

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau Ben Haight, Chair

March 13, 2018
Assembly Chambers
7:00 PM

- I. ROLL CALL
- II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
 - A. February 13, 2018 Draft Minutes - Regular Planning Commission Meeting
- IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE
 - A. Additional Materials Received Post-Deadline
 - B. Written Comments re: USE2018 0001 Delivered at Meeting
- V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- VI. CONSENT AGENDA
 - A. CSP2018 0001: A city project to pave and make drainage improvements along Birch Lane between Julep Street and Mendenhall Boulevard.
 - B. USE2018 0001: A Conditional Use Permit for a marijuana retail store
 - C. USE2017 0030: A Conditional Use Permit to establish a Bed and Breakfast in a single-family residence.
- VII. UNFINISHED BUSINESS
- VIII. REGULAR AGENDA
- IX. BOARD OF ADJUSTMENT
- X. OTHER BUSINESS
- XI. STAFF REPORTS
- XII. COMMITTEE REPORTS
- XIII. LIAISON REPORTS
- XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- XV. PLANNING COMMISSION COMMENTS AND QUESTIONS
- XVI. ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 February 13, 2018

I. ROLL CALL

Ben Haight, 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 8:18 p.m.

A. Swearing in of new Planning Commission Members

New Planning Commission member Andrew Campbell was sworn in as the new Planning Commission member. He replaces Planning Commission member Kristen Shelton whose term limit was complete.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Dan Hickok, Andrew Campbell, Carl Greene (telephonically)

Commissioners absent: Percy Frisby, Dan Miller

Staff present: Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Robert Palmer, Assistant Municipal Attorney; Roger Healy, Director, CBJ Public Works Department

Assembly members: Beth Weldon

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Item AME2018 0001 was pulled from the agenda and postponed to a later meeting.

~~**AME2018-0001:**~~ A text amendment to Title 49, Land Use Code 49.25.510(k) regarding accessory apartments

~~**Applicant:**~~ City & Borough of Juneau

~~**Location:**~~ Borough-Wide

III. APPROVAL OF MINUTES

November 28, 2017 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the minutes from the November 28, 2017, regular Planning Commission meeting, with any minor changes by staff or Commission member.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. UNFINISHED BUSINESS - None

VII. REGULAR AGENDA

- A. AME2018 0003:** A text amendment to Title 49, Land Use Code 49.35.240(i) street waivers
- Applicant:** City & Borough of Juneau
- Location:** Borough-Wide

Staff Recommendation

Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation for approval to the Assembly.

Ms. McKibben told the Commission that the proposed ordinance would amend Title 49 with respect to street waivers.

Background

In 1995, the Assembly adopted resolution 1757 which established a formal policy, and criteria, for street reconstruction to *not* be required to meet the construction and improvement standards in certain situations, said Ms. McKibben. Many City streets were constructed prior to current construction requirements, said Ms. McKibben. Many of them are undeveloped and some of them do not meet modern dimensional and other current standards, she noted.

With the adoption of ordinance 1503, public improvements were substantially revised. That resolution negated resolution 1757, she said. The situations of underdeveloped, substandard, and nonconforming rights-of-way still exist, added Ms. McKibben.

Proposed Ordinance

The proposed ordinance would create a process to identify and classify these types of situations, and creates criteria that must be met before the street improvement requirements can be waived, said Ms. McKibben.

Roadway construction and improvement standards could be waived in the following cases, she noted:

- ✓ Any Street reconstruction project that does not include routine maintenance
- ✓ New street construction in a right-of-way platted before 1987

The above waivers would be granted if the following conditions exist:

- ✓ The existing roadway does not comply with the construction standards and CBJ 49.35.240
- ✓ There are unique circumstances that make compliance with the requirements unreasonable
- ✓ The proposed project will not aggravate the intent of the requirements

AASHTO (American Association of State Highway and Transportation Official) guidelines state that travel lane widths of 12 feet are desirable, yet there are circumstances when narrower lanes should be used, said Ms. McKibben. Some of these circumstances could be in urban areas where crosswalks, intersections and other development create controls, when a traveling width of 11 feet is acceptable, said Ms. McKibben. Ten-foot-wide travel lanes are acceptable for low-speed streets, and nine-foot travel lanes are appropriate in rural and residential areas, said Ms. McKibben. AASHTO further states that in some instances, multi-lane streets with narrower travel lanes may be appropriate, she said.

The proposed process would align well with the current CSP review process in Title 49, said Ms. McKibben. Generally, when a project costs less than \$500,000 there is likely no Title 49 review and it is reviewed by the Director, said Ms. McKibben, if it conforms with AASHTO. If the project proposes to deviate from AASHTO, then Planning Commission review would be necessary. Projects greater than \$500,000 would likely be reviewed by the Planning Commission, added Ms. McKibben.

The Comprehensive Plan supports the inclusion of sidewalks and road construction projects, said Ms. McKibben. The plan demands improvements to transportation alternatives, such as walking; and encourages improvements to enhance pedestrian and traffic circulation.

Policy 8.5 promotes a balanced, well integrated, local multi-modal surface transportation system that provides safe, convenient and energy efficient access and transport for people and commodities.

Policy 8.6 is to promote and facilitate transportation alternatives for private vehicles as a means of reducing traffic congestion, air pollution and the consumption of fossil fuels, and to provide a safe and healthy means of transportation to all people, said Ms. McKibben.

Policy 8.8 calls for the response to the special transportation needs of each sub-area of the CBJ, and to integrate them into a borough-wide comprehensive transportation plan.

From Chapter 12 in Title 49, Policy 12.9 requires improvements to rights-of-way to meet minimum standards for public safety and maintenance, and to ensure that existing rights-of-way are maintained and protected from encroachment to facilitate their use in providing access as well as the provision of urban services, noted Ms. McKibben.

The Juneau Nonmotorized Transportation Plan has a series of guiding principles for this proposal, said Ms. McKibben. They are listed in the staff report, she noted.

Chapter 3 addresses pedestrian-friendly design. It states that the pedestrian experience varies greatly depending on the surroundings, said Ms. McKibben. When constructing a new street or rebuilding an existing one, walking can be encouraged by considering the walker's experience, she noted.

Chapter 8 of this plan addresses the process for Planning Commission review of CBJ projects to allow timely comment on non-motorized infrastructure and routes, said Ms. McKibben.

The Area-wide Transportation Plan has 13 guiding principles, noted Ms. McKibben. Some that are particularly relevant to this proposed ordinance are:

- ✓ Public safety is of paramount concern
- ✓ Our community can offer an excellent quality of life to its residents
- ✓ The community's transportation system must provide people with multiple transportation choices
- ✓ Improvement of the transportation system can be costly

Title 49 also states that the general purpose of subdivision street systems "shall be designed for the most advantageous development of an entire neighborhood area", said Ms. McKibben. It should meet the following criteria, she said:

- ✓ The street system shall provide for connecting streets into adjoining and subdivided lands
- ✓ Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays and major streets...

- ✓ Traffic calming should be taken into account in street layout and design

On Whittier Street for example, noted Ms. McKibben, the sidewalks were widened and the lanes narrowed resulting in reduced traffic speeds and a heightened pedestrian experience. In some of the residential neighborhoods travel lanes have also been reduced in size with a sidewalk added to one side, noted Ms. McKibben.

This proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan, the Juneau Nonmotorized Transportation Plan, the Area-wide Transportation Plan, and Title 49. This change would not create any internal inconsistencies with any plans or codes, noted Ms. McKibben.

Commission Comments and Questions

Mr. Voelckers asked if the AASHTO guidelines are merely guidelines, or if they are requirements. He asked if the AASHTO guidelines just cover lane widths, or if other features such as sidewalks and curbs are addressed within those guidelines.

Mr. Healy responded that AASHTO has published a number of volumes and guides for construction and reconstruction of highways and associated facilities. It also includes guidelines for design and extremely low volume roads. There is also a road-side design guide which addresses mitigation of roadside hazards in association with their proximity to the travel-way, said Mr. Healy. It has a variety of applications, added Mr. Healy. AASHTO provides flexibility in its recommendations for items such as roadway width, said Mr. Healy. It depends on what best fits the needs of that particular roadway, said Mr. Healy. It addresses factors such as speed and existing right-of-way, he said, and the type of area such as if it is urban or rural, he added.

Mr. Voelckers said it appeared from the way this is written that an issue of this type would only come before the Planning Commission if the proposal deviated from AASHTO.

Mr. Healy said Juneau was established as a mining community prior to the advent of automobiles. Thus the community was initially established with very narrow right-of-ways. Those narrow right-of-ways would not meet an AASHTO requirement, said Mr. Healy. He said a good example of this is Gastineau Avenue, which he termed is a “two-way, one-way” road with parking.

Mr. LeVine asked if there is a generally accepted definition of the word “reconstruction”. He also asked about the meaning of the word “unreasonable”. He said he thought maybe the term “unreasonable” was too high of a standard compared with the term “infeasible”.

Mr. Palmer said he felt this is the most contentious issue in this ordinance amendment. He said the term unreasonable was used based upon the Planning Commission’s past work on

variances. He said if the Planning Commission wishes to use a different term other than “unreasonable”, that there is plenty of room in which the Commission can maneuver.

On the one hand this ordinance amendment has minimum standards as defined in Title 49 and on the other hand there is a tension in the amendment which addresses very narrow streets such as Gastineau Avenue which will probably never be able to meet defined street standards or the AASHTO guidelines. The staff is trying to provide some ordinance language which defines a standard and a process to review. The term “unreasonable” does have some legal baggage associated with it, but it also carries with it a certain amount of discretion, said Mr. Palmer.

Ms. McKibben said there is no definition of “reconstruction” in Title 49. She said in reviewing the staff report what they tried to outline is that whatever was not considered “routine maintenance” was considered “reconstruction”.

Mr. Dye asked if the table within the amendment was altered to better conform with AASHTO, if the concerns with the term “unreasonable” would be nullified. He said the center column of the table conforms to AASHTO but indicates deviations from the table.

Ms. McKibben said the Street Standards Table could be amended, but that it was something that could not be done quickly.

Mr. Dye asked what Title 49 currently addresses about street standards, travel lanes and right-of-ways.

Mr. Healy responded that when a street is being reconstructed they go through a design process which includes meeting with the neighborhood and with the relative departments within the City. They develop a design which may not fit into the table. When they are designing the street, when they look at Chapter 35 within Title 49 as a general guideline, it fits, explained Mr. Healy. If they are looking at it as a prescriptive document then it does not fit, he added.

Mr. Dye said that his understanding, therefore, is that the Street Standards Table is often too prescriptive in some cases in terms of what is required to construct a road.

Mr. Healy said it may not fit the needs of the neighborhood at all times. If looking at a project with anything over 500 ADT (Average Daily Trips) which applies to many of the downtown streets and some of the Valley streets, it would not be applicable.

Mr. Voelckers said it sounds like there were pretty specific differences between the older mining streets of Juneau and the newer developments. He said it appears that perhaps the Street Standards Table does not work as well for the older, narrower, Juneau streets.

Mr. Healy said this is correct.

Mr. Dye asked for a rough estimate of how many streets in the Valley were constructed prior to 1987. He also asked what the standard was prior to 1987, when the Street Standard Table was adopted.

Mr. Healy said he did not know what the specific street standards were prior to 1987. He said often there would be a reference to streets being 24 feet wide.

Ms. McKibben said she did not think the right-of-way width requirements changed substantially with the advent of the 1987 code. She said she believed that is why the 1987 code was used as the waiver for the width of streets.

Mr. Campbell said he read through Title 49, and that it appears to have been written for developers. He asked if there is a definition of the word “developer” within Title 49. He said when the CBJ is constructing roadways it is doing so as a developer. He said his understanding of the definition of a developer was an entity that was building something new.

Mr. Healy said the definition of a developer in Title 49 is; “The person or persons who own or control property used for a development”.

Mr. Campbell asked for the definition of a development. He asked if “reconstruction” was within that definition.

Mr. Healy read the definition of “development” within Title 49 which included reconstruction.

Mr. Palmer said that “structure” is also defined as anything that is constructed or erected and located on or under the ground... including streets and roads. The City meets the definition of “developer” and construction or reconstruction of roads meet the definition of “development”, he added.

Mr. Voelckers said it appeared to him that the ordinance amendment before the Commission tonight is basically giving streets their version of a variance procedure. It acknowledges physical impracticality so the City is not too hindered by the strictures within the table, he added. Mr. Voelckers said he feels this is a useful vehicle to have. He said his only real concern with the ordinance amendment before them this evening was with the term “unreasonable” within the ordinance amendment.

Using the example of Gastineau Avenue, Mr. LeVine said if it was being extended 50 feet if the 50-foot extension would have to meet the Street Standard Table, or if the road could be continued according to its current dimensions.

Mr. Palmer said that Mr. Voelckers was correct in his supposition that this ordinance amendment is the equivalent of a variance for streets. There is also nothing within this ordinance amendment which limits it to only City projects. The intent of this ordinance amendment is to only have this apply to that section of the right-of-way which is essentially nonconforming. This would not apply to the new section of street, he said. At that juncture of the old street meeting the new construction is consistent with the old section.

Ms. McKibben said the language in the staff report addresses rights-of-way that are platted but not necessarily constructed and also not being held to the same standard as an existing road. She said this does conflict with the previous statement of Mr. Palmer and that she would appreciate some clarification.

Mr. Voelckers said his reading of the language and lines 7 and 19 of page 2 of the draft ordinance state that; "the proposed project will not aggravate the intent of the requirements of this chapter..." He said to him this means that this is only to be used as a remedy for an area which could not meet the intent of the chapter.

Mr. LeVine said it states in the ordinance amendment that this applies to reconstruction, and new construction in right-of-ways of platted prior to 1987.

Ms. McKibben said this is her understanding as well.

