

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

June 9, 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/91145873210>. 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: 911 4587 3210.

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. April 28, 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

A. USE2020 0010: Modification of USE20170010 to expand existing marijuana manufacturing - APPROVED

B. USE2020 0011: Modification of USE20170012 to expand existing marijuana cultivation - APPROVED

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. STAFF REPORTS

XIII. COMMITTEE REPORTS

XIV. LIAISON REPORT

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION

XVIII. SUPPLEMENTAL MATERIALS

A. Additional Materials for June 9, 2020 Planning Commission Meeting

XIX. ADJOURNMENT

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

April 28, 2020 Draft Minutes, Regular Planning Commission - APPROVED

ATTACHMENTS:

	Description	Upload Date	Type
▣	April 28, 2020 Draft Minutes, Regular Planning Commission	5/14/2020	Minutes

Minutes
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
 April 28, 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 7:01 p.m.

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

Commissioners absent: None

Staff present: Jill Maclean, CDD Director; Alix Pierce, CDD; Laurel Christian, CDD; Teri Camery, CDD; Emily Wright, LAW; Irene Gallion, CDD; Dan Bleidorn, LANDS; Alec Venechuk, ENG; Michael Eich, ENG

Assembly members: Greg Smith

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

III. APPROVAL OF MINUTES -None

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA

CSP2020 0003: Deckover a portion of the downtown waterfront between the Steamship Dock and Marine Park, where the lightering float was previously located

Applicant: City and Borough of Juneau

Location: Downtown Juneau, between the Steamship Dock and Marine Park, where the lightering float was previously located

Staff Recommendation

Staff recommends that the Planning Commission adopt the above analysis and findings, and recommend APPROVAL of the Marine Park deckover to the Assembly.

MOTION: *by Mr. Voelckers to accept staff's findings, analysis and recommendations and approve the consent agenda.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

(Moved from Consent Agenda on request by Mr. Voelckers)

USE2020 0003: A Conditional Use Permit to continue operation of the City and Borough of Juneau South Lemon Creek Material Source sand and gravel facility, and asphalt reclamation/rock crushing

Applicant: City and Borough of Juneau

Location: 2300 Anka St

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow continuation of an existing gravel pit. The approval is subject to the following conditions:

- 1) Hours of operation shall be 7 a.m. to 10 p.m. Monday through Friday and 9 a.m. to 10 p.m. on weekends, year-round.
- 2) The permit shall expire fifteen years from the date of Planning Commission approval.
- 3) Seed mixes utilized for revegetation in restoration efforts shall be free from non-native, noxious weeds.
- 4) The applicant shall provide the Community Development with the annual SWPPP report no later than February 15th each year.

Required Conditions, per CBJ\$49.65.235:

- 5) A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.

If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the commission may prescribe. If the extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to the water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.

Commission Discussion

Mr. Voelckers questioned how the hours of operation were set. Staff Teri Camery explained the change was made to conform with the noise ordinance and was consistent with other gravel operations. Mr. Dye asked whether they would be required to be closed to operations on holidays. Ms. Camery said she knew of gravel pits that had restrictions against blasting on weekends and state/federal holidays but they were not required to close other operations on those days. Mr. Winchell clarified that the operation could limit their own hours beyond what is set in the conditions so long as their hours do not violate the noise ordinance. While they are allowed to be open until 10:00 pm, they may choose to close at 5:00 pm.

Discussion/Questions for Applicant

Mr. Eich, CBJ Engineering, explained for all their operations, they prohibit mining activity on recognized state and federal holidays and he expected that would be the case with this one as well. As for start times on the weekends, he explained that previously they have started as early as 7:00am but stopped when they realized the noise ordinance hours and conforming to noise ordinance hours at this location would not be a problem for them.

MOTION: *by Mr. Voelckers to accept staff's findings, analysis, and recommendations, as amended by memo dated 4/28/2020 and approve USE2020 0003.*

The motion passed with no objection.

WCF2020 0001:	A Wireless Communications Facility Permit for a new, unlit, 98-foot wireless communication tower
Applicant:	Mastec Network Solutions
Location:	12401 Glacier Highway

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit. The permit would allow the development of a 98-foot, unlit, tower with the following conditions:

1. The applicant shall install fencing around the tower and ground equipment to prevent unauthorized access. This fencing shall be designed to visually screen the base of the pole and ground equipment from the roadway.
2. The applicant shall paint the pole matte dark brown to blend with the surrounding natural vegetation.
3. ~~The WCF cannot have lighting, and if in the future the FAA requires lighting, a modification to the Special Use Permit must be approved by the Planning Commission.~~
4. Prior to issuance of a building permit, the applicant shall submit a revised site plan showing all **new or relocated** appurtenant structures meeting the minimum required setbacks for the zoning district. **The direct replacement of existing appurtenant structures is allowed if in accordance with VAR2010 0002**

Questions for Staff

Mr. Eiler asked where in code or plan we are coming up with recommendations for painting the poles. Ms. Christian and Ms. Maclean explained it is in the definitions of code regarding aesthetically blending with surroundings. It is specifically referenced at 49.65.930 - *WCF shall be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings or be compatible with the urban environment.*

Mr. Winchell asked about moving the pole in regards with the break point of the pole. Mr. Winchell had concerns about safety issues. Ms. Christian explained that the pole does meet setback requirements because it would be constructed with breakpoint technology. The issue was with the cabinetry and that is why it was moved.

Mr. Dye asked about why the new tower was not subject to the variance already in place. Ms. Christian explained that the new tower is taller than the one in existence currently. Had the new tower been exactly the same then it would have been subject to the variance but the new tower is 98-feet and replacing the current 90-foot tower. Mr. Dye asked about the overall height, in particular, are the lightning rod and antennae included in the height and referenced the conversation from the prior meeting? Ms. Christian explained that the towers discussed at the last meeting did not have antennae that extended beyond the top of the tower and this one does.

Discussion/Questions for Applicant

Alissa Haynes explained they were required a new special use permit due to the lightning rod above the tower.

Mr. Voelckers asked about the break point expressing concern that it appeared be in the location of a future array installation point and asked if that was taken into account when designing the tower. Ms. Haynes explained it was part of the engineering and design.

Mr. Dye asked if the exiting tower had lightning rod included in the 90-feet measurement. Ms. Haines answered the lightning rod is not included in the current 90-feet.

COMMISSION DISCUSSION

Mr. Dye questioned what situations would be allowed under the existing variance and what would trigger the need for variance new special use permit. If they were replacing the current pole with another of the same height in the same location, would the special use permit be required? Ms. Maclean explained that the existing construction specified a metal tower and the applicant constructed a wooden pole and the variance was approved after the fact. In 2014, the new ordinance was adopted stating wireless facilities cannot be varied.

Mr. Dye asked whether the variance was still valid and if not, why not. Ms. Maclean explained what was approved under the original conditional USE permit was a steel monopole at the 25-foot setback. However, what was constructed was a wooden pole at 11.1 feet from the right-of-way. Ms. Maclean also explained the original USE permit, since it was not enacted upon within 18 months, is considered expired. Ms. Wright added the variance was correcting the decision to construct the tower incorrectly and that the original conditional USE permit is no longer valid.

Mr. Voelckers raised the public comment regarding the fencing should include screening to blend aesthetically.

MOTION: *by Mr. Winchell to accept staff's findings, analysis, and recommendations, and approve WCF2020 0001 as amended in the April 23, 2020 memo.*

Commissioners commented that there are concerns regarding consistency in how the towers are treated and how height is defined and descriptions of how the arrays are counted and held also need to be clarified.

The motion passed with no objection.

USE2020 0005:	A Conditional Use Permit for a temporary asphalt plant at the Juneau International Airport
Applicant:	SECON
Location:	1873 Shell Simmons Drive

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a

temporary asphalt plant at the Juneau International Airport.

The approval is subject to the following conditions:

1. The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.
2. The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped or if a major spill occurs.
3. The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ, or Alaska Department of Transportation.
4. ~~The applicant shall limit the number of trucks in operation during peak hours of traffic, when possible.~~ (Removed on amendment)
5. Trucks traveling from Concrete way to the proposed temporary asphalt plant shall turn right at the Concrete Way and Glacier Highway Intersection.
6. Prior to commencement of the proposed use, the applicant shall work with the Alaska Department of Transportation & Public Facilities to install all required signage in the right-of-way.
7. **Operations shall be from 7 a.m. to 10 p.m. Monday through Friday and 9 a.m. to 10 p.m. on Saturday and Sunday, unless a permit shall first be obtained from CBJ Building Official.** (Added by Amendment)

Questions for Staff

Mr. Arndt asked for a definition of how long 'temporary' is as this is a permit for a 'temporary' permit. Ms. Christian explained the work phase on this permit is through October 2021. Mr. Arndt asked what if they needed to extend beyond that date. Ms. Maclean asked for a moment for staff to research that question as she understands that if they were to approve a multi-year permit that would be considered 'permanent' and they are not sure a permanent asphalt plant is allowed in that zoning district. Ms. Wright explained that the applicant has a contract for the construction project currently but they are not guaranteed every renewal of projects. Therefore, the City would not approve a permanent plant effectively giving them a monopoly when they are not necessarily going to always have contracts with the Airport. Ms. Maclean explained a temporary plant is tied to the duration as defined in a project.

Mr. Voelckers had concerns regarding 'when possible' in Condition #4. Mr. Winchell concurred with Mr. Voelckers and wondered if they could require a percentage instead. Ms. Maclean explained the Commission could amend or remove that phrase as they see fit. Ms. Maclean offered to defer that question to the applicant.

Mr. Dye asked about the existing asphalt plant nearby in Lemon Creek and asked if there was a reason that they could not truck the asphalt as needed from there. Mr. Dye also asked about the noise requirement and why the hours of operation or noise ordinance were not referenced in the conditions. Ms. Christian answered that the work being done would be subject to FAA rules as well as having to be scheduled around airport activities and night work might at times be

required.

Discussion/Questions for Applicant

Mike Short and Noah Molnar representing SECON came forward to answer Commissioner questions.

Mr. Winchell asked is there an advantage to having the asphalt plant located directly in the area of the project. Mr. Short explained it is better to have the asphalt as hot as possible when it is laid. If they haul the asphalt from the AGGPRO plant to the airport site, they will be in a rush to get it laid.

Mr. Voelckers asked for clarification as to how much they will need to drive hot mix on public streets. Mr. Short explained that for part of the project, they will be driving the public roads. He clarified the plant will not be running at all times. It will only be used for spurts of time (one day to a week at a time) when paving is being done.

Mr. Winchell and Mr. Voelckers discussed with Mr. Short the 'when possible' portion of Condition #4 asking him how he interprets that condition and how it would affect the project. Mr. Short felt that it had the potential to slow or extend the project and added that it is subject to interpretation and different people would interpret 'when possible' differently.

PUBLIC COMMENT

None

Mr. Short spoke to the public comment letter regarding the concern of fumes from the plant. Mr. Short explained that they have met the DEC requirements and the fumes are not harmful.

Commission Discussion with Staff

Ms. Maclean explained a temporary permit can be extended by the Commission for 18 months at a time and they can grant extensions up to two times. Mr. Arndt and Mr. LeVine pointed out that this permit is requested to be temporary for the life of the project but the commission can put a time limit on the permit if they prefer and then can extend that time limit as described.

Ms. Wright pointed out the verbiage in Condition #4 is vague enough to be challengeable and if the commission wanted to, they could set limits by defining 'peak hours' and defining 'limit the number of trucks' or strike the condition if they wanted to. Mr. Voelckers spoke in support of striking the condition.

Mr. Dye suggested amending the Conditions by striking Condition #4 and adding Condition #7.

MOTION: by Mr. Dye to accept staff's findings, analysis, and recommendations, and approve USE2020 0005 as amended.

Mr. Arndt spoke in support of striking Condition #4 but against adding Condition #7 stating that the verbiage is already in code. Mr. Voelckers spoke in support. Ms. Wright explained that with Condition #7 in place, the commission has the ability to revoke the permit. Without it, they can only cite them in accordance with ordinance.

MOTION: by Mr. Arndt to amend Mr. Dye's motion by removing Condition #7.

Roll Call Vote to remove Condition #7 Yea:5/Nay:3 Motion Fails

Yea: Mr. Arndt, Mr. Eiler, Mr. Hickok

No: Mr. Alper, Mr. Winchell, Mr. Voelckers, Mr. Dye, Mr. LeVine

Roll Call Vote on Motion to Accept as amended: Yea:8/Nay:0 The motion passed with no objection.

Yea: Mr. Dye, Mr. Voelckers, Mr. Winchell, Mr. Alper, Mr. Hickok, Mr. Eiler, Mr. Arndt, Mr. Voelckers

No: None

At Ease 8:54 – 9:06

USE2019 0015: A Conditional Use Permit & City Project Review to build a Valley Transit Center with associated Park & Ride facilities
Applicant: CBJ Capital Transit / Engineering
Location: Mendenhall Mall

Staff Recommendation

CONDITIONAL USE PERMIT RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a transit center with driver break facilities and possibly a public bathroom, along with the associated Park and Ride on a future lot within the current Mendenhall Mall lot in a Light Commercial zoning district.

The approval is subject to the following conditions:

1. 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, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements per CBJ 49.40.230(d).
2. The approved lighting plan shall include lighting immediately adjacent to the driveway exits onto both Mendenhall Mall Road and Riverside Drive.

3. Prior to issuance of a Building Permit, Capital Transit shall have a recorded access easement agreement with the owners of the mall for use of Mendenhall Mall Road for the Valley Transit Center buses and users.
4. Any bike racks 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. Bicycle racks shall, at a minimum, be designed in accordance with the standards listed in the Juneau Non-Motorized Transportation Plan. [2009 edition, page 44]
5. **Current facilities shall be located to allow space for future potential public facilities.**
(Added by Amendment)
6. **The project will include no fewer than three EV stations with chargers Level 1 or 2.**
(Added by Amendment)

CITY PROJECT REVIEW RECOMMENDATION

Staff recommends that the Planning Commission recommend the Assembly **APPROVE CSP2019 0008**, the development of the Valley Transit Center and associated Park and Ride lot.

It is further recommended that:

7. All plumbing fixtures meet a recognized water efficiency standard beyond the minimum required by the CBJ Building Code (e.g. EPA WaterSense standard).
8. It is recommended that public recycling receptacles be used at the VTC.

Commission Discussion

Mr. Winchell asked whether CBJ will be charging for parking in the park and ride area. Ms. Pierce answered, to her knowledge, they will not be charging for parking but the applicant would be best to answer that.

Mr. Eiler asked if moving Transit's main transfer area from behind Nugget Mall to the Mendenhall Mall area is in accordance with the comprehensive plans. Ms. Pierce answered that it is.

Mr. Dye asked for clarification about the EV charging stations and since they are not specifically included in the CUP, would they still be required? Ms. Wright said that if the Commission wanted to ensure they are included, then they should consider adding it to the conditions.

Ms. LeVine asked why lighting is mentioned in two of the conditions and not rolled into a single condition. Ms. Pierce explained one is a standard condition and the other is addressing a specific concern that was expressed.

Questions for Applicant

Alec Venechuk came forward to answer questions. Mr. Winchell asked about fees for parking for park and ride patrons. Mr. Venechuk did not have an answer to that. Mr. Voelckers asked for a description of the public ADA restrooms. Mr. Venechuk described it will be a single stall unisex restroom providing the basic necessities. Mr. Voelckers asked how that will be monitored to avoid criminal and other unwanted activities. Mr. Venechuk said he cannot speak to how the building will be managed.

Mr. Arndt asked how moving the bus stop from behind Nugget Mall to the proposed location would affect service for the new shelter location at St. Vincent. Mr. Venechuk explained that the area would still have service but the main transfers would occur at the new location. Ms. Maclean said that the bus service behind Nugget Mall would be moved and will actually be closer to the St. Vincent location.

Mr. Arndt suggested a change in the design of the turnout where the right turn is required. Mr. Venechuk said he would bring it to the design team of the contractor.

Mr. Voelckers had a concern that the plan should include ability to expand as he sees potential for this to grow.

Mr. Dye asked how the plan came to include three EV charging spaces (as opposed to 2 or 4 or some other number). What made three the right number? Mr. Venechuk did not have that answer.

Mr. Arndt noticed the report describes 59 parking spaces. How did they calculate the number of spaces that would be needed for this project? Mr. Venechuk said his guess is that 59 is the number of spaces that they could reasonably fit in that space.

PUBLIC COMMENT – None

Questions for Staff

Mr. Arndt asked about the number of parking spaces and how they came to the number of spaces asking specifically if there is a requirement for 'park and ride'. Ms. Maclean and Ms. Pierce explained that the main use of the building is as a transit center and park and ride is a side opportunity and the main users of the transit center is expected to be pedestrians.

Mr. Dye spoke to the EV charging stations and wondered if three is enough. Mr. Voelckers agreed that EV stations should be considered and suggested that it be recommended that the

project includes ample conduit and infrastructure as to make expanding into EV in the future. Mr. Winchell agreed with Mr. Voelckers. Mr. Dye suggested if three is the correct number then it should be included as a condition. Mr. Winchell spoke to possibly setting a percentage of spaces to be set aside for EV. Mr. Arndt spoke against using a percentage as he could foresee unintended consequences for future projects.

At ease 9:52 – 9:56

MOTION: *by Mr. Voelckers to add an amendment to add a Condition #5. Current facilities shall be located to allow space for future potential public facilities.*

Mr. Arndt, Mr. Dye and Mr. Winchell agreed with Mr. Voelckers thoughts but spoke against the amendment due to it being too vague.

MOTION: *by Mr. Dye to strike Mr. Voelckers proposed Condition #5.*

Yes: Mr. Dye, Mr. Winchell, Mr. Arndt, Mr. LeVine

No: Mr. Voelckers, Mr. Alper, Mr. Hickok, Mr. Eiler

Roll Call Vote to remove Condition #5 Yea:4/Nay:4 Motion Fails

MOTION: *by Mr. Dye to add a new Condition #6 The applicant shall provide no fewer than three EV stations with chargers Level 1 or 2.*

Mr. Eiler asked if there was a reason to specify a particular number. Mr. Dye explained the point of making the motion is to require a minimum number.

The motion passed with no objection

Mr. Winchell says he foresees expansion of the facility in the future (10:13) for the record ...

MOTION: *by Mr. Voelckers to accept staff's findings, analysis, and recommendations, and approve USE2019 0015 as amended.*

Mr. Arndt asked Mr. Voelckers if he could clarify or specify in the Condition #5 in a way to make it a specific requirement. Mr. Voelckers said this location has so much potential for growth in the future that he just wanted to make sure the applicant keeps that in mind during the construction so expansion or other growth will be easier when the time comes. Ms. Maclean said she is unsure how Condition #5 could be enforced. Mr. Winchell said he foresees the expansion of the warming building to include certain warming for non-staff and possible expansion to include more EV stations and he feels it demonstrates Legislative or Commission Intent.

Roll Call Vote on Motion to Accept as amended: Yea:8/Nay:0 The motion passed with no objection.

Yea: Mr. Voelckers, Mr. Winchell, Mr. Alper, Mr. Hickok, Mr. Eiler, Mr. Arndt, Mr. Dye, Mr. LeVine

No: None

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT- None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

Ms. Maclean reported

- New Engineering and Public Works director started a few weeks ago
- Lands committee meeting Monday evening, May 4th, via Zoom
- Economic Stabilization Task Force this Thursday
- Title 49 meetings will begin again soon
- Committee of the Whole and Auke Bay Committees will also begin meeting again soon
- Streamside Setback Ordinance and FEMA Flood maps will come before the Commission soon
- Glory Hall CUP public hearing is upcoming

XII. COMMITTEE REPORTS

Mr. Voelckers reported as Public Works liaison that the committee is prioritizing or paring down CIP projects including Augustus Brown Pool and Douglas second crossing projects.

XIII. LIAISON REPORTS

Mr. Smith reported that Coronavirus is still the main focus of the Assembly. There is a lot happening in the Federal, State and Local levels.

They are looking at a \$35 million revenue budget shortfall in the budget in the next 30 months as a result of Coronavirus.

They have approved the ordinance regarding private shared access.

There are 4 applicants for the opening in the Planning Commission. They expect to meet and make their selection next week.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers thanked Mr. LeVine for pulling off another successful electronic meeting.

XVI. EXECUTIVE SESSION- None

XVII. ADJOURNMENT – 10:28

DRAFT

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

USE2020 0010: Modification of USE20170010 to expand existing marijuana manufacturing - APPROVED

AGENDA ITEM:

Applicant: ForgetMeNot, Inc dba Green Valley Enterprises

Location: 8505 Old Dairy Road

Proposal: Modification of USE20170010 to expand existing marijuana manufacturing

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 expansion of an existing marijuana manufacturing facility within the existing building.

The approval is subject to the following conditions:

1. USE2020 0010 (marijuana manufacturing) and USE2020 0011 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment C) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.
2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
3. Prior to the issuance of a building permit, the applicant shall submit a revised screening plan to CDD that demonstrates compliance with CBJ 49.65.1245(a)(4).

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for USE2020 0010	5/26/2020	Staff Report
☐ Presentation for USE2020 0010	6/5/2020	Presentation
☐ Memo for USE2020 0010 & USE2020 0011	6/9/2020	Miscellaneous
☐ Notice of Decision for USE2020 0010	6/12/2020	Notice of Decision



PLANNING COMMISSION STAFF REPORT
CONDITIONAL USE PERMIT USE2020-0010
HEARING DATE: JUNE 9, 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 action is not required for this permit.

STANDARD OF REVIEW:

This is a quasi-judicial decision and requires five (5) affirmative votes for approval.

DATE: May 26, 2020

TO: Planning Commission

FROM: CBJ Community Development Department

BY: Laurel Christian, Planner II

PROPOSAL SYNOPSIS: Applicant requests a modification to a Conditional Use Permit for the expansion of an existing marijuana manufacturing facility within the existing building.

SUMMARY OF KEY CONSIDERATIONS:

- No change to building footprint
- Site contains existing marijuana retail, manufacturing, and cultivation facilities
- Parking is leased from neighboring parcel (Valley Lumber)

GENERAL INFORMATION

Property Owner	Juneau Rental Space LLC
Applicant	ForgetMeNot Inc
Property Address	8505 Old Dairy Road
Legal Description	FIELD MEADOWS LOT 23A
Parcel Number	5B1501010080
Zoning	General Commercial (GC)
Land Use Designation	Commercial
Lot Size	19,402 sq. ft. (.44 acres)
Water/Sewer	Public
Access	Old Dairy Road
Existing Land Use	Marijuana Facility & Medical Office
Associated Applications	USE2020 0011

SURROUNDING LAND USES	
Northeast	Egan Drive
Southwest	Retail/Commercial
Southeast	Retail/Commercial
Northwest	Retail/Commercial

SITE FEATURES	
Anadromous	NA
Flood Zone	NA
Hazard	NA
Hillside	NA
Wetlands	NA



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

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

ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice
Attachment C	Parking Agreement
Attachment D	USE2017 0010 Notice of Decision

AGENCY REVIEW

CDD Conducted an Agency review comment period between May 1, 2020 and May 15, 2020. No agency review comments were received.

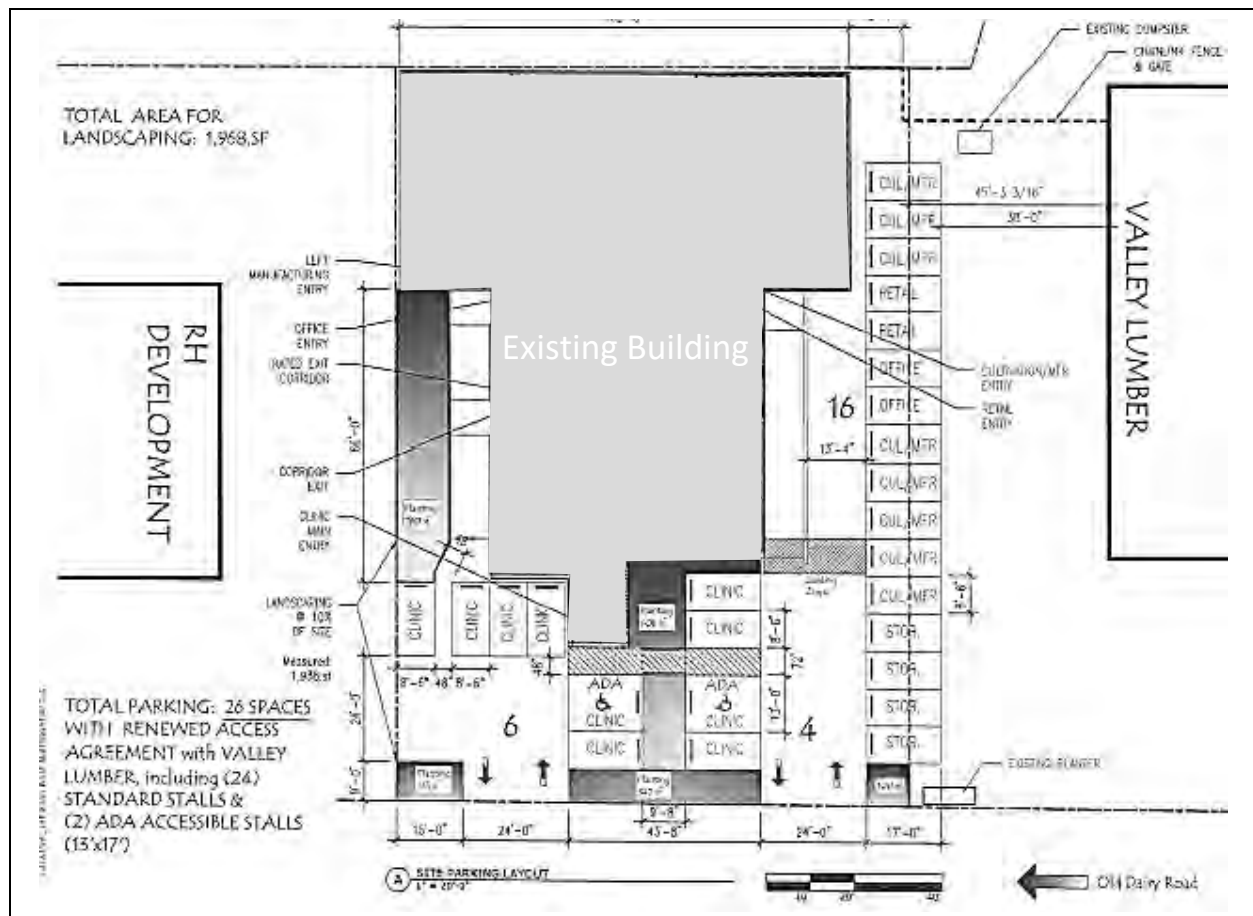
PUBLIC COMMENTS

Public notice was mailed to property owners within 500 feet of the subject parcel. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. At time of writing this staff report, no public comments have been received.

