hickok questioned if it matters that there are not permanent structures. Ms. Gallion said they are to be plumbed and will be substantially permanent.

MOTION: *by Mr. Dye at 10:54 p.m. to continue the meeting until 11:30 p.m.*

The motion passed without objection

Applicant Testimony

Talia Eames and Natasha McLanahan presented for Tlingit & Haida and James Bibb made himself available for commissioner questions but did note that the modular are to be permanent structures.

Commissioner Questions for Applicant

Mr. Dye asked if the spaces between the buildings would be fenced or would people be able to come and go between buildings. Ms. Eames said it is not fenced but there will be only one point of entry/exit from the campus.

Mr. Arndt asked if this facility would be a dry and sober facility like the other facility discussed tonight. Ms. Eames said sobriety would be a requirement for residents.

Mr. Voelckers had concerns regarding accessing the property. Ms. Eames explained the one entry/exit point would be monitored. Mr. Voelckers said it looked like there was no covered route from some of the rooms to the restrooms. Mr. Bibb confirmed that while the roof had been extended in points, there were some areas that were not covered.

Mr. Voelckers noted the presentation showed a single unit that is a commons/kitchen and asked "Is there any kind of commercial meal prep or is it just kind of an open galley and people use it privately/personally and then they clean up their cereal bowl? Or how does that work?" Ms. Eames explained the kitchen will be available for all residents to use. They will have planned group meals together but just like the Alaway property, people will be allowed to prepare their own foods. It is part of accountability and learning to live on your own and be responsible to wash your own cereal bowl and those kind of things.

Mr. Dye said he does not see in the application where it says the residents will not be allowed to own a vehicle. Ms. Eames clarified that they would not limit residents from owning vehicles, but if they did own a vehicle, they would not be allowed to park it on the property.

Public Testimony

Christina Love, reiterated her testimony from earlier and added that regarding sex offenders, this is an area where we cannot afford to have recidivism. Alaska Native persons are over represented in the prison population. This is not because they commit more crimes but because they do not have access services that the dominant population does.

Kara Nelson, reiterated her testimony from earlier and added that housing for people with sex assault charges is crucial for the safety and wellness of the community.

Roald Helgesen, reiterated his testimony from earlier.

Yulonda Candelario, reiterated her testimony from earlier.

Mariya Lovishchuk, reiterated her testimony from earlier and believes this program will add to a healing atmosphere in the area.

Tammy Jablonski, reiterated her testimony from earlier and added that they work well with the Forget-Me-Not program and any issues that may arise between the programs will be remedied because they work so well together.

Ryan Bradshaw, reiterated his testimony from earlier.

Mary Alice McKeen, reiterated her testimony from earlier adding how creative the project is by using the modular units for housing.

Ms. Maclean reiterated the emails read earlier from Kirsa Hughes-Skandijs and Sheila Dyer.

MOTION: *by Mr. Dye to continue the meeting until 11:35 p.m.*

The motion passed without objection

Additional Applicant Comment

Ms. Eames stated this is very similar to the previous **USE2020 0017** but this project will provide low barrier housing to inmates such as those with sex offenses.

Ms. Maclean asked for clarification whether residents would be allowed to own vehicles. Ms. Eames confirmed that residents would not be barred from owning vehicles but would not be able to park them on-site.

Mr. LeVine asked if the applicant would be amenable to a Condition prohibiting residents from parking on-site. Ms. Eames confirmed that would be acceptable to them.

Mr. Dye asked staff if there was any way to condition vehicle ownership or where residents could park vehicles.

Ms. Maclean stated that she did not understand before that residents would be allowed to own vehicles and had she known that she would have made a different recommendation.

MOTION: *by Mr. Dye to continue the meeting until 11:40 p.m.*

The motion passed without objection

USE2020 0016: ~~A modification to a Conditional Use Permit (USE2016 0006) to include on-site consumption of edible marijuana products~~

Applicant: ~~Rainforest Farms LLC~~

Location: ~~201 Seward St.~~

Staff Recommendation

~~Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITIONS the requested Special Use Permit. The permit would allow the modification of a Use Permit (USE2016 0006) to include on-site consumption of Marijuana products with the following condition:~~

- ~~1. Prior to commencement of the proposed use, the applicant must make the doors to the patio emergency only exits and post emergency exit signage.~~
- ~~2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.~~

~~The approval is also subject to conditions listed in the Notice of Decision for USE2016-0006 (Attachment D).~~

- X. **BOARD OF ADJUSTMENT** (none- out of time)
- XI. **OTHER BUSINESS** (none- out of time)
- XII. **STAFF REPORTS** (none- out of time)
- XIII. **COMMITTEE REPORTS** (none- out of time)
- XIV. **LIAISON REPORTS** (none- out of time)
- XV. **CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** (none- out of time)
- XVI. **PLANNING COMMISSION COMMENTS AND QUESTIONS** (none- out of time)
- XVII. **EXECUTIVE SESSION** (none- out of time)
- XVIII. **ADJOURNMENT** - At 11:40 p.m., Mr. LeVine stated they had run out of time and would continue the rest of the meeting to the next regular meeting on August 25 at 7:00 p.m.

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

USE2020 0016: A modification to a Conditional Use Permit (USE2016 0006) to include on-site consumption of edible marijuana products - APPROVED AS AMEDNED

AGENDA ITEM:

Case No.: USE2020 0016

Applicant: Rainforest Farms LLC

Location: 201 Seward Street

Proposal: A modification to a Conditional Use Permit (USE2016 0006) to include on-site consumption of edible marijuana products

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITIONS the requested Special Use Permit. The permit would allow the modification of a Use Permit (USE2016 0006) to include on-site consumption of Marijuana products with the following condition:

1. Prior to commencement of the proposed use, the applicant must make the doors to the patio emergency only exits and post emergency exit signage.
2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

The approval is also subject to conditions listed in the Notice of Decision for USE2016 0006 (Attachment D).

ATTACHMENTS:

	Description	Upload Date	Type
☐	Staff Report for USE2020 0016 - From 8/11/20 Planning Commission Meeting	8/13/2020	Staff Report
☐	Presentation for USE2020 0016	9/8/2020	Presentation
☐	Notice of Decision for USE2020 0016	9/14/2020	Notice of Decision



PLANNING COMMISSION STAFF REPORT
SPECIAL USE PERMIT USE2020 0016
HEARING DATE: AUGUST 11, 2020

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

STAFF RECOMMENDATION:

Staff recommends approval with conditions

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 review is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Relevant Code:
 - o CBJ 49.65.1245(b)
 - o CBJ 49.65.1245(c)/(d)
 - o CBJ 49.15.330

DATE: August 4, 2020

TO: Planning Commission

THROUGH: Jill Maclean, Director, AICP

BY: Laurel Christian, Planner II

Laurel Christian

PROPOSAL SYNOPSIS: Applicant requests modification of a Special Use Permit (USE2016 0006) to include on-site consumption of edible marijuana products

SUMMARY OF KEY CONSIDERATIONS:

- No on-site smoking of marijuana is proposed
- No changes to the footprint of the building
- Addition of on-site edible consumption is not anticipated to have significant impacts on neighboring properties
- This permit does not modify conditions of USE2016 0006; those conditions remain
- The original USE permit was approved in 2016 and will need to be reviewed in 2021 (USE2016 0006). This approval (USE2020 0016) does not void/restart the 5 year review requirement.

GENERAL INFORMATION

Property Owner	Goldstein Improvement Company
Applicant	Rainforest Farms, LLC
Property Address	201 Seward Street
Legal Description	JUNEAU TOWNSITE BL 4 LT 1, 2 & 7 FR
Parcel Number	1C070A040010
Zoning	Mixed Use (MU)
Land Use Designation	Traditional Town Center (TTC)
Lot Size	12,282 sq. ft.
Water/Sewer	Public
Access	Seward St & Second St
Existing Land Use	Marijuana Retail Facility and Retail/Commercial
Associated Applications	Modification of USE2016 0006

49.65.1245(b) Marijuana Use Permits Modification. *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.*

SITE FEATURES AND ZONING



SURROUNDING LAND USES	
North (MU)	Mixed Use
South (MU)	Second Street
East (MU)	Eagles Edge Mobile Parking
West (MU)	Seward Street

SITE FEATURES	
Anadromous	N/A
Flood Zone	N/A
Hazard	N/A
Hillside	N/A
Wetlands	N/A
Historic District	No

ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice
Attachment C	Public Comments
Attachment D	USE2016 0006 Notice of Decision
Attachment E	Ord. 2019-29(b)(am)

AGENCY REVIEW

CDD conducted an agency review comment period between July 1 and July 17, 2020. No agency comments were received.