Mr. LeVine said it may be helpful for the amendment to be edited prior to going to the Assembly with a sentence or two in the staff report that states the purpose of this amendment is to provide the equivalent of a variance for the street reconstruction projects and is intended to apply to situations in which the existing, previously constructed road does not comport with standards, or there is a new construction that is taking place in a nonconforming right-of-way platted prior to 1987. He said that is not too clear to him from the current staff report.

MOTION: *by Mr. Dye, to move AME20018 0003 and send it to the Assembly for adoption.*

Speaking in favor of the motion, Mr. Dye said that he is very encouraged that this may change within 30 days. He said it is great to see Title 49 changing so quickly. He said he hoped that in the future they could also review the Street Standard Table for possible changes.

Mr. Campbell said he is extremely concerned about the process which is taking place. He said he is worried that this process is going to make it more difficult for the Engineering Department to hold their current priorities for reconstruction, and that it could potentially make it costlier. He said he has questions about specific language within the staff report. He said his understanding of the amendment is that it would prohibit certain streets from being reconstructed if they did not meet the standards. He said he felt Gastineau Avenue was a good example. Standards could be waived if any Street reconstruction project does not include

routine maintenance and routine maintenance is described as utility repair. Therefore, any street that is to be reconstructed and utilities be upgraded, would not qualify for a waiver, said Mr. Campbell. He said he wants to allow the Engineering Department to pursue the priorities that have already put in place.

Mr. Dye said that language is not in the draft ordinance. He said he thought it was an error in the staff report. Line 23 on page 1 of the draft ordinance states that this applies to any “street reconstruction project, not including routine maintenance...”

Mr. LeVine said he understands this draft amendment to specifically allow for things that there was no mechanism to make allowances for before. The purpose of this draft ordinance is to enable the City to construct things that were not allowed within the table before. This will enable the Planning Commission to approve projects which they could not approve before, he added.

Mr. Campbell said he still interprets the draft ordinance to mean that any project that has routine maintenance within it would not qualify for a waiver.

Mr. Palmer explained for the benefit of Mr. Campbell that the nuance here is that there are three levels of projects. Routine maintenance would cover activities such as restriping a road, said Mr. Palmer. Those items would never have to be reviewed, he said. A Street reconstruction project would fall under this ordinance, said Mr. Palmer. This would give any developer the opportunity to ask for a waiver to undertake a project such as the repaving of Gastineau Avenue, for example, he said. Projects with the most extensive review would be a new street constructed in an existing right-of-way platted before 1987. This could occur without having to bump out the right-of-way if it was appropriate, said Mr. Palmer.

Chairman Haight said it appears that this is addressing reconstruction which is beyond filling in potholes, for example.

Roll Call Vote:

The Commission approved Mr. Greene’s abstention from the vote as he could not follow the conversation adequately telephonically.

Yeas: Hickok, Dye, LeVine, Voelckers, Haight

Nays: Campbell

The motion passed.

VIII. BOARD OF ADJUSTMENT - None

IX. OTHER BUSINESS

A. Election of Officers and Planning Commission Committee Assignments

The Commission approved the election of the following officers:

Chairman: Chairman Haight
 Vice Chairman: Mr. Voelckers
 Clerk: Mr. LeVine
 Vice Clerk: Mr. Dye

Standing Committees:

- ✓ One liaison to the **Public Works Committee**
- ✓ Two liaisons to the **Wetlands Review Committee**
- ✓ One liaison to the **Lands Committee**
- ✓ One liaison to the Commission on **Sustainability**

Commission Committees:

- ✓ Title 49 Committee
- ✓ Subdivision Review Committee
- ✓ Auke Bay Implementation Committee
- ✓ Rules Committee
- ✓ Comprehensive Plan Committee (five members newly formed)

Mr. Voelckers said he has enjoyed his work on the Lands Committee, and for purposes of continuity he would like to remain on that committee as a member.

Chairman Haight invited Commission members to submit to him their request for committee assignments by Monday, February 19, (2018), and that he will make those assignments at a later date.

Mr. Dye said he thought it would be helpful to add two liaisons from the Assembly to the Comprehensive Plan Committee.

Chairman Haight said they would invite attendance to the Comprehensive Plan Committee by one or two Assembly members.

Mr. LeVine added that it would be helpful if the City Manager could also participate on the Comprehensive Plan Committee.

Mr. Voelckers said he thought it was a great idea to invite Assembly members to participate on the Comprehensive Plan Committee. He said this is an important topic for the Assembly and that their participation would be helpful in the process.

The Comprehensive Plan Committee:

- ✓ Mr. LeVine
- ✓ Mr. Miller
- ✓ Mr. Campbell
- ✓ Mr. Dye
- ✓ Mr. Hickok

The newly formed Comprehensive Plan Committee will meet at 5:30 on February 27, (2018), prior to the regular Planning Commission meeting.

B. Adoption of 2018 Planning Commission Calendar

The Planning Commission approved the adoption of the 2018 Planning Commission calendar.

X. STAFF REPORTS

Ms. McKibben stated that the Planning Commission training will be held at a Committee of Whole (COW) meeting prior to its first regular meeting on March 13, (2018).

The Title 49 Committee meeting for next Wednesday, February 21, (2018) is tentative and they will wait until new committee members have been appointed before scheduling the time and date of the meeting, said Ms. McKibben.

XI. COMMITTEE REPORTS

Auke Bay Implementation Meeting

Mr. Voelckers reported that the committee met a little over a week ago and that they began by reviewing the process. There was a lot of conversation about what a Traditional Town Center means, he said. There is also conversation about what zones are in place for other traditional town centers and whether they would like to use an existing zone or if they would like to craft zoning specific to the Auke Bay traditional town center area. Mr. Voelckers said he has been working on a sketch initially formulated by Mr. Miller, of what the traditional town center of Auke Bay could look like. Mr. Voelckers said they are incorporating newer developments in the area such as the new condominium project, the roundabout, and the widening of the road into Auke Bay from town.

Ms. McKibben said the next meeting of the Auke Bay Implementation Committee is scheduled for Thursday, February 22, (2018) at 1:30 p.m. in the Community Development Department conference room.

Mining Subcommittee

Mr. Voelckers reported that the ordinance language has been cleaned up and they have set a two-week time period for public comment on this ordinance. They will meet again to start looking at the details after the public comment has been received, he said.

XII. LIAISON REPORTS

Lands Committee

Assembly Liaison to the Planning Commission Beth Weldon reported that on the Lands Committee they are considering five proposals for the Cornerstone building located on Hurlock. The Glory Hole has pulled their application for that location, she said. They are taking public comment on this on February 26, (2018), at 4:30 p.m. during the Lands Committee Meeting, she said.

Essential Public Facilities

They are reviewing the Essential Public Facilities proposed ordinance. There were a lot of questions and concerns about this, and it has been sent back to the staff for further work, she said.

Meander Way

They are still discussing the Meander Way situation regarding the river banks, and a new situation has arisen which is the FEMA Flood Hazard mapping, she said.

Hydro One

They are currently working on the Hydro One acquisition. They are choosing to undergo negotiations with AEL&P, and also to hire an intervener, said Ms. Weldon.

The next regular Assembly meeting is Monday, March 5, at 7:00 p.m., said Ms. Weldon.

Ms. Weldon said she would be delighted to accept the Commission invitation to participate on the Comprehensive Plan Committee as an Assembly liaison.

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

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Dye asked for an ADOD update.

Ms. McKibben said they have created a working team and are creating a work schedule.

Mr. Dye asked if they are still looking at setbacks for exterior insulation for new construction.

Ms. McKibben said she did not recall that request being put before the staff. She said there is now the verbiage in the draft ordinance which will address the same issue.

Mr. Voelckers said if there is any ambiguity, that it would be appropriate to find a way to allow that extra insulation without interpreting it as a violation of a setback.

XV. EXECUTIVE SESSION - None

XVI. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: March 13, 2018

1. REVISED AGENDA FOR 3/13/18 MEETING

2. CSP2018 0001:

- a. Email exchange between Darrel Wetherall of Tongard Ct.; Amy Liu, CBJ Planner; and Alan Steffert, CBJ Project Engineer
- b. Public comment from Matthew Creswell

3. USE2018 0001:

- a. Staff response to Commissioner question re: staff report

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7:00 PM

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Subject: FW: ** EXTERNAL ** RE: Case No.: CSP20180001

From: Alan Steffert
Sent: Friday, March 09, 2018 2:05 PM
To: Amy Liu
Subject: Fwd: ** EXTERNAL ** RE: Case No.: CSP20180001

Sent from my iPhone

Begin forwarded message:

From: Darrell Wetherall <Darrell.Wetherall@aelp.com>
Date: March 2, 2018 at 5:52:38 PM AKST
To: Alan Steffert <Alan.Steffert@juneau.org>
Cc: "Mark Pusich (MarkPusich@pdceng.com)" <MarkPusich@pdceng.com>, "Kevin Puustinen (KevinPuustinen@pdceng.com)" <KevinPuustinen@pdceng.com>, "Matthew Creswell" <Matthew.Creswell@juneau.org>
Subject: RE: ** EXTERNAL ** RE: Case No.: CSP20180001

Thanks for the quick response Alan. I do appreciate taking this issue into further consideration. You can probably see that most of my questions/observations point to losing utility of our property and/or in how we interact with (access from) the ROW. I quite possibly use the gravel driveway more than I do the main driveway. The gravel driveway is my main access to the back of my property which is where "Alaska" happens LOL. Not having an access point here creates a major impediment to the usefulness of the property. It would require significant rework and redesign of landscaping, ultimately turning my front yard into a frontage road in order to gain access to the back from the main driveway. Many neighbors have already expressed sentiments for leaving the trees in my yard. It's doubtful that the north east side is wide enough to allow similar utility due to the reduced setback at the neighbors; deck, oil storage, trash, etc. Matt is already using this side for his access and boat storage and there isn't enough room for both side by side so ultimately, I use the west side. I'd rather not have to limit the usability of their property either. Hindsight is 20/20, and if we had the foreknowledge that a raised curb would be going in, maybe the garage and driveway could have been on the left; Or more space could have been inserted between 8216 and 8220. Even so, as a duplex, rather, single family with accessory apartment, with the garage to the left and apartment to the right, the apartment parking is on the right and so access from the main driveway would essentially be blocked by the apartment parking space. The place just wasn't "architected" for a raised curb or requirement to access the back yard from the main driveway.

I do believe that Matt wants to repave. I don't know if it will match exactly what is there now. But having the mailboxes there may or may not create some issues for him too. I don't think it really is an issue for me.

In looking at the drawing again, couldn't we just add a 12 – 14' curb cut at the gravel driveway but leave the rest as drawn? There would still be a good bit of raised curb between the two. Since we are not moving the sidewalk to the other side, this seems to be the simplest concession.

If the space between the two properties driveways were raised curb, an extended curb could go to the east of Matt's driveway, keeping his mailbox where it is today. I suppose the proximity of the two

driveways is what makes trying to raise the curb at the other side of his driveway and transitioning right back to a cut curb to accommodate the status quo location of my mailbox doesn't work and why it was drawn up the way it was. Could you move my mail box to the rockery wall edge of my driveway and make a minimal extended cut here? Or does that get too close to a curb cut at the gravel drive?

Have a good weekend!

Darrell

From: Alan Steffert [<mailto:Alan.Steffert@juneau.org>]
Sent: Tuesday, February 27, 2018 5:10 PM
To: Darrell Wetherall <Darrell.Wetherall@aelp.com>
Cc: Mark Pusich (MarkPusich@pdceng.com) <MarkPusich@pdceng.com>; Kevin Puustinen (KevinPuustinen@pdceng.com) <KevinPuustinen@pdceng.com>
Subject: ** EXTERNAL ** RE: Case No.: CSP20180001

Darrell,
 I have answers to most of your questions (see my comments in **RED**, below), and have asked Mark and Kevin to check on the rest (property line issues mostly). Let me know if you have any questions. I will be away from my desk all day tomorrow, back in the office Thursday, and away again Friday and next Monday.
 Thanks,
 Alan

Alan Steffert PE
 Project Engineer
 City & Borough of Juneau
 155 South Seward Street
 Juneau AK 99801
 Ph: (907) 586-0481
Mobile: (907) 789-4743 – NOTE new mobile phone number
 Email: Alan.Steffert@juneau.org

From: Alan Steffert
Sent: Tuesday, February 27, 2018 10:04 AM
To: Darrell Wetherall (Darrell.Wetherall@aelp.com)
Subject: RE: Case No.: CSP20180001

Hi Darrell,
 Amy forwarded your comments to me. Thanks for taking the time to let us know your concerns. I am meeting with the design engineers, Mark and Kevin, this afternoon to discuss the issues you raised, and will get back to you with answers hopefully this afternoon, or Thursday.
 Alan

From: Amy Liu
Sent: Tuesday, February 27, 2018 8:11 AM
To: Alan Steffert
Subject: FW: Case No.: CSP20180001

Good morning, see below.

From: Darrell Wetherall [<mailto:Darrell.Wetherall@aelp.com>]
Sent: Monday, February 26, 2018 5:30 PM
To: PC_Comments; Amy Liu
Subject: Case No.: CSP20180001

Hello Amy,

I know I was late to the game due to the mailer issue and missed the first public meeting, and I know the drawings that were sent were a "work in progress" and may no longer be accurate. So not sure if my observations are still relevant or not and if there are updated drawings to comment on (the drawings have been updated... I am looking at ~90% complete, i.e. the concept is nailed down but some details need completion). But here are a few comments.