ZONING REQUIREMENTS

Applicant proposes no change to the exterior of the building or lot. Existing building is nonconforming to the required rear and side yard setbacks. The applicant has applied for a Nonconforming Certification.				
Standard		Requirement GC	Proposed	Code Reference
Lot	Size	2,000 sq. ft.	19,402 sq. ft.	49.25.400
	Width	20'	116'	49.25.400
	Depth	60'	168'	49.25.400
Setbacks	Front	10'	40'	49.25.400
	Rear	0'	0'	49.25.400
	Side	0'	0'	49.25.400
	Side	0'	0'	49.25.400
Lot Coverage		No Maximum	Approx. 51%	49.25.400

SITE PLAN



DISCUSSION

Background Information – The subject parcel currently contains Juneau Urgent Care; and a marijuana retail, manufacturing, and cultivation facility (ForgetMeNot). This permit would modify USE2017 0010 to allow the expansion of space dedicated to marijuana manufacturing within the existing building. The applicant has also applied to modify USE2020 0012 to allow the expansion of the space dedicated to marijuana cultivation within the existing building (USE2020 0011).

The below table summarizes relevant history for the subject parcel and proposed development.	
Item	Summary
MAP2006 000004	Approved – Rezone from Industrial to General Commercial
USE2017 0010	Approved – Conditional Use Permit for marijuana manufacturing facility
USE2017 0011	Approved – Conditional Use Permit for marijuana retail facility
USE2017 0012	Approved – Conditional Use Permit for marijuana cultivation facility
USE2020 0011	Under review – Conditional Use Permit for expansion of existing marijuana cultivation facility
NCC2020 0005	Under review – Nonconforming Certification for setbacks. There is no proposed change to the existing nonconforming setbacks. The proposed change of use does not aggravate any nonconforming situations on the lot.

Project Site and Design – The subject parcel is zoned General Commercial and has no unique characteristics specific to the site. The applicant has included a site plan and floor plans in the application materials found in Attachment A. The applicant proposes no exterior renovations. As shown on the floor plans, the applicant will convert 165 square feet of existing storage space into additional marijuana manufacturing space. The total space dedicated to marijuana manufacturing will be approximately 351 square feet.

Traffic – According to CBJ 49.40.300(a)(3), a traffic impact analysis is not required for the proposed development. Significant additional traffic is not anticipated to be generated by converting existing warehouse space into manufacturing/cultivation space. The below table shows that 146 Average Daily Trips are expected to be generated from existing and proposed uses.

Use	Total Sq. Ft.	Trips Generated	Total Trips
Office	789	11.03 per 1000 sq. ft.	8.70
Manufacturing	4624	3.82 per 1000 sq. ft.	17.66
Storage	7699	3.56 per 1000 sq. ft.	27.40
Medical Office	1912	36.13 per 1000 sq. ft.	69.08
Retail	530	44.32 per 1000 sq. ft.	23.48
Total ADTs:			146

Parking and Circulation – The below table demonstrates that 26 parking spaces are required for the site. The parking calculation takes into account all existing and proposed uses of the site. The applicants have a parking agreement with Valley Lumber for parking on the adjacent lot (Attachment C). This parking agreement expires in 2022, unless renewed. The applicant has submitted a parking plan showing 26 parking spaces, 2 of which are ADA van accessible (Attachment A). The applicants parking plan also shows one (1) loading zone (Attachment A).

Condition: USE2020 0010 (marijuana manufacturing) and USE2020 0011 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment C) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.

This condition was also added to the original Conditional Use Permit for the marijuana manufacturing facility on the site (USE2017 0010) (Attachment D).

Use	Total Sq. Ft.	Spaces Required	Total Spaces
Office	789	1 per 300 sq. ft.	2.63
Manufacturing	4624	1 per 1000 sq. ft.	4.62
Storage	7699	1 per 1000 sq. ft.	7.69
Medical Office	1912	1 per 200 sq. ft.	9.65
Retail	530	1 per 300 sq. ft.	1.76
Total Parking Requirement:			26
Off-Street Loading Spaces Required:			1
ADA Accessible Spaces Required:			2

Noise – Noise is not expected to be out of character with the existing commercial area. The proposed expansion will be within the existing building and is not expected to generate noise impacts.

Lighting – No additional lighting is proposed at this time for the exterior of the building.

Vegetative Cover/Landscaping – The minimum vegetative cover requirement is 10%. The lot measures 19,402 square feet, so 1,940 square feet of vegetation is required. The applicants site plan shows 1,968 square feet of vegetative cover, which was installed after approval of the previous Conditional Use Permits for the Marijuana Facility in 2017.

Drainage – No exterior work is proposed at this time; drainage will not be affected.

Public Health or Safety – There is no evidence that the proposed expansion of the marijuana facility within the existing building will negatively affect or endanger the public health or safety. The proposed expansion will require a building permit to ensure safety of the proposed renovations. Additionally, marijuana facilities are subject to annual inspection by the Community Development Department.

Property Value or Neighborhood Harmony – There is no evidence that the proposed expansion of the marijuana facility within the existing building will negatively affect property values or be out of harmony with property in the area.

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	Floor plans and a site plan can be found in Attachment A.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(2) Security Plan	The applicant has submitted a detailed discussion of the security plan for the facility and a camera layout (Attachment A). Cameras are provided on the interior of the building and at all exterior doors. The applicant maintains visitor logs.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(3) Waste Disposal	In the project narrative, the applicant discusses the plan for waste management (Attachment A). Marijuana waste is rendered unusable and secured in locked containers on-site until disposal. The applicant maintains logs for marijuana waste disposal.	☒ 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	No discussion of screening is included with the application materials. When the facility was originally reviewed in 2017, screening was installed and no product is currently visible from the public right-of-way.	☐ Yes ☐ No ☒ N/A	Prior to the issuance of a building permit, the applicant shall submit a revised screening plan to CDD that demonstrates compliance with CBJ 49.65.1245(a)(4).

Topic and Code Reference	Summary	Complies	Recommended Condition
49.65.1245(a)(5) Septic System	Not Applicable. Parcel is connected to public water and sewer.	☐ Yes ☐ No ☒ N/A	
49.65.1245(a)(6) and 49.65.1260 Ventilation and Odor Control	The current facility has a central carbon filter fan system, this will be expanded to the additional space dedicated to marijuana manufacturing.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(7) Manufacturing Method	Applicant will not use CO2 as an extraction method. Applicant intends to use solventless methods as well as an ethanol extraction method. A discussion of the manufacturing method and required equipment is provided in Attachment A.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(8) Fungicides, pesticides, fertilizers, and harmful molds	The Applicant has provided a list of cleaning supplies to prevent fungicides and pesticides (Attachment A). The applicant will use bleach, hydrogen peroxide, vinegar, alcohol, and Simple Green.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(9) Other	Not Applicable. No additional information is required.	☐ Yes ☐ No ☒ N/A	
49.65.1265(a) Owner/manager must live on site (D1 zoning district)	Not Applicable. The site is located in the General Commercial Zoning District.	☐ Yes ☐ No ☒ N/A	
49.65.1265(b) Setback required (D1 zoning district)	Not Applicable. The site is located in the General Commercial Zoning District.	☐ Yes ☐ No ☒ N/A	
42.20.230(b)(4) and 36.60.030(a)(2) On-site consumption	Not Applicable. On-site consumption is not being proposed at this time.	☐ Yes ☐ No ☒ N/A	

Requirements Applicable to All Marijuana Establishments –

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

Code Reference	Requirement
	and the conditional use permit application, the commission shall review the development for consistency with Title 49.
49.65.1245(e) Commission review required every 5 years	The requested Conditional 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 conditional use permit is filed, the new conditions shall be stayed and the existing permit shall govern the operations of the marijuana establishment until the conclusion of the appeal. The scope of review on appeal is restricted solely to the amended conditions.
49.65.1250 Hours of operation - retail	Unless otherwise specified by a conditional 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	11	148	Land Use Designation	Proposed use complies with the Commercial land use designation.
	5	44	Policy 5.1	Proposed development promotes a diverse economy.
	5	58	Policy 5.11	Proposed development expands a local business; provides year round employment; and provides tax revenue to support local services.

FINDINGS

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

1. Is the application for the requested conditional use permit complete?

Analysis: The application contains the information necessary to conduct a complete review of the proposed development and potential impacts to the public health or safety and adverse impacts to neighboring

properties. The applicant is required to submit a screening plan to demonstrate that no marijuana product is visible from the public roadway.

Finding: Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15 and CBJ Chapter 49.65.1245.

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

Analysis: The application is for marijuana manufacturing. The use is listed at CBJ 49.25.300, Section 4.220 for the General Commercial zoning district.

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

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

Analysis: The proposed site design complies with requirements for marijuana establishments within the CBJ; parking, vegetative cover, and dimensional standards are met.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, including parking, lighting, vegetative cover, and Marijuana Establishment requirements found in CBJ 49.65.1245.

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

Analysis: The applicant has submitted a detailed plan for security of the site as well as safe disposal of waste containing marijuana.

Finding: No. There is no evidence to suggest that with appropriate conditions, and through the subsequent building permit review process and CBJ License process, the proposed marijuana manufacturing facility 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: Marijuana manufacturing is a use allowed within the General Commercial zoning district; the proposed expansion will be within an existing building and is not out of character or harmony with the neighborhood.

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

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

Analysis: The proposed development promotes a diverse local economy and provides year-round employment. The Comprehensive Plan policies support these objectives. Additionally, the proposed use complies with the Comprehensive Plan Land Use Designation.

Finding: Yes. The proposed marijuana manufacturing facility, with the recommended conditions, will be in general conformity with the 2013 CBJ Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the requested Conditional Use Permit. The permit would allow the expansion of an existing marijuana manufacturing facility within the existing building.

The approval is subject to the following conditions:

1. USE2020 0010 (marijuana manufacturing) and USE2020 0011 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment C) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.
2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
3. Prior to the issuance of a building permit, the applicant shall submit a revised screening plan to CDD that demonstrates compliance with CBJ 49.65.1245(a)(4).

Alternatives

1. **Amend** - The commission may require additional conditions, or delete or modify the recommended conditions.
2. **Deny** - The commission may deny the permit if it finds, by a preponderance of evidence, that the director's determination was in error. In the event the commission denies the permit, the commission must adopt new findings for items 1-6 above that support the denial.
3. **Continue** - The commission may continue the public hearing to a future commission hearing date if it determines that additional information or analysis is needed to make a decision or if additional testimony is warranted.



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 8505 Old Dairy Road Juneau, Alaska 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Lot 23A of Field meadows Subdivision of US Survey 1195		
	Parcel Number(s) 5B1501010080		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/LESSEE		
	Property Owner Juneau Rental Space, LLC	Contact Person Adam Gray	
	Mailing Address 8505 Old Dairy Road Juneau, Alaska 99801	Phone Number(s) Cell 907-419-0084, Office 907-780-4111, Fax 907-780-3111	
	E-mail Address agray@jrsak.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		4/24/20 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, with "SAME"			
Applicant ForgetMeNot, Inc dba Green Valley Enterprises		Contact Person Roland Gray	
Mailing Address 85605 Old Dairy Road Juneau, Alaska 99801		Phone Number(s) Cell 907-419-0084, Office 907-780-4111, Fax 907-780-3111	
E-mail Address agray@forgetmenotas.com			
X		4/24/20 Date of Application	
	Applicant's Signature		

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 AE
Case Number USE 2020 0010
Date Received 4/29/2020



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY

Expansion of existing marijuana manufacturing within the existing footprint of the building

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment – Accessory Apartment Application (AAP)

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

Table of Permissible Uses Category: 14.240 Marijuana Cultivation

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # USE20170010

☐ NO

UTILITIES PROPOSED

WATER: ☐ Public ☒ On Site

SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 19,402 square feet Total Area of Existing Structure(s) 17,500 square feet

Total Area of Proposed Structure(s) 165 square feet

EXTERNAL LIGHTING

Existing to remain

☐ No

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

Proposed

☒ No

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

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

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

If this is a modification or extension include:

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

☒ Plans including:

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

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

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>350</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>500</u>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
<u>USE 20200010</u>	<u>4/29/2020</u>

Allowable/Conditional Use Permit Application Instructions

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

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

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

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

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

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

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

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

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



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

Expansion of existing marijuana cultivation and manufacturing within the existing footprint of the building

Case Number: PAC20200019

Applicant: Jonathan Yazzie

Property Owner: Juneau Rental Space LLC

Property Address: 8505 Old Dairy Road

Parcel Code Number: 5B1501010080

Site Size: 19,402 Square Feet

Zoning: GC

Existing Land Use: Commercial mixed

Conference Date: 4/1/2020

Report Issued: 4/3/2020

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.

Name	Title	Email address
Jonathan Yazzie Adam Gray	Applicant	jyazzie@jrsak.com
Allison Eddins	Planning	Allison.eddins@juneau.org
John Young	Building	John.young@juneau.org
Eddie Quinto	Permit Specialist	Edward.quinto@juneau.org
Dan Jager Sven Pearson	Fire Marshal	Dan.jager@juneau.org Sven.pearson@juneau.org

Pre-Application Conference Final Report

Conference Summary

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

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

Planning Division

1. **Zoning** – The subject lot is zoned General Commercial.
2. **Setbacks** – GC zoning district has 10' setback requirements for all lot lines. The existing was constructed in 1984 and has non-conforming setbacks of 0' on the rear and side property lines. The front yard setback is approximately 20 feet.
3. **Height** – N/A
4. **Access, Parking & Circulation**– Existing access, parking and circulation was approved by CBJ and DOT in 2017 with USE2017-10;11;12. The applicant is proposing to convert existing warehouse space into more cultivation and manufacturing space. The parking requirement is the same for all three uses. The expansion of cultivation and manufacturing will not increase the existing parking requirement. Applicant has a parking agreement with Valley Lumber.
5. **Lot Coverage** – N/A
6. **Vegetative Coverage** – The vegetative cover requirement is 10%. This requirement is already met.
7. **Lighting** – No new lighting is being proposed.
8. **Noise** – N/A
9. **Flood** – N/A
10. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – N/A
11. **Wetlands** – N/A
12. **Habitat** – N/A
13. **Plat or Covenant Restrictions** – N/A
14. **Traffic** – The applicant is not anticipating an increase in traffic.

Building Division

15. **Building** – John Young will work with the architect on any questions
16. **Outstanding Permits** –
 - a. **DMO20200005** – Demolition of interior walls
 - b. **DMO20170007** – Demo work for remodel

General Engineering/Public Works

17. **Engineering** – N/A
18. **Drainage** – N/A
19. **Utilities** – (water, power, sewer, etc.) N/A

Fire Marshal

20. **Fire Items/Access** – No comment at this time

Pre-Application Conference Final Report

Other Applicable Agency Review

21. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...
- 22.

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 (1)
2. Conditional Use Permit Applications (1 application for each use)

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. A copy of the new floor plan.
3. Project narrative.

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. (Add any items required with the forms that are not applicable to the Conditional Use application)
- 2.

Fee Estimates

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

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

\$350 for each USE permit = \$700

\$50 fee for public notice sign (We will only require on public notice sign for the 2 USE permits)

\$100 deposit for public notice sign

Total = \$850

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) via E-mail with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street

Pre-Application Conference Final Report

Fourth Floor Marine View Center
Juneau, AK 99801

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

Edward Quinto

From: Allison Eddins
Sent: Tuesday, April 28, 2020 3:40 PM
To: Permits
Subject: RE: Conditional Use Application packet for Marijuana Premise expansion 8505 Old Dairy Road

Categories: Eddie

This is good for intake. The fee is \$700 (\$350 for each CUP) + \$150 for the sign and deposit. Total due is \$850.

From: Permits <Permits@juneau.org>
Sent: Tuesday, April 28, 2020 3:29 PM
To: Allison Eddins <Allison.Eddins@juneau.org>
Subject: FW: Conditional Use Application packet for Marijuana Premise expansion 8505 Old Dairy Road

Allison, would you look at this application and let me know if anything is missing or if it's good to accept? If good to take in, what's the fee?

Eddie Quinto | Permit Specialist

Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
General questions/payments: 907.586.0770
Office: 907.586.0928

From: Jonathan Yazzie <jyazzie@jrsak.com>
Sent: Tuesday, April 28, 2020 2:25 PM
To: Permits <Permits@juneau.org>
Subject: Conditional Use Application packet for Marijuana Premise expansion 8505 Old Dairy Road

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

I am submitting application packets for expansion of Marijuana Cultivation and Manufacturing for ForgetMeNot, Inc. 8505 Old Dairy Road. Please review packet and notify me at 907-419-09*54 for any questions. Thanks you

Project Narrative Marijuana Products Manufacturing

Scope; We are planning to expand our currently operating marijuana products manufacturing facility in a portion of a leased warehouse at 8505 Old Dairy Road that also houses a standard marijuana cultivation operation. The expansion up to 165 sq ft is 1n the premise of the building 8505 Old Dairy Road

Area; Our building is zoned General Commercial and its use code is Warehouse. We are located between Valley Lumber and Rh Development. Our current operation along with the proposed expansion will not increase the level of noise in the area.

Existing physical features; There are no hazards, drainage or habitat areas on this property.

Construction; Expand existing manufacturing facility into adjacent space adding an additional 165 sq ft. Demolition for a wall opening, adding door way with two interior walls.

Hours of operation; The manufacturing facility will be operational limited hours, with most of the work performed during regular business hours.

Sign; Aside from those required by law, this facility will not be designated with a sign.

Odor Management; The current facility has a central RC-46 carbon filter and fan system before exhausting air from the space. This setup is effective in filtering organic particles and other airborne materials in addition to mitigating odors. We will use the same setup on the expansion space to manage odors.

Vegetative cover: Vegetative cover requirement of 10% has already been met. No additional is required.

Waste Management: ForgetMeNot, Inc currently has a disposal plan for all marijuana that meets state testing requirements or the company's internal quality standards due to mold, infestation, mishandling, or improper practices. All marijuana marked for disposal is stored in a secured bin, separated from all other products until it can be disposed of. Marijuana waste must be rendered unusable before disposal to ensure that marijuana and marujuana products are safely kept away from the public. The company ensures all marijuana is rendered unusable prior to leaving the facility by grinding and incorporating he marijuana waste with either non-compostable or compostable solid wastes so that the resulting mixture is at least fifty percent (50%) non-mnarijuana waste. Non-compostable solid wastes include paper waste, plastic waste, cardboard waste, and soil. Compostable solid wastes include food waste, yard waste, and vegetable-based grease or oils. Management ensures that the resulting mixture is composed of no more than fifty percent (50%) marijuana by volume and logs the composition of the mixture in the disposal log. Management maintains the log on the status of all marijuana waste, tracking the type, site of disposal, date it was rendered unusable and date that it was delivered to the waste disposal site. Once rendered unusable, Marijuana is securely stored in locked containers located on the premise. All locks comply with the highest UL standards, and

Project Narrative Marijuana Products Manufacturing

the disposed marijuana is not stored outside the facility at any time. Twice a week, the waste is delivered to the Juneau Waste Disposal Site. Only authorized personnel have access to the keys that lock and unlock the disposal containers. To ensure accurate tracking and that no diversion occurs, the daily manager collects a signature and name from the person delivering the waste to the Juneau Waste Disposal Site, the date, time, and the type of marijuana waste being collected. This information is entered into a disposal log by the manager, which is securely stored and available for review.

All access water is filtered and recycled. Any wastewater that can not be recycled is collected in a large storage container until it can be properly disposed of.

Security; Exterior security lighting is currently installed to illuminate a 20 foot radius around each exterior door to provide sufficient lighting for surveillance cameras. Because we are located in a commercial/industrial area, ambient lighting from other buildings allow for surveillance cameras to have sufficient lighting beyond the prescribed 20 foot radius. The expansion is located on the interior with no direct access to the exterior of the building.

The current alarm system is activated on all exterior doors when the licensed premises is closed for business. Motion detection alarms are installed throughout the interior of the facility. These alarms notify the security monitoring company, law enforcement and the owners if any intruders are detected during non-business hours. Exterior doors have contact sensors that are activated when the facility is closed for the night. The expansion will have one additional exterior door installed leading to an interior hallway and will follow the same protocol as described.

In the event of a breach of security during no-business hours, a designated manager or owner will assist the local law enforcement agency and provide access to security footage requested in the event of an incident while the facility is open, employees will attempt to evacuate any visitors and themselves and alert authorities. All security breaches will be logged with an incident report.

Cameras are currently in the existing manufacturing facility placed at each entrance throughout the premises, inside the secured room and throughout the grow area. Cameras are placed outside the building adjacent to building lights to ensure any activity within 20 feet of the building is captured. Security cameras are also accessible for off-site monitoring via the internet. An additional four cameras will be installed for the expansion; two for the new access and two inside the expansion work space.

Official logs and records are kept in a secured cabinet within the security room. Only owners and one trusted employee are able to access the security room and secured cabinet. These people are the only ones authorized to escort law enforcement or an agent of the board to the secured cabinet for inspection. The cabinet is made of metal and has a secure lock.

No loitering signs, and other signs as required by law, are posted near each entrance. Employees are trained to recognize and dispersed loiters

Project Narrative Marijuana Products Manufacturing

All visitors must show ID, proving that they are 21 years of age or older. Each guest signs in on a log noting the date, their age, time of arrival and time of departure. Each visitor is issued a visitor identification badge upon approval by a manager or owner.

No more than five visitors to the facility are admitted per marijuana handler certified employee. All logs are secured within the security room for safekeeping.

Visitors to the facility are subject to approval by an owner or manager. No one is allowed into the facility without owner or manager approval, a valid identification and they must be accompanied by an approved permitted employee.

Diversion prevention; Our business uses Metre by Franwell as required by the state of Alaska. The system tracks cannabis from "seed to sale" with RFID tags. This system is fully accessible to state officials at any time.

Securable and lockable containers are required for any employee or affiliate to transfer marijuana product from the facility. These containers are concealed during transit. A certified marijuana handler accompanies the packages always.

The transportation of the marijuana to another licensed facility either requires the sole presence of the licensee or two employees at a time. All products are stored and transported securely and in accordance with state and local laws.

Security cameras monitor all indoor work spaces and storages. Employees are subject to search if suspected of theft or diversion of product. Forgetmenot has a zero tolerance policy for theft and employees guilty of such will be terminated immediately. Criminal charges may be filed.

Signs stating "Persons under 21 are not allowed on premises" are posted at all outside access points. Employees are trained on how to spot fake or illegitimate identification cards. Details from each visitor's ID are logged and stored with other archival records.

Employee/Traffic; Currently one employee works in the facility. When the expansion is at capacity we expect to utilize 1-2 additional employees from our other current marijuana operations. .

Parking; We have 1 parking spot (1 per 1,000 sq ft.) as part of our lease. Additional parking is not required.

Extraction; ForgetMeNot, Inc will no longer use Co2 extraction methods. Instead we will use solventless methods such as Bubble Hash Extraction and Rosin Press Extraction. We also intend to use an ethanol extraction method. Actual ethanol used will be smaller quantities and

Project Narrative Marijuana Products Manufacturing

will not require storage of large quantities of ethanol onsite. Please see attachment for specs on equipment.

Products; The facility will produce a variety of products using the materials obtained from the above extraction processes. Primarily cannabis based oils and other non-edible consumables will be produced for resale. We are not currently planning to produce edible marijuana products but may do so in the future. If at some point ForgetMeNot, Inc decides to manufacture cannabis based edible food products we will meet all applicable state and CBJ requirements for a commercial kitchen.

Chemicals, pesticides and fertilizers; Cleaning supplies to be used include the following: bleach, hydrogen peroxide, vinegar, alcohol, and Simple Green.

Chemicals used in extraction processes are limited to those described above (ethanol).