PUBLIC COMMENTS

CDD conducted a public comment period between July 7 and July 20, 2020. Public notice was mailed to property owners within 500 feet of the parcel. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. The table below summarizes public comments received at time of writing this staff report. Public Comments can be found in Attachment C.

Name	Summary
Martha and Jim Stey	Concerns about impacts of marijuana edibles and public safety, limits on amounts that may be consumed, allowance for a carry-out option, and disposal of unused product. Also expressed concerns about the amount of marijuana retail shops, breweries, and distilleries downtown. Staff response to comments is included in Attachment C.
Allen Shattuck	Stated opposition to the proposed modification; has concerns about the surrounding neighborhood and a reduction in property values.

ZONING REQUIREMENTS

The parcel is zoned Mixed Use (MU). At this time, no alterations to the footprint of the building are proposed. The table below demonstrates existing dimensional standards for the parcel in comparison to the requirements for MU. The parcel contains three fraction lots; buildings on the parcel cross interior property lines. Per CBJ 49.30.250(c) a nonconforming certification is not required because the renovations proposed are within the original structure. The applicant/property owner is encouraged to seek Nonconforming Certification and a lot consolidation.

Standard		MU Requirement	Existing (No Change)	Code Reference
Lot	Size	4,000 sq. ft.	12,282 sq. ft. *	49.25.400
	Width	50'	98'*	49.25.400
	Depth	80'	125' avg.*	49.25.400
Setbacks	Front (SE)	0'	0'	49.25.400
	Rear (NW)	0'	70'	49.25.400
	Side (NE)	0'	6.3'	49.25.400
	Side (NW)	0'	0'	49.25.400
	Street Side (SW)	0'	0'	49.25.400
Lot Coverage		No Maximum	60% *	49.25.400
* Dimensional standards and lot coverage based upon the combined lot fractions				
Height	Permissible	No Maximum	Unknown	49.25.400
	Accessory	No Maximum	Unknown	49.25.400
Use		2.300	2.300	49.25.300

SITE PHOTO



Note: Floor Plans are on-file with the Community Development Department

D

Background Information – In 2015, CBJ Title 49 Land Use Code, was amended to add Marijuana Retail facilities to the Table of Permissible Uses [Ord. 2015-39(am)]. In 2016, the applicant received a Use Permit for a marijuana retail facility [USE2016 0006].

In 2019, the CBJ Municipal Code (Title 36, “Health and Sanitation,” and Title 42, “Penal Code”) was amended to *allow the consumption of marijuana by smoking and edibles in licensed marijuana retail facilities with an Onsite Consumption Endorsement* [Ord. 2019-29(b)(am)].

CBJ Title 36 was amended to allow smoking of marijuana products in an *establishment licensed under AS17.38 if the smoking is only outdoors*. On-site smoking of marijuana products is not proposed at this time.

CBJ Title 42 was amended to allow consumption of marijuana in *establishments licensed under AS17.38 if the consumption is only edibles inside*. The applicant proposes modifying Use Permit [USE2016 0006] to allow on-site consumption of marijuana edibles within the existing building.

CBJ Title 49 Land Use Code does not require amendment. This permit is reviewed as a Marijuana Retail Facility with On-site Consumption. The applicant is required to obtain a license for a Retail Marijuana Store with an On-site Consumption Endorsement from the State of Alaska Alcohol and Marijuana Control Office.

Under CBJ 49.65.1245(b), the Planning Commission must review the special use modification request as the applicant is seeking an increase in use; specifically the addition of on-site consumption. Under CBJ 49.65.1245(c-d), the Planning Commission may impose conditions to the modification to ensure compliance with Title 49, and cannot change or modify other conditions related to the original use permit

The table below summarizes relevant history for the subject parcel and proposed development.	
Item	Summary
USE2016 0006 [Attachment D]	Approved – Use permit for retail marijuana establishment
Ord. 2019-29(b)(am) [Attachment E]	Approved – Ordinance allowing on-site marijuana consumption under certain circumstances

Project Site & Design – No changes to the building footprint are proposed. The interior of the building will be remodeled to accommodate an on-site consumption area for edibles, retail area, restricted access staff area, and two bathrooms. Floor plans can be found in Attachment A. The on-site consumption area will be separated from the retail area with a door and a wall. The on-site consumption area includes a sales counter, product display, prep area, and seating and tables. Additional security cameras have been added in the consumption area; security plans are found in Attachment A.

Within the consumption area, there are exterior doors that lead to a patio area; consumption outside of the building is not being proposed or permitted with this use permit. The applicants' drawings, in Attachment A, state the patio doors are non-operable. According to State of Alaska regulations, the on-site consumption area can only have access from the retail marijuana store [3 AAC 306.370]. It is recommended that the applicant makes these doors emergency exits only, and post appropriate signage.

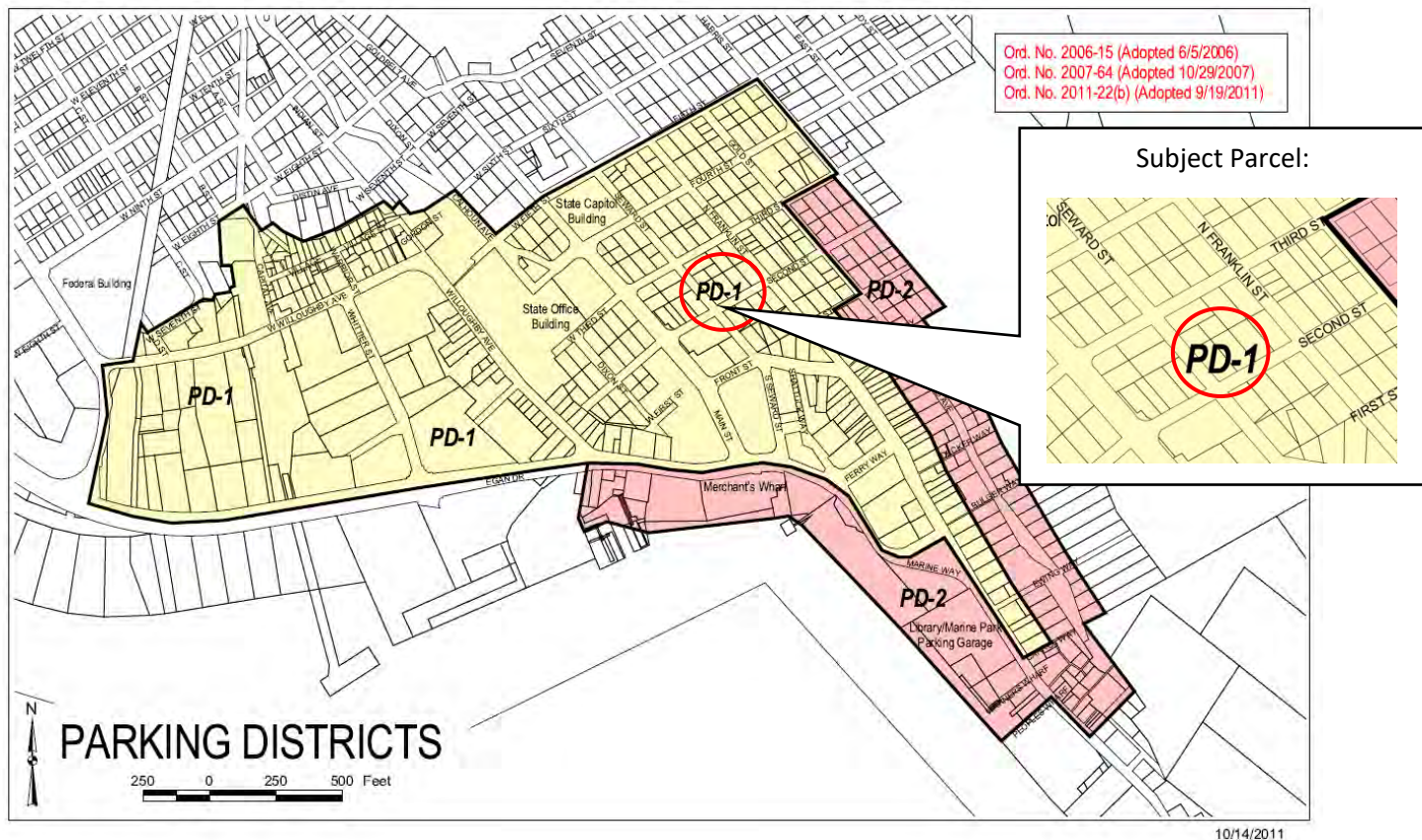
Condition: Prior to commencement of the proposed use, the applicant must make the doors to the patio emergency only exists and post emergency exit signage.