- Where is your on-street parking? We intend that on-street parking will be on the south side of street where there is no sidewalk (D1 shoulder or valley gutter on south side). We will have to put up some *No parking this side of the street* signs on the sidewalk side.
- Can the sidewalk go on the other side? The sidewalk could have been on either side, but we chose the north side for a variety of reasons: sidewalk fit around existing utilities better, side slopes matching better, continuity with future Columbia Blvd sidewalk, etc. Or at least move the centerline of the road south 50% of the width of the new sidewalk? The location of existing utilities constrain us to where we have the road located. We have to have some offset from edge of pavement to the above ground utility pedestals. Outside your place the road centerline is already crowding the south side of the ROW.
- Are the property lines as shown really correct? The property lines were reconstructed from the record plats for the subdivisions, and tied to primary monuments and other monuments/property corners surveyed in. The individual house corners that faced the street were all shot in during the survey. The neighbor's house is shown a mere 4.3' from my property line. There does appear to be a discrepancy between the as-built's setback distance between your house and the property lines as drawn. We are having PDC's surveyor check into this.
- I have a gravel driveway for parking and accessing the rear of my property. I believe at about the old mailbox of 8216 and at about the 50% line of my lot frontage are the two sidewalk transitions for driveways. I'm not seeing a transition for my gravel driveway. The CBJ standard for residential driveways is to provide one curb cut per lot, matching the existing driveway width at the property line, but with a maximum 24' width for residential, or maximum 32' width for commercial or combined driveways. I am guessing your paved driveway is 30' wide or so. We have to provide access for the post office delivery vehicle to drive up to the mailboxes. We do this by making an "extended" curb cut, that extends beyond the mail box location. In this case, we have relocated your neighbor's mail box and yours to a common point between the two driveways and done away the extended curb cut all together. We have flexibility in where we can put the curb cuts but don't want to make all your frontage a curb cut at street level... It negates the point of a raised sidewalk. We have not planned on putting another curb cut in for your gravel driveway as it didn't look well used, but we can/will revisit this. Maybe we move the mail box to the other side of the street and eliminate extended curb cuts on both your driveways? Also as a side note, CBJ has an old dilapidated vehicle gate due west of my lot and that also shows a raised sidewalk that should be a driveway profile. The gate is a CBJ Parks Dept gate that provides access the Parks property behind your lot. They access the property from the Cedar Drive side so do not need us to put in a curb cut for this gate. They will throw a piece of 4x4 in the gutter if they need to ramp over the curb and get equipment in there.
- I'm noticing a new tap for my sewer service at 8220. Since structure D14 will be removed, they intercept it at the property line and tie into the new SP-9. In order to do this, a cut will need to be made to the driveway. Is this necessary? Could the tap to SP-9 be made at station 23+08 between the new unlabeled catch basin and existing CB2? This ties into paving in the next

question too. – CBJ is responsible for maintaining water and sewer services within the ROW. We try as much as possible to install cleanouts (and curb stops) in the ROW as close as practical to the property line. Your cleanout will be located close to the property line, which, in this case, will most likely be in the driveway. The driveway will be sawcut close to the property line and graded to match the new back of sidewalk (in the curb cut) and repaved. A cleanout is easier to locate and get to if it is surrounded by pavement so having one in the driveway is good.

- What is the exact grade differential between existing and proposed at back of sidewalk at the driveway? I'm right at the transition between the two typical sections so not sure if there is a cut or fill going on at my driveway. You will have a small cut in your driveway and we will need to make a graded transition. The east edge of your driveway will drop about 13 inches (8.2%), and the west side will drop 5 inches (about 3%). The sidewalk will also slope towards the road at 1.8%, and there will be a slight longitudinal slope towards the catch basin at 1%. Long story short, the driveway will slope away towards the road, not the house. Will the contractor cut asphalt back to the property line and repave with a new slope grade between property line and back edge of sidewalk? Yes –see above Basically, I just don't want a ditch(low spot) behind either driveway or any awkward grade changes. You won't get one.
- Would it be possible to relocate the new CB1 further from the property corner west? Not feasible... the location of the existing pipe dictates the new catch basin location. The new catch basin needs to be centered on the existing pipe and not in the sidewalk. I know it ties into the existing 24" CMP but either the property lines are wrong (maybe – we are checking) or that CMP is shown wrong (likely). I don't think it goes on my property. We found another old plan sheet showing the pipe running parallel to your property line, not through your property like we originally drew it, so it's likely the catch basin will move just a little bit westwards.
- The mailbox locations are just proposed for now? – Yes. We have flexibility where we locate the new ones, but with the caveat that the post Office needs to be able to drive up to them – meaning we have to put in extended curb cuts.

Thanks,

Darrell Wetherall, PE

5601 Tonsgard Ct.

Juneau, AK 99801

(907) 463-6316 Office

(907) 723-2602 Cell

(907) 463-4833 Fax

Darrell.Wetherall@aelp.com

Subject: FW: Case No.: CSP20180001 Birch Ln

From: Matthew Creswell

Sent: Monday, March 05, 2018 7:52 AM

To: Alan Steffert

Cc: Mark Pusich (MarkPusich@pdceng.com); Kevin Puustinen (KevinPuustinen@pdceng.com); Darrell Wetherall; Amy Liu

Subject: Case No.: CSP20180001 Birch Ln

Good Morning Alan,

I am writing in support of Darrell Wetherall's request to add a lowered curb/driveway entrance to the west side of his property at 8220 Birch Ln. I am Darrell's neighbor at 8216 Birch Ln. when I bought my house five years ago a major selling point was that I had access to my backyard and boat shed as well as boat trailer parking on the west side of my driveway adjacent to Darrell's yard. If Darrell were to lose his ability to access his backyard from the west side of his yard it could quite possibly force me to lose access to my boat shed and parking also because of Darrell's need to use the east side of his property. As Darrell has said, had he known that there was ever a possibility of him not having that west side access he probably would have laid his house out differently.

We are already going to lose several feet of our yards to accommodate for the sidewalk (which I am totally in support of), but I would hate to also have the usability of my yard decreased even more by possibly losing the access to my backyard and boat shed.

I hope you will take our concerns into serious consideration and work with us to find an amicable solution.

Thanks you for your time and consideration,

Matt Creswell



Matthew Creswell

Deputy Harbormaster

W: (907)789-0819

C: (907)321-0429

Matthew.creswell@juneau.org

Subject: FW: USE20180001: Marijuana retail establishment conditional use permit

From: Tim Felstead

Sent: Tuesday, March 13, 2018 12:29 PM

Subject: USE20180001: Marijuana retail establishment conditional use permit

Dear all,

I have been contacted by telephone by Commissioner Dye to clarify parts of this Conditional Use permit staff report (USE20180001).

Specifically he asked about the SERRC objection and the analysis in the staff report.

- **Proximity of the distance of Fireweed Factory marijuana retail store on Front Street from the SERRC property -**
This was not addressed in the Fireweed Factory, pre-application conference notes, Conditional Use permit staff report, nor during the Planning Commission meeting. At that time SERRC was not identified by CDD staff as requiring the buffer. CBJ's Marijuana buffer reference maps had not identified the SERRC building as a restricted property although these maps are intended as a general guidance based on CDD's understanding of the State marijuana buffer distance requirements. The SERRC property lines are on Ferry Way, Shattuck Way for their offices. Their lot also has frontage on S. Franklin Street but that is occupied by a gift store where no SERRC activities occurs. Distances from the nearest face of the SERRC building is ~490ft by the pedestrian route. This increases to over 500ft if the distance is measured from the building entrances. It does not appear SERRC objected to the Fireweed Factory Conditional Use permit. It is unknown if they objected to that State license.
- **Minutes from the State Marijuana Control Board hearing regarding the state license approval for Juneau's Green Market.** – the applicant has submitted written notes of the hearing proceedings based on their recording of the meeting – included in Attachment A of the Staff report. Staff has not examined whether thier notes are verbatim accurate. The approved minutes of the Marijuana Control Board are included as Attachment D of the staff report although the 10 minute audio recording, provided by the State, provides more nuance to the discussion than the official meeting minutes. The audio recording from the meeting is available should the Commission wish to listen to it at tonight's meeting. In the official minutes, 'Weltzin' is the applicant's counsel and not one of the Board members while 'McConnell' is the Director of the State Alcohol and Marijuana Control Office.

Best regards

Tim Felstead
Community Planner
Community Development Department
City and Borough of Juneau
155 S. Seward
Juneau, AK 99801

Tel: (907) 586 0466
<http://www.juneau.org/cddftp/>

Re: USE2018-0001

Objection to proposed conditions requiring onsite parking.

Are conditions 5 and 7 appropriate?

The application is to allow retail sales of marijuana at an existing retail location. A Conditional Use Permit (CUP) provides the mechanism to impose restrictive conditions which mitigate impacts caused by the proposed use. In this application, proposed conditions 1, 2, 3, 4 and 6 are related to the new use. Proposed conditions 5 and 7 create a new parking requirement which appears unrelated to the change in retail sales. Since this building is located *in a PD-1 parking district, no parking is required except for a new building or for expansion of an existing building.*

The Community Development Department (CDD) questions whether this is an existing building under the PD-1 district since it was built sometime in the 1990s. The CDD was able to find a proposal for a different building which would have contained more than 5,000 square feet of retail space in a three story building. If that building had been built, either an Allowable Use Permit or a CUP would have been required. A different building was erected nearby: two stories high with approximately 3,500 square feet of retail space.

From a satellite map view, the courtyard of this property looks so attractive – it just begs for some restriction to be imposed on it. The restrictions the CDD proposes are conditions 5 and 7. Those conditions expand beyond the CUP application and attempt to create a parking requirement for the entire building. Under these proposed conditions, six parking spaces are required, five of which may be standard size (8½ feet by 17 feet) and at least one must be van accessible (13 feet by 17 feet). Also, the conditions appear to require construction of an accessible route from the rear of the building to the front entrance at 263 Marine Way.

As written, these conditions allow the CDD to determine what is, or is not acceptable.

5. Prior to issuance of a Marijuana License the parking lot shall be stripped and signed according to a parking plan submitted with the required building permit and as approved by the Community Development Department.

7. Direct access from the required ADA space to the public retail space entrances, around the perimeter of building, shall be provided during business opening hours.

Emphasis added, CDD Staff Report, STF_USE18-01, page 15.

Proposed conditions 5 and 7 should not be wrapped into this CUP:

1. These conditions are not being used to mitigate impacts caused by the change of product.
2. The conditions impose restrictions which affect the entire property, not just the area which is the subject to this CUP.
3. These conditions create a parking requirement for this property that is different than what has been applied to other similarly situated properties.
4. Requiring van accessible parking at this location is unrealistic. A quick glance at downtown Juneau illustrates how seldom, if ever, the CDD actually requires van accessible parking. It is not possible to create the space on this property and comply with City standards. In addition, the access easement through Lot 3A is narrow and the turning radius is unsuitable for large vehicles. A ramp, in conjunction with a curb cut, will further reduce the usable space in the courtyard.
5. Lot 3 had been subdivided into two tracts before I purchased Lot 3B. Parking was not required for either of the two parcels which were created. The as-build survey, Attachment A - page 22 of the staff report, identified all existing structures. It included striping, sidewalks, oil tank, sheds, fences and other items as they existed at that time. The striped areas do not comply with City parking requirements and the new subdivision cut them off.

In 2016 I purchased a major interest in the other tract: Lot 3A. The form of ownership is different and the tracts cannot be combined. I met with the CDD and suggested the existing van accessible space in the City parking garage be allowed in the alternative. Also, the applicant has offered to lease two parking spaces in the City parking garage for the duration of this CUP. Both offers were rejected by the CDD.

The CDD staff analysis for the store located on Front Street is substantially different:

The property is located in the PD-1 parking district where no parking is required or internal-only improvements, such as the subject proposal. Therefore, no additional parking required is required.

Emphasis added, CDD Staff Report, STF_USE16-26, page 6.

This CUP should be approved with conditions 1, 2, 3, 4 and 6. If the staff report is adopted *as findings of fact*, staff's parking analysis should be excluded since this site is in a PD-1 parking district.

Sincerely,

Ken Williamson
Property owner



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

DATE: March 1, 2018
TO: Planning Commission
FROM: Amy Liu, Planner
Community Development Depart
FILE NO.: CSP2018 0001
PROPOSAL: A city project to repave and make drainage improvements on Birch Lane between Julep Street and Mendenhall Boulevard.

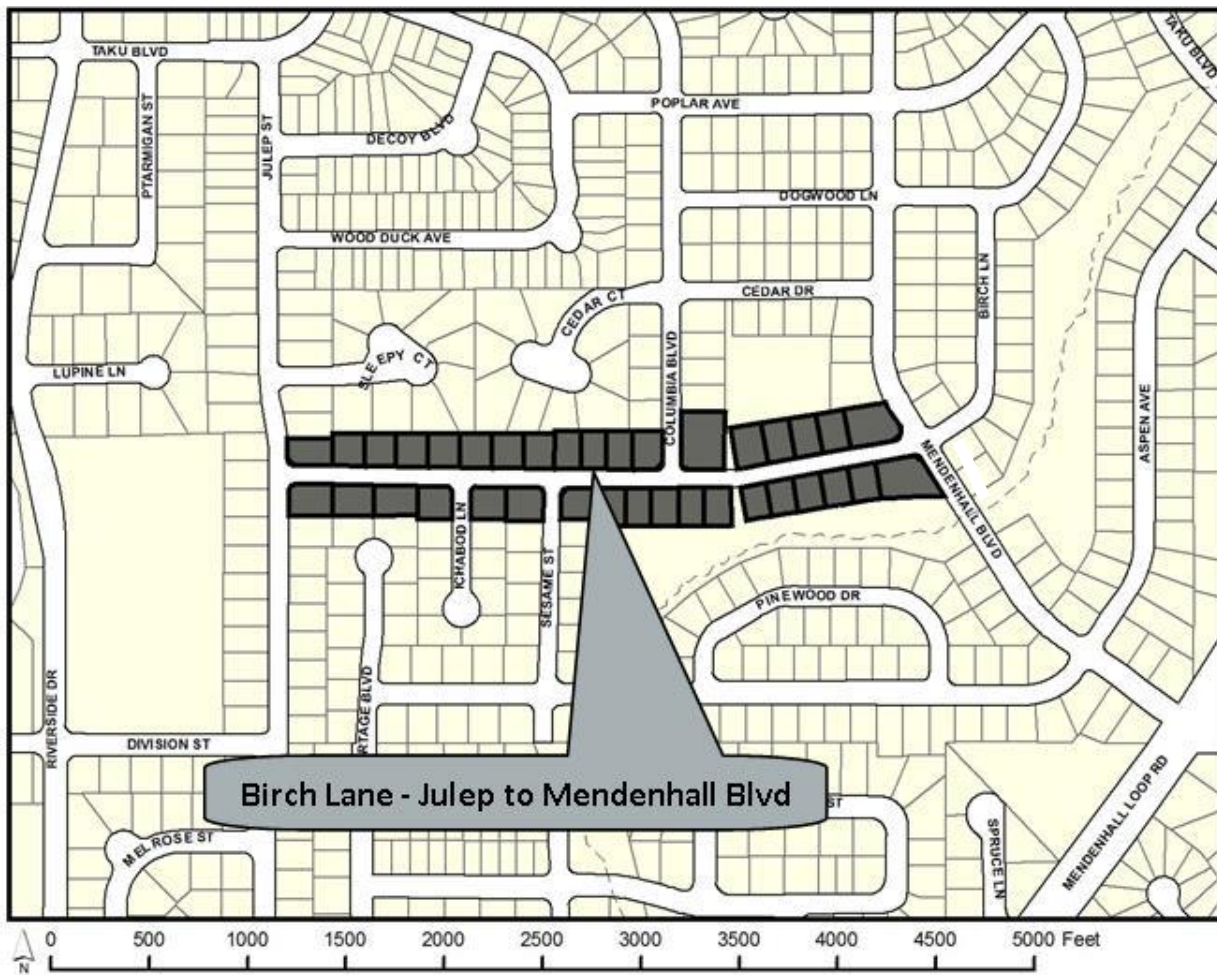
A handwritten signature in black ink, appearing to read 'Amy Liu', is positioned to the right of the 'FROM:' field.