(/user-manual)

CLICK HERE SEE & DOWNLOAD THE NEW ONLINE USER MANUAL!

x



ONLINE STORE

STO E L C A P I O N S . S T C R . - L O A T :) I S

AUTHORIZED SELLERS (/AUTHORIZED-SELLERS)

THE TEAM (/THE-TEAM)

USER MANUALS (/USER-MANUAL)

PRESS (/PRESS)

ALL (/SHOP) ACCESSORIES (/SHOP?CATEGORY=ACCESSORIES)

BLACK FRIDAY (/SHOP?CATEGORY=BLACK+FRIDAY) ETOH (/SHOP?CATEGORY=ETOH)

EXTRACTION APPLIANCE (/SHOP?CATEGORY=EXTRACTION+APPLIANCE)

REPLACEMENT PARTS (/SHOP?CATEGORY=REPLACEMENT+PARTS)

SOURCE (/SHOP?CATEGORY=SOURCE) SWAG (/SHOP?CATEGORY=SWAG)

← BACK TO SHOP (/SHOP)



EtOH PRO (ē-toe pro)
Rev2: USA orders only.

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Only available for shipping inside USA.
Currently 2-3 week backorder for shipping. Your purchase may be canceled anytime prior to delivery for a full refund. After delivery returns will not be accepted.

Rev2 Improvements: taller kettle for increased head space, ceramic coating for kettle, and serviceability

improvements.

Features & Benefits of the EtOH Pro Series

- Completely closed ethanol recovery extraction appliance
- 4L capacity (equals 1-2 pounds of dry material depending on density)
- 3 Hour processing time
- Altitude specific tuning for peak performance
- Dial controlled temperature range of 96F-105F
- Reclaims 98% of alcohol for re-use
- Ceramic coated kettle for easy harvesting of the oil
- Glass lid for observation process and progress
- Additional secondary purging capabilities for post processing needs
- High quality design & materials
- Small footprint (19"d x 22"w x12"h)
- 1-year warranty
- Still the best customer service in the industry

Quantity:

1



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2020 RENOVATIONS

8505 OLD DAIRY ROAD

MARCH 15, 2020

Planning & Design Services for

Client:
Jonathan Yazzi, Contractor
Forget-Me-Not project
8505 Old Dairy Road
Juneau, AK 99801

Project: G+A 1605.1
GOTSCHALL + ASSOCIATES
ARCHITECTS, LLC | ALASKA

Architecture & Design
8500 North Douglas Hwy
JUNEAU, AK 99801
907.723.8257
GeraldGotschall@icloud.com

Sheet Index

ARCHITECTURAL

A000 COVER
A101 SITE PLAN

A201 OVERALL LOWER FLOOR PLAN
A202 OVERALL UPPER FLOOR PLAN

CODE

C-1 CODE DATA PLAN, LOWER LEVEL
C-2 CODE DATA PLAN, UPPER LEVEL

~~MECHANICAL & ELECTRICAL~~ ALL ENGINEERING WORK TO
BE DONE BY DESIGN-BUILD. PERMITS WILL BE SUBMITTED
AS NEEDED BY ENGINEERS / CONTRACTOR.

G+A
Architects



Code Review Summary

DETAILED CODE REVIEW & DIAGRAMS ON
C-1 & C-2)

General Building Code Review: IBC 2012
Type V-B (Non-Fire Rated Construction)

Building is not currently sprinklered.

Lot 23A of the "Field Meadows" Subdivision
of US Survey 1195; the Lot is 19,402.sf

Existing Occupancy Groups:

Occ. B, Business for Clinic & Professional
Offices on both floors.

Occ. S-1, Storage for existing warehouse
area.

Occ. F-1, Factory/Manufacturing

Occupancy Separations: (Table 508.4)
None

ADA & Accessibility: (ADAAG 2010, IBC
Chapter 11)

The existing ramp on the north side up to
the warehouse entrance, has a 1:12 slope
and meets the requirement for an
accessible ramp. Doors have required
side clearances and should have lever
hardware if they don't already. An
accessible restroom on the main level is
exists and was constructed to meet ADA
requirements for staff (i.e. Common staff
use.)

G+A Gotschall + Associates Architects, LLC

Parking Count

8505 Old Dairy Road
Juneau, AK

Issue Date: 3/15/2020 Updated 2020

Prepared: G+A Arch GRG

Per CBJ Title 49

Room	Area (sf)	Area Type	Parking Ratio	Required Spaces
1st Floor				
Factory F-1 (Left Side)	2700	Manufacturing*	1/1000	0 2.70
(Manuf. Areas 1, 2, 3, 4, 5, 6)		*Changed from Storage to Manufacturing with same 1/1000 ratio.		
CULTIVATION Area (Right Side)				
Manuf. - Cultivation & Manuf.	1524	Manufacturing	1/1000	0 1.52
Manufacturing - Mezz.	400	Manufacturing	1/1000	0 0.40
Manufacturing - Office	204	Office	1/300	0 0.68
Office 1	585	Office	1/300	0 1.95
CLINIC Area	1912	Clinic, Outpatient	1/200	0 9.56
RETAIL Area (Reno)	530	Office	1/300	0 1.77
Area:	7855			

Overall Lower Level gross area
(9,078.gsf), less areas above:

1223 Warehouse 1/1000 0 1.22

2nd Floor				
Storage 21	380	Storage	1/1000	0 0.38
Storage 22	185	Storage	1/1000	0 0.19
Storage 23	755	Storage	1/1000	0 0.76
Storage 24	328	Storage	1/1000	0 0.33
Storage 25	1560	Storage	1/1000	0 1.56
Storage 26	1688	Storage	1/1000	0 1.69
Area:	4896			

Overall Upper Level area
(9,078.gsf - floor openings
2,602.ssf), MINUS areas above:

1580 Warehouse 1/1000 0 1.58

Parking Summary Total					26
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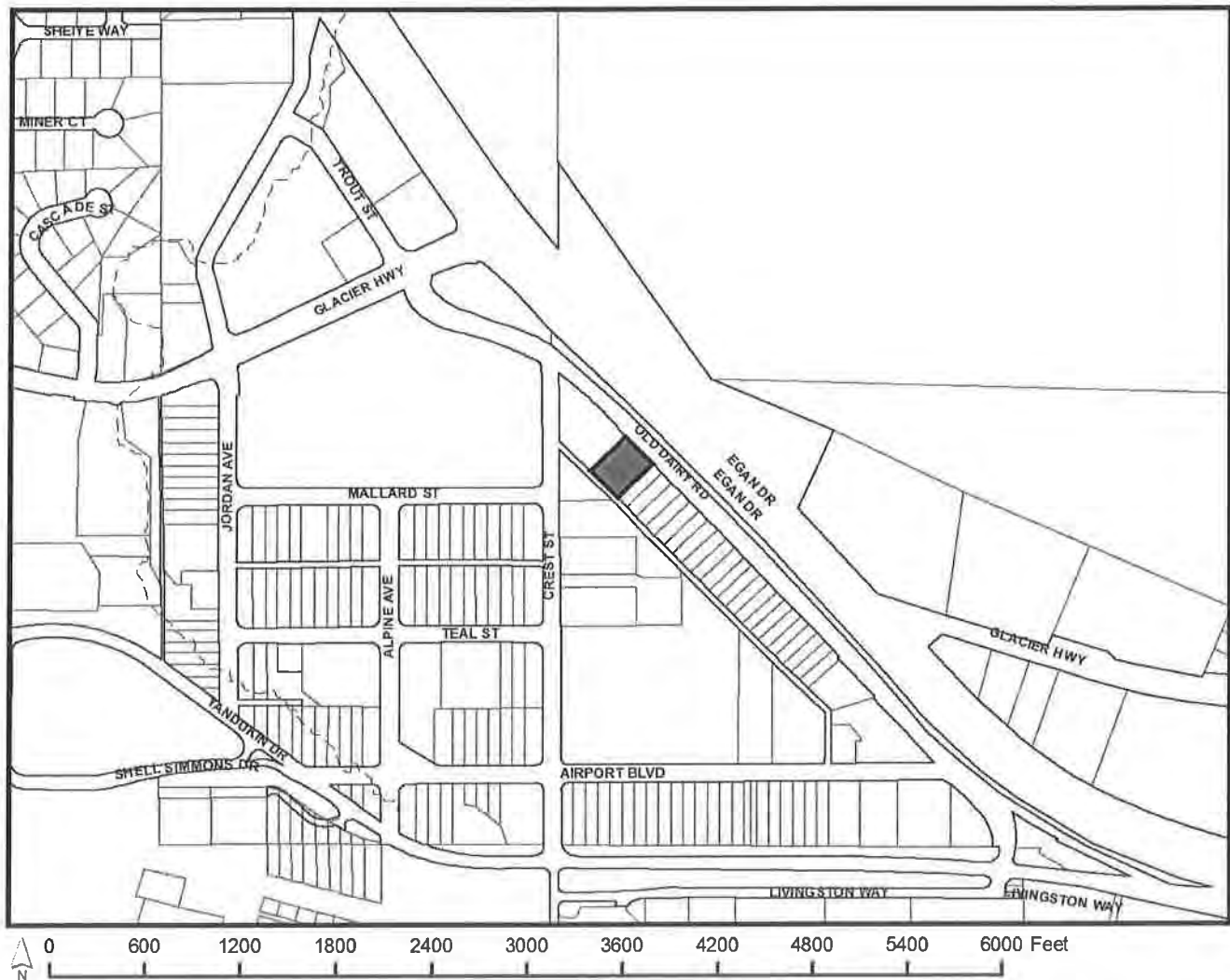
Parking Rates Per Title 49.40.210

Common areas such as hallways, stairs are counted at Warehouse rate of 1/1000. Assumption is that the 'majority' of the building is 'Warehouse' and so is counted as 1/1000.

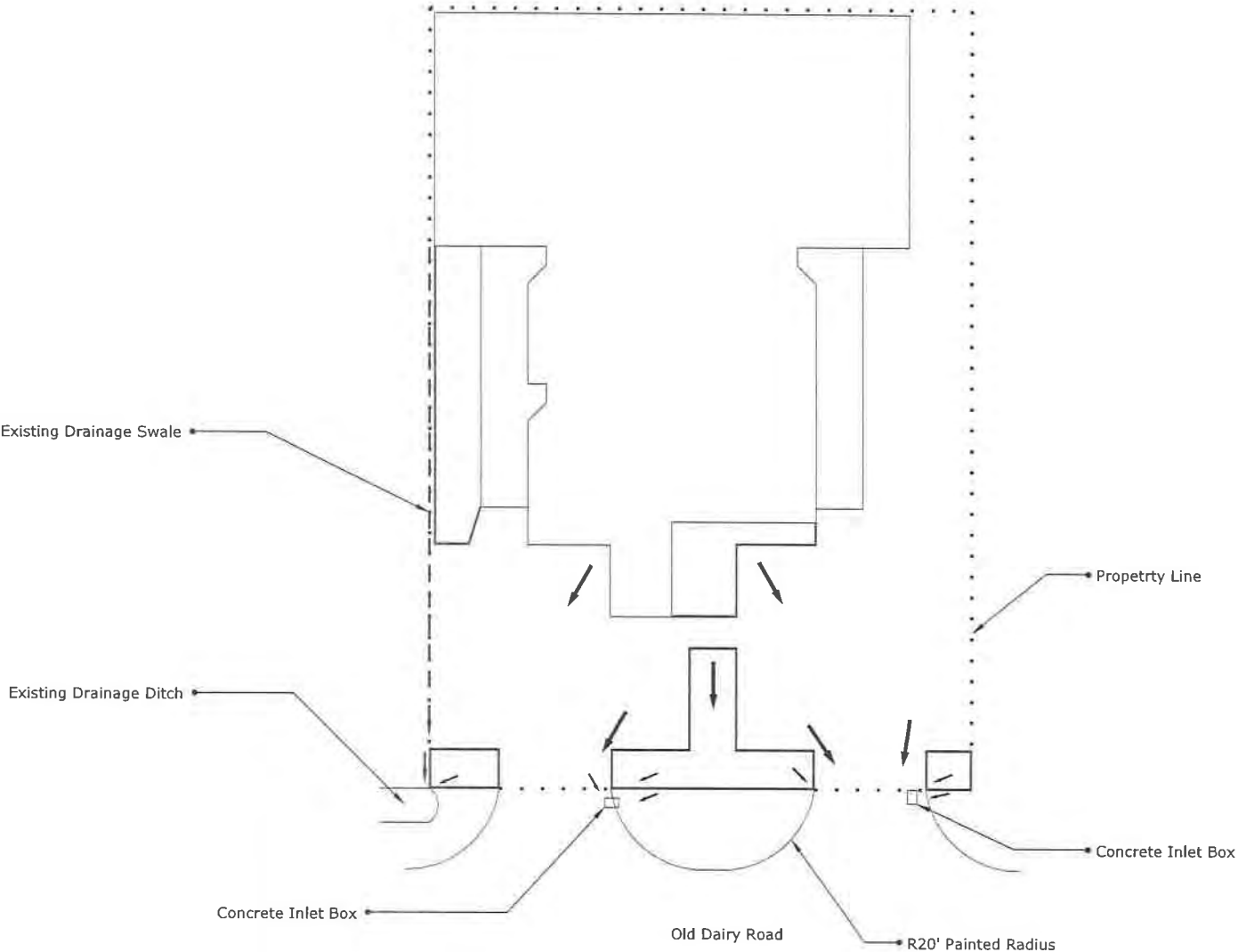
Offices 1/300
Medical Clinics 1/200
Warehouse/
Storage 1/1000
Manufacturing 1/1000

Planning Commission
File No.: USE 2017 0012
October 13, 2017
Page 2 of 10

Vicinity Map



Attachment A - Application Packet







Catalog Number
Notes
Type

Contractor Select™

TWS LED

Wall Pack

Our new "traditional-style" LED luminaires offer the shapes you've grown accustomed to coupled with the highpowered, energy-efficient LEDs you want. This fixture was designed to fit seamlessly – eliminating unwanted markings from the removal of older fixtures. Replace one or replace them all, either case, with energy savings of up to 80%, Lithonia has you covered.

FEATURES:

- Replaces up to 100W Metal Halide, saves 80% energy
- Traditional form factor, and payback within two years
- Photocell for dusk to dawn operation



Catalog Number	UPC	Description	Replaces Up To	Lumens	Wattage	CCT	Voltage	Finish	Pallet qty.
TWS LED P1 50K MVOLT PE DDB M4	191723952063	WALL PACKS	100 METAL HALIDE / 70 HIGH PRESSURE SODIUM	2,100	18W	5000K	120-277V	DARK BRONZE	144

More configurations are available. [Click here](#) or visit www.acuitybrands.com and search for TWS LED.

Accessories: Order as separate catalog number.

TWSWG U Wire guard accessory



Specifications

INTENDED USE:

For entrances, stairwells, corridors, other pedestrian areas.

CONSTRUCTION:

Cast aluminum backplate on which electrical components are mounted for maximum heat-dissipation. Gasketing between backplate and front cover prevents the entry of water and contaminants. External hardware includes phillips head and tamper-proof hex-head fasteners.

ELECTRICAL:

35W-70W HPS use 120V normal power factor.

Porcelain, medium-base socket with copper alloy nickel-plated screw shell and center contact. UL listed 660W, 600V, 4KV pulse rated. Medium-base lamp included with the fixture.

INSTALLATION

Units are for wall mounting and include two 3/4" knockouts for routing electrical conduit.

LISTINGS:

UL listed for wet locations. Listed and labeled to comply with Canadian Standards.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/DLP to confirm which versions are qualified.

WARRANTY:

5-year limited warranty. Complete warranty terms located at:

www.acuitybrands.com/CustomerResources/terms_and_conditions.aspx

Note: Actual performance may differ as a result of end-user environment and application.

All values are design or typical values, measured under laboratory conditions at 25 °C.

Specifications subject to change without notice.

Dimensions

TWS LED WALL PACK

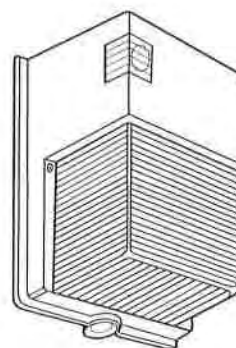
Height: 11" (27.9cm)

Width: 6-1/2" (16.5cm)

Depth: 5-1/4" (13.3cm)

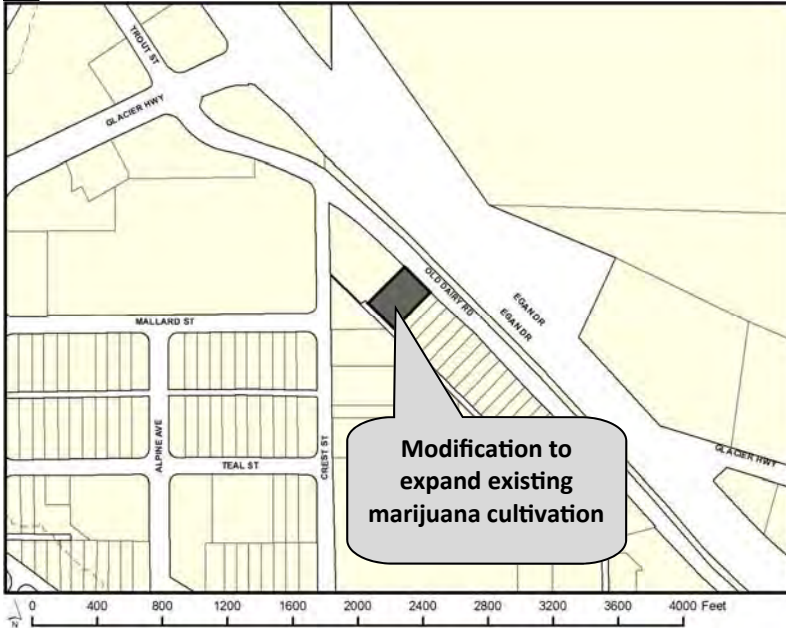
Weight: 4.9 lbs (2.2 kgs)

All dimensions are inches (centimeters) unless otherwise indicated.



Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for **expansion of an existing marijuana cultivation and manufacturing facility** located at **8505 Old Dairy Road** in a **General Commercial Zone**.

TIMELINE

Staff Report expected to be posted **Monday, June 1, 2020** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 18

May 19 — noon, June 5

HEARING DATE & TIME: 7:00 pm, June 9, 2020

June 10

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

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

This virtual meeting will be by video and telephonic participation only. To join the webinar, visit: <http://juneau.zoom.us/j/91145873210>. The Webinar ID is: 911 4587 3210. 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.

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

Case No.: USE2020 0010; USE2020 0011
Parcel No.: 5B1501010080
CBJ Parcel Viewer: <http://epv.juneau.org>



"We're Your Home Team"
LUMBER & BUILDING SUPPLY

8525 OLD DAIRY ROAD JUNEAU, ALASKA 99801

907 789-7500 FAX: 907 789-4049
1 800 770-7500

May 9, 2017

Dear Tim Felstead,

I am writing this letter to you to confirm that the original parking agreement with Juneau Urgent Care dated September 3rd, 1992, is still in effect. It will continue to be in effect through August 22, 2022. If you have any questions, please give me a call at 789-7500.

Sincerely,

A handwritten signature in blue ink that reads "Dan Graves". The signature is written in a cursive, flowing style.

Dan Graves

VALUE QUALITY SERVICE INTEGRITY

Attachment C - Parking Agreement

Urgent Care Parking Lease

*See 13 show option
to renew*

LEASE

This lease dated the 3 day of September, 1992, by and between Valley Lumber, Inc. hereinafter called "landlord," and Dr. Louis Packer and Ellen Varosi, hereinafter called the "tenant."

WITNESSETH:

In consideration of the mutual covenants and agreements contained in this lease, Landlord and Tenant agree as follows:

1. TERM. The term of this lease shall commence on the 1st day of September, 1992, and shall continue for a period of ten years, ending on August 31, 2002.

2. RENT. During the term of the lease, Tenant shall pay to Landlord as basic monthly rent ONE HUNDRED AND EIGHTY DOLLARS (\$180.00), plus any applicable tax, on or before the first calendar day of each month, in advance, at the Landlord's address, without demand and without any deduction or set-off whatsoever.

3. LEASED PREMISES. Landlord leases to Tenant, two thousand two hundred (2200) square feet more or less of contiguous space located adjacent to 8505 Old Dairy Road, more particularly described as Lot 1A, of the replat of Lots 23 and 24, of Tract 1, Field Meadow Subdivision, Juneau Recording District, Alaska, for the purpose of a parking lot. The premises are leased to

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

Page 1

Jonathan

Daniel

- 907 419 0954

Xazie

Tenant in an "as is" condition.

4. CONDEMNATION. If all or a substantial portion of the leased premises is taken through the exercise of eminent domain, or by negotiated purchase in lieu of eminent domain proceedings by a public or quasi-public entity, this lease agreement shall terminate at the time possession is taken by the public or quasi-public entity. In the event of termination under this paragraph, the Tenant shall be entitled to repayment of a proportional amount of the rent paid for the remainder of the calendar month when the lease terminates. Tenant shall also be entitled to a proportional share of any awards or payments made or received in any eminent domain proceeding, or sale in lieu of such proceeding as compensation for Tenant's improvements, betterments and Tenant's leasehold interest.

5. ASSIGNMENT AND SUBLETTING. Tenant shall not assign or in any manner transfer this lease or any interest therein, nor sublet the leased premises or any part or parts thereof without the prior written consent of the Landlord, such consent not to be unreasonably denied by landlord. Landlord understands the and agrees that the purpose of the lease is for betterment to Tenant's property adjacent to the leasehold, and that transfer of Tenant's interest in the adjacent property necessarily contemplates transference of the leasehold. Any

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

Page 2

assignment, sublease or other transfer of this lease or any interest therein without the Landlord's approval is void.

6. ENCUMBRANCE AND TRANSFER OF LEASE INTEREST. Landlord reserves the right to sell, transfer, assign or otherwise convey or encumber Landlord's interest in this lease, subject to the terms and conditions of the lease and reservation of the Tenant's rights created thereunder.

7. INSTALLATIONS, ALTERATIONS AND IMPROVEMENTS, MAINTENANCE AND REPAIR. Tenant shall be responsible for all installations, alterations, maintenance and repair to the leased premises. All alterations, additions, improvements and fixtures installed upon the leased premises shall become the property of the Landlord and shall remain upon and be surrendered with the leased premises at the termination of this lease. Tenant shall not be responsible for maintenance, repair or cleanup associated with the oil tank situated in part on the leased premises and which services the Landlord's business.

8. MECHANICS AND MATERIALS LIENS. Tenant shall not allow any mechanic or material lien to be filed against the leased premises by reason of any work or materials furnished to the leased premises. If a mechanic or material lien is filed, Tenant shall immediately cause the same to be discharged,

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

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but Tenant shall have the right to contest any such liens. If Tenant fails to cause a mechanic or material lien to be discharged within 30 days of the notification of the filing of said lien and before judgment and sale thereunder, then Landlord may discharge the lien and the amount paid by Landlord shall be immediately due and payable by the Tenant to the Landlord. Nothing contained in this lease shall be construed as a consent on the part of the Landlord to subject the Landlord's estate in the leased premises to any lien.

9. SURRENDER OF POSSESSION. At the expiration or earlier termination of the term of this lease, Tenant shall surrender the leased premises in good condition and repair except for reasonable wear and tear, and repairs specifically required herein to be performed by the Landlord. In the event Tenant remains in possession of the leased premises after the expiration of the term of this lease and without the execution of a new lease, but with the acquiescence of the Landlord, Tenant will be deemed to be occupying the leased premises as a month-to-month tenant, at the monthly rental rate applicable at the expiration of the lease, and subject to all the other terms and conditions of this lease.

the term of this lease.

10. INTERFERENCE WITH USE AND OCCUPANCY. In the event that the leased premises or any part thereof become unusable or prevent the Tenant

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

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from occupancy as a result of any cause, Tenant shall give prompt written notice thereof to Landlord, and Landlord shall immediately undertake repairs to remedy the condition specified in the notice. Unless the condition limiting use and occupancy resulted from Tenant's intentional, reckless or negligent actions, Landlord shall pay for the costs of repairs and Tenant's rent shall be reduced in proportion to the limitation on use and occupancy experienced by the Tenant.

11. INDEMNIFICATION. Tenant agrees to indemnify Landlord against any claim, expense, loss or liability incurred as a result of any occurrence on or about the leased premises, or occasioned in whole or part by the use and occupancy of the leased premises, or from any breach or default under this lease, or from any act or omission or negligence of Tenant, his agents, employees, sublessees, concessionaires, licensees, invitees or customers.

12. INSURANCE. Tenant shall obtain and maintain comprehensive general liability insurance with a minimum liability of \$100,000 per person for injuries, including death, \$300,000 per accident, and \$100,000 for damage to property.

13. DEFAULT BY TENANT. Any of the following events shall constitute default by the Tenant under this lease:

a. If this lease is assigned or the leased premises are sublet, either

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

Page 5

voluntarily or by operation of law, except as expressly provided herein;

b. If Tenant fails to pay when due, any rent or additional payments required under the terms of this lease, except that default on nonpayment of rent will not occur until ten days after the rent is due;

c. If Tenant fails to operate the leased premises as required herein, and such failure is not cured within fifteen days after written notice is provided by Landlord;

d. If Tenant fails to comply with any other provision of this lease, and does not cure such failure within thirty days after written notice is provided by the Landlord specifying the default;

e. If Tenant abandons the leased premises; or

f. If proceedings are instituted for the reorganization, liquidation, or involuntary dissolution of Tenant, or for its adjudication as bankrupt or insolvent, or for the appointment of a receiver of the property of Tenant, and said proceedings are not dismissed and any receiver, trustee or liquidator appointed is not discharged within 30 days of the institution of such proceedings.