According to State of Alaska regulations [AAC306.370], outside marijuana, tobacco, and alcohol cannot be consumed within the on-site consumption area. Only marijuana edibles purchased at the site may be consumed within the on-site consumption area. Additionally, patrons may only be sold edible marijuana products not exceeding 10mg of THC. The applicants' narrative states that they will comply with these regulations (Attachment A).

The applicants must receive an "On-Site Consumption Endorsement" from the State in order to operate. This endorsement requires that the establishment be in a "free-standing" building. Rainforest Farms has an autonomous ventilation system, and a firewall between their building and the adjacent building. The buildings share a roof. Staff contacted the state officials and were informed that the state is unable to determine if the building is considered "free-standing" until an application is submitted for review. The applicants are applying to CBJ first, understanding that they must apply to the state subsequent to receiving a use permit from CBJ.

Traffic – A traffic impact analysis was not required when the use was established in 2006. The conversion of a portion of the retail area to an on-site consumption area is not anticipated to generate significant additional traffic, and no change of use is occurring.

Parking & Circulation – The parcel is located in the PD1 Parking District [CBJ 49.40.210(d)(1)]. Parking requirements to not apply to existing buildings in the PD1 zoning district unless the building is expanded.



Noise – The proposed on-site consumption area will be inside the existing building. The property is within the downtown area and surrounded by a mixture of uses. Noise is not expected to be out of character with the existing neighborhood.

Public Health, Safety, and Welfare – No information has been submitted that suggests the proposed modified use will negatively affect the public health, safety, or welfare. The existing retail facility is an established use with an approved security system and protocols in place. The Juneau Police Department was invited to comment on the proposed development; at time of writing this staff report, no comments have been received.

Property Value or Neighborhood Harmony – No information has been submitted that suggests the proposed modified use will negatively affect property values or neighborhood harmony. The proposed modified use is within an existing commercial/retail area. The CBJ Assessor was invited to comment on the proposed development; at time of writing this staff report, no comments have been received.

SPECIFIED USE REVIEW - CBJ 49.65 ARTICLE XI – MARIJUANA ESTABLISHMENTS

Topic and Code Reference	Summary	Complies	Recommended Condition
49.65.1245(a)(1) Site Plan and Floor Plans	The applicant has submitted a site plan and floor plans (Attachment A).	☒ Yes ☐ No ☐ N/A	

Topic and Code Reference	Summary	Complies	Recommended Condition
49.65.1245(a)(2) Security Plan	The applicant has submitted a security plan and detailed narrative discussing security for the proposed use (Attachment A). Security Cameras are installed in the interior and exterior of the building.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(3) Waste Disposal	The applicant has submitted a detailed narrative discussing how marijuana waste is handled. Unused marijuana products will be disposed of according to state regulations. Marijuana product is not required to be consumed onsite, it may be taken to-go if state packaging regulations are met. If an edible product is not consumed by a patron, the waste should be collected by staff and stored in a locked enclosure until taken to the landfill. This is a recommended condition of approval.	☒ Yes ☐ No ☐ N/A	All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
49.65.1245(a)(4) Screening	Screening was installed in 2016 after approval of the original USE permit (USE2016 0006). No marijuana product is visible from the right-of-way.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(5) Septic System	Not Applicable. Parcel is connected to public sewer.	☐ Yes ☐ No ☒ N/A	
49.65.1245(a)(6) and 49.65.1260 Ventilation and Odor Control	The applicant has submitted a discussion of odor management (Attachment A). Carbon Filters are used in each room. The addition of on-site marijuana edible consumption will not produce significant additional odor that cannot be managed	☒ Yes ☐ No ☐ N/A	

Topic and Code Reference	Summary	Complies	Recommended Condition
	with a filter system. Staff performed a site visit on July 7, and detected no odor from the exterior of the building.		
49.65.1245(a)(7) Manufacturing Method or Cultivation Method	Not applicable. Permit is for retail.	☐ Yes ☐ No ☒ N/A	
49.65.1245(a)(8) Fungicides, pesticides, fertilizers, and harmful molds	Not applicable. Permit is for retail.	☐ Yes ☐ No ☒ N/A	
49.65.1245(a)(9) Other	Not applicable.	☐ Yes ☐ No ☒ N/A	
49.65.1265(a) Owner/manager must live on site (D1 zoning district)	Not applicable. The parcel is in the MU zoning district.	☐ Yes ☐ No ☒ N/A	
49.65.1265(b) Setback required (D1 zoning district)	Not applicable. The parcel is in the MU zoning district.	☐ Yes ☐ No ☒ N/A	
42.20.230(b)(4) and 36.60.030(a)(2) On-site consumption	On-site consumption of Marijuana edibles is proposed. All consumption will occur within the existing building. An On-site Consumption Endorsement is required.	☒ Yes ☐ No ☐ N/A	

Requirements Applicable to All Marijuana Establishments per 49.65 –

Code Reference	Requirement
49.65.1245(d) State license required	Prior to operation, the applicant shall submit a complete copy of the applicant's approved state license application to the department for review. If the director determines there are substantive inconsistencies between the state license application and the special use permit application, the commission shall review the development for consistency with Title 49. Note: The applicant will be required to submit a retail license from the State of Alaska with an on-site consumption endorsement.

Code Reference	Requirement
49.65.1245(e) Commission review required	The requested special use permit shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title. If an appeal challenging the amendments to a use permit is filed, the new conditions shall be stayed and the existing permit shall govern the operations of the marijuana establishment until the conclusion of the appeal. The scope of review on appeal is restricted solely to the amended conditions. Note: The original USE permit was approved in 2016 and will need to be reviewed in 2021 (USE2016 0006). This approval (USE2020 0016) does not void/restart the 5-year review requirement.
49.65.1250 Hours of operation - retail	Unless otherwise specified by a special use permit, licensed premises may not be open between the hours of 1:00 a.m. and 8:00 a.m., Monday through Sunday. No marijuana may be distributed, sold or dispensed at a licensed premises when the licensed premises is required to be closed.
49.65.1255 Documents displayed	Prior to operating, the applicant shall display the original CBJ license and required health warnings in accordance with CBJ 49.65.1255. The signs must be displayed in conspicuous locations inside the licensed premises near the main entrance.

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan.				
Plan	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	5	44	Policy 5.1	Policy supports developing and sustaining a diverse economy
	5	58	Policy 5.5	Policy encourages growth of locally based sectors that provide year round employment and provide tax revenue that supports public services
	5	64	Policy 5.18	Policy encourages entrepreneurship and innovation in the economy
	11	147	Land Use Designation	Complies with the Traditional Town Center Land Use Designation

FINDINGS

Special Use Permit Criteria - Per CBJ 49.15.330 (e) & (f) and CBJ 49.65.1245, the Director makes the following findings on the proposed development:

1. *Is the application for the requested special use permit complete?*

Analysis: Not Applicable.

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 49.65.1245.

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

Analysis: The application is for marijuana retail with on-site consumption. The use, marijuana retail, is listed at CBJ 49.25.300, 2.300 for the Mixed Use zoning district.

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

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

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

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49 Marijuana Establishment requirements found in CBJ 49.65.1245.

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

Analysis: The marijuana retail facility is an established use. The facility has a thorough security camera system and protocols. The addition of on-site consumption is not anticipated to materially endanger the public health or safety.

Finding: No. There is no evidence to suggest that with appropriate conditions, the subsequent building permit review process, and CBJ License process, that the proposed marijuana retail with on-site consumption will materially endanger the public health or safety.

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

Analysis: The site is an established retail facility within a mixed use area.

Finding: No. There is no evidence to suggest that with appropriate conditions, the subsequent building permit review process, and CBJ License process, the requested marijuana retail with on-site consumption will substantially decrease the value or be out of harmony with the property in the neighboring area.

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

Analysis: Comprehensive Plan policies supports a diverse, innovative, local economy. Additionally, the MU zoning district complies with the land use designation for the parcel, Traditional Town Center, and the use is permissible in the MU zoning district.