GENERAL INFORMATION

Applicant: City & Borough of Juneau, Engineering and Public Works
Property Owner: City & Borough of Juneau
Project Area: Birch Lane
Site Size: 2.12 acres
Comprehensive Plan Future Land Use Designation: Urban Low Density Residential
Zoning: D5 Single Family/Duplex
Utilities: City water and sewer
Existing Land Use: CBJ right of way/neighborhood residential street
Surrounding Land Use: Single family/duplex

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 File No.: CSP2018 0001
 March 1, 2018
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VICINITY MAP



ATTACHMENTS

- | | |
|---------------|---|
| Attachment A: | Project Application |
| Attachment B: | Public Notice |
| Attachment C: | Public Comment |
| Attachment D: | Alaska Department of Fish & Game Comments |

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PROPOSAL

The applicant is requesting a City Project Review of the proposed pavement, sewer, and drainage improvements on Birch Lane between Julep Street and Mendenhall Boulevard. The project includes the following work (Attachment A):

- New underground storm sewer that will eliminate existing road side ditches
- New catch basins and shallow drainage swales routed to new underground storm sewer pipe that will replace existing open drainage ditches
- Replacement of aging sewer and water infrastructure
- New five foot wide sidewalk with curb and gutter along the north side of the road (the south side of the road will have a compacted base course shoulder or valley gutter)
- New pavement that will be laid on a reconstructed shot rock road base

BACKGROUND

Birch Lane was developed in the 1960s. It consists of a 50 foot right of way with a 24 foot wide travel way. There is no sidewalk. The existing sewer and water infrastructure has not been updated since the 1980s. The pavement contains numerous potholes and depressions, which collect water and create a safety hazard for vehicles when the water freezes.

AGENCY REVIEW

Staff contacted CBJ General Engineering, Streets, Wastewater Utility, and Capital City Fire and Rescue as well as the Alaska Department of Fish and Game (ADF&G). ADF&G is concerned that bankside activities near Duck Creek will result in sediment deposition that would diminish habitat quality for several species of salmon and trout. ADF&G also pointed out that beavers and bears are known to frequent the vicinity of the project site and may disrupt work (Attachment D).

ADF&G made several recommendations. Work should be performed in the middle of summer, when stream flows are at their lowest. Contractors and staff should be prepared to promptly contain and clean spills and dispose of trash. Culverts should be capped or include beaver bafflers. Storm drains should have 'no dumping' signs to indicate that discharge flows into a salmon stream. Sediment booms should be deployed.

PUBLIC COMMENTS

Comments submitted through email and made during the January 26, 2018, open-house were generally in support of the project. Individuals were specifically concerned about short term impacts of construction, such as tree removal and driveway access. Project leads were able to address these concerns (Attachment C).

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ANALYSIS

CBJ 49.10.170(c) City and borough land acquisitions, disposals and projects. The commission shall make recommendations to the assembly on land acquisitions and disposals as prescribed by Title 53, or capital improvement project by any City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan and the capital improvements program.

This project will improve road conditions and storm water drainage by resurfacing the roadway to have slightly rolling hills and installing storm drains and catch basins connected to an underground storm sewer pipe. Potholes will be removed and water will be directed away from vehicular traffic. Pedestrian safety and connectivity will be improved by the addition of a sidewalk.

CBJ 49.15.580(a) CBJ Project Review. The commission shall review all proposed City and Borough capital improvement projects estimated to cost \$500,000 or more for consistency with this title...The Commission may recommend conditions on and modifications to any project reviewed by the Commission through a notice of recommendation. The notice of recommendation shall be forwarded to the Assembly for further action.

The Six Year Capital Improvements Program (CIP) for FY2018-2021 lists “Birch Lane Improvements Mendenhall to Julep Phase I” to be funded by \$1.5 million sourced from area wide sales tax funds.

Ordinance 2018–08 adopted March 5, 2018, provides a waiver process for roadway construction standards.

This ordinance becomes effective 30 days after adoption. At the time of the writing of this staff report the ordinance had not been adopted. The Director’s analysis, below, is based on the ordinance as reviewed and recommended by the Planning Commission. If the ordinance is amended by the Assembly a revised analysis will be provided to the Commission in a supplemental report prior to the March 13 Planning Commission meeting. As a condition of approval, staff recommends the Commission decision on this CSP not be final until the waiver amendment is effective.

49.35.240(i)(4)(A) Roadway construction standards may be waived by the director if:

- i. The existing roadway does not comply with the roadway construction standards identified in Table 49.35.240;*

Birch Lane is currently nonconforming. Table CBJ 49.35.240 requires a minimum 60 foot wide right-of-way (ROW), 24 foot travel way, and a sidewalk on one side for all CBJ streets, other than arterials, that have 212-499 average daily vehicle trips. Birch Lane currently has a 50 foot right-of-way, 24 foot travel way, and no sidewalk.

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- ii. *There are unique circumstances that make compliance with requirements of the table unreasonable;*

Due to the infeasibility of purchasing private property and the fixed locations of existing electrical utilities, the right of way cannot be widened. In order to accommodate the addition of a sidewalk for pedestrian safety, the travel way will be reduced to 20 feet. Compliance with the requirements of the table is unreasonable.

- iii. *The proposed project will not aggravate the intent of the requirements of this chapter.*

The intent of the requirements of this chapter is to reduce congestion, calm traffic, and facilitate bicycle and pedestrian travel.

Birch Lane improvements will increase motorized commuter and pedestrian safety while sufficiently supporting traffic demands. The narrower travel lanes will calm traffic by slowing drivers. The development of a new sidewalk will dedicate more space than was previously available to pedestrians. The net result of the project is improvement to vehicular traffic and pedestrian traffic that is consistent with CBJ code and adopted plans. The requirements of this chapter will not be aggravated.

- iv. *The proposed project complies with the American Association of State Highway and Transportation Official Guidelines.*

American Association of State Highway and Transportation Official (AASHTO) guidelines state that ten foot wide travel lanes are acceptable for low speed streets. The Birch Lane reconstruction plans include a 5 foot side walk and 10 foot wide travel lanes. Birch Lane improvements comply with the AASHTO Guidelines.

The director waives roadway construction standards for the proposal.

CONFORMITY WITH ADOPTED PLANS

2013 Comprehensive Plan stresses that “A full complement of services and facilities to promote the public’s health, safety and quality of life is needed to provide adequately for the density and intensity of land uses envisioned in the Urban Service Area...”

Repaving the roadway and introducing a sidewalk will promote health and safety for drivers and pedestrians in the area.

The Plan also emphasizes storm water management.

POLICY 7.7 – TO PROTECT, MAINTAIN AND IMPROVE SURFACE WATER, GROUNDWATER AND MARINE WATER QUALITY IN ITS JURISDICTION SO THAT ALL WATERS ARE IN COMPLIANCE WITH FEDERAL AND STATE WATER QUALITY STANDARDS AND CONTINUE TO ALLOW AQUATIC LIFE TO THRIVE.

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7.7 – SOP5 Incorporate the goal of protecting and improving water quality into the planning, site selection, budgeting, design and construction of CBJ capital projects with consideration of watershed management plans when available.

The project improves storm water management. The catch basins and shallow drainage swales routed to a new underground storm water sewer pipe and oil separator will ensure that water is filtered before discharging into Duck Creek.

Juneau Non-Motorized Transportation Plan advocates for increasing pedestrian safety. The plan does not specifically address Birch Lane. Nevertheless, the proposed sidewalk is consistent with the plan's recommendations to incorporate more pedestrian infrastructure into road improvement projects.

Area-Wide Transportation Plan (AWTP) considers land use and future development and establishes direction with respect to transportation in Juneau.

Solution 1.6 – With new construction and reconstruction, evaluate pedestrian and bicycle needs and recommend sidewalks on one or both sides of a street, as appropriate, in all commercial and residential subdivisions.

Although Birch Lane is not mentioned specifically, enhancing safety for pedestrians is a guiding principle of the AWTP. The plan includes an area-wide solution list that addresses the need for additional sidewalks and street paving. The proposed project will bring Birch Lane into conformance with the AWTP.

Juneau Safe Routes to School Plan (SRTS) found that safety concerns are a primary reason for parents not allowing children to walk or bike to school. Between 1999 and 2011, 208 accidents occurred in Juneau involving a vehicle and a pedestrian or bicyclist, including four fatalities. In order to create different outcomes, a goal of the Juneau SRTS plan is to “improve pedestrian and bicycle infrastructure - such as sidewalks, crosswalks and bicycle lanes – to increase the number of children walking and cycling to school”. The addition of a sidewalk on Birch Lane will improve pedestrian safety, which may encourage students to walk and cycle to school.

HABITAT

Storm water west of Columbia Boulevard will be collected by drains at Julep Street that discharge into the Mendenhall River. Storm water east of Columbia Boulevard will course through a culvert feeding Duck Creek, a mapped anadromous waterbody. To mitigate negative impacts to water quality, the project will meet conditions of the Alaska Department of Environmental Conservation's Construction General Permit (CGP). As a condition of the CGP, the contractor will develop and implement a storm water pollution prevention plan (SWPPP). The SWPPP will include oil and fuel spill kits on site and sediment control devices that meet all applicable federal, state, and city regulations.

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FINDINGS

Staff finds the proposed Birch Lane pavement, sewer, and drainage improvements to be consistent with CBJ adopted plans and consistent with Title 49.

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2018 0001 to be consistent with adopted local plans and polices, as required by CBJ 49.15.580, and **approve** CSP2018 0001 to repave and make drainage improvements on Birch Lane between Julep Street and Mendenhall Boulevard, with the following condition:

1. The Planning Commission consistency determination is effective on April 4, 2018.

Staff further recommends the following two advisory conditions in order to provide consistency with adopted plans and give all possible notice to the applicant and the project contractor:

1. Per *CBJ 42.20.095(b) Construction of buildings and projects*. It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment before 7:00 a.m. or after 10:00 p.m. Monday through Friday, or before 9:00 a.m. or after 10:00 p.m. Saturday and Sunday, unless a permit is first obtained from the Building Official. Such permit shall be issued by the Building Official only upon a determination that operation during those hours is necessary and will not result in unreasonable disturbance to surrounding residents.
2. At least three business days prior to any traffic revision or road closure of any public street or portion thereof, the contractor shall provide written notification of the traffic revision plan to the CBJ Fire Marshal and Chief of Police. Failure to provide such notice may result in suspension of any CBJ-issued permits for such work and is punishable by a fine as an unlawful street closure under CBJ 72.17.010.



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 Birch Lane, in Mendenhall Valley, Juneau AK 99801, between Julep St and Mendenhall Blvd		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Portions of Mendenhaven, Birch Lane and Sleepy Hollow subdivisions,		
	Parcel Number(s) no parcel... CBJ right-of-way 0		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner CBJ	Contact Person Alan Steffert	Phone Number(s) 907 586 0481
	Mailing Address 155 South Seward St, Juneau Ak 99801		907 586 0481
	E-mail Address Alan.Steffert@juneau.org		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X _____ Landowner/Lessee Signature		_____ Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant same Alan Steffert	Contact Person	Phone Number(s)	
Mailing Address Engineering			
E-mail Address			
X _____ Applicant's Signature		1-5-2018 Date of Application	

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number CSP 14-001	Intake Initials BM / EQ
	Date Received 1/8/18

Attachment A: Application

Edward Quinto

From: Beth McKibben
Sent: Monday, January 08, 2018 10:38 AM
To: Edward Quinto
Subject: FW: CSP application - Birch Lane
Attachments: Birch Lane Location Map.pdf; Birch Lane Typical Section.pdf; DPA - Birch Lane Pavement & Drainage Improvements BE18-174 - signed.pdf; Birch Lane Cover Sheet.pdf; Birch Lane CSP narrative.pdf

Eddie will you please set up a case ASAP so I can get it to a Planner ASAP

Thanks

Beth McKibben, AICP
Planning Manager, CDD
City & Borough of Juneau
907.586.0465



Please consider the environment before printing this email.