In the event of default, Landlord may elect to cancel and terminate this lease, or to reenter and take possession of the leased premises and terminate

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

Page 6

Tenant's right to possession of the leased premises.

In the event of default, Landlord may elect to cure the default at Tenant's expense. Tenant shall reimburse Landlord for all amounts expended in connection with curing the default, including attorney fees and incidental costs. Such amounts, together with interest accruing at the rate of 10% per year from the date of expenditure, shall be deemed additional rent due and payable when the installment of rent immediately following the expenditure is due.

Failure by Landlord to declare Tenant in default and to terminate this lease does not operate as a waiver of any provision of this lease preventing Landlord from declaring Tenant in default and terminating the lease for a further default of the same or similar nature.

The remedies conferred upon Landlord by law and the remedies conferred upon Landlord under this lease are cumulative, and no remedy shall be deemed to exclude any other remedy. Each remedy may be exercised from time to time, as often as occasion arises.

14. DEFAULT BY LANDLORD. Should Landlord be in default under the terms of this lease, Landlord shall have a reasonable time of not less than thirty days after receipt of written notice of the default from Tenant to cure the default.

15. OPTION TO RENEW. Landlord hereby gives and grants to Tenant

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

Page 7

an option to renew this lease for two additional ten year periods, commencing September 1, 2002, under the following conditions:

- a. Tenant must notify Landlord of their intent to exercise this option for the first ten year period in writing after September 1, 2001 and before December 31, 2001;
- b. Tenant must notify Landlord of their intent to exercise the option for the second ten year period in writing after September 1, 2011 and before December 31, 2011;
- c. No default of this lease by the Tenant exists at the time the options are exercised;
- d. Landlord has not, prior to receipt of Tenant's notice under subparagraph (a), sold, entered into an agreement of sale or placed the property on the market for sale to a third party; and
- e. The terms and conditions of this lease shall apply during the option period year.

16. MISCELLANEOUS.

- a. The provisions of this lease are binding upon and inure to the benefit of the devisees, legatees, heirs, legal representatives, successors

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

Page 8

and assigns of the parties.

b. No amendment to this lease is effective unless expressed in writing and executed by the parties to this lease.

c. No delay or omission on the part of the parties in exercising any of their respective rights under this lease shall operate as a waiver of such right, or any other right.

d. Any demand or notice made or given by either party is effective when mailed, postage prepaid, or delivered to the address at which the party customarily communicates with the other.

e. Time is of the essence for the performance of any of the covenants of this agreement and for the fulfillment of any conditions or obligations hereunder.

f. The laws of the State of Alaska shall govern the validity, performance and enforcement of this lease.

g. The invalidity or unenforceability of any provisions contained in this lease shall not effect or impair the validity or enforceability of any other provisions of this lease.

h. The headings of the several paragraphs contained herein are for convenience only and do not define, limit or construe the contents of such

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

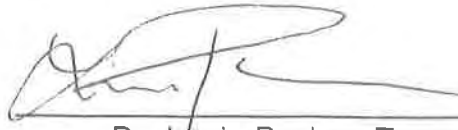
Page 9

paragraphs.

i. Landlord to have access from time to time to do repairs or maintenance or accept delivery of goods as needed.

DATED:

9/2/92



Dr. Louis Packer, Tenant



Ellen Varosi, Tenant

DATED:

9/2/92



Valley Lumber, Inc.

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

Page 10



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: October 26, 2017
File No.: USE2017 0010

Forget Me Not, Inc.
8505 Old Dairy Road
Juneau, AK 99801

Proposal: A Conditional Use Permit for a marijuana manufacturing establishment in the General Commercial zoning district

Property Address: 8505 Old Dairy Road

Legal Description: Field Meadows Lot 23A

Parcel Code No.: 5B1501010080

Hearing Date: October 24, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 13, 2017, and approved the Conditional Use Permit for a marijuana manufacturing establishment in the General Commercial zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. All CO2 enrichment processes, plant extraction processes, fumigation, and the use and storage of pesticide, fungicide, miticides, and thermal insecticide fogging shall be approved by the Fire Marshal and meet the requirements of the International Fire Code (IFC) and NFPA where applicable.
2. The CO2 generator shall have an automatic shut off.

Forget Me Not, Inc.
File No.: USE2017 0010
October 26, 2017
Page 2 of 3

3. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
4. Prior to approval of a CBJ marijuana license, the applicant shall provide an approved driveway permit from the Alaska Department of Transportation and Public Facilities, with plans identical to the parking and circulation plan provided in Attachment 10.
5. Prior to approval of a CBJ marijuana license, the applicant shall place all required vegetation and complete striping in accordance with the vegetation and parking plans included in Attachments 10 and 14.
6. USE2017 0010 (marijuana manufacturing), USE2017 0011 (marijuana retail), and USE2017 0012 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment 12) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.

Attachments: October 13, 2017 memorandum from Teri Camery, Community Development Department, to the CBJ Planning Commission regarding USE2017 0010.

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).

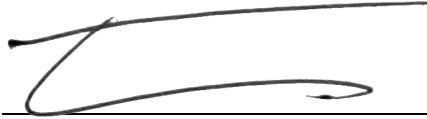
Effective Date: The permit is effective upon approval by the Commission, October 24, 2017.

Expiration Date: The permit will expire 18 months after the effective date, or April 24, 2019 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.

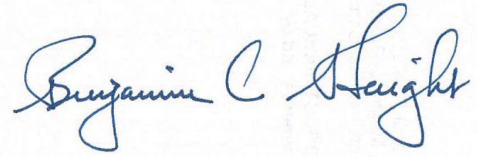
Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to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

Forget Me Not, Inc.
File No.: USE2017 0010
October 26, 2017
Page 3 of 3

Project Planner:



Teri Camery, Senior Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

November 3, 2017

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.

USE2020 0010

A modification to a Conditional Use Permit for the expansion of an existing marijuana manufacturing facility within the existing building.

PC Presentation June 9, 2020

Staff recommends approval with conditions.

Background Information

GENERAL INFORMATION	
Property Owner	Juneau Rental Space LLC
Applicant	ForgetMeNot Inc
Property Address	8505 Old Dairy Road
Legal Description	FIELD MEADOWS LOT 23A
Parcel Number	5B1501010080
Zoning	General Commercial (GC)
Land Use Designation	Commercial
Lot Size	19,402 sq. ft. (.44 acres)
Water/Sewer	Public
Access	Old Dairy Road
Existing Land Use	Marijuana Facility & Medical Office
Associated Applications	USE2020 0011 (Cultivation)

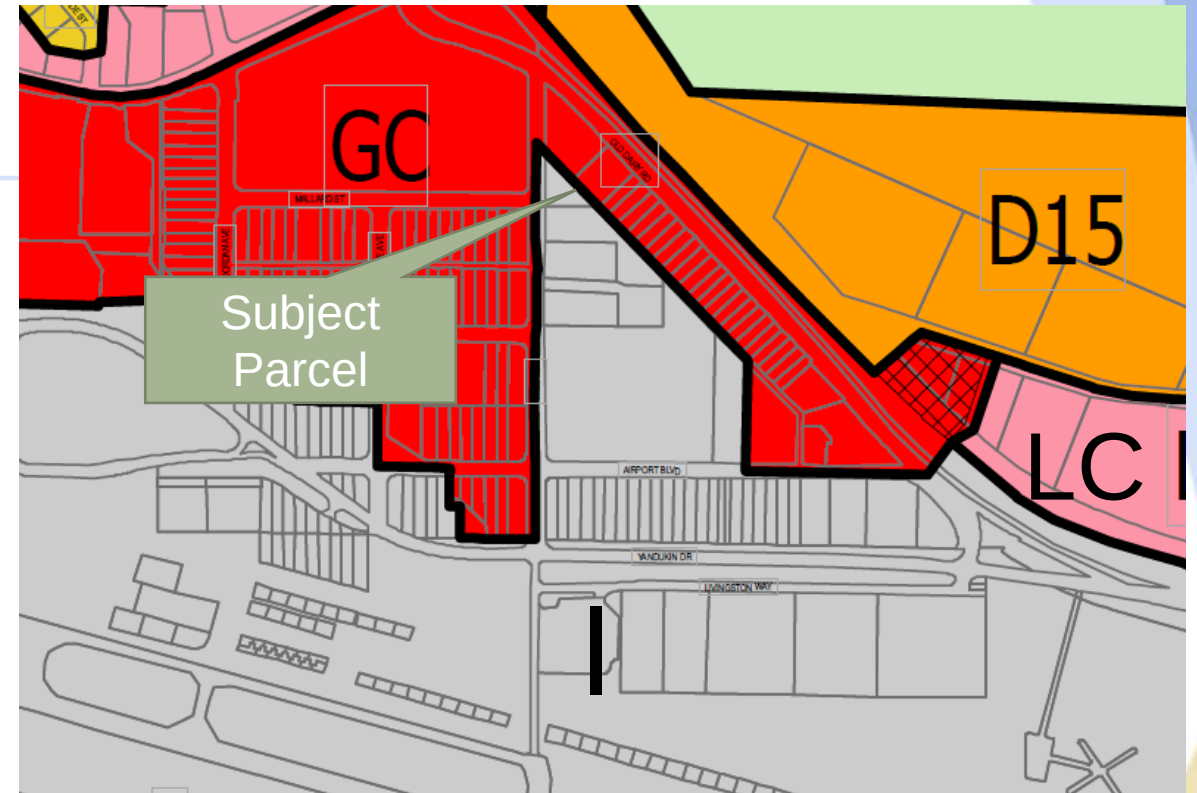
This permit would modify USE2017 0010 to allow the expansion of space dedicated to marijuana **manufacturing** within the existing building. The applicant has also applied to modify USE2020 0012 to allow the expansion of the space dedicated to marijuana cultivation within the existing building (USE2020 0011).

PROPOSAL: Applicant requests a modification to a Conditional Use Permit for the expansion of an existing marijuana manufacturing facility within the existing building.

SUMMARY OF KEY CONSIDERATIONS:

- No change to building footprint
- Site contains existing marijuana retail, manufacturing, and cultivation facilities
- Parking is leased from neighboring parcel (Valley Lumber)

Maps



In 2006 the subject parcel and neighboring parcels were rezoned from Industrial to General Commercial

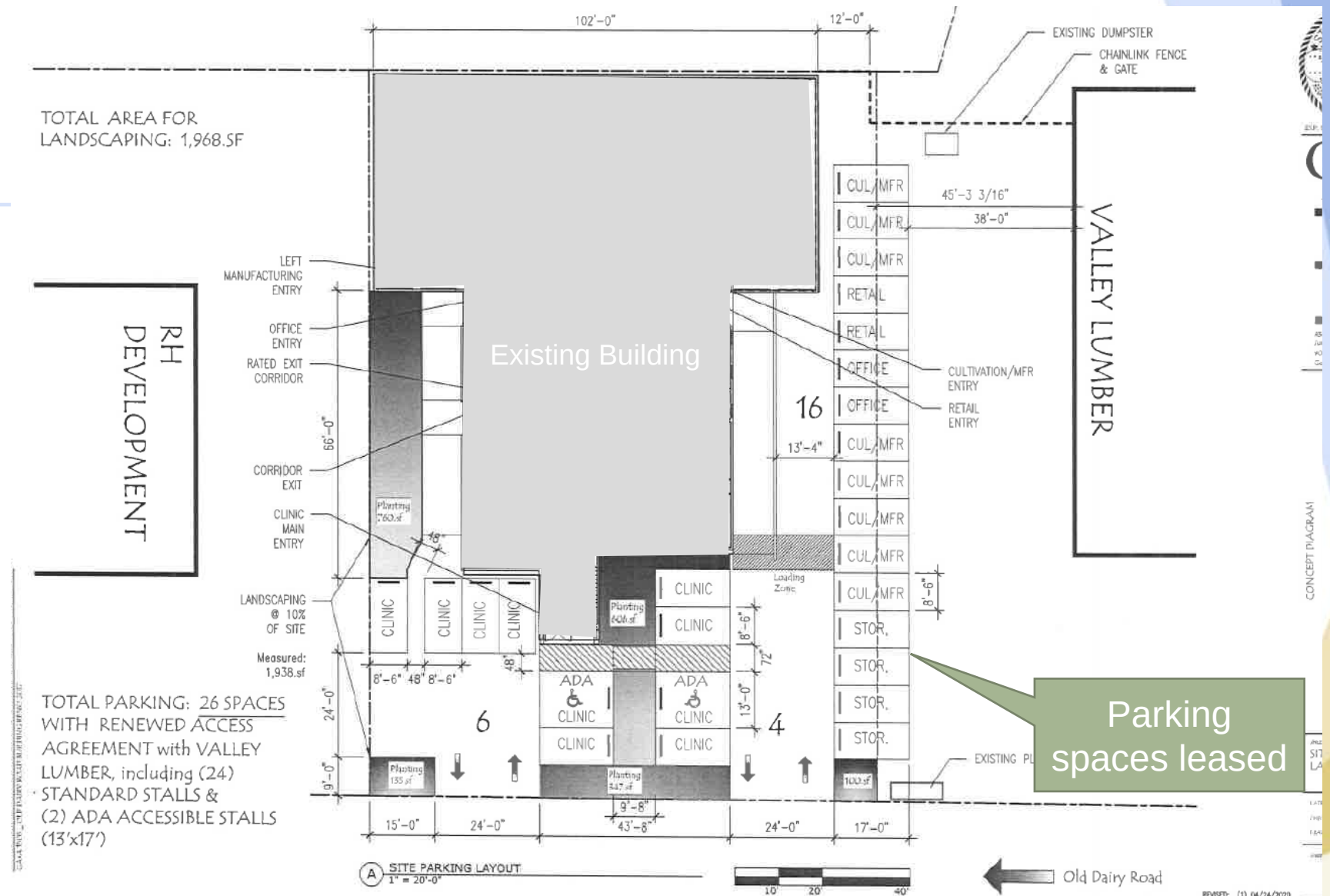
Site Plan

Floor plans can be found in the additional materials packet.

Proposed development complies with:

- Minimum lot dimensions
- Maximum lot coverage
- Vegetative cover
- Structure setbacks – building is nonconforming for rear and side yard setbacks.

No change to the exterior of the building is proposed.



Project Design

- The applicant will convert storage space into additional marijuana manufacturing space.
- The total space dedicated to marijuana manufacturing will be approximately 351 square feet.
- Floor plans can be found in the additional materials packet.

Traffic

According to CBJ 49.40.300(a)(3), a traffic impact analysis is not required for the proposed development.

Use	Total Sq. Ft.	Trips Generated	Total Trips
Office	789	11.03 per 1000 sq. ft.	8.70
Manufacturing	4624	3.82 per 1000 sq. ft.	17.66
Storage	7699	3.56 per 1000 sq. ft.	27.40
Medical Office	1912	36.13 per 1000 sq. ft.	69.08
Retail	530	44.32 per 1000 sq. ft.	23.48
Total ADTs:			146

Parking

Parking requirements are met.

Use	Total Sq. Ft.	Spaces Required	Total Spaces
Office	789	1 per 300 sq. ft.	2.63
Manufacturing	4624	1 per 1000 sq. ft.	4.62
Storage	7699	1 per 1000 sq. ft.	7.69
Medical Office	1912	1 per 200 sq. ft.	9.65
Retail	530	1 per 300 sq. ft.	1.76
Total Parking Requirement:			26
Off-Street Loading Spaces Required:			1
ADA Accessible Spaces Required:			2

Condition: USE2020 0010 (marijuana manufacturing) and USE2020 0011 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment C) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.

Specified Use Review – CBJ 49.65.Article XI

Topic and Code Reference	Summary	Complies	Recommended Condition
49.65.1245(a)(1) Site Plan and Floor Plans	Floor plans and a site plan can be found in Attachment A.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(2) Security Plan	The applicant has submitted a detailed discussion of the security plan for the facility and a camera layout (Attachment A). Cameras are provided on the interior of the building and at all exterior doors. The applicant maintains visitor logs.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(3) Waste Disposal	In the project narrative, the applicant discusses the plan for waste management (Attachment A). Marijuana waste is rendered unusable and secured in locked containers on-site until disposal. The applicant maintains logs for marijuana waste disposal.	☒ 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	No discussion of screening is included with the application materials. When the facility was originally reviewed in 2017, screening was installed and no product is currently visible from the public right-of-way.	☐ Yes ☐ No ☒ N/A	Prior to the issuance of a building permit, the applicant shall submit a revised screening plan to CDD that demonstrates compliance with CBJ 49.65.1245(a)(4).
49.65.1245(a)(5) Septic System	Not Applicable. Parcel is connected to public water and sewer.	☐ Yes ☐ No ☒ N/A	

Specified Use Review – 49.65 Article XI

Topic and Code Reference	Summary	Complies	Recommended condition
49.65.1245(a)(6) and 49.65.1260 Ventilation and Odor Control	The current facility has a central carbon filter fan system, this will be expanded to the additional space dedicated to marijuana manufacturing.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(7) Manufacturing Method	Applicant will not use CO2 as an extraction method. Applicant intends to use solventless methods as well as an ethanol extraction method. A discussion of the manufacturing method and required equipment is provided in Attachment A.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(8) Fungicides, pesticides, fertilizers, and harmful molds	The Applicant has provided a list of cleaning supplies to prevent fungicides and pesticides (Attachment A). The applicant will use bleach, hydrogen peroxide, vinegar, alcohol, and Simple Green.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(9) Other	Not Applicable. No additional information is required.	☐ Yes ☐ No ☒ N/A	
49.65.1265(a) Owner/manager must live on site (D1 zoning district)	Not Applicable. The site is located in the General Commercial Zoning District.	☐ Yes ☐ No ☒ N/A	
49.65.1265(b) Setback required (D1 zoning district)	Not Applicable. The site is located in the General Commercial Zoning District.	☐ Yes ☐ No ☒ N/A	
42.20.230(b)(4) and 36.60.030(a)(2) On-site consumption	Not Applicable. On-site consumption is not being proposed at this time.	☐ Yes ☐ No ☒ N/A	

Conformity with Adopted Plans

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

Plan	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	11	148	Land Use Designation	Proposed use complies with the Commercial land use designation.
	5	44	Policy 5.1	Proposed development promotes a diverse economy.
	5	58	Policy 5.11	Proposed development expands a local business; provides year round employment; and provides tax revenue to support local services.

Agency & Public Comments

- No agency comments or public comments have been received.
- An agency review period was held between May 1 and May 15.
- Public notice was mailed to property owners within 500 feet of the parcel and a public notice sign was posted on-site 2 weeks prior to the hearing.

Findings

1. Is the application for the requested conditional use permit complete?

Analysis: The application contains the information necessary to conduct a complete review of the proposed development and potential impacts to the public health or safety and adverse impacts to neighboring properties. The applicant is required to submit a screening plan to demonstrate that no marijuana product is visible from the public roadway.

Finding: Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15 and CBJ Chapter 49.65.1245.

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

Analysis: The application is for marijuana manufacturing. The use is listed at CBJ 49.25.300, Section 4.220 for the General Commercial zoning district.

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

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

Analysis: The proposed site design complies with requirements for marijuana establishments within the CBJ; parking, vegetative cover, and dimensional standards are met.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, including parking, lighting, vegetative cover, and Marijuana Establishment requirements found in CBJ 49.65.1245.

Findings

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

Analysis: The applicant has submitted a detailed plan for security of the site as well as safe disposal of waste containing marijuana.

Finding: No. There is no evidence to suggest that with appropriate conditions, and through the subsequent building permit review process and CBJ License process, the proposed marijuana manufacturing facility 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: Marijuana manufacturing is a use allowed within the General Commercial zoning district; the proposed expansion will be within an existing building and is not out of character or harmony with the neighborhood.

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

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

Analysis: The proposed development promotes a diverse local economy and provides year-round employment. The Comprehensive Plan policies support these objectives. Additionally, the proposed use complies with the Comprehensive Plan Land Use Designation.

Finding: Yes. The proposed marijuana manufacturing facility, with the recommended conditions, will be in general conformity with the 2013 CBJ Comprehensive Plan.

Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the requested Conditional Use Permit. The permit would allow the expansion of an existing marijuana manufacturing facility within the existing building.

The approval is subject to the following conditions:

1. USE2020 0010 (marijuana manufacturing) and USE2020 0011 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment C) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.
2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
3. Prior to the issuance of a building permit, the applicant shall submit a revised screening plan to CDD that demonstrates compliance with CBJ 49.65.1245(a)(4).

Alternatives

1. **Amend** - The commission may require additional conditions, or delete or modify the recommended conditions.
2. **Deny** - The commission may deny the permit if it finds, by a preponderance of evidence, that the director's determination was in error. In the event the commission denies the permit, the commission must adopt new findings for items 1-6 above that support the denial.
3. **Continue** - The commission may continue the public hearing to a future commission hearing date if it determines that additional information or analysis is needed to make a decision or if additional testimony is warranted.



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

MEMORANDUM

June 9, 2020

To: Michael LeVine, Chair
Planning Commission

From: Laurel Christian, Planner II
Community Development Department

Case Number: USE2020 0010 and USE2020 0011

Legal Description: FIELD MEADOWS LOT 23A

Parcel No.: 5B1501010080

RE: Clarification - Proposed modifications to an existing marijuana facility

USE2020 0010

This permit would allow the applicant to convert 165 square feet of existing storage space into additional marijuana manufacturing space. Existing space dedicated to marijuana manufacturing measures 186 square feet (USE2017 0010). The total space dedicated to marijuana manufacturing will be approximately 351 square feet.

USE2020 0011

This permit would allow the applicant to convert 2,466 square feet of existing storage space into additional marijuana cultivation space. Existing space dedicated to marijuana cultivation measures 1,207 square feet (USE2017 0012). The total space dedicated to marijuana cultivation will be approximately 3,673 square feet.



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: June 10, 2020
Case No.: USE2020 0010

Forget Me Not Inc. dba Green Valley Enterprises
Attn: Roland Gray
8505 Old Dairy Road
Juneau, AK 99801

Proposal: Modification to a Conditional Use Permit for the expansion of an existing marijuana manufacturing facility within the existing building

Property Address: 8505 Old Dairy Road

Legal Description: Field Meadows Lot 23A

Parcel Code No.: 5B1501010080

Hearing Date: June 9, 2020

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 26, 2020, as amended at the hearing, and APPROVED the modification to a Conditional Use Permit for the expansion of an existing marijuana manufacturing facility within the existing building to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. USE2020 0010 (marijuana manufacturing) and USE2020 0011 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment C) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.
2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

Forget Me Not Inc. dba Green Valley Enterprises
Case No.: USE2020 0010
June 10, 2020
Page 2 of 2

3. Prior to the issuance of a building permit, the applicant shall submit a revised screening plan to CDD that demonstrates compliance with CBJ 49.65.1245(a)(4).

Attachments: May 26, 2020, memorandum from Laurel Christian, Community Development, to the CBJ Planning Commission regarding USE2020 0010

June 5, 2020, memorandum from Laurel Christian, Community Development, to the CBJ Planning Commission regarding USE2020 0010

June 9, 2020, memorandum from Laurel Christian, Community Development, to the CBJ Planning Commission regarding USE2020 0010

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).

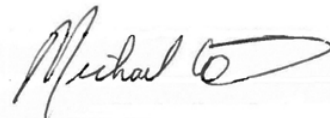
Effective Date: The permit is effective upon approval by the Commission, June 9, 2020.

Expiration Date: The permit will expire 18 months after the effective date, or December 9, 2021, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

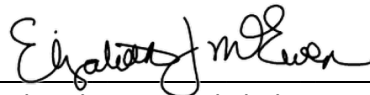
Project Planner:



Laurel Christian, Planner II
Community Development Department



Michael LeVine, Chair
Planning Commission



Filed With Municipal Clerk

June 12, 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**

USE2020 0011: Modification of USE20170012 to expand existing marijuana cultivation - APPROVED

AGENDA ITEM:

Applicant: ForgetMeNot, Inc dba Green Valley Enterprises

Location: 8505 Old Dairy Road

Proposal: Modification of USE20170012 to expand existing marijuana cultivation

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 expansion of an existing marijuana cultivation facility within the existing building.

The approval is subject to the following conditions:

1. USE2020 0010 (marijuana manufacturing) and USE2020 0011 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment C) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.
2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
3. Prior to the issuance of a building permit, the applicant shall submit a revised screening plan to CDD that demonstrates compliance with CBJ 49.65.1245(a)(4).

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for USE2020 0011	5/26/2020	Staff Report
☐ Presentation for USE2020 0011	6/5/2020	Presentation
☐ Memo for USE2020 0010 & USE2020 0011	6/9/2020	Miscellaneous
☐ Notice of Decision for USE2020 0011	6/12/2020	Notice of Decision



PLANNING COMMISSION STAFF REPORT
CONDITIONAL USE PERMIT USE2020-0011
HEARING DATE: JUNE 9, 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 action is not required for this permit.

STANDARD OF REVIEW:

This is a quasi-judicial decision and requires five (5) affirmative votes for approval.