Finding: Yes. The proposed marijuana retail with on-site consumption with the recommended conditions, will be in general conformity with the 2013 Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITIONS the requested Special Use Permit. The permit would allow the modification of a Use Permit (USE2016 0006) to include on-site consumption of Marijuana products with the following condition:

1. Prior to commencement of the proposed use, the applicant must make the doors to the patio emergency only exits and post emergency exit signage.
2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

The approval is also subject to conditions listed in the Notice of Decision for USE2016 0006 (Attachment D).

DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. Packet Page 29 of 79

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 201 Seward Street Juneau AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Juneau Townsite BL 4 LT		
	Parcel Number(s) 1C070A040010		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Goldstein Improvement Company	Contact Person Daniel Glidmann	
	Mailing Address 130 Seward St. Juneau AK 99801	Phone Number(s) 907-321-0790	
	E-mail Address glidmann@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 <u><i>[Signature]</i></u> Goldstein Improvement <u><i>6/23/2020</i></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 Rainforest Farms, LLC	Contact Person James Barrett		
Mailing Address 5763 Glacier Highway	Phone Number(s) 9079574751		
E-mail Address rainforestjames@gmail.com			
X <u><i>[Signature]</i></u> <u><i>5/15/2020</i></u> Applicant's Signature Date of Application			

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Intake Initials LEC
Case Number USE20-16
Date Received 6/26/20



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

Modification to Pre-existing CUP USE2016-0003 to add Onsite Consumption to Marijuana retail store.

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: 49.25.300

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # USE2016 0003

☐ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 12,282 square feet

Total Area of Existing Structure(s) 1232 square feet

Total Area of Proposed Structure(s) 100 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	\$ <u>500.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50.00</u>			
Pub. Not. Sign Deposit	\$ <u>100.00</u>			
Total Fee	\$ <u>650.00</u>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number

USE20-16

Date Received

LEC 6/26/20

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

Project Description and Plan Narrative
Rainforest Farms, LLC
Onsite Consumption CUP Add-On
216 2nd Street, Juneau
Juneau, AK

GENERAL INFORMATION

Applicant:	Rainforest Farms, LLC
Property Owner:	Goldstein Improvement Co.
Property Address:	216 2 nd Street
Legal Description:	JUNEAU TOWNSITE BL 4 LT 1, 2 & 7 FR
Parcel Code Number:	1-C07-0-A04-001-0
Site Size:	12,282 square feet
Comprehensive Plan Future Land Use Designation:	Traditional Town Center (TTC)
Zoning:	Mixed Use (MU)
Utilities:	CBJ water & sewer
Access:	Second Street
Existing Land Use:	Commercial building

Request: In accordance with State and local laws, we would like to apply for a conditional use permit for the purposes of adding onto our current CUP to include Onsite Consumption.

Uses of Premises: Marijuana Retail Store.

Lease Holder: Rainforest Farms, LLC

DBA: Rainforest Farms, LLC

Site/Project Information:

- **Area** 1232 Sq Ft
- **Accessibility** A2 occupancy
- **Separations** Adjacent (a2) Subway Restaurant, Adjacent “B” Business.

- **Zoning District Mixed Use**
- **Building Height 18ft**
- **Occupancy 50 People**
- **Previous Known Permits BLD 200500051**

Scope:

We are proposing and planning to use this space for both retail and onsite consumption. A non load bearing wall will be added to separate the onsite-consumption area from the retail area. Mostly aesthetics changes will be made to the retail and onsite consumption area aspect of the operation. There will be security cameras added to premises to cover areas needed.

An additional wall and a door will create the separate onsite consumption area. Security doors will separate both retail and consumption areas. Smoking or vaping will not be allowed.

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.

Construction: A simple wall will be added near the entrance of the facility to separate the consumption area from retail. Security Doors will be added to appropriate access points to separate licensed areas as well as restricted access areas.

Hours of operation: This operation will be open for business from 8am-10pm, 7 days per week. Most of the businesses 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 the pre-existing 3 (Phresh® Filter 10" x 39") of these filters, one in each room. This set-up overly satisfies the CFM units needed to effectively pass air through the filters and remove odors. (see attached diagram)

Waste management: Excess waste will be disposed of in the landfill. Our garbage will be in a locked room until pick-up. Cannabis related products will be disposed of according to State regulations.

Unsalable products and unconsumed products will be disposed of according to state regulations.

Once unsalable product is recorded in a waste log, it can then be moved out of the restricted access and stored in the locked garbage area until disposed of properly.

We will give the board at 3 days notice in the marijuana inventory tracking system required under AS 3 AAC 306.730 before making the waste unusable and disposing of it.

Trash will be located in a locked area outside of premises and disposed of on a bi-weekly basis.

Security: (see attached security diagram). Video surveillance will cover all restricted access areas. Cameras will be operating 24 hours per day, 7 days per week, both inside and outside of the premises as required by State regulations.

Surveillance recording equipment and video surveillance records will be housed in the designated, locked, and secured safe room area.

Exterior cameras will face at least 25' out past the exterior wall. Security footage will be stored on site for 40 days in a locked and secure area where video surveillance recording equipment and records will be housed and stored. This area will only be accessible only to authorized personnel, law enforcement, or an agent of the board.

The video will be archived in a format that does not permit alteration of the recorded image, so that the images can readily be authenticated. All video surveillance will clearly and accurately display the time and date of recording.

A copy of video footage will be saved off-site on backed-up on a monthly basis. Footage will be available upon request.

A camera will be placed in the security room where the point of sale of product will take place.

There will be 1 primary access security door that will allow entrance to the retail restricted access areas. 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.

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

Employees will be required to be trained to administer specific consumption 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 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 and indoor 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 an 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.
- 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. Guest must be 21 years of age to enter retail store but not the Marijuana product manufacturing facility. Guests will be need to verify ID at the door to ensure they are 21 years of age. Guest will also need to show Identification for each purchase made in addition to being checked at the entrance.

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 3 employees. Eventually we plan to hire 4-6 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 being beginning employment.

Two uni-sex bathrooms, and sanitation area will be available for employees and guests.

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 1 parking spaces available to use. Guest and customers may use street parking.

Parking spaces are 8.5' wide by 16' long.

Delivery: Delivery Services will not be made available. 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 a bank, Subway, a neighboring restaurants and a few gift shops. Of these businesses, none will be negatively affected by our operation.

Signage: A sign will be placed above the entrance of the building. The sign will be no larger than 24"X24" and will be placed next to the main entrance.

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

Signage required by CBJ ordinances as well as the State of Alaska will be appropriately placed in areas visible to public.

Hand washing signs for employees will be placed in bathroom.

Health and Sanitation: Cleaning of entire retail space will take place daily. We will be using food grade and non-toxic cleaning supplies. After each day, the room will be swept, and mopped. All walls will be wiped down and surface areas will be dusted and washed as well. 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.

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

All food preparation and consumption will follow State DEC regulated guidelines and laws.

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.

Other Notes:

-Employees will monitor consumption at all times and limit the number of customers in the onsite consumption area to ensure staff can adequately monitor consumption areas at all times.

-Smoking and Vaping will not be allowed.

-Customers are allowed a maximum of 10 mg of THC per day.

-Customers displaying signs of alcohol use will not be allowed to consume.

-Consumption of alcohol will not be allowed on the premises.

-All cannabis products that are consumed must be purchased from this establishment and can only be consumed during the same visit that purchase is made.