From: Alan Steffert
Sent: Monday, January 08, 2018 10:37 AM
To: Beth McKibben
Subject: CSP application - Birch Lane

Beth,
See attached CSP application documents for the Birch Lane Pavement and Drainage Improvement project, CBJ Contract no. BE18-174.

I have attached electronic copies of the following:

- CSP application
- DPA application signed
- Project narrative
- Select project drawings
 - Cover sheet
 - Location map
 - Typical section

Please put the project on the February 13th PC meeting agenda.

Also, please let me know if you need any more information.

Thanks,

Alan

Alan Steffert PE
Project Engineer
City & Borough of Juneau
155 South Seward Street
Juneau AK 99801
Ph: (907) 586-0481

Mobile: (907) 789-4743 – NOTE new mobile phone number



The City and Borough of Juneau is not responsible and shall not be liable to the user for damages of any kind arising out of the use of data or information provided by the City and Borough of Juneau, including the installation of the data or information, its use, or the results obtained from its use. ANY DATA OR INFORMATION PROVIDED BY THE City Borough of Juneau IS PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Data or information provided by the City Borough of Juneau shall be used and relied upon only at the user's sole risk, and the user agrees to indemnify and hold harmless the City Borough of Juneau, its officials, officers and employees from any liability arising out of the use of the data/information provided. NOT FOR ENGINEERING PURPOSES.

Attachment A: Application

CITY & BOROUGH OF JUNEAU, ALASKA



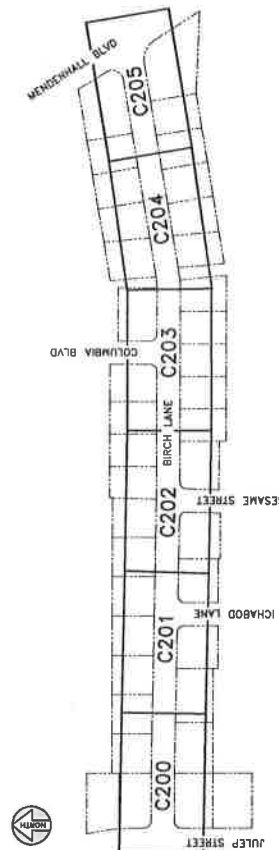
GRAPHIC SCALE

COVER SHEET

**BIRCH LANE PAVEMENT &
DRAINAGE IMPROVEMENTS
CBJ CONTRACT No. BE18-174
CITY & BOROUGH OF JUNEAU, ALASKA**



SHEET INDEX	
SHEET No.	DESCRIPTION
C001	COVER SHEET
C002	GENERAL NOTES, ABBREVIATIONS AND SYMBOLS
C003	SURVEY CONTROL MAP
C004	SUMMARY TABLES
C100	TYPICAL SECTION - BIRCH LANE
C101	CONSTRUCTION DETAILS
C102	CORROSION PROTECTION DETAILS
C200	PLAN VIEW - STA "B" 10+00 to STA "B" 12+80
C201	PLAN VIEW - STA "B" 12+80 to STA "B" 15+85
C202	PLAN VIEW - STA "B" 15+85 to STA "B" 18+90
C203	PLAN VIEW - STA "B" 18+90 to STA "B" 21+95
C204	PLAN VIEW - STA "B" 21+95 to STA "B" 24+90
C205	PLAN VIEW - STA "B" 24+90 to STA "B" 27+40
C300	PROFILE - STA "B" 10+00 to STA "B" 15+80
C301	PROFILE - STA "B" 15+80 to STA "B" 21+80
C302	PROFILE - STA "B" 21+80 to STA "B" 27+50
C400	PAVEMENT AND VALLEY GUTTER LAYOUT STA "B" 10+00 to STA "B" +
C401	PAVEMENT AND VALLEY GUTTER LAYOUT STA "B" + to STA "B" +
C402	PAVEMENT AND VALLEY GUTTER LAYOUT STA "B" + to STA "B" +



SHEET KEY MAP

N.T.S.

	DATE	REVISION

DESIGN JMP/KAP
 DRAWN ECR/KAP
 CHECK JMP
 APPROVED JMP

City/State Project Review Application

for

Birch Lane Pavement & Drainage Improvements

CBJ Contract BE18-174

Project Narrative

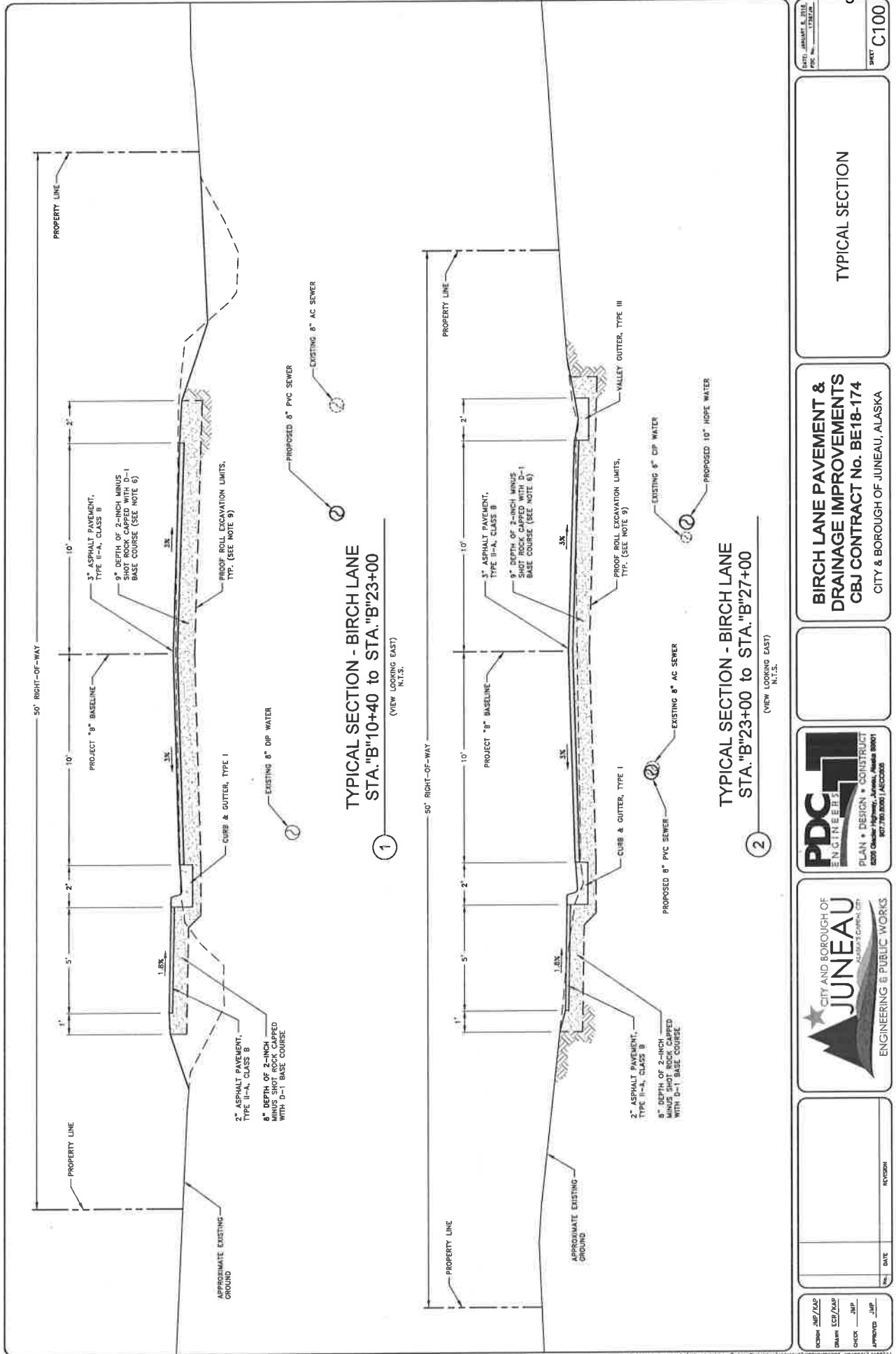
The CBJ intends to make pavement and drainage improvements on Birch Lane, between Julep St and Mendenhall Blvd. Birch Lane is a residential street located in the Mendenhall Valley, Juneau Alaska.

The west end of Birch Lane consists of two paved lanes with gravel/dirt shoulders and deep roadside ditches for drainage on both sides of the street. The east end of the project has two paved lanes with valley gutters for drainage. Municipal water and sewer mains run under the street. All electrical and communication utilities are buried underground alongside and crossing under the street. Above ground utility pedestals and electrical transformers are typically located between the existing edge of pavement and the drainage ditches.

The road, drainage ditches and all utilities are located within a narrow 50 ft wide CBJ Right of Way.

The Birch Lane Pavement & Drainage Improvements project will install new underground storm sewer pipe, eliminating existing road side ditches. Existing aging sewer infrastructure will be replaced as will old cast iron water mains where encountered. A new 5 ft wide sidewalk with curb and gutter will be constructed along the north side of the road. South side road edge will be a compacted base course shoulder, or valley gutter. New pavement will be placed on a reconstructed shot rock road base. Catch basins and shallow drainage swales routed to new underground storm sewer pipe will replace existing open drainage ditches. No changes will be made to existing street lighting.

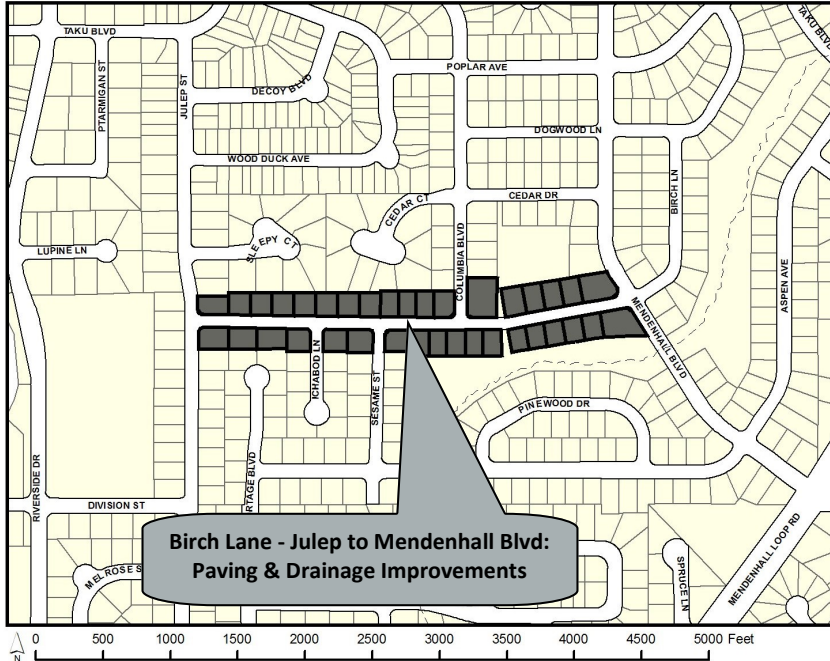
The fixed location of the existing utility pedestals/transformers reduces the useable width of the 50 ft ROW. In order to accommodate a sidewalk and two traffic lanes , the road lanes will be narrowed to 10 ft each, for a total paved road width of 20 ft. Narrowing lane width has a demonstrated traffic calming effect which is appropriate for this residential street.



DESIGN: JNP/JAN	DRAWN: ECF/NAP	CHECK: JNP	APPROVED: JNP	DATE: _____	REVISION: _____
ENGINEERING & PUBLIC WORKS					
PLAN & DESIGN & CONSTRUCTION 8208 Glacier Highway, Juneau, Alaska 99901 (907) 586-1000 / FAX (907) 586-1005					
BIRCH LANE PAVEMENT & DRAINAGE IMPROVEMENTS CBJ CONTRACT NO. BE18-174 CITY & BOROUGH OF JUNEAU, ALASKA					
TYPICAL SECTION					
SHEET C100					

Invitation to Comment

PLEASE NOTE: This hearing was removed from the 2/13 agenda and will now be heard by the Planning Commission on March 13, 2018.



155 S. Seward Street Juneau, Alaska 99801

TO:

NOTE NEW HEARING DATE: A proposal has been submitted for review and public hearing by the Planning Commission for a city project to pave and make drainage improvements along Birch Lane between Julep Street and Mendenhall Blvd.

TIMELINE

Staff report for CSP2018 0001 to be posted by March 5 at

<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

Late arriving material, hearing results & meeting minutes to be found here also.

Now through February 26, 2018

Comments received during this period will be sent to the Planner, **Amy Liu** to be included in the staff report.

February 27 through 12 noon, March 9

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

HEARING DATE & TIME
7:00 pm, March 13, 2018

You may testify and submit up to 2 pages of written material (15 copies please) at the hearing in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

March 14

The results of the hearing will be posted online.

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

Case No.: CSP2018 0001

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

Date notice was printed: February 8, 2018

Attachment B: Public Notice

From: Int <beebjnu@gmail.com>
Sent: Friday, January 26, 2018 1:30 PM
To: PC_Comments
Subject: Birch lane paving project
Attachments: image.jpeg; ATT00001.txt

I was wondering what is the solution to the section between sesame st and ichabod lane?
The ditch pictured currently drains both yards. The fenced yard has a drainage that is perpendicular to the ditch. How will this yard be drained?

Tad



Attachment C: Public Comment

From: Ken Patten <ken.patten@gmail.com>
Sent: Saturday, January 27, 2018 1:41 PM
To: PC_Comments
Subject: Road and drains

My name is Ken Patten I live on Portage Blvd by the culdesac. Our back yards between Ichabod and Portage are floating when it rains. We paid for a drain by a private contractor about 15 years ago. It did ok but within the last couple of years the drainage has increasingly gotten worse if you could add a drain between the streets here it would be helpful. I believe just fixing the street and drains on Birch will help but if you can do anything to help the residents between Ichabod and Portage it would be recieved well. Thank you for listening

Ken Patten

From: Doug Redburn <redburnd@ptialaska.net>
Sent: Monday, February 12, 2018 9:35 AM
To: PC_Comments
Subject: Birch Lane reconstruction from Julep Street to Mendenhall Blvd

Dear Planning Commission members:

My name is Doug Redburn. I'm a retired marine biologist, having worked my career with the Alaska Dept. of Environmental Conservation in Juneau. I live at 8851 Birch Lane and have resided there since 1979. I have a number of comments and suggestions I would like the Planning Commission to consider during and after its February 13, 2018 public hearing.