DATE: May 26, 2020

TO: Planning Commission

FROM: CBJ Community Development Department

BY: Laurel Christian, Planner II *Laurel Christian*

PROPOSAL SYNOPSIS: Applicant requests a modification to a Conditional Use Permit for the expansion of an existing marijuana cultivation facility within the existing building.

SUMMARY OF KEY CONSIDERATIONS:

- No change to building footprint.
- Site contains existing marijuana retail, manufacturing, and cultivation facilities.
- Parking is leased from neighboring parcel (Valley Lumber).

GENERAL INFORMATION

Property Owner	Juneau Rental Space LLC
Applicant	ForgetMeNot Inc
Property Address	8505 Old Dairy Road
Legal Description	FIELD MEADOWS LOT 23A
Parcel Number	5B1501010080
Zoning	General Commercial (GC)
Land Use Designation	Commercial
Lot Size	19,402 sq. ft. (.44 acres)
Water/Sewer	Public
Access	Old Dairy Road
Existing Land Use	Marijuana Facility & Medical Office
Associated Applications	USE2020 0010

SURROUNDING LAND USES	
Northeast	Egan Drive
Southwest	Retail/Commercial
Southeast	Retail/Commercial
Northwest	Retail/Commercial

SITE FEATURES	
Anadromous	NA
Flood Zone	NA
Hazard	NA
Hillside	NA
Wetlands	NA



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

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

ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice
Attachment C	Parking Agreement
Attachment D	USE2017 0012 Notice of Decision

AGENCY REVIEW

CDD Conducted an Agency review comment period between May 1, 2020 and May 15, 2020. No agency review comments were received.

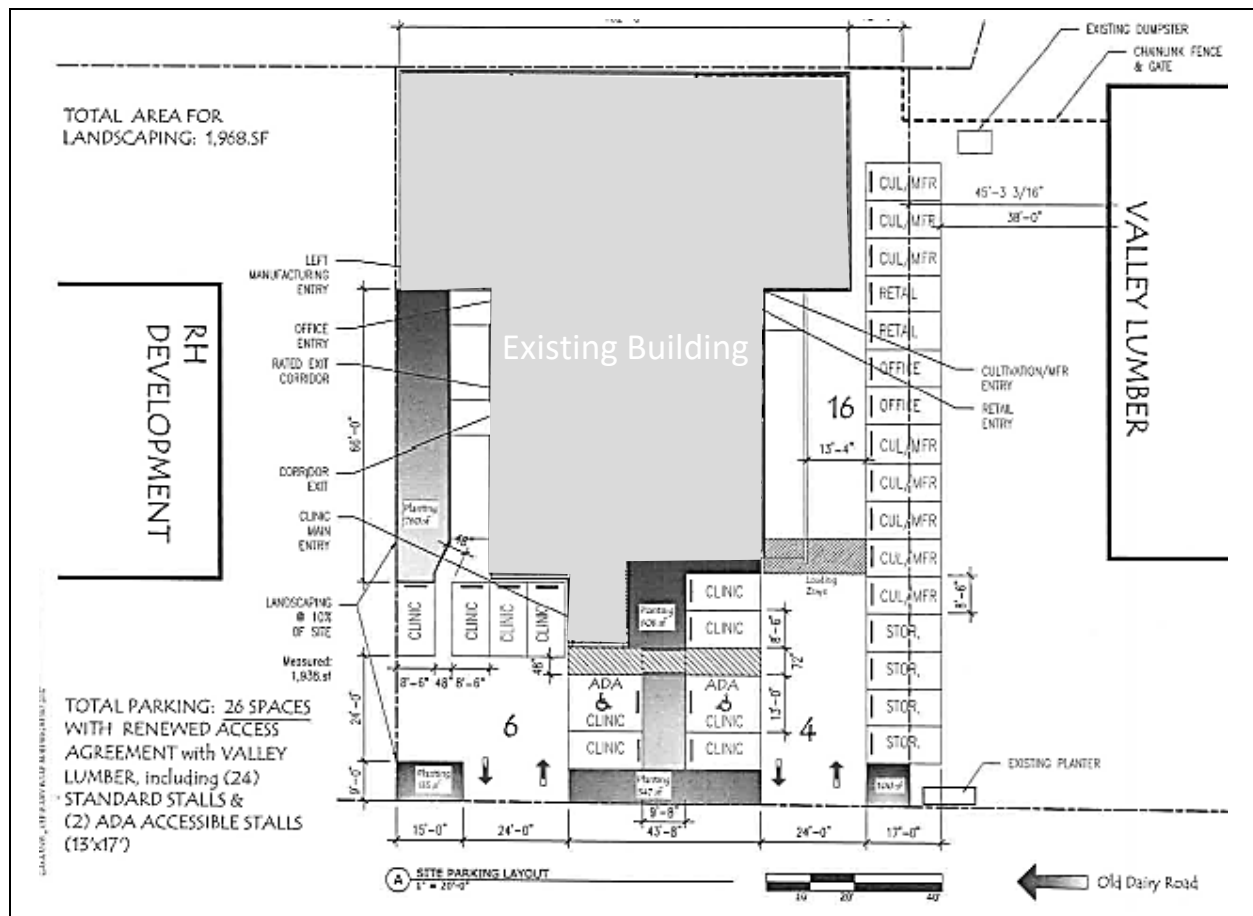
PUBLIC COMMENTS

Public notice was mailed to property owners within 500 feet of the subject parcel. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. At time of writing this staff report, no public comments have been received.

ZONING REQUIREMENTS

Applicant proposes no change to the exterior of the building or lot. Existing building is nonconforming to the required rear and side yard setbacks. The applicant has applied for a Nonconforming Certification.				
Standard		Requirement GC	Site	Code Reference
Lot	Size	2,000 sq. ft.	19,402 sq. ft.	49.25.400
	Width	20'	116'	49.25.400
	Depth	60'	168'	49.25.400
Setbacks	Front	10'	40'	49.25.400
	Rear	10'	0'	49.25.400
	Side	10'	0'	49.25.400
	Side	10'	0'	49.25.400
Lot Coverage		No Maximum	Approx. 51%	49.25.400

SITE PLAN



DISCUSSION

Background Information – The subject parcel currently contains Juneau Urgent Care; and a marijuana retail, manufacturing, and cultivation facility (ForgetMeNot). This permit would modify USE2017 0012 to allow the expansion of space dedicated to marijuana cultivation within the existing building. The applicant has also applied to modify USE2017 0010 to allow the expansion of the space dedicated to marijuana manufacturing within the existing building (USE2020 0010).

The below table summarizes relevant history for the subject parcel and proposed development.	
Item	Summary
MAP2006 000004	Approved – Rezone from Industrial to General Commercial
USE2017 0010	Approved – Conditional Use Permit for marijuana manufacturing facility
USE2017 0011	Approved – Conditional Use Permit for marijuana retail facility
USE2017 0012	Approved – Conditional Use Permit for marijuana cultivation facility
USE2020 0010	Under review – Conditional Use Permit for expansion of existing marijuana manufacturing facility
NCC2020 0005	Under review – Nonconforming Certification for setbacks. There is no proposed change to the existing nonconforming setbacks. The proposed change of use does not aggravate any nonconforming situations on the lot.

Project Site and Design – The subject parcel is zoned General Commercial and has no unique characteristics specific to the site. The applicant has included a site plan and floor plans in the application materials found in Attachment A. The applicant proposes no exterior renovations. As shown on the floor plans, the applicant will convert 2,466 square feet of existing storage space into additional marijuana cultivation space. The total space dedicated to marijuana cultivation will be approximately 3,673 square feet.

Traffic – According to CBJ 49.40.300(a)(3) a traffic impact analysis is not required for the proposed development. Significant additional traffic is not anticipated to be generated by converting existing warehouse space in to manufacturing/cultivation space. The below table shows that 146 Average Daily Trips are expected to be generated from existing and proposed uses.

Use	Total Sq. Ft.	Trips Generated	Total Trips
Office	789	11.03 per 1000 sq. ft.	8.70
Manufacturing	4624	3.82 per 1000 sq. ft.	17.66
Storage	7699	3.56 per 1000 sq. ft.	27.40
Medical Office	1912	36.13 per 1000 sq. ft.	69.08
Retail	530	44.32 per 1000 sq. ft.	23.48
Total ADTs:			146

Parking and Circulation – The below table demonstrates that 26 parking spaces are required for the site. The parking calculation takes into account all existing and proposed uses of the site. The applicants have a parking agreement with Valley Lumber for parking on the adjacent lot (Attachment C). This parking agreement expires in 2022, unless renewed. The applicant has also submitted a parking plan showing 26 parking spaces, 2 of which are ADA van accessible (Attachment A). The applicants parking plan also shows one (1) loading zone (Attachment A).

Condition: USE2020 0010 (marijuana manufacturing) and USE2020 0011 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment C) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.

This condition was also added to the original Conditional Use Permit for the marijuana cultivation facility on the site (USE2017 0012) (Attachment D).

Use	Total Sq. Ft.	Spaces Required	Total Spaces
Office	789	1 per 300 sq. ft.	2.63
Manufacturing	4624	1 per 1000 sq. ft.	4.62
Storage	7699	1 per 1000 sq. ft.	7.69
Medical Office	1912	1 per 200 sq. ft.	9.65
Retail	530	1 per 300 sq. ft.	1.76
Total Parking Requirement:			26
Off-Street Loading Spaces Required:			1
ADA Accessible Spaces Required:			2

Noise – Noise is not expected to be out of character with the existing commercial area. The proposed expansion will be within the existing building and is not expected to generate noise impacts.

Lighting – No additional lighting is proposed at this time for the exterior of the building.

Vegetative Cover/Landscaping – The minimum vegetative cover requirement is 10%. The lot measures 19,402 square feet, so 1,940 square feet of vegetation is required. The applicants site plan shows 1,968 square feet of vegetative cover which was installed after approval of the previous Conditional Use Permits for the Marijuana Facility in 2017.

Drainage – No exterior work is proposed at this time; drainage will not be affected.

Public Health or Safety – There is no evidence that the proposed expansion of the marijuana facility within the existing building will negatively affect or endanger the public health or safety. The proposed expansion will require a building permit to ensure work is completed to current code requirements. Additionally, marijuana facilities are subject to annual inspection by the Community Development Department.

Property Value or Neighborhood Harmony – There is no evidence that the proposed expansion of the marijuana facility within the existing building will negatively affect property values or be out of harmony with property in the area.

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	Floor plans and a site plan can be found in Attachment A.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(2) Security Plan	The applicant has submitted a detailed discussion of the security plan for the facility and a camera layout (Attachment A). Cameras are provided on the interior of the building and at all exterior doors. The applicant maintains visitor logs.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(3) Waste Disposal	In the project narrative, the applicant discusses the plan for waste management (Attachment A). Marijuana waste is rendered unusable and secured in locked containers on-site until disposal. The applicant maintains logs for marijuana waste disposal.	☒ 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	No discussion of screening is included with the application materials. When the facility was originally reviewed in 2017, screening was installed and no product is currently visible from the public right-of-way.	☐ Yes ☐ No ☒ N/A	Prior to the issuance of a building permit, the applicant shall submit a revised screening plan to CDD that demonstrates compliance with CBJ 49.65.1245(a)(4).

Topic and Code Reference	Summary	Complies	Recommended Condition
49.65.1245(a)(5) Septic System	Not Applicable. Parcel is connected to public water and sewer.	☐ Yes ☐ No ☒ N/A	
49.65.1245(a)(6) and 49.65.1260 Ventilation and Odor Control	The current facility has a central carbon filter fan system, this will be expanded to the additional space dedicated to marijuana cultivation.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(7) Cultivation Method	The applicant will not use CO2 to enrich plants; however, CO2 sensors are on-site.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(8) Fungicides, pesticides, fertilizers, and harmful molds	The Applicant has provided a list of cleaning supplies to prevent fungicides and pesticides (Attachment A). The applicant also discusses nutrients and fertilizers will be utilized.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(9) Other	Not Applicable. No additional information is required.	☐ Yes ☐ No ☒ N/A	
49.65.1265(a) Owner/manager must live on site (D1 zoning district)	Not Applicable. The site is located in the General Commercial Zoning District.	☐ Yes ☐ No ☒ N/A	
49.65.1265(b) Setback required (D1 zoning district)	Not Applicable. The site is located in the General Commercial Zoning District.	☐ Yes ☐ No ☒ N/A	
42.20.230(b)(4) and 36.60.030(a)(2) On-site consumption	Not Applicable. On-site consumption is not being proposed at this time.	☐ Yes ☐ No ☒ N/A	

Requirements Applicable to All Marijuana Establishments –

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 conditional use permit application, the commission shall review the development for consistency with Title 49.
49.65.1245(e)	The requested Conditional 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

Code Reference	Requirement
Commission review required every five years	except that the commission may only amend or add conditions if necessary to ensure compliance with this title. If an appeal challenging the amendments to a conditional use permit is filed, the new conditions shall be stayed and the existing permit shall govern the operations of the marijuana establishment until the conclusion of the appeal. The scope of review on appeal is restricted solely to the amended conditions.
49.65.1250 Hours of operation - retail	Unless otherwise specified by a conditional 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	11	148	Land Use Designation	Proposed use complies with the Commercial land use designation.
	5	44	Policy 5.1	Proposed development promotes a diverse economy.
	5	58	Policy 5.11	Proposed development expands a local business; provides year round employment; and provides tax revenue to support local services.

FINDINGS

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

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

Analysis: The application contains the information necessary to conduct a complete review of the proposed development and potential impacts to the public health or safety and adverse impacts to neighboring

properties. The applicant is required to submit a screening plan to demonstrate that no marijuana product is visible from the public roadway.

Finding: Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15 and CBJ Chapter 49.65.1245.

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

Analysis: The application is for marijuana cultivation. The use is listed at CBJ 49.25.300, Section 14.240 for the General Commercial zoning district.

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

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

Analysis: The proposed site design complies with requirements for marijuana establishments within the CBJ; parking, vegetative cover, and dimensional standards are also met.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, including parking, lighting, vegetative cover, and Marijuana Establishment requirements found in CBJ 49.65.1245.

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

Analysis: The applicant has submitted a detailed plan for security of the site as well as safe disposal of waste containing marijuana.

Finding: No. There is no evidence to suggest that with appropriate conditions, and through the subsequent building permit review process and CBJ License process, the proposed marijuana cultivation facility 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: Marijuana cultivation is a use allowed within the General Commercial zoning district; the proposed expansion will be within an existing building and is not out of character or harmony with the neighborhood.

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

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

Analysis: The proposed development promotes a diverse local economy and provides year-round employment. The Comprehensive Plan policies support these objectives. Additionally, the proposed use complies with the Comprehensive Plan Land Use Designation.

Finding: Yes. The proposed marijuana cultivation facility, with the recommended conditions, will be in general

conformity with the 2013 CBJ Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the requested Conditional Use Permit. The permit would allow the expansion of an existing marijuana cultivation facility within the existing building.

The approval is subject to the following conditions:

1. USE2020 0010 (marijuana manufacturing) and USE2020 0011 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment C) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.
2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
3. Prior to the issuance of a building permit, the applicant shall submit a revised screening plan to CDD that demonstrates compliance with CBJ 49.65.1245(a)(4).

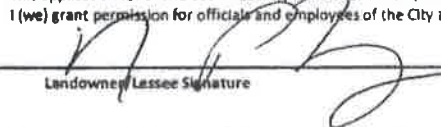
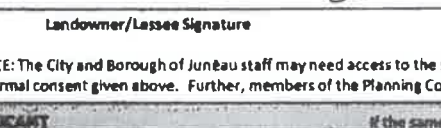
Alternatives

1. **Amend** - The commission may require additional conditions, or delete or modify the recommended conditions.
2. **Deny** - The commission may deny the permit if it finds, by a preponderance of evidence, that the director's determination was in error. In the event the commission denies the permit, the commission must adopt new findings for items 1-6 above that support the denial.
3. **Continue** - The commission may continue the public hearing to a future commission hearing date if it determines that additional information or analysis is needed to make a decision or if additional testimony is warranted.



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 8505 Old Dairy Road Juneau, Alaska 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Lot 23A of Field meadows Subdivision of US Survey 1195		
	Parcel Number(s) 5B1501010080		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/LESSEE		
	Property Owner Juneau Rental Space, LLC	Contact Person Adam Gray	
	Mailing Address 8505 Old Dairy Road Juneau, Alaska 99801	Phone Number(s) Cell 907-419-0084, Office 907-780-4111, Fax 907-780-3111	
	E-mail Address agray@jrsak.com		
	LANDOWNER/LESSEE CONSENT Required for Planning Permits, not needed on Building/Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent, as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X	 Landowner/Lessee Signature	4/24/20 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 ForgetMeNot, Inc dba Green Valley Enterprises	Contact Person Roland Gray		
Mailing Address 8505 Old Dairy Road Juneau, Alaska 99801	Phone Number(s) Cell 907-419-0094, Office 907-780-4111, Fax 907-780-3111		
E-mail Address agray@forgetmenotas.com			
X	 Applicant's Signature	4/24/20 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 AE
Case Number 450 2020 0011
Date Received 4/29/2020



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY

Expansion of existing marijuana cultivation within the existing footprint of the building

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment – Accessory Apartment Application (AAP)
☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)
 Table of Permissible Uses Category: 14.240 Marijuana Cultivation

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # USE20170012 ☐ NO

UTILITIES PROPOSED

WATER: ☐ Public ☒ On Site

SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 19,402 square feet Total Area of Existing Structure(s) 17,500 square feet

Total Area of Proposed Structure(s) 2,466 square feet

EXTERNAL LIGHTING

Existing to remain ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed ☒ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

If this is a modification or extension include:

☒ 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

- ☒ 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>350</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>1</u>			
Pub. Not. Sign Deposit	\$ _____			
Total Fee	\$ <u>350</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 <u>USE 2020 0011</u>	Date Received <u>4/29/2020</u>
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Allowable/Conditional Use Permit Application Instructions

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

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

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

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

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

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

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

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

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



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

Expansion of existing marijuana cultivation and manufacturing within the existing footprint of the building

Case Number: PAC20200019

Applicant: Jonathan Yazzie

Property Owner: Juneau Rental Space LLC

Property Address: 8505 Old Dairy Road

Parcel Code Number: 5B1501010080

Site Size: 19,402 Square Feet

Zoning: GC

Existing Land Use: Commercial mixed

Conference Date: 4/1/2020

Report Issued: 4/3/2020

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.

Name	Title	Email address
Jonathan Yazzie Adam Gray	Applicant	jyazzie@jrsak.com
Allison Eddins	Planning	Allison.eddins@juneau.org
John Young	Building	John.young@juneau.org
Eddie Quinto	Permit Specialist	Edward.quinto@juneau.org
Dan Jager Sven Pearson	Fire Marshal	Dan.jager@juneau.org Sven.pearson@juneau.org

Pre-Application Conference Final Report

Conference Summary

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

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

Planning Division

1. **Zoning** – The subject lot is zoned General Commercial.
2. **Setbacks** – GC zoning district has 10' setback requirements for all lot lines. The existing was constructed in 1984 and has non-conforming setbacks of 0' on the rear and side property lines. The front yard setback is approximately 20 feet.
3. **Height** – N/A
4. **Access, Parking & Circulation**– Existing access, parking and circulation was approved by CBJ and DOT in 2017 with USE2017-10;11;12. The applicant is proposing to convert existing warehouse space into more cultivation and manufacturing space. The parking requirement is the same for all three uses. The expansion of cultivation and manufacturing will not increase the existing parking requirement. Applicant has a parking agreement with Valley Lumber.
5. **Lot Coverage** – N/A
6. **Vegetative Coverage** – The vegetative cover requirement is 10%. This requirement is already met.
7. **Lighting** – No new lighting is being proposed.
8. **Noise** – N/A
9. **Flood** – N/A
10. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – N/A
11. **Wetlands** – N/A
12. **Habitat** – N/A
13. **Plat or Covenant Restrictions** – N/A
14. **Traffic** – The applicant is not anticipating an increase in traffic.

Building Division

15. **Building** – John Young will work with the architect on any questions
16. **Outstanding Permits** –
 - a. **DMO20200005** – Demolition of interior walls
 - b. **DMO20170007** – Demo work for remodel

General Engineering/Public Works

17. **Engineering** – N/A
18. **Drainage** – N/A
19. **Utilities** – (water, power, sewer, etc.) N/A

Fire Marshal

20. **Fire Items/Access** – No comment at this time

Pre-Application Conference Final Report

Other Applicable Agency Review

21. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...
- 22.

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 (1)
2. Conditional Use Permit Applications (1 application for each use)

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. A copy of the new floor plan.
3. Project narrative.

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. (Add any items required with the forms that are not applicable to the Conditional Use application)
- 2.

Fee Estimates

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

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

\$350 for each USE permit = \$700

\$50 fee for public notice sign (We will only require on public notice sign for the 2 USE permits)

\$100 deposit for public notice sign

Total = \$850

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) via E-mail with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street

Pre-Application Conference Final Report

Fourth Floor Marine View Center
Juneau, AK 99801

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

Edward Quinto

From: Allison Eddins
Sent: Tuesday, April 28, 2020 3:40 PM
To: Permits
Subject: RE: Conditional Use Application packet for Marijuana Premise expansion 8505 Old Dairy Road

Categories: Eddie

This is good for intake. The fee is \$700 (\$350 for each CUP) + \$150 for the sign and deposit. Total due is \$850.

From: Permits <Permits@juneau.org>
Sent: Tuesday, April 28, 2020 3:29 PM
To: Allison Eddins <Allison.Eddins@juneau.org>
Subject: FW: Conditional Use Application packet for Marijuana Premise expansion 8505 Old Dairy Road

Allison, would you look at this application and let me know if anything is missing or if it's good to accept? If good to take in, what's the fee?

Eddie Quinto | Permit Specialist

Community Development Department | City & Borough of Juneau, AK

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

General questions/payments: 907.586.0770

Office: 907.586.0928

From: Jonathan Yazzie <jyazzie@jrsak.com>
Sent: Tuesday, April 28, 2020 2:25 PM
To: Permits <Permits@juneau.org>
Subject: Conditional Use Application packet for Marijuana Premise expansion 8505 Old Dairy Road

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

I am submitting application packets for expansion of Marijuana Cultivation and Manufacturing for ForgetMeNot, Inc. 8505 Old Dairy Road. Please review packet and notify me at 907-419-09*54 for any questions. Thanks you

Cultivation Project Narrative
8505 Old Dairy Road
Juneau, Alaska

Scope: We are currently leasing 1,655 sq ft. of warehouse space at 8505 Old Dairy Road for cultivation of Marijuana. Marijuana is cultivated and prepared for sale to another licensed Marijuana establishment located onsite. The cannabis is grown in a soil medium on a pallet rack system using LED Lights and food grade nutrients as raw material for the operation. We are proposing to expand our operations inside the warehouse at 8505 Old Dairy Road to an additional 2,466 sq ft. The expansion is on the first floor only, where we will continue the same operations of cultivation of marijuana, preparing for sale and storage onsite. The expansion will need additional space for a nursery, a veg room, a marijuana plant trimming room and a drying room for harvested marijuana plants with secured storage.

Area: The building at 8505 Old Dairy Road is zoned General Commercial and its use code is Warehouse. The building is located between Valley Lumber and RH Development. Our current operation with the planned expansion will not increase the level of noise in the area

Existing Physical Features: We do not have any hazards, drainage or habitat areas on this property.

Construction: The current operation has a Secure Office, Storage Room and Mezzanine. The expansion will involve Demolition of nonstructural walls, adding nonstructural partition walls, and adding doors to repurpose existing rooms within the building for a Nursery, Veg room, Drying room and Trimming rooms.

Hours of operation: The current cultivation facility is operational 24 hours a day, with most work done during regular business hours. The proposed expansion does not change any hours of operation.

Odor management: The current facility utilizes a carbon filtration system which exhausts at 2,000 CFM and is effective in filtering organic particles and other airborne materials in addition to mitigating odors. The proposed expansion will include 2 additional carbon filters.

Vegetative cover: Vegetative cover requirement of 10% has already been met. No additional is required.

Waste Management: ForgetMeNot, Inc currently has a disposal plan for all marijuana that meets state testing requirements or the company's internal quality standards due to mold, infestation, mishandling, or improper practices. All marijuana marked for disposal is stored in a secured bin, separated from all other products until it can be disposed of. Marijuana waste must be rendered unusable before disposal to ensure that marijuana and marijuana products are safely kept away from the public. The company ensures all marijuana is rendered unusable prior

Cultivation Project Narrative
8505 Old Dairy Road
Juneau, Alaska

to leaving the facility by grinding and incorporating the marijuana waste with either non-compostable or compostable solid wastes so that the resulting mixture is at least fifty percent (50%) non-marijuana waste. Non-compostable solid wastes include paper waste, plastic waste, cardboard waste, and soil. Compostable solid wastes include food waste, yard waste, and vegetable-based grease or oils. Management ensures that the resulting mixture is composed of no more than fifty percent (50%) marijuana by volume and logs the composition of the mixture in the disposal log. Management maintains the log on the status of all marijuana waste, tracking the type, site of disposal, date it was rendered unusable and date that it was delivered to the waste disposal site. Once rendered unusable, Marijuana is securely stored in locked containers located on the premise. All locks comply with the highest UL standards, and the disposed marijuana is not stored outside the facility at any time. Twice a week, the waste is delivered to the Juneau Waste Disposal Site. Only authorized personnel have access to the keys that lock and unlock the disposal containers. To ensure accurate tracking and that no diversion occurs, the daily manager collects a signature and name from the person delivering the waste to the Juneau Waste Disposal Site, the date, time, and the type of marijuana waste being collected. This information is entered into a disposal log by the manager, which is securely stored and available for review.