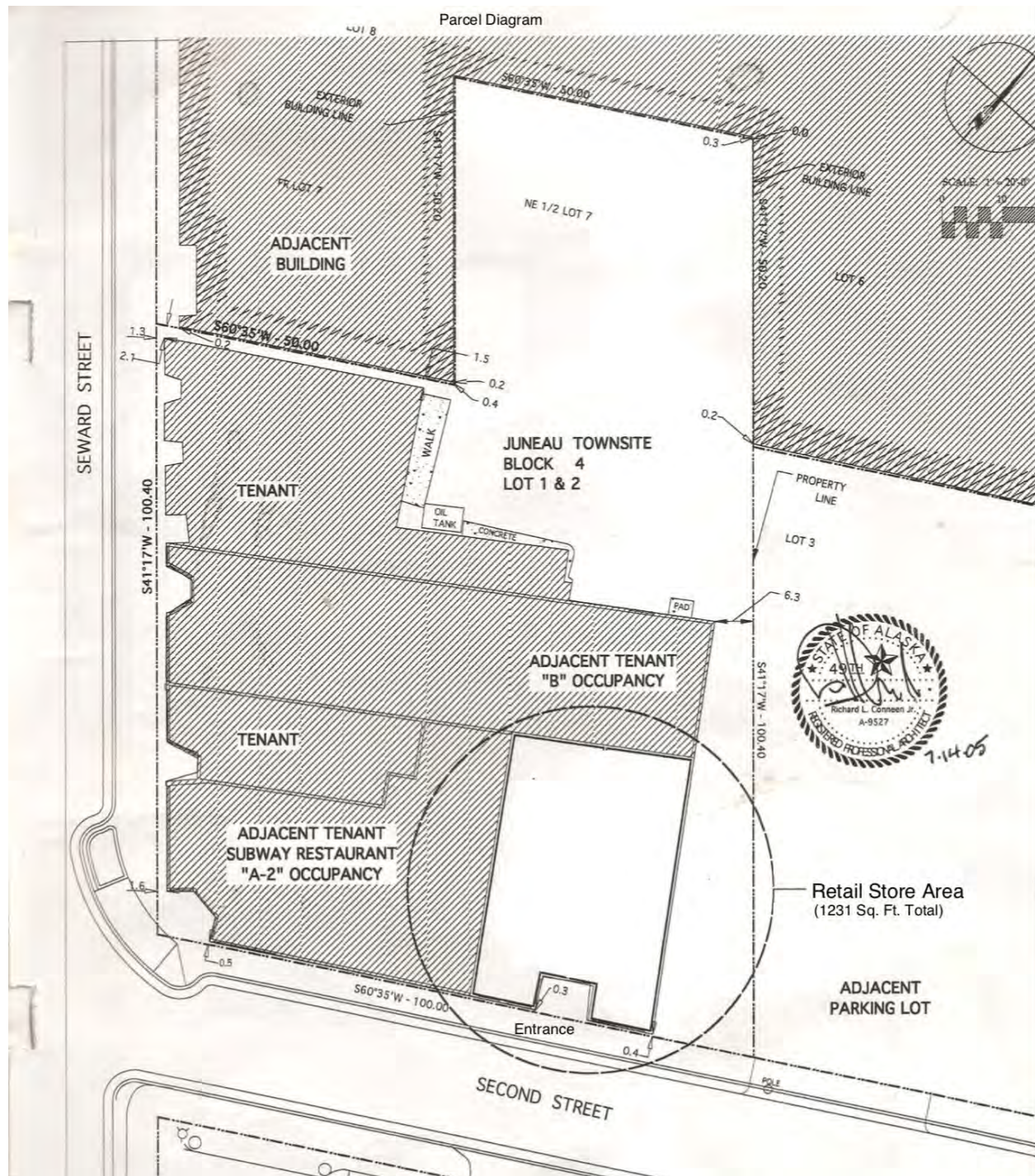
-It is not required that products have to be consumed during visit. Unconsumed or unfinished products may be taken to-go as long as they meet state packaging requirements.

Floor, security, and lighting plans are on file with CDD.

Area Features:

North	-	Mixed Use – retail/Canvas Arts/REACH
South	-	Mixed Use – retail/office space/Wells Fargo
East	-	Mixed Use – commercial/retail/residential
West	-	Mixed Use – retail/office space/Subway

Vicinity Map

Parcel Diagram:



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

Rainforest Farms - Modify CUP for onsite consumption

Case Number: PAC20200027

Applicant: James Barrett

Property Owner: Goldstein Improvement Company, Inc

Property Address: 201 Seward St

Parcel Code Number: 1C070A040010

Site Size: 12,282 Square Feet

Zoning: Mixed Use (MU)

Existing Land Use: Commercial Retail

Conference Date: 4/29/2020

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.

James Barrett	Applicant	rainforestjames@gmail.com
Allison Eddins	Planning	allison.eddins@juneau.org
Adrienne Scott	Permit Tech	adrienne.scott@juneau.org

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.

Planning Division

1. **Project Summary** – The applicant plans to convert half of the existing marijuana retail space into an edibles only on-site consumption area. Customers will enter the building from 2nd Street directly into the retail shop where they will have their IDs checked. Customers who wish to consume edibles on-site will make their purchase in the retail area. Employees will only give the customer 10 mg. worth on product to consume on-site per state restrictions. Any product purchased over 10mg. will be sealed in a child proof container and given to the customer when they leave the shop.

At least one staff member will be present in the consumption room at all times. Cameras will also be installed in the consumption area. The applicant does plan to sell pre-packaged food and drink to their customers.

2. **Zoning** – The proposed use would be located in an existing Marijuana Retail Shop in the Mixed Use (MU) zoning district.
3. **Setbacks** – The MU zoning district has 0' setbacks along all property lines. The existing building meets these setback requirements.
4. **Height** – The MU zoning district does not have a maximum height limit for buildings and structures.
5. **Access** – Pedestrian access is provided along Second Street. There is no curb cut for vehicular access on this lot.
6. **Parking & Circulation** – The building is located in the PD1 downtown parking district. Regulations for PD1 only require that on-site parking be provided when a new building is constructed or for an addition to an existing building. The proposed on-site marijuana use will be located within an existing building. There is no parking requirement associated with this proposed use.
7. **Lot Coverage** – The MU zoning district has no maximum lot coverage requirement.
8. **Vegetative Coverage** – The MU zoning district has no vegetative cover requirement.
9. **Lighting** – No new exterior lighting is being proposed with this project.
10. **Noise** – This project is not expected to increase the noise level currently associated with the marijuana retail shop.
11. **Flood** – N/A
12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** –
13. **Wetlands** – N/A
14. **Habitat** – N/A
15. **Plat or Covenant Restrictions** – N/A
16. **Traffic** – The addition of on-site marijuana consumption is not expected to significantly increase the amount of foot or vehicular traffic. It is anticipated that customers will stay on the site for a longer period of time with the opening of the consumption area.
17. **Nonconforming situations** – (a Nonconforming certificate is required prior to the issuance of a building permit or land use permit)

Pre-Application Conference Final Report

Building Division

18. **Building** – Will be addressed during building permit review process
19. **Outstanding Permits** - None

General Engineering/Public Works

20. **Engineering** – N/A
21. **Drainage** – N/A
22. **Utilities** – (water, power, sewer, etc.) N/A

Fire Marshal

23. **Fire Items/Access** –N/A

Other Applicable Agency Review

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

List of required applications

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

1. Development Permit Application
2. Conditional Use Permit Application
3. Building Permit for the interior remodel

Additional Submittal Requirements

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

1. A copy of this pre-application conference report.
2. Project description
3. Floor plan that includes the use of each room, all entrances/exits and camera locations

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. N/A

Fee Estimates

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

Pre-Application Conference Final Report

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. Modification of existing Conditional Use Permit = \$350
2. Public Notice Sign fee = \$50
3. Public Notice Sign deposit = \$100

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
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd

Invita. on 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 **modification to a Conditional Use Permit (USE2016 0006) to include on-site consumption of edible marijuana products** located at **201 Seward Street** in a **MU Zone**.

TIMELINE

Staff Report expected to be posted **Monday, August 3, 2020** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through July 20

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

July 21 noon, August 7

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

HEARING DATE & TIME: 7:00 pm, August 11, 2020

This virtual meeting will be by video and telephonic participation only. To join the webinar, visit: <http://juneau.zoom.us/j/91479438879>. The Webinar ID is: 914 7943 8879. To join by telephone, 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 the Webinar ID.

August 12

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 July 7, 2020

Case No.: USE2020 0016
Parcel No.: 1C070A040010
CBJ Parcel Viewer: [h. p://epv.juneau.org](http://epv.juneau.org)

Laurel Christian

From: Rainforest James <rainforestjames@gmail.com>
Sent: Monday, July 27, 2020 3:07 PM
To: Laurel Christian
Subject: Re: USE20-16 public notice sign

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

Good afternoon, please find the photos of the sign placement attached.

Please let me know if you need anything else.

Thanks!

James



From: Martha Scott <msmandolin@yahoo.com>
Sent: Saturday, July 11, 2020 1:14 PM
To: PC_Comments; Jim Stey; Patrick Casey
Subject: Modification to Conditional Use Permit USE2-16 0006

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

To: CBJ Planning Commission Members
From: Martha and Jim Stey 235 5th St Juneau, AK 99801 907-586-5635
RE: Modification to Conditional Use Permit USE2-16 0006

We fully support the use of marijuana for medical purposes.

We have concerns about all recreational marijuana stores in town and especially on-site consumption of edible marijuana products. It's mainly public safety issues:

- Will there be a limit to how much on-site consumption happens? Many people may get in a car and drive, endangering themselves and others.
- Will there be carry-out of edibles? We can't drive around with an open beer can or drink on the street.
- Safety precautions for children's mistaken consumption? Is Bartlett ready for potential events?