1. Retain the rural character of Birch Lane to the degree possible. Retrofitting existing rural streets to totally conform to the standards of newly-constructed subdivisions is usually not possible due to cost and/or right-of-way constraints, nor is it usually warranted.

As a long-time resident on Birch Lane, I've seen a variety of upgrades over the decades. All of these have been done within the existing footprint of the road width. This project will change that.

I call myself a "minimalist" in terms of improvements, in keeping with the current rural character of the street and the highly-valued Duck Creek greenbelt in my backyard. They are both important to my quality of life. I appreciate that both the CBJ Engineering and PDC Engineering Project Managers have done a good job of listening to concerns and have tried to address a number of the impacts and concerns raised in the design for Birch Lane. These include working to identify and limit the removal of desired trees/landscaping at each homeowners property, adjusting the road width where needed, and designing for shallow, vegetated swales on the South side of the street. I appreciate that, as I rely on retaining landscaping/existing tree features to buffer the noise and visual effects of road traffic. Design elements that minimize the disruption and extent of digging up front yards are appreciated.

While most, if not all, residents of Birch Lane would support repaving and replacing aging sewer and water lines (and installing underground drainage also seems to be warranted), improvements beyond that can be controversial. While I don't believe the volume of foot traffic would definitively support the need for a new sidewalk, if it is determined that one will be installed, I do agree with the CBJ Engineering Dept. that it should be located along the North (glacier) side of the street. This would support eventually connecting up to Columbia Blvd in the future and helps link that street to Birch Lane. I also support retaining an existing, shallow vegetated swale along the South side of the street, but ask that its width be reduced a little (down to and identical in width to the width of the existing drainage ditch) rather than digging up front lawns to extend it all the way up to the property line.

In the absence of an earlier "scoping session" to ask the neighborhood what they really wanted in terms of upgrades to Birch Lane, residents are faced with commenting on a CBJ-proposed alternative (provided on November 30, 2107) that has been vetted within the CBJ Engineering and Planning Depts but put out before any public input was solicited. That said, the public meeting at Floyd Dryden in January was productive and appreciated, recognizing that residents were limited at that stage to commenting on a proposal that already had considerable inertia. Slight refinements seem possible, but not significant adjustments at this stage.

2. As proposed, retain the existing natural drainage ditch conveying stormwater from Birch Lane to Duck Creek without dredging or modifying it along its length.

I live immediately adjacent to this side drainage ditch and can confirm that it adequately conveys the volume of water from Birch Lane to Duck Creek during all seasons. I have never witnessed flooding of this ditch in the 39 years I have lived in the house. I annually clean out fallen branches and any other obstructions that could slow or impede water flow. I support the fact that no reconstruction of this ditch is proposed, as it would be unwarranted. The current ditch is adequate in conveying water without any improvements.

3. Scheduled annual cleaning out of the newly-installed oil water separators and sediment sumps needs to be included in the Street Departments budget and annual workplan.

I appreciate that CBJ will be installing both these effective stormwater treatment BMPs along Birch Lane. As a career water quality scientist, I understand and appreciate the value of these installations to help protect the water quality of Duck Creek. Several hundred thousand dollars has been spent over two decades by a variety of agencies to improve the creek's quality and flow rate. Adequate maintenance of the catch basins (regularly removing sediment and oils) is essential to support this goal of clean water.

4. Provide a detailed construction schedule of each phase of the road work to each resident once it is available.

The construction project is estimated to begin in May and end in September. Certainly, not all portions of Birch Lane will be equally affected during that time frame. For example, sewer line replacement will likely start nearest Julep Street and eventually work its way up to Mendenhall Blvd. Many residents will want to plan vacations with this knowledge. I personally would like to be present during the time that work is being done in front of my specific property, as some site-specific adjustments may be possible. These adjustments won't be possible if I'm not there. Notifications of the detailed schedule can easily be done by using the email addresses and phone numbers of those residents on the sign-up list who attended the January 25 discussion of the project at Floyd Dryden School. Tax roles also have address information.

5. Installing seasonal or permanent speed bumps would go a long way towards slowing traffic speeds along Birch Lane, a real concern of most residents and typically those with young children. Speed bumps would also reduce traffic volume along the street.

Any road improvements that reduce traffic volume and traffic speed along Birch Lane would be very welcome. Reducing both traffic volume and speed are high priority issues for me and the neighbors I've spoken with. I'm well aware that speed bump installation is resisted by the CBJ. While challenges to snow removal are created by speed bumps, they are manageable and currently operational near Mendenhall River School with no apparent problems with winter or summer road maintenance. They also exist on a seasonal basis near the Mendenhall Glacier to effectively control speeds in that area. This is an opportunity for the Planning Commission to create a model (experimental?) street in the Valley and address a real concern of the neighborhood at minimal cost. I ask that speed bumps at least be given a try to see how they work seasonally, if not permanently. Certainly, maintenance issues don't exist during the snow-free seasons in Juneau during which traffic speeds along Birch Lane are the highest.

6. Absence of a comprehensive neighborhood plan for the Mendenhaven area will continue to result in future street upgrades guided only by the general Comprehensive Plan and the whim of available dollars.

It is understandable that Lemon Creek and Auke Bay now have area/neighborhood plans as both those areas are mixed-use locations with major potential conflicts between uses. Strictly residential areas suffer from not have a similar, long-term view of desirable upgrades. Such a process would allow residents some early input on their preferences for their respective streets in a proactive, vs. a reactive, manner. Simply, allowing consideration and discussion of a number of options at the outset of a project is preferable to reacting to a single preferred alternative.

In summary, please "design with nature" in mind for this reconstruction. Focus on those truly needed upgrades to Birch Lane while still respecting its current character. Efforts to reduce traffic volume down the street and limiting traffic speeds would also be appreciated.

Thank you for the opportunity to provide comments.

Doug Redburn
8851 Birch Lane
11 February 2018



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Fish and Game

DIVISION OF WILDLIFE CONSERVATION
Southcentral Region

333 Raspberry Road
Anchorage, Alaska 99518-1565
Main: 907.267.2257
Fax: 907.267.2532

January 23, 2018

Amy Liu
155 S. Seward St.
Juneau, AK 99801

Greetings:

The Alaska Department of Fish and Game (ADF&G) has reviewed the application from the City and Borough of Juneau (CBJ) CSP2018-0001 for drainage and pavement improvements to Birch lane between Julep St and Mendenhall Blvd. Birch Lane is in close proximity (within 150 ft.) to Duck Creek and its associated riparian zone. As such, ADF&G has several comments regarding fish and wildlife habitat.

Fish Habitat

ADF&G is concerned that bankside activities near Duck Creek will result in sediment deposition into the creek or creek channel. Duck Creek is listed as an impaired water body under section 303(d) of the EPA's Clean Water Act (<https://www.epa.gov/tmdl/impaired-waters-and-tmdls-region-10>) as a result of poor water quality (i.e. deposits of silt and debris, fecal coliforms, and low dissolved oxygen). However, according to ADF&G's Anadromous Waters Catalog, Duck Creek still produces adequate habitat for pink, chum and coho salmon, and supports resident cutthroat trout and Dolly Varden char. Duck Creek does not support consistent stream flows to always flush sediments, thus fry survivals are often tenuous. In a typical year, coho smolts, pink and chum fry, as well as resident fish species, move out of the creek prior to the typically drier summer months of June and July in which creek flows can be low or non-existent. In August, September, and October the fall/winter precipitation brings flow back into Duck Creek which then attracts cohos back into the stream to overwinter. Tagging studies have demonstrated that coho salmon from Duck Creek are captured in both recreational and commercial fisheries in Northern Southeast Alaska.

ADF&G recommends the following steps to minimize the impact of sediments and fuels on an important salmon-producing stream.

- Work in the Birch Lane area should only occur from mid-June to July when stream flows are at their lowest and fish are less likely to be present
- In order to prevent any materials from entering the stream contractors should:
 - Promptly contain and clean any oil and fuel spills.
 - Deploy sediment booms.
- Storm drains should have "no dumping" signs indicating that they flow into a salmon stream.

Amy Liu

- 2 -

January 23, 2018

Wildlife Conflict Management

Duck Creek is a green belt that provides a movement corridor for wildlife. The area's beaver population frequently moves out of Dredge Lake using the river and stream systems and their associated culverts. Their activity often causes flooding in urban areas. Black bears are known to frequent the area as well.

ADF&G recommends the following to minimize beaver movement into the subdivision and associated flooding:

- Any culverts that CBJ replaces or installs should include fully enclosed beaver bafflers or at a minimum culvert end caps to prevent beavers from moving into the area and plugging culverts with debris.

ADF&G recommends the following to minimize drawing black bears into the area:

- Contractors and staff should properly store or dispose of all attractants including trash and any odiferous material such as petroleum based products.

ADF&G has no objection to this project provided that the above recommendations are implemented. Thank you for the opportunity to review and comment on this proposed land use permit. If you have any concerns with our comments, you may contact me at adam.dubour@alaska.gov or 267-2292.

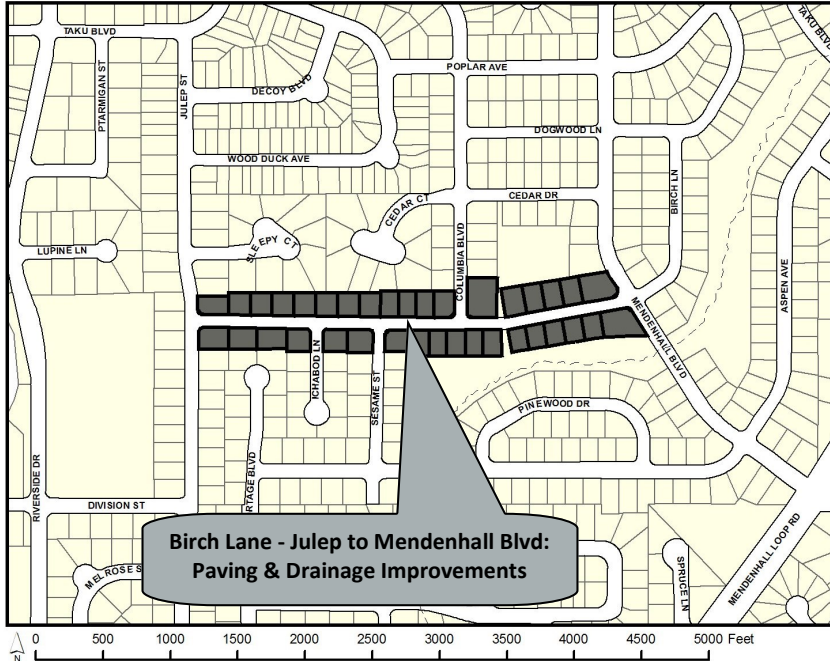
Sincerely,

A handwritten signature in blue ink that reads "Adam DuBour". The signature is fluid and cursive, with the first name "Adam" and last name "DuBour" clearly distinguishable.

Adam DuBour
Habitat Biologist
Access Defense Program
Alaska Department of Fish and Game

Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

A proposal has been submitted for review and public hearing by the Planning Commission for a **city project to pave and make drainage improvements along Birch Lane** between Julep Street and Mendenhall Blvd.

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

Now through January 26, 2018

Your comments to the Planner, **Amy Liu** will be included in the staff report.

January 27 through 3 pm, February 13

Your comments will be sent to Commissioners to read along with the staff report in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, February 13, 2018

You may testify at the hearing in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

February 14, 2018

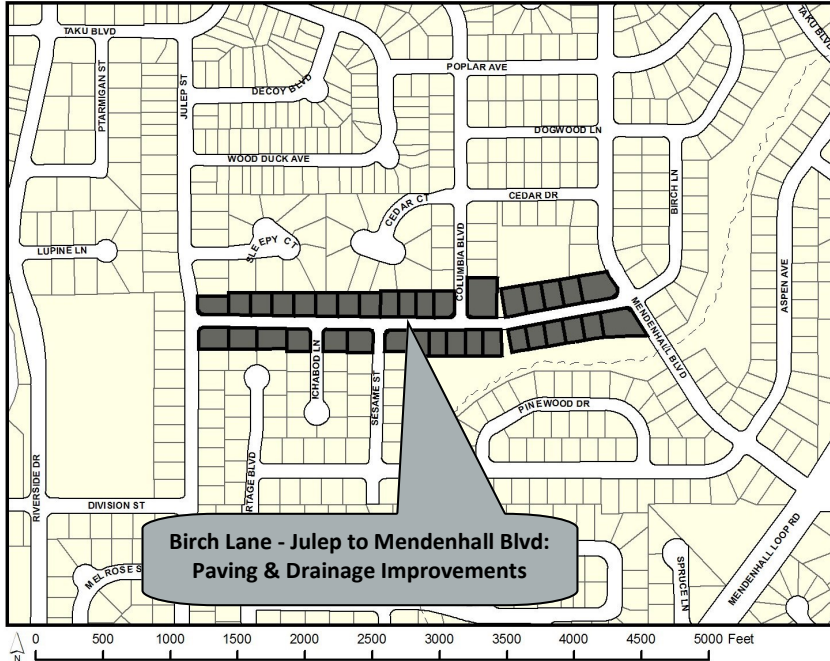
The results of the hearing will be posted online.

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

Case No.: CSP2018 0001
CBJ Parcel Viewer: <http://epv.juneau.org>
Date notice was printed: January 18, 2018

Invitation to Comment

PLEASE NOTE: The start time for this hearing has been pushed back to 8 pm (instead of 7 pm). Therefore, you are receiving a second notice.