All access water will be filtered and recycled. Any wastewater that can not be recycled will be collected in a large storage container until it can be properly disposed of.

Security; Exterior security lighting is installed to illuminate a 20 foot radius around each exterior door to provide sufficient lighting for surveillance cameras. Because we are located in a commercial/industrial area, ambient lighting from other buildings allow for surveillance cameras to have sufficient lighting beyond the prescribed 20 foot radius.

The alarm system is activated on all exterior doors when the licensed premises is closed for business. Motion detection alarms are installed throughout the interior of the facility. These alarms notify the security monitoring company, law enforcement and the owners if any intruders are detected during non-business hours. Exterior doors have contact sensors that are activated when the facility is closed for the night.

In the event of a breach of security during no-business hours, a designated manager or owner will assist the local law enforcement agency and provide access to security footage requested in the event of an incident while the facility is open, employees will attempt to evacuate any visitors and themselves and alert authorities. All security breaches will be logged with an incident report.

Cameras are placed at each entrance throughout the premises, inside the secured room and throughout the grow area. Cameras are placed outside the building adjacent to building lights to ensure any activity within 20 feet of the building is captured. Security cameras are also accessible for off-site monitoring via the internet.

Cultivation Project Narrative
8505 Old Dairy Road
Juneau, Alaska

Official logs and records are kept in a secured cabinet within the security room. Only owners and one trusted employee are able to access the security room and secured cabinet. These people are the only ones authorized to escort law enforcement or an agent of the board to the secured cabinet for inspection. The cabinet is made of metal and has a secure lock.

No loitering signs, and other signs as required by law, are posted near each entrance. Employees are trained to recognize and dispersed loiters

All visitors must show ID, proving that they are 21 years of age or older. Each guest signs in on a log noting the date, their age, time of arrival and time of departure. Each visitor is issued a visitor identification badge upon approval by a manager or owner.

No more than five visitors to the facility are admitted per marijuana handler certified employee. All logs are secured within the security room for safekeeping.

Visitors to the facility are subject to approval by an owner or manager. No one is allowed into the facility without owner or manager approval, a valid identification and they must be accompanied by an approved permitted employee.

Diversion prevention; Our business uses Metre by Franwell as required by the state of Alaska. The system tracks cannabis from "seed to sale" with RFID tags. This system is fully accessible to state officials at any time.

Securable and lockable containers are required for any employee or affiliate to transfer marijuans product from the facility. These containers are concealed during transit. A certified marijuana handler accompanies the packages always.

The transportation of the marijuana to another licensed facility either requires the sole presence of the licensee or two employees at a time. All products are stored and transported securely and in accordance with state and local laws.

Security cameras monitor all indoor work spaces and storages. Employees are subject to search if suspected of theft or diversion of product. Forgetmenot has a zero tolerance policy for theft and employees guilty of such will be terminated immediately. Criminal charges may be filed.

Signs stating "Persons under 21 are not allowed on premises" are posted at all outside access points. Employees are trained on how to spot fake or illegitimate identification cards. Details from each visitor's ID are logged and stored with other archival records.

Cultivation Project Narrative
8505 Old Dairy Road
Juneau, Alaska

Employee/Traffic; Currently three employees work in the facility. When the expansion is at capacity we expect to utilize 1-2 additional employees from our other current marijuana operations. .

Parking; We have 1 parking spot (1 per 1,000 sq ft.) as part of our lease. Additional parking is not required.

Carbon dioxide; Our current facility does not use carbon dioxide to enrich the plants. However we are set up with a CO2 detection system with an alarm. The existing CO2 monitoring/alarm system fully meets with Fire Marshall inspections and recommendations.

Chemicals, pesticides and fertilizers; Cleaning supplies used include the following: bleach, hydrogen peroxide, vinegar, alcohol, and Simple Green.

Nutrients and fertilizers include the following; nitrogen, phosphorus, potassium, calcium, sulfur, magnesium, silicon, boron, chlorine, manganese, iron, copper, molybdenum, nickel, selenium, sodium, molasses, citric acid, ascorbic acid, maltodextrin, salt, plant-based extracts, guano, composted manure, blood meal, worm castings, mycorrhizae, compost, kelp meal.

Pest management is done using plant-based extracts and plant-based pesticides including neem oil, Dawn dish soap, natural extract, pyrethrin.

2020 RENOVATIONS

8505 OLD DAIRY ROAD

MARCH 15, 2020

Planning & Design Services for

Client:

Jonathan Yazzi, Contractor
Forget-Me-Not project
8505 Old Dairy Road
Juneau, AK 99801

Project: G+A 1605.1

GOTSCHALL + ASSOCIATES
ARCHITECTS, LLC | ALASKA

Architecture & Design
8300 North Douglas Hwy
JUNEAU, AK 99801
907.723.8257
Genia@Gotschall+Associates.com

Sheet Index

ARCHITECTURAL	
A000	COVER
A101	SITE PLAN
A201	OVERALL LOWER FLOOR PLAN
A202	OVERALL UPPER FLOOR PLAN
CODE	
C-1	CODE DATA PLAN, LOWER LEVEL
C-2	CODE DATA PLAN, UPPER LEVEL
MECHANICAL & ELECTRICAL: ALL ENGINEERING WORK TO BE DONE BY DESIGN-BUILD. PERMITS WILL BE SUBMITTED AS NEEDED BY ENGINEERS / CONTRACTOR.	



Code Review Summary

(DETAILED CODE REVIEW & DIAGRAMS ON C-1 & C-2)	
General Building, Code Review: IBC 2012 Type V-B (Non-Fire Rated Construction)	Existing Occupancy Groups: Occ. B, Business for Clinic & Professional Offices on both floors. Occ. S-1, Storage for existing warehouse area. Occ. F-1, Factory/Manufacturing
Building is <u>not</u> currently sprinklered.	ADA & Accessibility: (ADAAG 2010, IBC Chapter 11) The existing ramp on the north side up to the warehouse entrance, has a 1:12 slope and meets the requirement for an accessible ramp. Doors have required side clearances and should have lever hardware if they don't already. An accessible restroom on the main level is exists and was constructed to meet ADA requirements for staff (i.e. Common staff use.)
Lot 23A of the "Field Meadows" Subdivision of US Survey 1195; the Lot is 19,402.sf	Occupancy Separations: (Table 508.4) None

G+A Gotschall + Associates Architects, LLC

Parking Count

8505 Old Dairy Road
Juneau, AK

Issue Date: 3/15/2020 Updated 2020
Prepared: G+A Arch GRG
Per CBJ Title 49

Room	Area (sf)	Area Type	Parking Ratio	Required Spaces
1st Floor				
Factory F-1 (Left Side)	2700	Manufacturing*	1/1000	0 2.70
(Manuf. Areas 1, 2, 3, 4, 5, 6)		*Changed from Storage to Manufacturing with same 1/1000 ratio.		
CULTIVATION Area (Right Side)				
Manuf. - Cultivation & Manuf.	1524	Manufacturing	1/1000	0 1.52
Manufacturing - Mezz.	400	Manufacturing	1/1000	0 0.40
Manufacturing - Office	204	Office	1/300	0 0.68
Office 1	585	Office	1/300	0 1.95
CLINIC Area	1912	Clinic, Outpatient	1/200	0 9.56
RETAIL Area (Reno)	530	Office	1/300	0 1.77
Area:	7855			
Overall Lower Level gross area (9,078.gsf), less areas above:	1223	Warehouse	1/1000	0 1.22
2nd Floor				
Storage 21	380	Storage	1/1000	0 0.38
Storage 22	185	Storage	1/1000	0 0.19
Storage 23	755	Storage	1/1000	0 0.76
Storage 24	328	Storage	1/1000	0 0.33
Storage 25	1560	Storage	1/1000	0 1.56
Storage 26	1688	Storage	1/1000	0 1.69
Area:	4896			
Overall Upper Level area (9,078.gsf - floor openings 2,602.ssf), MINUS areas above:	1580	Warehouse	1/1000	0 1.58

Parking Summary Total

26

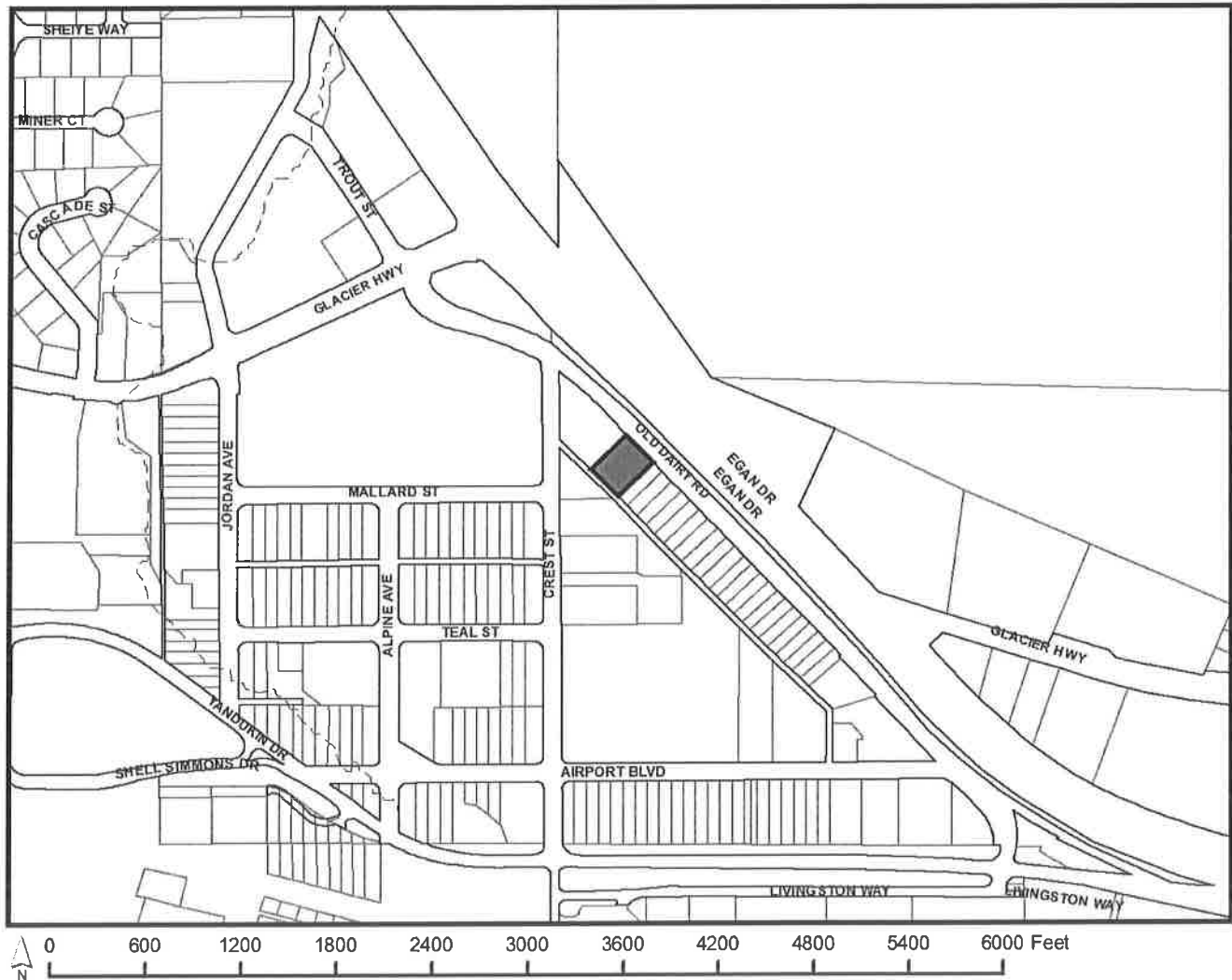
Parking Rates Per Title 49.40.210

Common areas such as hallways, stairs are counted at Warehouse rate of 1/1000. Assumption is that the 'majority' of the building is 'Warehouse' and so is counted as 1/1000.

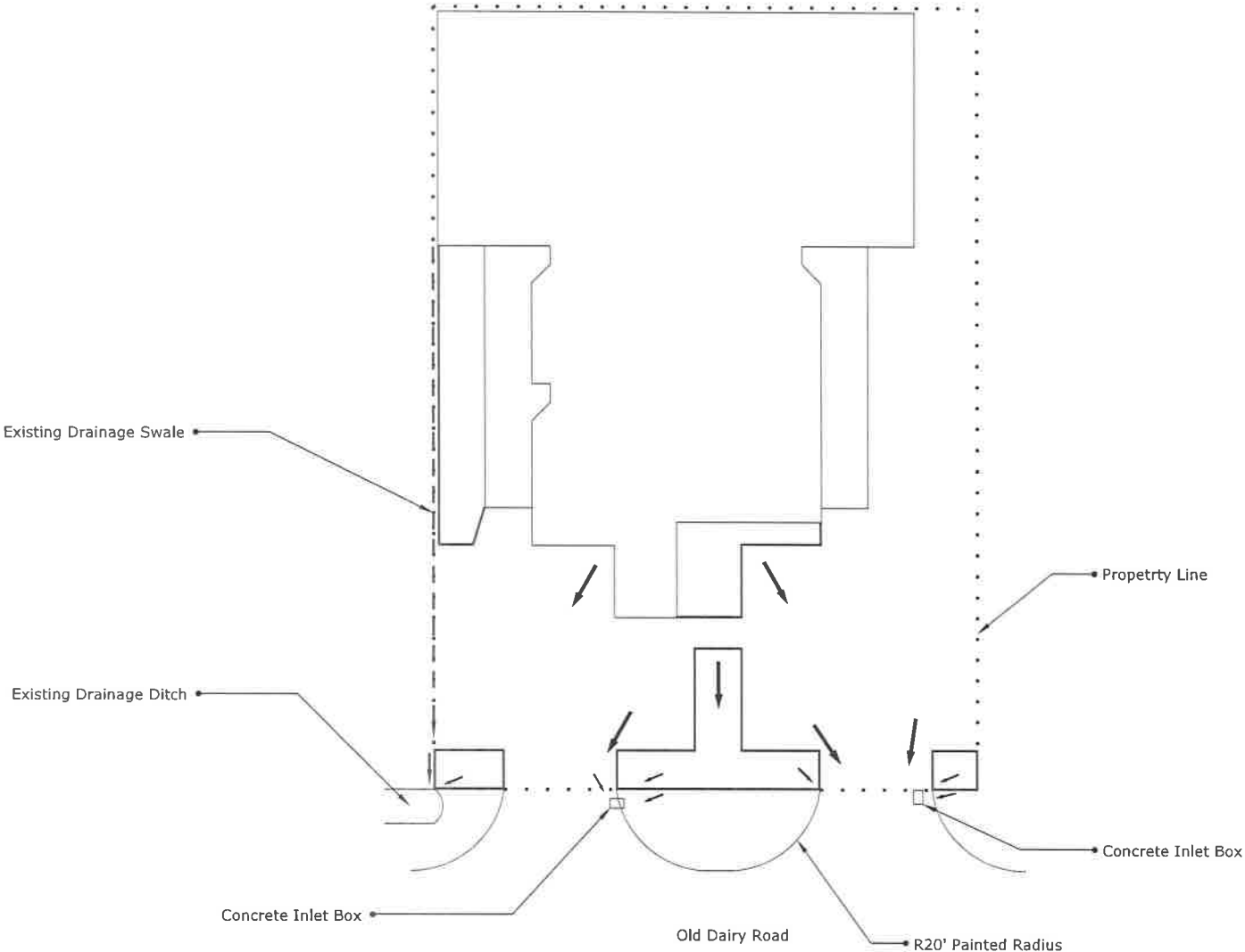
Offices 1/300
Medical Clinics 1/200
Warehouse/
Storage 1/1000
Manufacturing 1/1000

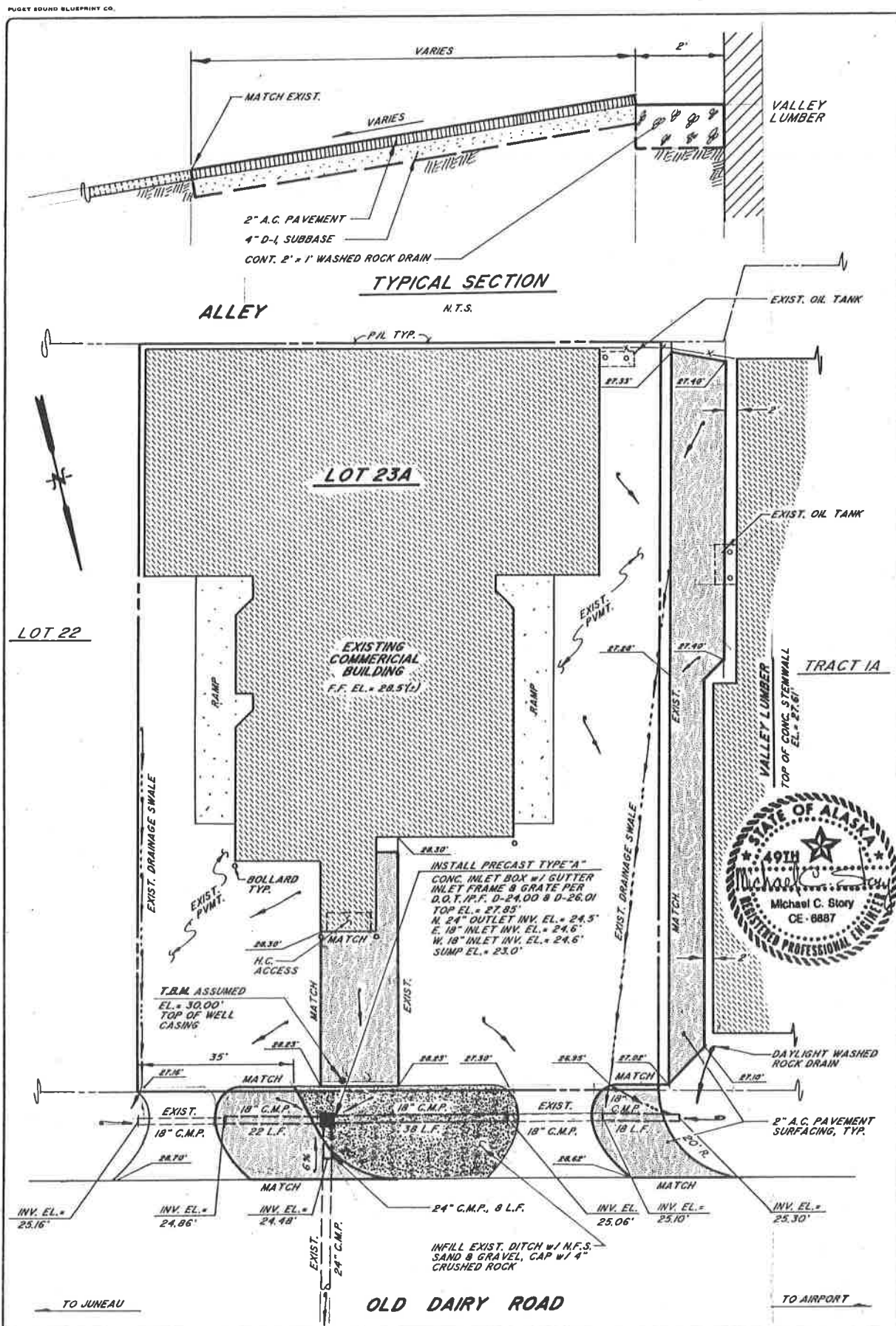
Planning Commission
File No.: USE 2017 0012
October 13, 2017
Page 2 of 10

Vicinity Map



Attachment A - Application Packet





DES: M.L.P.
CKD: M.A.M.
DWN: M.L.P./F.M.
CKD:
APPD: L.P.

R&M
R&M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS

PAVEMENT IMPROVEMENT PLAN
FOR
LOT 23A
FIELD MEADOW SUBDIVISION
CITY & BOROUGH OF JUNEAU, ALASKA

DWG. NO. 1 OF 1
SCALE: 1" = 20'
DATE: 8-24-92
PROJ. NO. 921363
GRID: FILE:



Catalog Number
Notes
Type

Contractor Select™

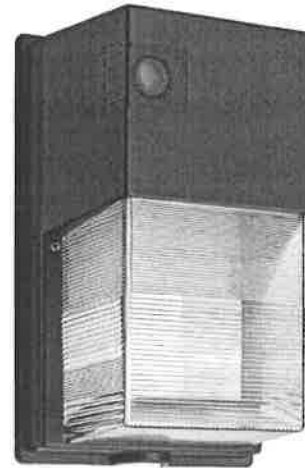
TWS LED

Wall Pack

Our new "traditional-style" LED luminaires offer the shapes you've grown accustomed to coupled with the highpowered, energy-efficient LEDs you want. This fixture was designed to fit seamlessly – eliminating unwanted markings from the removal of older fixtures. Replace one or replace them all, either case, with energy savings of up to 80%, Lithonia has you covered.

FEATURES:

- Replaces up to 100W Metal Halide, saves 80% energy
- Traditional form factor, and payback within two years
- Photocell for dusk to dawn operation



Catalog Number	UPC	Description	Replaces Up To	Lumens	Wattage	CCT	Voltage	Finish	Pallet qty.
TWS LED P1 50K MVOLT PE DDB M4	191723952063	WALL PACKS	100 METAL HALIDE / 70 HIGH PRESSURE SODIUM	2,100	18W	5000K	120-277V	DARK BRONZE	144

More configurations are available. [Click here](#) or visit www.acuitybrands.com and search for TWS LED.

Accessories: Order as separate catalog number.

TWSWG U Wire guard accessory



Specifications

INTENDED USE:

For entrances, stairwells, corridors, other pedestrian areas.

CONSTRUCTION:

Cast aluminum backplate on which electrical components are mounted for maximum heat-dissipation. Gasketing between backplate and front cover prevents the entry of water and contaminants. External hardware includes phillips head and tamper-proof hex-head fasteners.

ELECTRICAL:

35W-70W HPS use 120V normal power factor.

Porcelain, medium-base socket with copper alloy nickel-plated screw shell and center contact. UL listed 660W, 600V, 4KV pulse rated. Medium-base lamp included with the fixture.

INSTALLATION

Units are for wall mounting and include two 3/4" knockouts for routing electrical conduit.

LISTINGS:

UL listed for wet locations. Listed and labeled to comply with Canadian Standards.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.

WARRANTY:

5-year limited warranty. Complete warranty terms located at:

www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Note: Actual performance may differ as a result of end-user environment and application.

All values are design or typical values, measured under laboratory conditions at 25 °C.

Specifications subject to change without notice.

Dimensions

TWS LED WALL PACK

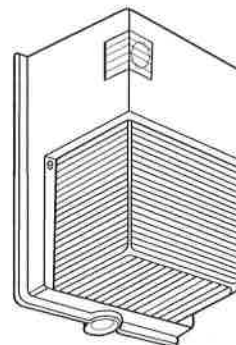
Height: 11" (27.9cm)

Width: 6-1/2" (16.5cm)

Depth: 5-1/4" (13.3cm)

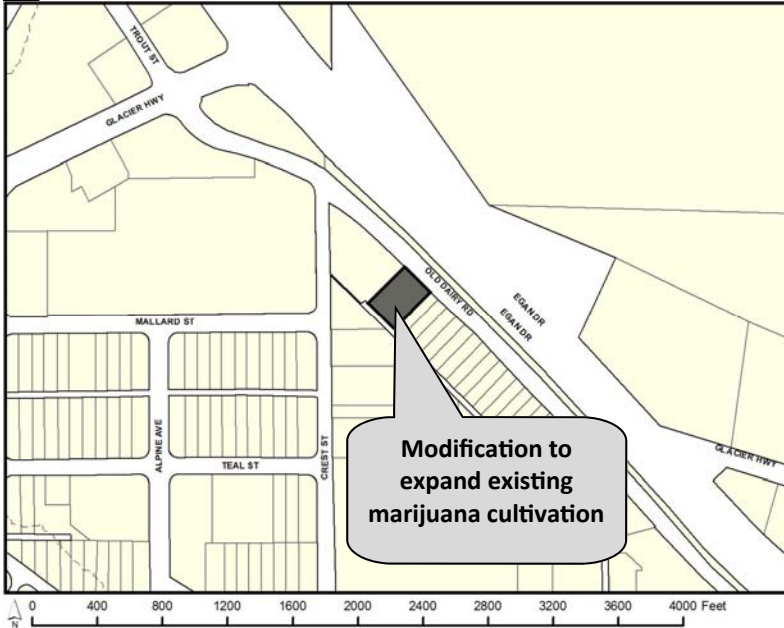
Weight: 4.9 lbs (2.2 kgs)

All dimensions are inches (centimeters) unless otherwise indicated.



Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for **expansion of an existing marijuana cultivation and manufacturing facility** located at **8505 Old Dairy Road** in a **General Commercial Zone**.

TIMELINE

Staff Report expected to be posted **Monday, June 1, 2020** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 18

May 19 — noon, June 5

HEARING DATE & TIME: 7:00 pm, June 9, 2020

June 10

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

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

This virtual meeting will be by video and telephonic participation only. To join the webinar, visit: <http://juneau.zoom.us/j/91145873210>. The Webinar ID is: 911 4587 3210. 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.