[Cannabis-laced edibles are leading to a spike in child ER visits](#)



Cannabis-laced edibles are leading to a spike in child ER visits

"We really want to try to make people aware that just because it's legal doesn't mean that using it is without c...

- Have we worked out problems with cruise ship passengers going back on board into federal waters with a controlled substance? (How do you guarantee they don't pocket a few?)
- Don't we have enough of these stores, especially downtown? Not really liking what the downtown business district is starting to look like when adding more of these stores along with the breweries, distilleries. Should the city explore a cap on how many of these businesses we have (especially downtown) to avoid becoming a strip?

- If edible products are officially approved for consumption but go out of date, how will this business dispose of expired products? (Don't want dumpster diving behind business)

We appreciate the opportunity to share our ideas about this. Thank you!

Martha and Jim Stey
235 5th St Juneau AK 99801
Business Owner/Tax Payer
907-586-5635
msmandolin@yahoo.com

Life is what happens while you're making plans-Martha Stey

Laurel Christian

From: Laurel Christian
Sent: Monday, July 13, 2020 9:37 AM
To: 'msmandolin@yahoo.com'; 'jimstey@gmail.com'; 'pbswestsid@aol.com'
Subject: RE: Modification to Conditional Use Permit USE2-16 0006
Attachments: APP_USE20-16_without floor plans.pdf

Good morning Martha and Jim,

Thank you for providing comments regarding the proposed modification to allow for on-site consumption of edible marijuana products; this request is for the existing Rainforest Farms retail facility. Your comments will be provided to the Planning Commission as an attachment to my staff report.

I wanted to respond to a few of your questions, much of this is covered under State regulations. The applicant has also submitted a project narrative that discusses how they will meet State regulations on some of these issues (see attached). State regulations can also be found here:

<https://www.commerce.alaska.gov/web/amco/MarijuanaRegulations.aspx>

- Limits on consumption – State regulations limit how much product can be served to an individual - *edible marijuana products in quantities not to exceed 10 mg of THC to any one person per day.*
- Carry out – Currently, without an on-site consumption endorsement, marijuana retail facilities are allowed to sell edible products to-go, meaning they are not consumed on-site. These products must be sold with packaging and labeling that meets state regulations. For example, they cannot sell a cookie to an individual unless it was in a sealed package with labels identifying it as containing marijuana. With an on-site consumption endorsement, patrons may take marijuana products to-go only if it is in the packing with labels approved by the State.
- Safety for children – You must be 21 years old to enter a marijuana retail establishment and you must be 21 years old to purchase marijuana product. For product that it taken to-go, the State has packing and labeling standards that require child-resistant packaging.
- Disposal of product – Marijuana product waste must be stored in a locked enclosure until it is transported to the CBJ landfill.

Again, thank you for the comments. Please feel free to let me know if there are other comments you'd like included.

Laurel Christian | Planner II

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

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

Office: 907.586.0761



Fostering excellence in development for this generation and the next.

Laurel Christian

From: Laurel Christian
Sent: Monday, July 13, 2020 9:37 AM
To: 'msmandolin@yahoo.com'; 'jimstey@gmail.com'; 'pbswestsid@aol.com'
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I wanted to respond to a few of your questions, much of this is covered under State regulations. The applicant has also submitted a project narrative that discusses how they will meet State regulations on some of these issues (see attached). State regulations can also be found here:

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Laurel Christian | Planner II

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

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

Office: 907.586.0761



Fostering excellence in development for this generation and the next.

From: [Allen Shattuck](#)
To: [PC_Comments](#)
Subject: Case No. USE2020 0016
Date: Wednesday, July 15, 2020 5:57:47 PM

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

I am against the modification to the conditional use permit for 201 Seward Street. Having people walking the streets that are high on marijuana will detract from the surrounding neighborhood and reduce property values.

Allen Shattuck
301 Seward Street, Juneau



Virus-free. www.avg.com



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 11, 2016
File No.: USE2016 0006

Rainforest Farms, LLC
PO Box 21714
Juneau, AK 99802

Application For: Conditional Use Permit for a marijuana retail establishment in the Mixed Use zoning district.
Legal Description: Juneau Townsite Block 4 Lot 1, 2 & 7 Fraction
Property Address: 216 2nd Street
Parcel Code No.: 1-C07-0-A04-001-0
Hearing Date: May 10, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 28, 2016 and approved the development of a marijuana retail establishment in the Mixed Use zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The two lower eastern facing windows and all southeast facing doors and windows shall be shielded with an opaque glass or material that will prevent product from being viewed from outside the premises.
2. Lines waiting for entrance into the retail marijuana establishment may not obstruct the public right-of-way.
3. All windows and doors to the retail establishment shall be armed with an alarm.
4. Each door shall have either a grade 2 lock with deadbolt or grade 1 lock.
5. Charcoal filters shall be replaced no less than once annually or according to manufacturer specifications, whichever is sooner.
6. Security cameras shall have an unobstructed view of each doorway and loading zone.
7. Security cameras shall have an unobstructed view of the regular activity without sight blockage from fixtures or other displays in the retail area of the establishment.
8. Security cameras shall have a battery back-up system installed capable of recording for 24 hours; all batteries shall be replaced once annually.
9. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational.
10. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
11. The applicant has notice of pending legislation (Ordinance 2015-38) that may affect this approval. The

Rainforest Farms, LLC.
 File No.: USE2016 0006
 May 11, 2016
 Page 2 of 2

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 0006. 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 0006 for further review by the Planning Commission within three months of the adoption of Ordinance 2015-38.

Attachments: April 28, 2016 memorandum from Chrissy Steadman, Community Development, to the CBJ Planning Commission regarding USE2016 0006.

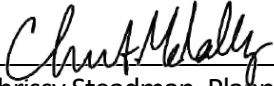
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

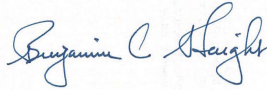
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (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 10, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or November 10, 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
 Community Development Department


 Ben Haight, Chair
 Planning Commission



May 17, 2016

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.

Presented by: COW
Introduced: 06/24/2019
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-29(b)(am)

An Ordinance Amending the CBJ Code to Allow for the Consumption of Marijuana by Smoking and Edibles in Licensed Marijuana Retail Facilities with an Onsite Consumption Endorsement.

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

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

Section 2. Amendment of Section. CBJC 36.60.010 Smoking prohibited, is amended to read:

36.60.010 Smoking prohibited.

- (a) Except as provided in CBJ 36.60.030, smoking is prohibited:
- (1) In enclosed public places;
 - (2) In enclosed areas that are places of employment;
 - (3) In vehicles and enclosed areas owned by the City and Borough of Juneau, including the Juneau School District;
 - (4) In commercial passenger vehicles regulated by the City and Borough under CBJ 20.40;
 - (5) In bus passenger shelters;
 - (6) In private clubs that are licensed by the State of Alaska to sell marijuana or alcoholic beverages, or that offer food for sale, regardless of the number of employees;
 - (7) In indoor or outdoor areas designated by "No Smoking" signs meeting the requirements of CBJ 36.60.035;

- (8) Outdoors within ten feet of playground equipment located at a public or private school or a state or municipal park while children are present;
- (9) Outdoors within ten feet of an entrance to a bar or restaurant that serves alcoholic beverages;
- (10) Outdoors within 20 feet of an entrance, open window, or heating or ventilation system air intake vent of any building area within which smoking is prohibited by this chapter; and
- (11) Outdoors within a reasonable distance, as determined by the owner or operator, of an entrance, open window, or heating or ventilation system air intake vent of:
 - (i) A vessel covered by this chapter; or
 - (ii) A long term care facility as defined in A.S. 47.62.090.

...

Section 3. Amendment of Section. CBJC 36.60.030 Exceptions; areas where smoking is not prohibited, is amended to read:

36.60.030 Exceptions; areas where smoking is not prohibited.

- (a) Unless otherwise prohibited by state or federal law, smoking is not prohibited in the following places:
 - (1) Private residences, including those used as a place of employment, provided this exception does not apply at any time the private residence is open for use as a child care, adult care, or health care facility;
 - (2) An establishment licensed under AS 17.38 if the smoking is only outdoors in accordance with regulations adopted by the Marijuana Control Board created under AS 17.38.080;
 - (3) Private enclosed areas in nursing homes or assisted living facilities;
 - (4) Reserved;
 - (5) Performers smoking as part of a stage performance;
 - (6) Reserved;
 - (7) Reserved;

- (8) Federal or state property, or those portions of buildings leased by the federal or state government; and
 - (9) Private property used for residential incarceration under contract to a federal or state correctional agency.
- (b) The owner, operator, or manager of property may by permanently affixing a sign thereon, waive any exception provided in subsection (a) of this section.