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

Note new start time of 8 pm for the hearing: A proposal has been submitted for review and public hearing by the Planning Commission for a city project to pave and make drainage improvements along Birch Lane between Julep Street and Mendenhall Blvd.

TIMELINE

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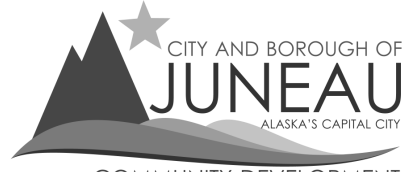
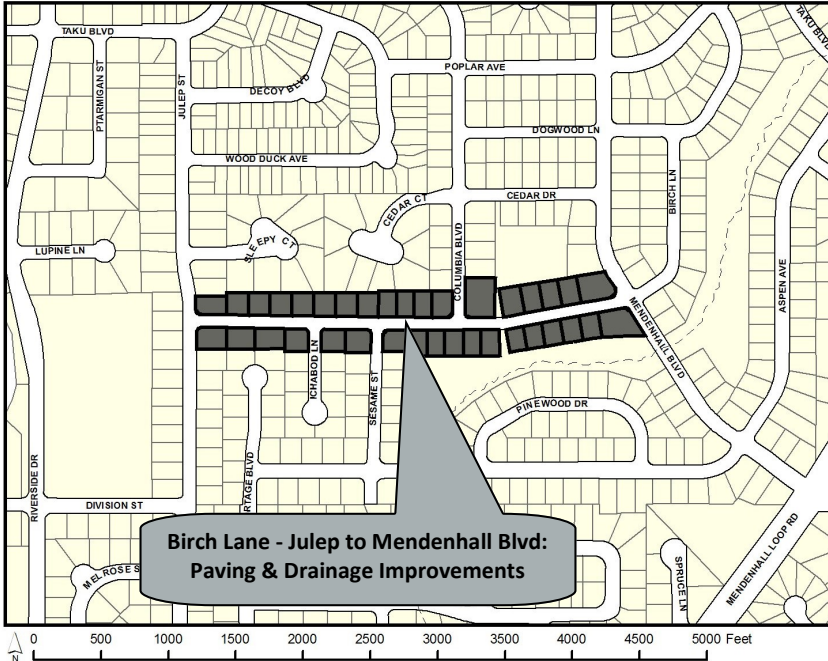
Case No.: CSP2018 0001

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

Date notice was printed: January 25, 2018

Invitation to Comment

PLEASE NOTE: This hearing was removed from the 2/13 agenda and will now be heard by the Planning Commission on March 13, 2018.



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

NOTE NEW HEARING DATE: A proposal has been submitted for review and public hearing by the Planning Commission for a city project to pave and make drainage improvements along Birch Lane between Julep Street and Mendenhall Blvd.

TIMELINE

Staff report for CSP2018 0001 to be posted by March 5 at

<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

Late arriving material, hearing results & meeting minutes to be found here also.

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February 27 through 12 noon, March 9

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7:00 pm, March 13, 2018

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March 14

The results of the hearing will be posted online.

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

Case No.: CSP2018 0001

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

Date notice was printed: February 8, 2018



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION

NOTICE OF RECOMMENDATION

Date: March 15, 2018

File No.: CSP2018 0001

City and Borough of Juneau

CBJ Assembly Members

155 S Seward Street

Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a city project to repave and make drainage improvements on Birch Lane between Julep Street and Mendenhall Boulevard

Legal Description
or ROW name: Birch Lane

Parcel Code No.: 0 Parcel

Hearing Date: March 13, 2018

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 1, 2018 and recommended that the City Manager direct CBJ staff to design and build the project [in accordance with the following recommendations:

1. Per *CBJ 42.20.095(b) Construction of buildings and projects*. It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment before 7:00 a.m. or after 10:00 p.m. Monday through Friday, or before 9:00 a.m. or after 10:00 p.m. Saturday and Sunday, unless a permit is first obtained from the Building Official. Such permit shall be issued by the Building Official only upon a determination that operation during those hours is necessary and will not result in unreasonable disturbance to surrounding residents.
2. At least three business days prior to any traffic revision or road closure of any public street or portion thereof, the contractor shall provide written notification of the traffic revision plan to the CBJ Fire Marshal and Chief of Police. Failure to provide such notice

City and Borough of Juneau
 CBJ Assembly
 File No.: CSP2018 0001
 March 15, 2018
 Page 2 of 2

may result in suspension of any CBJ-issued permits for such work and is punishable by a fine as an unlawful street closure under CBJ 72.17.010.

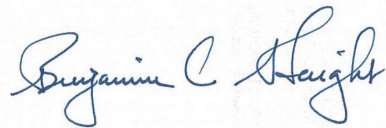
Attachments: March 1, 2018 memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding CSP2018 0001.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).

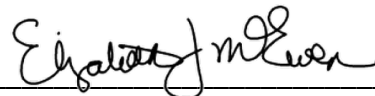
Project Planner:



Amy Liu, Planner
 Community Development Department



Benjamin Haight, Chair
 Planning Commission



Filed With City Clerk

3/15/2018

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. The CBJ and project designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



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

DATE: March 2, 2018

TO: Planning Commission

FROM: Tim Felstead, Planner 
Community Development Department

CASE NO.: USE2018 0001

PROPOSAL: A Conditional Use Permit for a marijuana retail store.

GENERAL INFORMATION

Applicant: Elizabeth Romanoski

Property Owner: Ken Williamson

Property Address: 263 Marine Way

Legal Description: Tidelands Addition, Block 82, Lot 3B

Parcel Code Number: 1C070K820022

Site Size: 6,815 sq. ft.

Comprehensive Plan Future Land Use Designation: Traditional Town Center (TTC)

Zoning: Mixed Use (MU)

Utilities: Public Water and Public Sewer

Access: Pedestrian Access Marine Way
Vehicular access via South Franklin Street

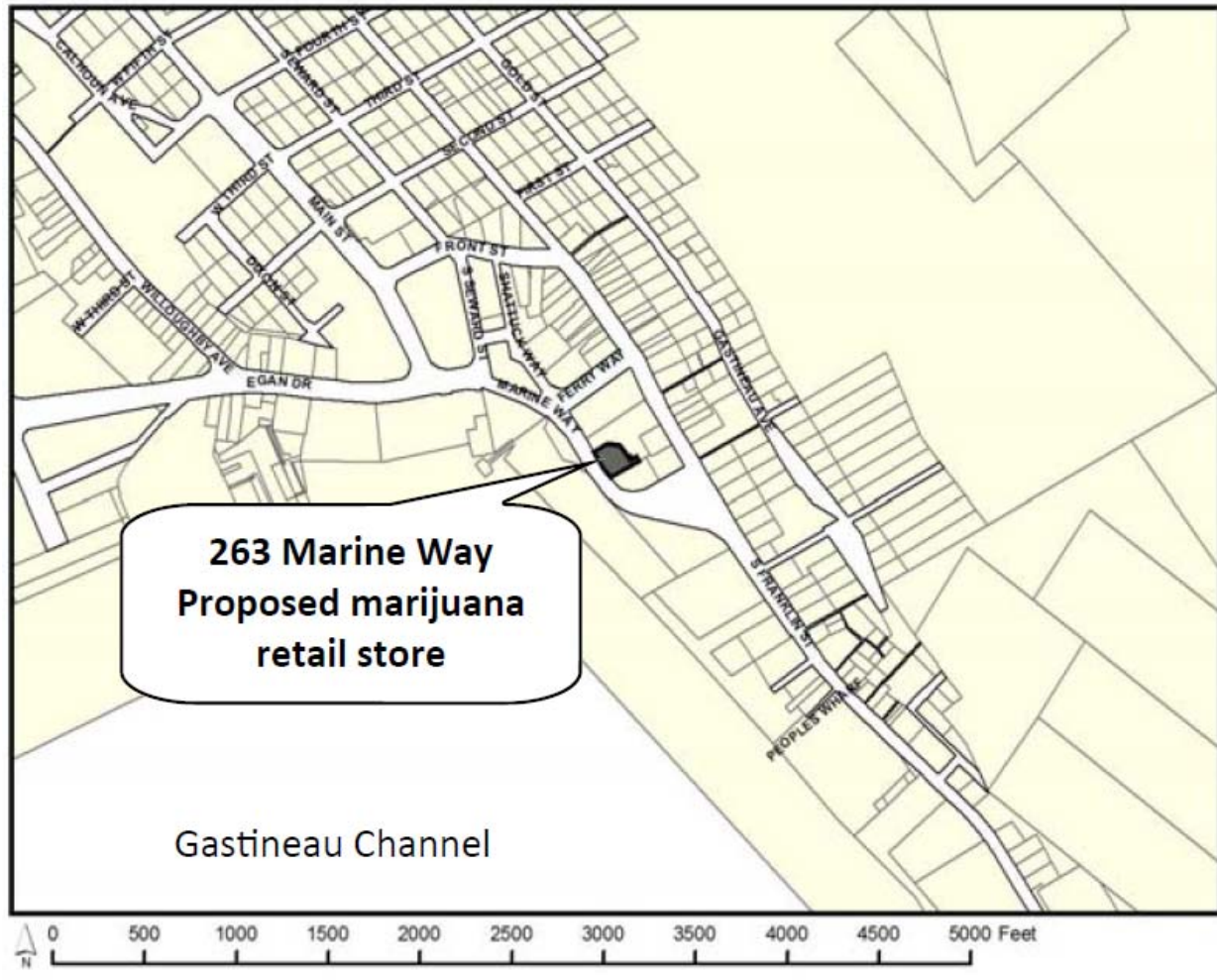
Existing Land Use: Retail

Planning Commission
Case No.: USE 2018 0001
March 2, 2018
Page 2 of 15

Surrounding Land Use:

- Northwest – Restaurant/ residential (MU)
- Northeast – Retail (MU)
- Southeast – Retail/seasonal restaurants or sales (MU)
- Southwest – Marine Way right-of-way (MU)/Marine park parking lot (WC)

VICINITY MAP



Planning Commission
Case No.: USE 2018 0001
March 2, 2018
Page 3 of 15

ATTACHMENTS

Attachment A	Application including site plans, floor plans and narrative
Attachment B	Public notice
Attachment C	Objection letters to regarding application for State marijuana license from Southeast Regional Resource Center
Attachment D	Extract from September 14, 2017 meeting of State Marijuana Control Board regarding State license application.
Attachment E	CBJ response to State Marijuana License invitation to protest application
Attachment F	Photos of site
Attachment G	Aerial showing nearest public ADA spaces

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a marijuana retail establishment in downtown Juneau in a Mixed Use zoning district.

BACKGROUND

The proposed marijuana retail store will be located in an existing two story building. The building was constructed in 1996 (BLD1238101) and contains three retail units on the first floor and four residential apartments on the second floor (three one-bedroom apartments and one two-bedroom apartment). The development of a three story building with 5,284 square feet retail space and two apartments on the site was approved in 1996 (AU 96-09) but the design appears to have changed between the Allowable Use Permit review and issuance of the building permit. If constructed today, the existing retail and residential development would not need a Conditional Use Permit and could be approved through the Building Permit review process.

A variance was approved to reduce the front yard setback of five feet to zero feet to allow the building to be constructed with canopy covering the sidewalk on their property (VAR1997 0002). When constructed, the subject building was on the same lot as the adjacent building (which now houses the Taquiria restaurant and was previously known as the Orpheum Building), but the lot was subdivided in 2014 with each building now occupying its own lot. (SMN2014 0003). The retail spaces in the subject building have had a number of tenants since it was constructed.

The applicant has submitted an application with the State of Alaska Marijuana Control Board which has been approved; they would also require a CBJ Marijuana License. Among the requirements for a CBJ license are both the State license and an approved Conditional Use Permit. The inspection required for the CBJ marijuana license will ensure that the applicant is held to the approved plans, to special use requirements found in CBJ 49.65.1200, and to any

Planning Commission
Case No.: USE 2018 0001
March 2, 2018
Page 4 of 15

conditions required by this permit. The State will also undertake an inspection prior to approval of a State license.

ANALYSIS

A Conditional Use permit is required for operation of a marijuana retail establishment per the CBJ Land Use Code Table of Permissible Uses (CBJ 49.25.300). The Planning Commission can impose conditions on the proposed development per the standard Conditional Use Permit process (CBJ 49.15.330(g)), and require additional conditions per CBJ 49.65.1245 (c).

49.65.1245 Marijuana establishment conditional use permits

...

(c) In addition to any conditions imposed under CBJ 49.15.330(g), the commission may impose any conditions necessary to ensure compliance with this chapter or state law or designed to mitigate impacts of the development on surrounding residences.

In addition to the operational requirements outlined in 49.65 Article XI, one specific condition is required for all marijuana establishment Conditional Use Permits. This has been added as a condition of approval for this application.

(d) The commission shall impose as a condition of any permit issued by the commission under this title a requirement that the applicant submit a complete copy of the applicant's approved state license application to the department for review prior to operating. If the director determines there are substantive inconsistencies between the state license application and the conditional use permit application, the commission shall review the development for consistency with this title.

Marijuana establishment conditional use permits must also be reviewed by the Planning Commission every 5 years. This has been added to the project description should the development be approved by the Planning Commission

(e) Conditional use permits issued to marijuana establishments under this chapter shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title. If an appeal challenging the amendments to a conditional use permit is filed, the new conditions shall be stayed and the existing permit shall govern the operations of the marijuana establishment until the conclusion of the appeal. The scope of review on appeal is restricted solely to the amended conditions.

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Project Site – The site is located on Marine Way across the street from the Marine Park surface parking lot. Vehicle access to the building's lot is via a shared driveway off South Franklin Street (see site plan in Attachment A). The public will only access the proposed store from Marine Way while employees will enter the store via a rear door accessed from the parking area – this rear door will enter directly into the restricted access office space. The four apartments are accessed separately by a single staircase also from the parking area. Exterior access to the rear of the building is restricted from Marine Way by fencing and a locked gate; the gate may need to be unlocked during operating hours to allow access to the ADA parking space (see Parking and circulation below).