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

Case No.: USE2020 0010; USE2020 0011
Parcel No.: 5B1501010080
CBJ Parcel Viewer: <http://epv.juneau.org>



"We're Your Home Team"
LUMBER & BUILDING SUPPLY

8525 OLD DAIRY ROAD JUNEAU, ALASKA 99801

907 789-7500 FAX: 907 789-4049
1 800 770-7500

May 9, 2017

Dear Tim Felstead,

I am writing this letter to you to confirm that the original parking agreement with Juneau Urgent Care dated September 3rd, 1992, is still in effect. It will continue to be in effect through August 22, 2022. If you have any questions, please give me a call at 789-7500.

Sincerely,

Dan Graves

VALUE QUALITY SERVICE INTEGRITY

Attachment C - Parking Agreement

Urgent Care Parking Lease

*See 13 shows option
to renew*

LEASE

This lease dated the 3 day of September, 1992, by and between Valley Lumber, Inc. hereinafter called "landlord," and Dr. Louis Packer and Ellen Varosi, hereinafter called the "tenant."

WITNESSETH:

In consideration of the mutual covenants and agreements contained in this lease, Landlord and Tenant agree as follows:

1. TERM. The term of this lease shall commence on the 1st day of September, 1992, and shall continue for a period of ten years, ending on August 31, 2002.

2. RENT. During the term of the lease, Tenant shall pay to Landlord as basic monthly rent ONE HUNDRED AND EIGHTY DOLLARS (\$180.00), plus any applicable tax, on or before the first calendar day of each month, in advance, at the Landlord's address, without demand and without any deduction or set-off whatsoever.

3. LEASED PREMISES. Landlord leases to Tenant, two thousand two hundred (2200) square feet more or less of contiguous space located adjacent to 8505 Old Dairy Road, more particularly described as Lot 1A, of the replat of Lots 23 and 24, of Tract 1, Field Meadow Subdivision, Juneau Recording District, Alaska, for the purpose of a parking lot. The premises are leased to

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

Page 1

Jonathan

Daniel

Xazie

907 419 0954

Tenant in an "as is" condition.

4. CONDEMNATION. If all or a substantial portion of the leased premises is taken through the exercise of eminent domain, or by negotiated purchase in lieu of eminent domain proceedings by a public or quasi-public entity, this lease agreement shall terminate at the time possession is taken by the public or quasi-public entity. In the event of termination under this paragraph, the Tenant shall be entitled to repayment of a proportional amount of the rent paid for the remainder of the calendar month when the lease terminates. Tenant shall also be entitled to a proportional share of any awards or payments made or received in any eminent domain proceeding, or sale in lieu of such proceeding as compensation for Tenant's improvements, betterments and Tenant's leasehold interest.

5. ASSIGNMENT AND SUBLETTING. Tenant shall not assign or in any manner transfer this lease or any interest therein, nor sublet the leased premises or any part or parts thereof without the prior written consent of the Landlord, such consent not to be unreasonably denied by landlord. Landlord understands the and agrees that the purpose of the lease is for betterment to Tenant's property adjacent to the leasehold, and that transfer of Tenant's interest in the adjacent property necessarily contemplates transference of the leasehold. Any

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

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assignment, sublease or other transfer of this lease or any interest therein without the Landlord's approval is void.

6. ENCUMBRANCE AND TRANSFER OF LEASE INTEREST. Landlord reserves the right to sell, transfer, assign or otherwise convey or encumber Landlord's interest in this lease, subject to the terms and conditions of the lease and reservation of the Tenant's rights created thereunder.

7. INSTALLATIONS, ALTERATIONS AND IMPROVEMENTS, MAINTENANCE AND REPAIR. Tenant shall be responsible for all installations, alterations, maintenance and repair to the leased premises. All alterations, additions, improvements and fixtures installed upon the leased premises shall become the property of the Landlord and shall remain upon and be surrendered with the leased premises at the termination of this lease. Tenant shall not be responsible for maintenance, repair or cleanup associated with the oil tank situated in part on the leased premises and which services the Landlord's business.

8. MECHANICS AND MATERIALS LIENS. Tenant shall not allow any mechanic or material lien to be filed against the leased premises by reason of any work or materials furnished to the leased premises. If a mechanic or material lien is filed, Tenant shall immediately cause the same to be discharged,

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

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but Tenant shall have the right to contest any such liens. If Tenant fails to cause a mechanic or material lien to be discharged within 30 days of the notification of the filing of said lien and before judgment and sale thereunder, then Landlord may discharge the lien and the amount paid by Landlord shall be immediately due and payable by the Tenant to the Landlord. Nothing contained in this lease shall be construed as a consent on the part of the Landlord to subject the Landlord's estate in the leased premises to any lien.

9. SURRENDER OF POSSESSION. At the expiration or earlier termination of the term of this lease, Tenant shall surrender the leased premises in good condition and repair except for reasonable wear and tear, and repairs specifically required herein to be performed by the Landlord. In the event Tenant remains in possession of the leased premises after the expiration of the term of this lease and without the execution of a new lease, but with the acquiescence of the Landlord, Tenant will be deemed to be occupying the leased premises as a month-to-month tenant, at the monthly rental rate applicable at the expiration of the lease, and subject to all the other terms and conditions of this lease.

the term of this lease.

10. INTERFERENCE WITH USE AND OCCUPANCY. In the event that the leased premises or any part thereof become unusable or prevent the Tenant

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

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from occupancy as a result of any cause, Tenant shall give prompt written notice thereof to Landlord, and Landlord shall immediately undertake repairs to remedy the condition specified in the notice. Unless the condition limiting use and occupancy resulted from Tenant's intentional, reckless or negligent actions, Landlord shall pay for the costs of repairs and Tenant's rent shall be reduced in proportion to the limitation on use and occupancy experienced by the Tenant.

11. INDEMNIFICATION. Tenant agrees to indemnify Landlord against any claim, expense, loss or liability incurred as a result of any occurrence on or about the leased premises, or occasioned in whole or part by the use and occupancy of the leased premises, or from any breach or default under this lease, or from any act or omission or negligence of Tenant, his agents, employees, sublessees, concessionaires, licensees, invitees or customers.

12. INSURANCE. Tenant shall obtain and maintain comprehensive general liability insurance with a minimum liability of \$100,000 per person for injuries, including death, \$300,000 per accident, and \$100,000 for damage to property.

13. DEFAULT BY TENANT. Any of the following events shall constitute default by the Tenant under this lease:

a. If this lease is assigned or the leased premises are sublet, either

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

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voluntarily or by operation of law, except as expressly provided herein;

b. If Tenant fails to pay when due, any rent or additional payments required under the terms of this lease, except that default on nonpayment of rent will not occur until ten days after the rent is due;

c. If Tenant fails to operate the leased premises as required herein, and such failure is not cured within fifteen days after written notice is provided by Landlord;

d. If Tenant fails to comply with any other provision of this lease, and does not cure such failure within thirty days after written notice is provided by the Landlord specifying the default;

e. If Tenant abandons the leased premises; or

f. If proceedings are instituted for the reorganization, liquidation, or involuntary dissolution of Tenant, or for its adjudication as bankrupt or insolvent, or for the appointment of a receiver of the property of Tenant, and said proceedings are not dismissed and any receiver, trustee or liquidator appointed is not discharged within 30 days of the institution of such proceedings.

In the event of default, Landlord may elect to cancel and terminate this lease, or to reenter and take possession of the leased premises and terminate

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

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Tenant's right to possession of the leased premises.

In the event of default, Landlord may elect to cure the default at Tenant's expense. Tenant shall reimburse Landlord for all amounts expended in connection with curing the default, including attorney fees and incidental costs. Such amounts, together with interest accruing at the rate of 10% per year from the date of expenditure, shall be deemed additional rent due and payable when the installment of rent immediately following the expenditure is due.

Failure by Landlord to declare Tenant in default and to terminate this lease does not operate as a waiver of any provision of this lease preventing Landlord from declaring Tenant in default and terminating the lease for a further default of the same or similar nature.

The remedies conferred upon Landlord by law and the remedies conferred upon Landlord under this lease are cumulative, and no remedy shall be deemed to exclude any other remedy. Each remedy may be exercised from time to time, as often as occasion arises.

14. DEFAULT BY LANDLORD. Should Landlord be in default under the terms of this lease, Landlord shall have a reasonable time of not less than thirty days after receipt of written notice of the default from Tenant to cure the default.

15. OPTION TO RENEW. Landlord hereby gives and grants to Tenant

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

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an option to renew this lease for two additional ten year periods, commencing September 1, 2002, under the following conditions:

a. Tenant must notify Landlord of their intent to exercise this option for the first ten year period in writing after September 1, 2001 and before December 31, 2001;

b. Tenant must notify Landlord of their intent to exercise the option for the second ten year period in writing after September 1, 2011 and before December 31, 2011;

c. No default of this lease by the Tenant exists at the time the options are exercised;

d. Landlord has not, prior to receipt of Tenant's notice under subparagraph (a), sold, entered into an agreement of sale or placed the property on the market for sale to a third party; and

e. The terms and conditions of this lease shall apply during the option period year.

16. MISCELLANEOUS.

a. The provisions of this lease are binding upon and inure to the benefit of the devisees, legatees, heirs, legal representatives, successors

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

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and assigns of the parties.

b. No amendment to this lease is effective unless expressed in writing and executed by the parties to this lease.

c. No delay or omission on the part of the parties in exercising any of their respective rights under this lease shall operate as a waiver of such right, or any other right.

d. Any demand or notice made or given by either party is effective when mailed, postage prepaid, or delivered to the address at which the party customarily communicates with the other.

e. Time is of the essence for the performance of any of the covenants of this agreement and for the fulfillment of any conditions or obligations hereunder.

f. The laws of the State of Alaska shall govern the validity, performance and enforcement of this lease.

g. The invalidity or unenforceability of any provisions contained in this lease shall not effect or impair the validity or enforceability of any other provisions of this lease.

h. The headings of the several paragraphs contained herein are for convenience only and do not define, limit or construe the contents of such

**COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.**

Page 9

paragraphs.

i. Landlord to have access from time to time to do repairs or maintenance or accept delivery of goods as needed.

DATED: 9/2/92


Dr. Louis Packer, Tenant


Ellen Varosi, Tenant

DATED: 9/2/92


Valley Lumber, Inc.

COMMERCIAL LEASE: Dr. LOUIS PACKER/ELLEN
VAROSI and VALLEY LUMBER, Inc.

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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: October 26, 2017

File No.: USE2017 0012

Forget Me Not, Inc.
8505 Old Dairy Road
Juneau, AK 99801

Proposal: A Conditional Use Permit for a marijuana cultivation establishment in the General Commercial zoning district

Property Address: 8505 Old Dairy Road

Legal Description: Field Meadows Lot 23A

Parcel Code No.: 5B1501010080

Hearing Date: October 24, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 13, 2017, and approved the Conditional Use Permit for a marijuana cultivation establishment in the General Commercial zoning district 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 approval of a CBJ marijuana license, the applicant shall provide an approved driveway permit from the Alaska Department of Transportation and Public Facilities, with plans identical to the parking and circulation plan provided in Attachment 10.
3. Prior to approval of a CBJ marijuana license, the applicant shall place all required vegetation and complete striping in accordance with the vegetation and parking plans included in Attachments 10 and 14.
4. USE2017 0010 (marijuana manufacturing), USE2017 0011 (marijuana retail), and USE2017 0012 (marijuana cultivation) will each expire on August 22, 2022 unless the Valley Lumber parking agreement (Attachment 12) is renewed or another parking plan which conforms with CBJ Code

Forget Me Not, Inc.
File No.: USE2017 0012
October 26, 2017
Page 2 of 2

49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.

Attachments: October 13, 2017 memorandum from Teri Camery, Community Development Department, to the CBJ Planning Commission regarding USE2017 0012.

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

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any 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, October 24, 2017.

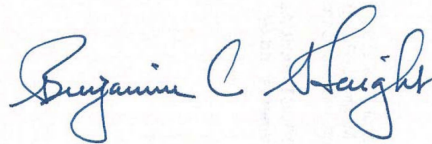
Expiration Date: The permit will expire 18 months after the effective date, or April 24, 2019, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must 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:



Teri Camery, Senior Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

November 3, 2017

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.

USE2020 0011

A modification to a Conditional Use Permit for the expansion of an existing marijuana cultivation facility within the existing building.

PC Presentation June 9, 2020

Staff recommends approval with conditions.

Background Information

GENERAL INFORMATION	
Property Owner	Juneau Rental Space LLC
Applicant	ForgetMeNot Inc
Property Address	8505 Old Dairy Road
Legal Description	FIELD MEADOWS LOT 23A
Parcel Number	5B1501010080
Zoning	General Commercial (GC)
Land Use Designation	Commercial
Lot Size	19,402 sq. ft. (.44 acres)
Water/Sewer	Public
Access	Old Dairy Road
Existing Land Use	Marijuana Facility & Medical Office
Associated Applications	USE2020 0010 (Manufacturing)

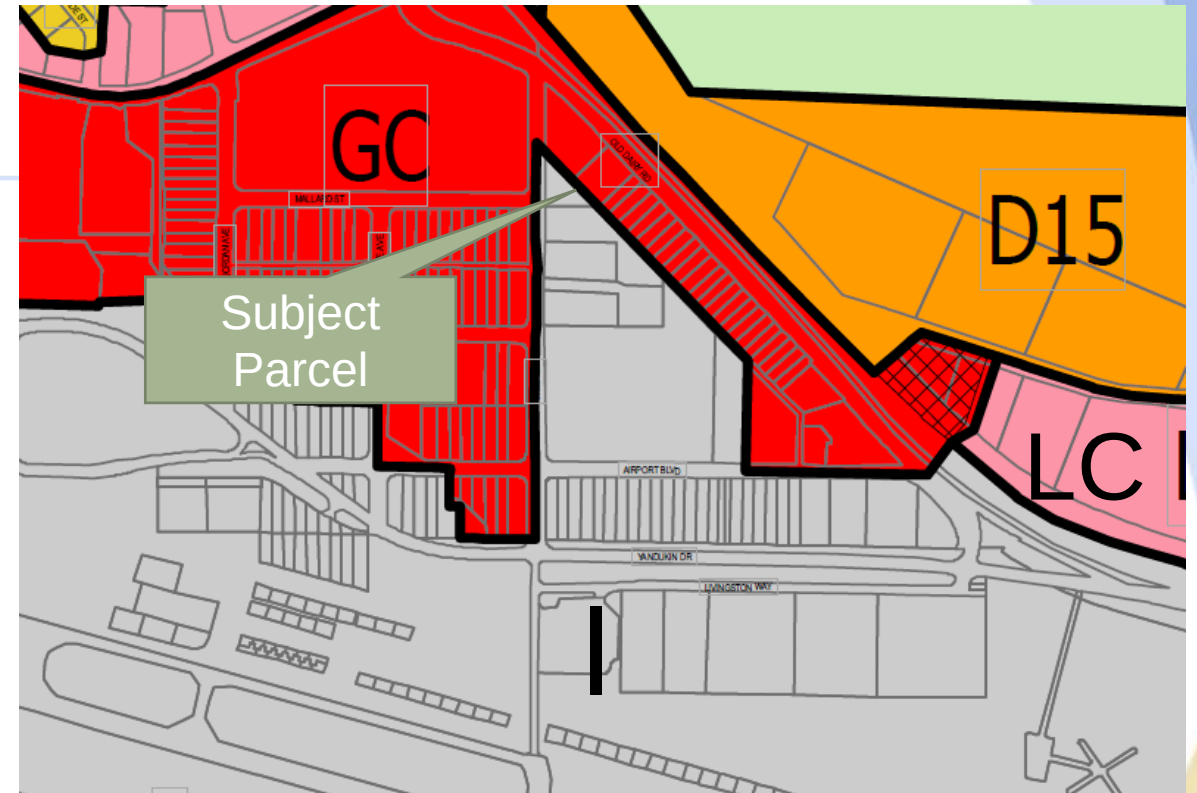
This permit would modify **USE2017 0012** to allow the expansion of space dedicated to marijuana **cultivation** within the existing building. The applicant has also applied to modify USE2017 0010 to allow the expansion of the space dedicated to marijuana manufacturing within the existing building (USE2020 0010).

PROPOSAL: Applicant requests a modification to a Conditional Use Permit for the expansion of an existing marijuana cultivation facility within the existing building. .

SUMMARY OF KEY CONSIDERATIONS:

- No change to building footprint
- Site contains existing marijuana retail, manufacturing, and cultivation facilities
- Parking is leased from neighboring parcel (Valley Lumber)

Maps



In 2006 the subject parcel and neighboring parcels were rezoned from Industrial to General Commercial

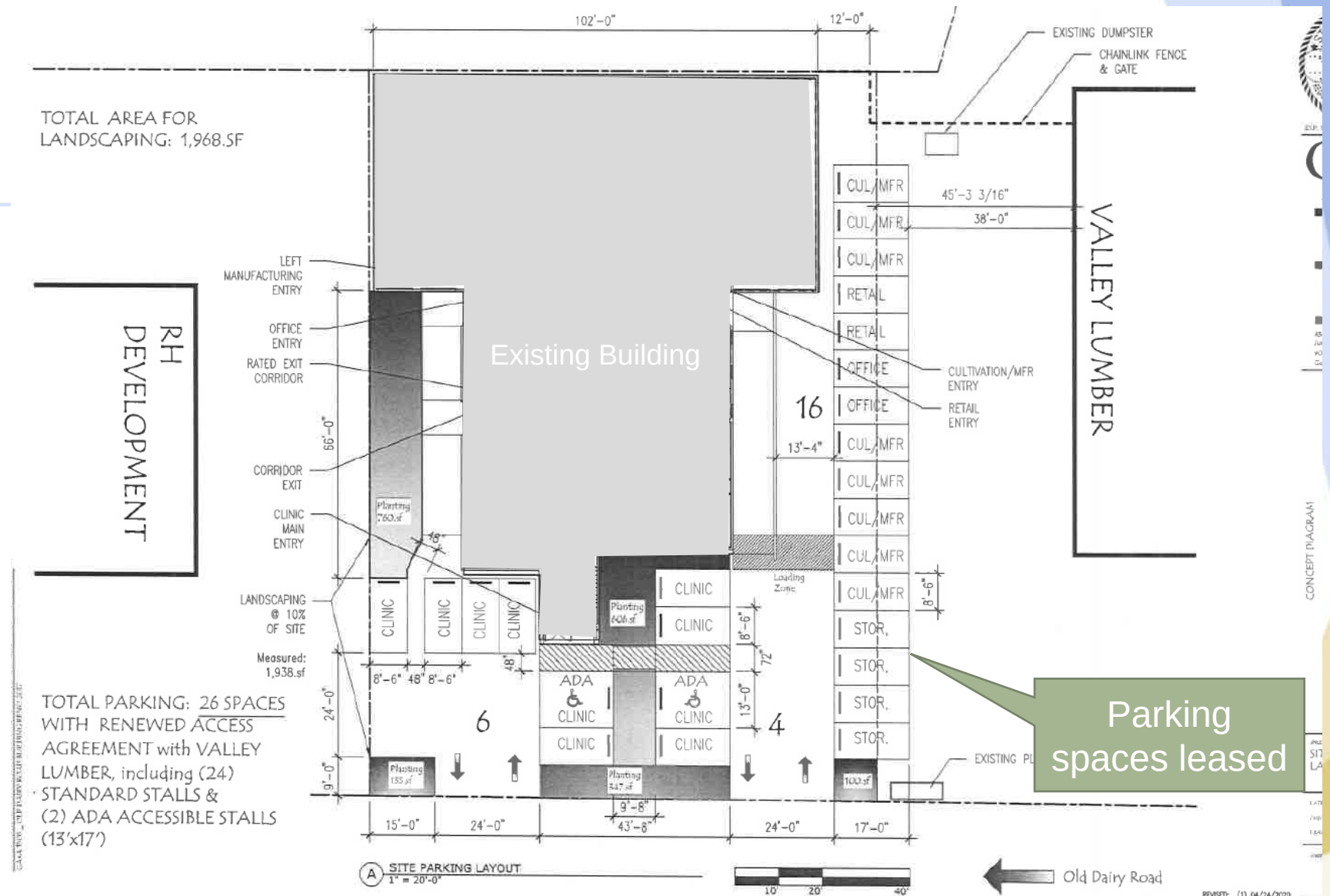
Site Plan

Floor plans can be found in the additional materials packet.

Proposed development complies with:

- Minimum lot dimensions
- Maximum lot coverage
- Vegetative cover
- Structure setbacks – building is nonconforming for rear and side yard setbacks.

No change to the exterior of the building is proposed.



Project Design

- The applicant will convert 2,466 square feet of existing storage space into additional marijuana cultivation space.
- The total space dedicated to marijuana cultivation will be approximately 3,673 square feet.
- Floor plans can be found in the additional materials packet.

Traffic

According to CBJ 49.40.300(a)(3), a traffic impact analysis is not required for the proposed development.

Use	Total Sq. Ft.	Trips Generated	Total Trips
Office	789	11.03 per 1000 sq. ft.	8.70
Manufacturing	4624	3.82 per 1000 sq. ft.	17.66
Storage	7699	3.56 per 1000 sq. ft.	27.40
Medical Office	1912	36.13 per 1000 sq. ft.	69.08
Retail	530	44.32 per 1000 sq. ft.	23.48
Total ADTs:			146

Parking

Parking requirements are met. Some Parking is leased from a neighboring parcel.

Use	Total Sq. Ft.	Spaces Required	Total Spaces
Office	789	1 per 300 sq. ft.	2.63
Manufacturing	4624	1 per 1000 sq. ft.	4.62
Storage	7699	1 per 1000 sq. ft.	7.69
Medical Office	1912	1 per 200 sq. ft.	9.65
Retail	530	1 per 300 sq. ft.	1.76
Total Parking Requirement:			26
Off-Street Loading Spaces Required:			1
ADA Accessible Spaces Required:			2

Condition: USE2020 0010 (marijuana manufacturing) and USE2020 0011 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment C) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.

Specified Use Review – CBJ 49.65.Article XI

Topic and Code Reference	Summary	Complies	Recommended Condition
49.65.1245(a)(1) Site Plan and Floor Plans	Floor plans and a site plan can be found in Attachment A.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(2) Security Plan	The applicant has submitted a detailed discussion of the security plan for the facility and a camera layout (Attachment A). Cameras are provided on the interior of the building and at all exterior doors. The applicant maintains visitor logs.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(3) Waste Disposal	In the project narrative, the applicant discusses the plan for waste management (Attachment A). Marijuana waste is rendered unusable and secured in locked containers on-site until disposal. The applicant maintains logs for marijuana waste disposal.	☒ 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	No discussion of screening is included with the application materials. When the facility was originally reviewed in 2017, screening was installed and no product is currently visible from the public right-of-way.	☐ Yes ☐ No ☒ N/A	Prior to the issuance of a building permit, the applicant shall submit a revised screening plan to CDD that demonstrates compliance with CBJ 49.65.1245(a)(4).
49.65.1245(a)(5) Septic System	Not Applicable. Parcel is connected to public water and sewer.	☐ Yes ☐ No ☒ N/A	

Specified Use Review – 49.65 Article XI

Topic and Code Reference	Summary	Complies	Recommended Condition
49.65.1245(a)(6) and 49.65.1260 Ventilation and Odor Control	The current facility has a central carbon filter fan system, this will be expanded to the additional space dedicated to marijuana cultivation.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(7) Cultivation Method	The applicant will not use CO2 to enrich plants; however, CO2 sensors are on-site.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(8) Fungicides, pesticides, fertilizers, and harmful molds	The Applicant has provided a list of cleaning supplies to prevent fungicides and pesticides (Attachment A). The applicant also discusses nutrients and fertilizers will be utilized.	☒ Yes ☐ No ☐ N/A	
49.65.1245(a)(9) Other	Not Applicable. No additional information is required.	☐ Yes ☐ No ☒ N/A	
49.65.1265(a) Owner/manager must live on site (D1 zoning district)	Not Applicable. The site is located in the General Commercial Zoning District.	☐ Yes ☐ No ☒ N/A	
49.65.1265(b) Setback required (D1 zoning district)	Not Applicable. The site is located in the General Commercial Zoning District.	☐ Yes ☐ No ☒ N/A	
42.20.230(b)(4) and 36.60.030(a)(2) On-site consumption	Not Applicable. On-site consumption is not being proposed at this time.	☐ Yes ☐ No ☒ N/A	

Conformity with Adopted Plans

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

Plan	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	11	148	Land Use Designation	Proposed use complies with the Commercial land use designation.
	5	44	Policy 5.1	Proposed development promotes a diverse economy.
	5	58	Policy 5.11	Proposed development expands a local business; provides year round employment; and provides tax revenue to support local services.

Agency & Public Comments

- No agency comments or public comments have been received.
- An agency review period was held between May 1 and May 15.
- Public notice was mailed to property owners within 500 feet of the parcel and a public notice sign was posted on-site 2 weeks prior to the hearing.

Findings

1. Is the application for the requested conditional use permit complete?

Analysis: The application contains the information necessary to conduct a complete review of the proposed development and potential impacts to the public health or safety and adverse impacts to neighboring properties. The applicant is required to submit a screening plan to demonstrate that no marijuana product is visible from the public roadway.