Section 4. Amendment of Section. CBJC 42.20.230 Consumption of marijuana in a public place prohibited, is amended to read:

42.20.230 Consumption of marijuana in a public place prohibited.

- (a) Consumption of marijuana in a public place is prohibited.
- (b) For purposes of this section:
 - (1) Consumption means ingesting, inhaling or otherwise introducing marijuana into the human body.
 - (2) Marijuana has the same meaning as in Alaska Statute 17.38.900.
 - (3) Public place means a place, enclosed or unenclosed, to which the public or a substantial group of persons has access, including, but not limited to:
 - (A) Public streets, alleys, sidewalks, easements, trails or other ways dedicated or held for public vehicular or pedestrian use, including parking lots owned or operated by the municipality;
 - (B) Transportation facilities;
 - (C) Schools;
 - (D) Places of amusement or business;
 - (E) Parks;
 - (F) Playgrounds;
 - (G) Correctional facilities; and
 - (H) The common areas of public or private buildings and facilities.

(4) Public place does not mean an establishment licensed under AS 17.38 if the consumption is only edibles inside or is only outdoors and the consumption is in accordance with regulations adopted by the Marijuana Control Board created under AS 17.38.080.

(c) Consumption of marijuana in a public place is an infraction.

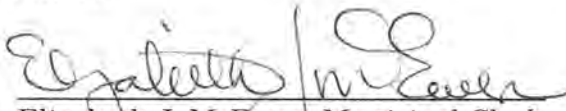
Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 22nd day of July, 2019.



Beth A. Weldon, Mayor

Attest:


Elizabeth J. McEwen, Municipal Clerk

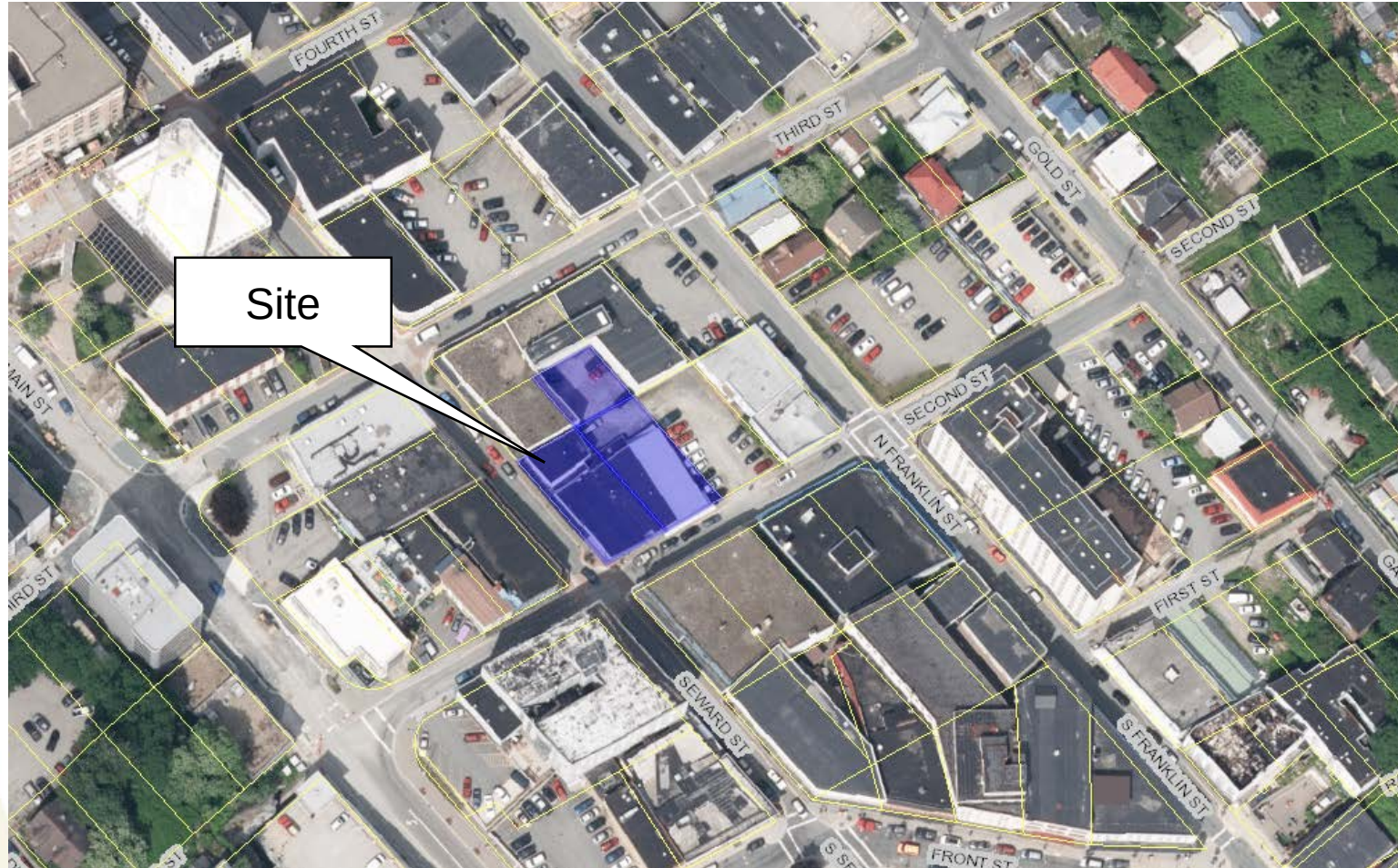
USE2020 0016

Modification of a Special Use Permit (USE2016 0006) to include on-site consumption of edible marijuana products

Planning Commission Hearing September 8, 2020

Staff recommends approval with conditions

Vicinity Map



Background Information

GENERAL INFORMATION

Property Owner	Goldstein Improvement Company
Applicant	Rainforest Farms, LLC
Property Address	201 Seward Street / 216 2 nd Street
CBJ Marijuana License	Active – held by Rainforest Farms, LLC New license required if CUP approved
State Marijuana License	Active – held by Rainforest Farms, LLC
State Endorsement for On-site Consumption	Initiated according to the AMCO website license information page
Zoning	Mixed Use (MU)
Associated Applications	USE2016 0006 – approved in 2016



SUMMARY OF KEY CONSIDERATIONS:

- No on-site smoking of marijuana is proposed
- No changes to the footprint of the building
- Addition of on-site edible consumption is not anticipated to have significant impacts on neighboring properties
- This permit does not modify conditions of USE2016 0006; those conditions remain
- The original USE permit was approved in 2016 and will need to be reviewed in 2021 (USE2016 0006). This approval (USE2020 0016) does not void/restart the 5 year review requirement.

Background Information

2015

Land Use Code Amended

- Ord. 2015-39(am) modified the table of permissible uses to include Marijuana Retail Facilities.

2019

Title 36, “Health and Sanitation,” and Title 42, “Penal Code”) Amended

- CBJ Title 36 was amended to allow smoking of marijuana products in an *establishment licensed under AS17.38 if the smoking is only outdoors*.
- CBJ Title 42 was amended to allow consumption of marijuana in *establishments licensed under AS17.38 if the consumption is only edibles inside*
- CBJ Title 49 does not require amendment

2020

Application for modification to CUP to include on-site consumption

- On-site consumption of edibles only is proposed
- Per CBJ 49.65.1245(b) PC must review the modification request. Conditions may be imposed to ensure compliance with T49. The original conditions of the CUP may not be modified.
- The applicant must receive an endorsement for on-site consumption from the State of Alaska Alcohol and Marijuana Control Office.

Project Site & Design

- No changes to building footprint proposed
- The on-site consumption area will be separated from the retail area with a door and a wall.
- The on-site consumption area includes a sales counter, product display, prep area, and seating and tables.

Project Site & Design

- Security cameras have been added to the consumption area.
- Within the consumption area, there are exterior doors that lead to a patio area; consumption outside of the building is not being proposed or permitted with this use permit.
- Security cameras are not placed in front of this door.
- Condition: Prior to commencement of the proposed use, the applicant must make the doors to the patio emergency only exists and post emergency exit signage.