Finding: Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15 and CBJ Chapter 49.65.1245.

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

Analysis: The application is for marijuana cultivation. The use is listed at CBJ 49.25.300, Section 14.240 for the General Commercial zoning district.

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

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

Analysis: The proposed site design complies with requirements for marijuana establishments within the CBJ; parking, vegetative cover, and dimensional standards are also met.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, including parking, lighting, vegetative cover, and Marijuana Establishment requirements found in CBJ 49.65.1245.

Findings

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

Analysis: The applicant has submitted a detailed plan for security of the site as well as safe disposal of waste containing marijuana.

Finding: No. There is no evidence to suggest that with appropriate conditions, and through the subsequent building permit review process and CBJ License process, the proposed marijuana cultivation facility 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: Marijuana cultivation is a use allowed within the General Commercial zoning district; the proposed expansion will be within an existing building and is not out of character or harmony with the neighborhood.

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

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

Analysis: The proposed development promotes a diverse local economy and provides year-round employment. The Comprehensive Plan policies support these objectives. Additionally, the proposed use complies with the Comprehensive Plan Land Use Designation.

Finding: Yes. The proposed marijuana cultivation facility, with the recommended conditions, will be in general conformity with the 2013 CBJ Comprehensive Plan.

Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the requested Conditional Use Permit. The permit would allow the expansion of an existing marijuana cultivation facility within the existing building.

The approval is subject to the following conditions:

1. USE2020 0010 (marijuana manufacturing) and USE2020 0011 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment C) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.
2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
3. Prior to the issuance of a building permit, the applicant shall submit a revised screening plan to CDD that demonstrates compliance with CBJ 49.65.1245(a)(4).

Alternatives

1. **Amend** - The commission may require additional conditions, or delete or modify the recommended conditions.
2. **Deny** - The commission may deny the permit if it finds, by a preponderance of evidence, that the director's determination was in error. In the event the commission denies the permit, the commission must adopt new findings for items 1-6 above that support the denial.
3. **Continue** - The commission may continue the public hearing to a future commission hearing date if it determines that additional information or analysis is needed to make a decision or if additional testimony is warranted.



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

MEMORANDUM

June 9, 2020

To: Michael LeVine, Chair
Planning Commission

From: Laurel Christian, Planner II
Community Development Department

A handwritten signature in black ink, appearing to read 'Laurel Christian', is written over the 'From:' line of the memorandum.

Case Number: USE2020 0010 and USE2020 0011

Legal Description: FIELD MEADOWS LOT 23A

Parcel No.: 5B1501010080

RE: Clarification - Proposed modifications to an existing marijuana facility

USE2020 0010

This permit would allow the applicant to convert 165 square feet of existing storage space into additional marijuana manufacturing space. Existing space dedicated to marijuana manufacturing measures 186 square feet (USE2017 0010). The total space dedicated to marijuana manufacturing will be approximately 351 square feet.

USE2020 0011

This permit would allow the applicant to convert 2,466 square feet of existing storage space into additional marijuana cultivation space. Existing space dedicated to marijuana cultivation measures 1,207 square feet (USE2017 0012). The total space dedicated to marijuana cultivation will be approximately 3,673 square feet.



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: June 10, 2020
Case No.: USE2020 0011

Forget Me Not Inc. dba Green Valley Enterprises
Attn: Roland Gray
8505 Old Dairy Road
Juneau, AK 99801

Proposal: Modification to a Conditional Use Permit for the expansion of an existing marijuana cultivation facility within the existing building

Property Address: 8505 Old Dairy Road

Legal Description: Field Meadows Lot 23A

Parcel Code No.: 5B1501010080

Hearing Date: June 9, 2020

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 26, 2020, as amended at the hearing, and APPROVED the modification to a Conditional Use Permit for the expansion of an existing marijuana cultivation facility within the existing building to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. USE2020 0010 (marijuana manufacturing) and USE2020 0011 (marijuana cultivation) will each expire on August 22, 2022, unless the Valley Lumber parking agreement (Attachment C) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.
2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
3. Prior to the issuance of a building permit, the applicant shall submit a revised screening plan to CDD that demonstrates compliance with CBJ 49.65.1245(a)(4).

Forget Me Not Inc.
Case No.: USE2020 0011
June 10, 2020
Page 2 of 2

Attachments: May 26, 2020, memorandum from Laurel Christian, Community Development, to the CBJ Planning Commission regarding USE2020 0011

June 5, 2020, memorandum from Laurel Christian, Community Development, to the CBJ Planning Commission regarding USE2020 0011

June 9, 2020, memorandum from Laurel Christian, Community Development, to the CBJ Planning Commission regarding USE2020 0011

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

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

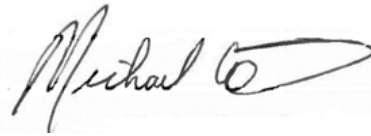
Effective Date: The permit is effective upon approval by the Commission, June 9, 2020.

Expiration Date: The permit will expire 18 months after the effective date, or December 9, 2021, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

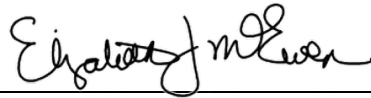
Project Planner:



Laurel Christian, Planner II
Community Development Department



Michael LeVine, Chair
Planning Commission



Filed With Municipal Clerk

6/12/2020

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**

Additional Materials for June 9, 2020 Planning Commission Meeting

ATTACHMENTS:

Description	Upload Date	Type
▣ Additional Materials for June 9, 2020 Planning Commission Meeting	6/9/2020	Miscellaneous

Additional Materials

Committee of the Whole Meeting

Zoom Webinar and Telephonic

5:00pm

Meeting Date: June 9, 2020

1. AME2018 0004:

- a. Public comment from Chas Dense & Christi Herren, received 6/2/20

Regular Planning Commission Meeting

Zoom Webinar and Telephonic

7:00pm

Meeting Date: June 9, 2020

2. USE2020 0010/USE2020 0011:

- a. Memo Regarding Floor Plans and Camera Plans
- b. USE2020 0010/USE2020 0011 Floor Plans and Camera Plans

From: [Chas Dense & Cristi Herren](#)
To: [PC_Comments](#)
Subject: Comments on proposed Alternative Development Overlay District (ADOD)
Date: Tuesday, June 2, 2020 7:19:02 PM

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

Planning Commission members: June 2, 2020

Thank you for the opportunity to comment on the proposed ADOD revisions and proposed Ordinance. We spent quite a bit of time putting our comments together for the CDD review process and were somewhat dismayed to see that they were chopped up into individual segments and put into categories, thus, in our opinion, losing their effectiveness. We're sure staff was just trying to make things easier for you to review and we can appreciate that. However, we felt like our points were lost in that format. Further, some points were not included at all. Consequently, we are including our previous comments as part of this email as well.

In addition to those earlier comments we would like to highlight three key points about the proposed ADOD that we take issue with:

1. The development standards appear to weigh more heavily in favor of increasing conformity of lots and encouraging subdivision and in-fill than in matching the standards to maintain the character of the neighborhoods;
2. The inadequacy of trying a "one size fits all dimensional standards" solution;
3. Issues with two specific dimensional standard proposals: Lot size and Setbacks.

1. The development standards appear to weigh more heavily in favor of increasing conformity of lots and encouraging subdivision and in-fill than in matching the standards to maintain the character of the neighborhoods.

The proposed ordinance states "The purpose of this chapter is to establish dimensional standards that suit the built environment in historic neighborhoods and reduce the number of non-conforming properties". The April 29, 2019 Title 49 Committee Meeting notes show the following: "There are two different premises at work - making the existing development conform to its zoning versus adding more infill development. Ms. Maclean said **that this rezoning effort is mostly about determining what the character of a neighborhood is and allowing future development to match that character.**" Yet many of the ensuing conversations over the course of development of these standards were very much about increasing conformity and the opportunities for in-fill. Eventual development of some of the standards, specifically the 3,000 square foot lot size, were focused on these parameters and there was very little discussion about character of the neighborhoods. In fact, Ms. Crossely was recorded as saying she "was not worried about character of neighborhood."

We believe the first and foremost purpose of the ADOD should be retaining neighborhood character. If not, the wording of the purpose of the ordinance should be changed to reflect that reducing non-conformity and increasing in-fill is the primary purpose

Please see our comments (including our Historic Neighborhood comments at the very end) included below on the importance of maintaining our historic neighborhood “built environment”.

2. The inadequacy of trying a “one size fits all dimensional standards” solution.

Looking through the notes of the Title 49 Committee Meeting it appeared that there was a question of whether this should be a re-zoning process or an ADOD. During those discussions there seemed to be a recognition that the various neighborhoods had very different characteristics and that perhaps there should be differing dimensional standards accordingly.

We strongly agree that there should be differing standards for the very different neighborhoods included in the ADOD.

Please see our comments below for a more in depth discussion.

3. Issues with two specific dimensional standard proposals: Lot size and Setbacks.

Lot size: We believe that 3,000 square feet is too small even in the Casey-Shattuck neighborhood of small lots. Of the 18 total public comments in this document 7 were against that size, and remainder were general comments or questions. There were no positive comments. The proposal from CDD staff was for 3,500 square feet. When asked about it during the September 9, 2019 Title 49 meeting this was the exchange:

“Ms. Christian stated that it was more about the balance between building area and creating lots that were conforming. Additionally, if smaller lots were allowed, there would be more future subdivision potential, which some neighbors had expressed was not desirable. The 3500 recommendation mirrored bungalow lot sizes for D5, which is a known number in the community.

Ms. Pierce reinforced this, stating that Staff was trying to tie the regulation to existing developments, but this could be adjusted, if the Committee saw fit. Ms. Pierce noted that there are a lot of buildings on small lots and Staff wanted to keep the character of the neighborhoods. The regulations for smaller minimum lot size also open up more potential for subdivisions.

Mr. Dye thought it might be worth adjusting the regulation, if it brings more developments

into conformity, and thought 3,000 square feet would be a good choice.”

This seems to reinforce our perception that the purpose of the ADOD is more about making lots conforming and creating more in-fill opportunity than it is maintaining the character of the neighborhood or working with what the neighborhoods want.

We believe that the standard lot size in the Casey-Shattuck Subdivision is 40’ by 90’, or 3,600 square feet and should remain as such.

Setbacks: We agree with the sliding box determination of setbacks and see this as a very innovative and flexible way to handle the issues on these small lots but we totally disagree with reducing any setback to less than 5 feet. Please listen to someone who lives with this situation every day. You are about to create and institutionalize a point of conflict between neighbors, requiring that they allow each other to cross their property lines to do simple maintenance and construction processes.

We believe all setbacks should not be less than five (5) feet.

Our previously submitted comments go into this in more detail.

EARLIER COMMENTS (see separate Historic Neighborhood comments further below):
January 24, 2020

Irene Gallion, CBJ Community Development Department

Re: Proposed Alternative Development Overlay District (ADOD) standards and
how they affect the character of Casey-Shattuck and other Historic Neighborhoods

Our property’s current zoning is D5

Our property’s current lot size is 2,400 square feet

Address: 427 West 11th Street

1C030C080020

These comments are based on the ADOD slide show and proposed development standards presented at the December 5 meeting. We reside in the Casey-Shattuck subdivision (also known as “The Flats”) and our comments come from what we consider to be appropriate for that particular neighborhood. These comments may not apply to other neighborhoods, which is why we strongly support some unique standards for each neighborhood.

ADOD Goals

We interpret the “What does this do?” slide as describing two goals:

1. “More flexibility for improvements and development”

Flexibility can be a two-edge sword. We agree that situations arise that require innovative solutions that may not fit within set standards. However, such exceptions should only be allowed if they can be made consistent with the overall character of the specific neighborhood (Goal 2). Universal standards for the entire ADOD area would by necessity need to be generalized and loosely written to meet a wide variety of circumstances that likely apply to certain neighborhoods. This would likely lead to inappropriate application of exceptions in other neighborhoods, diminishing the effectiveness of this whole ADOD effort. Such an approach in turn seems to work directly against goal #2 below.

We believe that having neighborhood-specific standards would reduce the need for exceptions because the standards could be written better to fit a particular neighborhood.

2. “Maintain character of the neighborhoods”

We fully support this goal. **Using the plural in “neighborhoods” implies there are neighborhoods that have different characteristics. The logical conclusion would be that, where appropriate, there should be different development standards among the ADOD neighborhoods in order to maintain each neighborhood’s particular character. Providing uniform standards to all neighborhoods would tend to result in all the neighborhoods having similar characteristics, which would diminish the existing unique characteristics of each neighborhood.** (Emphasis added)

As well, “Character” is a subjective term and the qualities of a neighborhood’s character are not described. Qualities of the Casey-Shattuck neighborhood that we consider important to maintain during this process are described below:

- *Historic Neighborhood.* Please refer to our separately submitted comments about how we believe the proposed ADOD standards are not consistent with existing Historic Neighborhood characteristics and the CBJ Comprehensive Plan.
- *Friendliness.* One important characteristic of the Casey-Shattuck neighborhood is its friendliness. People generally walk on the sidewalks (which is another unique characteristic of the Casey-Shattuck subdivision) and often will stop and chat with residents about their landscaping, local news, the weather, or whatever. One reason they stop is that there is generally a vacant comfortable distance from the sidewalk to the resident, which tends to encourage casual conversations. It’s also because residents are spending time in their yard.

Similar to the concept of personal space when talking with an acquaintance, the personal space in the outdoor neighborhood setting is generally much greater. When a house is three feet from the sidewalk such interactions are less likely to occur. The resident is less likely to spending time in such a small yard and walkers may be self-conscious about looking towards the house. More people would tend to walk in the street to avoid the feeling of invading privacy, increasing pedestrian/driving hazards, making the neighborhood a little less personal.

- *Landscaping.* Many, if not most, homeowners in the Casey-Shattuck subdivision take pride in the appearance of their house and landscaping. With the small lots and minimal green space, residents can afford to put a little extra energy in what they do have. Most houses have their green space facing the paved street, which we consider to be the front of the house, regardless of the lot's access point. Street side green spaces add to the overall sense of a long established, well-cared for neighborhood.
- *Sidewalks.* We believe the Casey-Shattuck subdivision is unique from other nearby neighborhoods in that both sides of the streets have sidewalks. Sidewalks help provide a buffer between the house and the vehicles on the roadway, enhancing the feeling of space for the typically small lots in the Casey-Shattuck subdivision. Sidewalks also enhance the feeling of friendliness as described above.
- *Proportion of improvements to lot size.* There have been a couple of recent developments in the Casey-Shattuck subdivision that appear to have a significantly greater proportion of improvements to lot size than most of the pre-existing Casey-Shattuck subdivision development. They are significantly more imposing than the overall general character of the Casey-Shattuck subdivision. Please refer to our comments on lot sizes, setbacks, etc. below.

Modifications to dimensions

Part 1

- *Lot size.*

We agree that 7,000 square feet is too large of a lot size for the Casey-Shattuck neighborhood. Many, if not most, lots in the Casey-Shattuck subdivision are **3,600 square feet** and when walking around the neighborhood they are the lots that appear to have adequate room for a house, driveway, garage, patio, outbuilding, garden, etc. without everything being squished together. **A look at the Casey-Shattuck subdivision map shows a generally consistent lot size and shape that is 40'x90'** (Emphasis added). Obviously, several of us already live on much smaller lots (ours is 2,400 square feet) but it is very cramped. In our opinion 3,000 square feet is too small to be a standard lot size in the Casey-Shattuck subdivision. **At 3,600 square feet conformance would likely be greater than 70%, which is a small difference to the proposed 3,000 sq. ft. (78%) compared to a significant difference in viability for adequate development.** This is a good example for establishing specific standards for each of the various neighborhoods in the ADOD. It also begs the question of trying to make conformance for existing situations just for the sake of conformance.

In reviewing the Assessor's database, **3,600 square feet is by far the most common lot size in the Casey-Shattuck neighborhood.** We see no logical reason to significantly reduce the minimum lot size to 3,000 square feet, which would capture very little additional conformance while creating more challenges for development.

We believe minimum lot size should be 3,600 square feet for the Casey-Shattuck subdivision.

- ***Lot width, depth, and vegetative cover***

Width and depth.

We believe a 25' lot width is far out of character with the Casey-Shattuck neighborhood. There are very few, if any, lots in the Casey-Shattuck subdivision with such a narrow width. Further, with the proposed 3,000 sq. ft. minimum lot size, a 25' wide lot would have to be 120' long and there are few, if any, lots in the Casey-Shattuck subdivision 120' long. A 25' width does not maintain the character of the Casey-Shattuck subdivision and is much too narrow to accommodate compatible development in the neighborhood. With the proposed minimum 3' side yard setbacks, 19' would be the maximum width for a house. Below we advocate minimum 5' side yard setbacks, which would result in a maximum 15' wide structure.

We believe the minimum lot width should be 35' for the Casey-Shattuck subdivision.

Vegetative cover.

Please do not require less than 15% vegetative cover.

- ***Structure height***

Our Goals comments about proportion of developments to lot size would be affected by structure height, as well as lot coverage. The two recent developments mentioned are taller than typical developments in the Casey-Shattuck neighborhood and are imposing and feel out of character with the neighborhood. A lower limit would be preferred in our neighborhood.

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Please limit structure height to 30'.

Part 2

- ***Structure setbacks*** ^[1] _{SEP}

Street-side (front yard) setbacks:

While walking around the Casey-Shattuck subdivision with a tape measure we have found that nearly all houses (not including entry ways) are at least seven feet from the inside edge of the sidewalk, which we assume is a reasonable proxy for the property line. This includes at least one side of corner lots. **We identified only one house less than seven feet from the sidewalk south of B Street** (Emphasis added). We did not investigate north of B Street but we believe there would be very few, if any exceptions there, as well.

As discussed above, the space between the sidewalk and the houses is a desirable

characteristic of the Casey-Shattuck subdivision. That front yard space is integral to the desirability and character of the neighborhood and should not be compromised. Allowances could be made for entry-ways and decks.

We believe developments in the Casey-Shattuck subdivision should have a minimum 7' front yard setback, not including entryways.

- ***Side yard setbacks:***

We believe that no side yard setback should be less than 5' in any portion of the proposed ADOD zone for two reasons: Safety, and preventing potential conflict with neighbors.

Anyone who builds their house within three feet of the property line cannot perform the usual and customary maintenance on their house (sanding, painting, staining, cleaning windows, clearing gutters, replacing windows, replacing siding, etc) on that side without trespassing onto their neighbor's properties. Most of these tasks require a ladder to accomplish the work. **OSHA guidelines (attached) specify for safety that the proper angle for setting up a ladder is to figure one-quarter of the working length of the ladder and placing the foot of the ladder that distance away from the wall. A 12 foot ladder (which might be long enough to wash windows but not long enough for any of the other tasks above) would require 3 feet away from the wall. If the structure is a two story building and the ladder is 24 feet it would need 6 feet to be safe which is still an issue with 5' setbacks.** Perhaps setback distance should be based on the height of the structure?

In a perfect world all neighbors would get along and would work cooperatively but we all know that this is often not the case. We're sure Community Development can attest to that. Ladder placement can be a pretty site-specific requirement for the required task. If a neighbor asks permission to put their ladder on their neighbor's property and it would land in the middle of the neighbor's prize vegetable or flower garden they may rightfully choose to say no, which could lead to hard feelings. Or one neighbor may decide to construct a tall privacy fence along the property line and preclude the other neighbor from being able to use a ladder at all. The 3' setback seems to be setting up potential conflict situations or unsafe situations as people try to do what they need to do within a 3' setback.

We have personal experience with this situation. Our neighbor's side yard setback is 2'7". He has to seek our permission any time he wants to do any maintenance and upkeep on the back wall of his house. Ours is a congenial relationship but if it wasn't and we refused that permission he would be hard-pressed to be able to do anything for maintenance and upkeep there. **It seems like the CBJ would be institutionalizing inevitable neighbor conflict with this unrealistic and impractical side yard distance** (Emphasis added).

We believe that no side yard setback should be less than 5'.

- ***Exceptions to setbacks***

Please refer to our comments on side yard setbacks above. Roof eaves two feet from the property line is inadequate for rain gutter access and maintenance without having to encroach on the neighbor's property.

We support expanding the proposed setback for eaves to be three feet (3').

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Thank you for your consideration,

Cristi Herren and Chas Dense

HISTORIC NEIGHBORHOOD COMMENTS:

January 24, 2020

Irene Gallion, CBJ Community Development Department

Re: Proposed Alternative Development Overlay District (ADOD) standards and how they affect the historical character of Casey-Shattuck and other Historic Neighborhoods

Our property's current zoning is D5

Our property's current lot size is 2,400 square feet

Address: 427 West 11th Street

1C030C080020

Historic Neighborhoods

These comments pertain only to the impact of the proposed ADOD development standards that don't appear to take into account the unique and historical characteristics of the individual neighborhoods within its boundaries. **We believe a distinction should be made within the ADOD development standards for the differences between each of the historic neighborhoods and the non-historic neighborhoods** (Emphasis added). For example, large homes set immediately adjacent to the street and to other houses may be the historical pattern on Starr Hill and Chicken Ridge but not so in the Casey-Shattuck neighborhood. A "one size fits all" solution for such differing neighborhoods doesn't make sense to us.

The CBJ website on Historic Neighborhoods identifies three historic neighborhoods that are within the ADOD boundaries: The Casey-Shattuck Subdivision (the Flats), Chicken Ridge,

and Star Hill. The ADOD also includes neighborhoods that have not been recognized as historic. The Flats and Star Hill are CBJ Historic Neighborhoods. Chicken Ridge is a Historic District listed in the National Register of Historic Places. Historic Districts and historic neighborhoods are specifically addressed in the CBJ Comprehensive Plan.

Each of these neighborhoods has their own unique purposes and characteristics. The Flats were originally created for working class families; Star Hill consisted of home sites for the largely single mine workers; and Chicken Ridge was for families of a higher socio-economic class. Each neighborhood's purpose, terrain, and other factors contribute to their own unique character that needs to be recognized and addressed in the ADOD. These comments are primarily concerned with The Flats.

The Casey-Shattuck Subdivision essentially defines the boundaries of the Flats Historic Neighborhood. The **2004 Casey-Shattuck Neighborhood Historic Building Survey** provides a comprehensive description of the historic character of The Flats. Following are some salient points from the survey that we believe should be considered in the ADOD:

"The Casey Shattuck neighborhood was in effect Juneau's first suburb." (page 1)

"The neighborhood catered to the working class families of the community during a period of rapid growth. The buildings in the area were modest in size and architectural style but cohesiveness of the neighborhood provided a pleasant place for families to prosper and grow. The neighborhood today remains a very desirable place to live. The historic buildings and their relationship to the rest of downtown Juneau significantly enhance the character of the neighborhood." (page 183)

"Historic materials and quality of workmanship are present which provide a recognizable and unified architectural identity for the neighborhood as a whole. Furthermore the settings, feeling and associations of the neighborhood are maintained as well. The individual properties combine to contribute to and establish the integrity of, the neighborhood as a whole. (Page 183)

"Today Casey Shattuck evokes a feeling of a late nineteenth and early twentieth century neighborhood with its parallel and perpendicular street grid, similarity of architectural styles, and **lack of major overall alterations that would detract from the overall integrity of the neighborhood.**" (Page 183)

The CBJ Comprehensive Plan includes two Implementing Actions under Policy 16.2. To Identify Historic Resources Within the CBJ and to Take Appropriate Measures to Document and Preserve These Resources.

16.2 - IA1 Publish strengthened design guidelines that will assist historic building owners in planning alterations or new construction within historic neighborhoods and districts while preventing degradation of historic resources.

16.2 – IA2 Maintain, and amend as necessary, development standards that protect historic resources while allowing development that is consistent with the other Policies and supporting statements in this Plan, such as development of additional housing in the downtown area.

Obviously the CBJ, and specifically the Community Development Department, recognizes that historic neighborhoods are important resources to the community. They

have invested a lot of time, effort, and money studying and documenting, and in effect celebrating each of their unique characteristics and differences. As an arm of that same agency it seems that consideration of the impacts of the proposed standards on each of the historical neighborhoods would be a high priority. Each of the standards, from lot size to setbacks, will result in a certain type of construction that would be consistent throughout the ADOD, but not necessarily consistent with what is already present in a given neighborhood and not necessarily reflective of the unique characteristics of each. We believe the standards as proposed are inconsistent with preserving the identifying characteristics of the Casey-Shattuck neighborhood. Our comments specifically addressing the proposed standards as they relate to Casey-Shattuck are being submitted separately. (Emphasis added)

Thank you for your consideration,

Cristi Herren and Chas Dense

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

MEMORANDUM
June 5, 2020

To: Michael LeVine, Chair
Planning Commission

From: Laurel Christian, Planner II
Community Development Department

Case Number: USE2020 0010 and USE2020 0011

Legal Description: FIELD MEADOWS LOT 23A

Parcel No.: 5B1501010080

A handwritten signature in black ink, reading 'Laurel Christian', is positioned to the right of the 'From:' line.

RE: Floor Plans and Camera Plans

CDD staff does not include floor plans and camera layout plans in the public facing version of the Planning Commission packet. The floor plans and camera plans were inadvertently left out of the Planning Commission version of the packet. They have been attached for review in advance of the hearing.

These items are supplemental to the application materials found in USE2020 0010 and USE2020 0011.

Floor plans and camera layout plans are
on file with CDD