- No parking is required
 - PD1 parking district
- No TIA was required in 2016
- Significant additional traffic is not anticipated
- No change of use (retail) is occurring, no TIA is required



Specified Use Review – CBJ 49.65 Article XI – Marijuana Establishments

- With conditions, all specified use review criteria are met.
- Condition: All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
 - This condition was not added to the original CUP
 - Waste may be increased if patrons do not finish consuming products and they are left for disposal.

Agency and Public Comments

- No Agency comments were received.
- (2) Public comments:
 - Concerns about impacts of marijuana edibles and public safety, amounts that can be consumed, allowance for carry-out options, and disposal of unused product.
 - Concerns about reduction in neighboring property values and neighborhood harmony.



Findings

1. *Is the application for the requested special use permit complete?*

Analysis: Not Applicable.

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 49.65.1245.

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

Analysis: The application is for marijuana retail with on-site consumption. The use, marijuana retail, is listed at CBJ 49.25.300, 2.300 for the Mixed Use zoning district.

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

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

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

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49 Marijuana Establishment requirements found in CBJ 49.65.1245.

Findings

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

Analysis: The marijuana retail facility is an established use. The facility has a thorough security camera system and protocols. The addition of on-site consumption is not anticipated to materially endanger the public health or safety.

Finding: No. There is no evidence to suggest that with appropriate conditions, the subsequent building permit review process, and CBJ License process, that the proposed marijuana retail with on-site consumption will materially endanger the public health or safety.

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

Analysis: The site is an established retail facility within a mixed use area.

Finding: No. There is no evidence to suggest that with appropriate conditions, the subsequent building permit review process, and CBJ License process, the requested marijuana retail with on-site consumption will substantially decrease the value or be out of harmony with the property in the neighboring area.

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

Analysis: Comprehensive Plan policies supports a diverse, innovative, local economy. Additionally, the MU zoning district complies with the land use designation for the parcel, Traditional Town Center, and the use is permissible in the MU zoning district.

Finding: Yes. The proposed marijuana retail with on-site consumption with the recommended conditions, will be in general conformity with the 2013 Comprehensive Plan.

Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITIONS the requested Special Use Permit. The permit would allow the modification of a Use Permit (USE2016 0006) to include on-site consumption of Marijuana products with the following condition:

1. Prior to commencement of the proposed use, the applicant must make the doors to the patio emergency only exits and post emergency exit signage.
2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

The approval is also subject to conditions listed in the Notice of Decision for USE2016 0006 (Attachment D).

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 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.



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: September 9, 2020
File No.: USE2020 0016

Rainforest Farms, LLC
ATTN: James Barrett
5763 Glacier Highway
Juneau, AK 99801

Proposal: Modification of a Special Use Permit to include on-site consumption of Marijuana products

Property Address: 201 Seward Street

Legal Description: Juneau Townsite Block 4 Lots 1, 2 & 7 Fraction

Parcel Code No.: 1C070A040010

Hearing Date: September 8, 2020

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 4, 2020, and APPROVED the modification of a Special Use Permit (USE2016 0006) to include on-site consumption of edible marijuana products to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
2. Prior to operation the applicant must receive the required State endorsement; by approval of this modification of this special use permit, the Planning Commission does not take a position as to whether the application to the State satisfies the requirements of the endorsement, including if the facility is housed in a freestanding building.

Attachments: August 4, 2020, memorandum from Laurel Christian, Community Development, to the CBJ Planning Commission regarding USE2020 0016.

Rainforest Farms, LLC
 File No.: USE2020 0016
 September 9, 2020
 Page 2 of 2

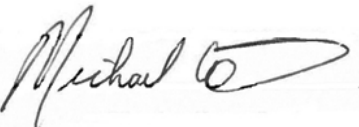
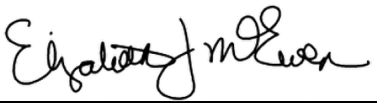
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

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, September 8, 2020.

Expiration Date: The permit will expire 18 months after the effective date, or March 8, 2022, 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:  Laurel Christian, Planner II Community Development Department	 Michael LeVine, Chair Planning Commission
 Filed With Municipal Clerk	9/14/2020 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**

Rules of Order Amendment - APPROVED

ATTACHMENTS:

Description	Upload Date	Type
▣ Memo to the Commission regarding COVID-19 Rules of Order Amendment	9/9/2020	Miscellaneous



(907) 586-0757
Jill.Maclean@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

Date: September 2, 2020

To: Michael LeVine, Chair Planning Commission

From: Jill Maclean, Director, AICP *Jill Maclean*

Re: Proposed Revisions to Planning Commission's Rules of Order

At the Planning Commission meeting on August 25, 2020, a revision to the Rules of Order was discussed regarding public comment deadlines. Due to the on-going Covid-19 pandemic, staff proposes the following revisions to the Rules of Order that are currently in place during the pandemic (see Attachment A):

1. Telephonic or online platform participation is mandatory for any commissioners and members of the public attending the meeting;
2. The call-in number and online platform information will be provided to the commissioners and the public with the Agenda Packet, and will be published online;
3. Members of the public wishing to comment on non-agenda items are encouraged to call-in or join the online platform within five (5) minutes of the meeting start time to ensure their testimony is taken;
4. *(No change proposed);*
5. Written public comment must be received via email by 12pm the day prior to the scheduled Planning Commission meeting. Members of the public may call-in or join the online platform to provide verbal comment during the public hearing.

Staff requests these revisions in order to better serve the public and the commission with more reasonable deadlines allowing time for staff distribution and commissioner review prior to the commission meeting.

Attachment

Attachment A – *Suspension of Planning Committee Rules of Procedure in response to Federal, State, and Local Declarations of Emergency Due to COVID-19.*

Suspension of Planning Committee Rules of Procedure in response to Federal, State, and Local Declarations of Emergency Due to COVID-19.

WHEREAS, COVID-19 or coronavirus is a contagious virus that is actively spreading across the world, including in the United States; and,

WHEREAS, Declarations of Emergency at the Federal, State, and Local level have been enacted; and

WHEREAS, the Governor and Assembly have issued multiple Health Mandates and Resolutions requiring social distancing and restricting group gatherings; and

WHEREAS, the Planning Commission is reviewing proposed agendas to ensure that meetings occur only regarding essential business; and

WHEREAS, consistent with State and Local guidance the Assembly, advisory boards, commissions, and committees have temporarily moved to telephonic participation to ensure the safety of our community; and

WHEREAS, upon balancing the health risks of COVID-19 and transparent government principles, the Planning Commission finds it necessary to temporarily change to how public meetings are conducted;

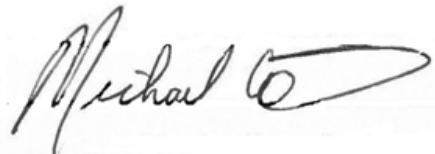
NOW, THEREFORE, THE PLANNING COMMISSION SUSPENDS AND MODIFIES ITS RULES OF PROCEDURE EFFECTIVE APRIL 14, 2020 THROUGH NOVEMBER 24, 2020; AS SET FORTH BELOW.

The following Rule are Suspended:

Rules 9(F), 10(A)(3), 10(B)(2)(a), 10(B)(3), 16(A), and 16(B).

The Suspended Rules are Replaced by the Following Process:

1. **Telephonic** participation is mandatory for any commissioners and members of the public attending the meeting;
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3. Members of the public wishing to comment on non-agenda items are encouraged to **call-in** within 5 minutes of the meeting start time to ensure their testimony is taken;
4. Materials must be submitted electronically to CDD no later than the Thursday before the meeting, if it is not possible to submit materials electronically, the applicant is directed to call CDD to arrange delivery of materials;
5. **Public comment will be received via email until the close of the public comment period on an individual item.**



Michael Levine, Planning Commission Chair

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

Additional Materials Packet - September 8, 2020 Planning Commission Meeting

ATTACHMENTS:

	Description	Upload Date	Type
▣	Additional Materials Packet - September 8, 2020 Planning Commission Meeting	9/4/2020	Miscellaneous

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers

7:00pm

Meeting Date: September 8, 2020

- 1. Memo to the Commission regarding COVID-19 Rules of Order Amendment**



(907) 586-0757
Jill.Maclean@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

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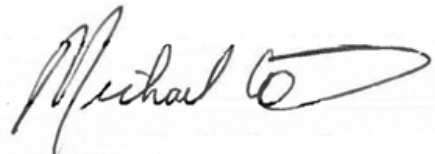
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Michael LeVine, Planning Commission Chair