The lot is 6,815 square feet. The minimum lot size in the Mixed Use zoning district is 4,000 square feet. Today, all setbacks in the Mixed Use zoning district are zero feet – the subject building complies with the setback. There is no minimum vegetative cover requirement in the Mixed Use zoning district.

Project Design – The applicant has provided a detailed narrative and floor plan of the proposed use (see Attachment A). The unit will undergo interior renovations to create a separate, employee only, office space at the rear of the store (i.e. at end of store furthest from public Marine Way entrance. A building permit will be required for these renovations. There will be a single employee-only bathroom accessed from the public retail space; the narrative does not describe how access to the bathroom will be restricted.

It is recommended as a condition of approval that prior to issuance of a CBJ marijuana license, a lock be installed on the bathroom that ensures access by employees only.

Products will be displayed in a central counter in the retail area. Customers will enter through the public entrance and be directed in a one-way flow around the display counter after which they would exit the store.

A member of staff will act as a 'greeter' for members of the public entering the store to monitor the flow of customers into the store, check identification to ensure they are over 21 years of age, and to ensure they are not inebriated.

The applicant expects to have 4-5 employees onsite. This number could increase to 8 employees. All employees will be required to have a State Marijuana Handler Permit.

The CBJ Land Use code only requires marijuana retail stores to be closed between 1:00am and 8:00am unless stricter operating hours are imposed by the Conditional Use Permit (CBJ 49.65.1250). The applicant has stated the standard hours of operation are expected to be between 10am and 7pm although they intend to have some flexibility to allow for special events and to capture seasonal demand.

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CBJ 49.65.1245 identifies additional submittal requirements for marijuana establishments. Those items to be reviewed are detailed below.

Ventilation & Filtration/Odor – Per CBJ 49.65.1260, all marijuana establishments shall utilize a system which prohibits the detection of noxious odors from outside the licensed premises. This requires the level of odor to be below a threshold *‘that a reasonable person of ordinary sensibilities would find negatively affects the person’s enjoyment of life, health or property’*.

Odor is primarily a concern with marijuana cultivation. Retail operations are not required to submit a ventilation and filtration plan with the Conditional Use Permit application. Once the marijuana product is ready for sale nearly all of it will be packaged. Small amounts of marijuana will be enclosed in containers for customers to smell. It is expected that there will be no odor discernable from outside the building. The CBJ Building Official has stated that any ventilation requirements will be assessed during the building permit review. The building owner has stated that 2nd story apartments are separated from the retail space by a 2 inch concrete floor with no piercings.

Security – According to CBJ 49.65.1245(a)(2) applicants are required to submit a security plan. State regulations require exterior lighting, alarm systems, video monitoring, and commercial grade door locks.

All marijuana products will be locked in a safe located in the office outside of operating hours.

All exterior entrances will be equipped with vandal resistant security cameras and a number of security cameras will provide surveillance coverage of the interior space including the doorways to employee only areas. The recordings will be located in the restricted access office area and will have a battery back-up system.

Exterior lighting is provided in the canopies at both the public Marine Way entrance and the staff only entrance off the parking lot. No new exterior lighting is proposed. The applicant has stated they will install commercial grade locks on all exterior doors and ‘the openings will have alarms’. It is unclear if the windows will be alarmed.

It is recommended as a condition of approval that prior to issuing a CBJ Marijuana License the applicant shall demonstrate that all windows are equipped with a security alarm.

Waste disposal – The products for sale will be pre-packaged before arriving at the retail store. It is expected that very little waste will need to be disposed of. Any marijuana waste will be returned to the supplying cultivation facility for disposal according to State regulations.

Screening – State and local regulations require that no marijuana products be visible from a public right-of-way. The applicant intends to obscure windows to prevent product being visible from the public right-of way.

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It is recommended that as a condition of approval that prior to issuance of a CBJ Marijuana License the applicant shall install screening that prevents marijuana products being visible by the general public from the right-of-way.

CBJ 49.15.330(g) identifies the general items that staff reviews for all Conditional Use Permits. Those items are detailed below.

Traffic – No significant traffic impacts are expected from the proposed use of the existing retail space as a marijuana retail store. Parking spaces are available for the subject building at the rear of the property although it is expected the vast majority of customers will already be in the downtown area (residents, workers, shoppers, or tourists).

Any queuing of customers will be confined to the subject property to ensure sidewalks and the vehicle travel way are not blocked. Signage will be posted outside the public entrance indicating where to queue to ensure the sidewalks and travel way are not blocked.

It is recommended as a condition of approval that the applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.

Parking and Circulation – The 1996 Allowable Use Permit for the subject building identified that 13 spaces were required for the proposed development and that the site plan showed sufficient parking was provided. An existing building which was on the same lot as the subject building was determined to have no parking requirement since it was constructed prior to parking standards. The subdivision that separated these two buildings allowed for the access and parking to continue to be shared between the two buildings.

As noted above, the plans for the subject building changed prior to issuance of the building permit. Parking requirements have also changed since that time. The required number of parking spaces under current parking standards is 6 (6.13 is rounded to the nearest whole number – see chart below). The subject site is located in the PD-1 parking district. This allows for a 60% reduction in the standard parking requirement. The site plan submitted with this application shows there will be sufficient space for the required on-site parking. There are 13 spaces provided on site currently and these appear to be assigned to specific tenants. The land use code does not state how parking should be assigned to staff/residents versus the visitors/customers when the total on-site parking is reduced through the PD-1 process.

Use	Use parking space requirement	Size of use	Parking spaces required
Retail or office	1 per 300 sf	3,245 sf	10.82
Residential –multifamily (Juneau)	1 per 1 bedroom	3 x 1 bed units	3
Residential - multifamily (Juneau)	1.5 per 2 bedroom	1 x 2 bed unit	1.5
Total			15.32 spaces
After 60% PD 1 reduction		6.13 rounded to 6 spaces	

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No loading space is required for a commercial development of this size. The subject building is required to provide one van accessible ADA parking space which is available to ADA users of the facility. It does not appear an ADA space is provided at the moment. ADA guidance on the US Access Board website states:

Accessible parking spaces must be located on the shortest accessible route to an accessible entrance, relative to other spaces in the same parking facility. Accessible spaces required for one parking facility can be located in another if doing so results in substantially equal or better access in terms of travel distance to an accessible entrance, parking fee, or user conveniences such as protection from weather, better security and lighting.

The gates and fences that separate Marine Way from the parking space defeat the purpose of providing the space since it hinders access to the retail stores in the subject building (see Attachment F). The nearest dedicated public parking ADA spaces are on Ferry Way or in the Marine Park Parking Garage (see Attachment G). These are more distant than if a space were provided on-site and the routes to the subject building are uncovered.

It is recommended that as a condition of approval that direct access from the required ADA parking space to the public retail space entrances, around the perimeter of the building, be provided during business opening hours.

It is recommended as a condition of approval that prior to issuance of a Marijuana License the parking lot shall be stripped and signed according to a parking plan submitted with the required building permit and as approved by the Community Development Department.

Noise – The operation is not anticipated to create any more noise than any other retail operation in the area. The proposed retail store is located immediately adjacent to one of the busiest streets in the downtown area which carries relatively high volumes of traffic especially during the summer months.

Public Health or Safety – Several aspects of public health and safety related to a marijuana retail establishment were addressed in previous sections of this report including security, and odor management. Public health issues related to marijuana retail also include quality control of the salable product. Samples of all products are required to be tested prior to sale to ensure the absence of harmful microbial and residual solvents and provide potency information.

State regulated potency limits, package labeling, and sign posting requirements are meant to ensure consumers are educated about the products' potency, time elapsed effect, and dosage recommendations. CBJ regulations also require signage regarding use and transportation of marijuana products to be displayed in a prominent place.

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A building permit will be required for the construction of the new office area and fire inspection carried out as part of the CBJ licensing inspections. The CBJ Building Official and CBJ Deputy Fire Marshall have no issues with the application.

The State Department of Transportation and Public Facilities, who are responsible for Marine Way, did not provide any comments on the application.

Objection to State License approval by Southeast Regional Resource Center (SERCC) – in October 2016, SERCC submitted an objection letter to the Marijuana Control Board (MCB) after becoming aware that the building owner was planning to have a marijuana retail tenant (Attachment C). During the formal state application SERCC again submitted a protest letter to the MCB; the CBJ was copied on both of these letters. The basis of the objection regarded restrictions on licenses under State regulations (3 ACC 306.010(a)).

*3 AAC 306.010. **License restrictions** (a) The board will not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility.*

CBJ does not have any similar requirement, but as identified above can apply any conditions necessary to ensure both local and State regulations are met.

In the October 2016 objection letter SERCC asserted that they should be considered to be a 'youth or recreational center' and therefore the 500 foot exclusion area should apply. The shortest walking distance between the subject building and the SERRC premises is ~320 feet as measured by Staff using CBJ aerial imagery. SERCC also directly addressed a letter of objection to the CBJ Assembly in March 2017.

The State provides application details to the appropriate local governing body during licensing process. The CBJ Assembly was provided with the opportunity to protest the application for a State license but it declined to do so (see Attachment E). It is CBJ policy to not protest State Marijuana License applications. However, in discussions with CBJ Staff, State Alcohol and Marijuana Control Office (AMCO) staff stated that in similar situations in the past, AMCO felt that the appropriate local legislative body is better placed to make the determination as to whether an organization triggers the 500 foot exclusion requirement. They recommended this could be done when CBJ is initially invited to protest a State License application.

At the time of writing this Staff report, SERRC had not commented directly to CDD on the Conditional Use Permit application. SERRC had been provided the standard mailed public notice of the application.

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The State regulations provide a definition for 'a recreation or youth center':

3 AAC 306.990. Definitions

...

(b) In this chapter, unless the context requires otherwise,

...

(35) "recreation or youth center" means a building, structure, athletic playing field, or playground

(A) run or created by a local government or the state to provide athletic, recreational, or leisure activities for persons under 21 years of age; or

(B) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age;

The SERRC objection letters state that they provide training to people under the age of 21 in addition to those over 21 years old.

On September 14, 2017, the State Marijuana Control Board (MCB) met to consider State license applications including the subject marijuana retail. An extract from the approved meeting minutes regarding the application can be found in Attachment D. The issue of the SERRC objection was noted during the MCB review of the permit application.

The minutes show that the Director of AMCO, and the applicant's counsel, hoped that the CBJ Planning Commission review the issue of proximity to SERRC despite it being a State regulation. The audio minutes of the meeting reflect that SERRC was discussed by the MCB. The applicant has provided their summary of the SERRC discussion (see Attachment A) although this summary is not verbatim. The recording of the meeting will be available to the Commission at the hearing.

Staff has verified that it was described by the Director of AMCO, how the MCB previously addressed how training centers delivering drivers-ed in the Anchorage area were determined by the board not to be subject to the exclusion requirements. This was based on whether training was provided by to both under 21's and over 21's. Following this discussion the MCB voted on whether to approve the application. The MCB approved the application with a vote of 4-1.

The State License application is now in a 'delegated' status. This status allows the Director of the State Alcohol and Marijuana Control Office (AMCO) to approve the application when application requirements have been met. AMCO Staff have informed CBJ Staff that it is not dependent on the CBJ Conditional Use Permit being approved or a determination being made on the SERRC issue by the Planning Commission.

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CBJ Title 49 does not include a definition of school nor does it have a definition of 'youth center'. The requirement for the separation distance of a marijuana business establishment and a school is in State Statute and not CBJ codes. It is unclear from the SERRC website if any training activities occur on the premise. While not a definitive indication of the status of SERRC, within the context of the CBJ Building Code 'Title 19', this SERRC property is a Group B (business) occupancy. A school or a youth center would require different occupancy certificates; E (educational) or A (assembly). This occupancy class can be changed by SERRC through an application for a change of use, and no structural changes would be needed, according to the Building Official.

The CBJ Conditional Use permit process (CBJ 49.15.330) requires the CDD Director to make a recommendation for approval or denial, with or without conditions. The Director cannot deny a permit if it meets the requirements stated in the 'Findings' section below. However, CBJ 49.15.330(f) allows the Planning Commission to agree with the Director's findings but still deny or add conditions to the permit.

CBJ 49.15.330 Conditional use permit

...

(f) Commission determinations; standards. Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:

- (1) Materially endanger the public health or safety;*
- (2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or*
- (3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.*

The additional considerations of Conditional Use Permits for marijuana (CBJ 49.65.1245) only allow for conditions to be added to ensure compliance with State requirements. They do not allow for a permit to be denied if it does not meet State requirements.

In order to deny the permit because of the location of SERRC, the Director or Commission would have to determine through additional findings that one of the three criteria above would not be met due to the proximity of the proposed retail store to SERRC.

In addition to the State License and the CBJ Conditional Use Permit, the applicant is required to obtain a CBJ marijuana establishment license (CBJ49.65.1205). One of the application requirements for the license is *'a statement verifying compliance with any buffer requirements*

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imposed by 3 AAC Chapter 306 of the Alaska Administrative Code’ (i.e. the State Marijuana requirements).

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

Property Value or Neighborhood Harmony – The subject building is outside of the Downtown Historic District. The site is located in the core of downtown where diverse uses exist such as bars, restaurants, apartments, retail, and various public services. Operating under the restrictions of the CBJ and State, the proposed marijuana retail use is not expected to decrease property value or negatively affect neighborhood harmony.

The CBJ Assessor has stated that there is no evidence there will be harm to surrounding property values as a result of the proposed retail store.

The issue of proximity Southeast Regional Resource Center is discussed above.

Conformity with Adopted Plans

CBJ 2013 Comprehensive Plan

The commercial area of downtown is designated Traditional Town Center (TTC) as shown on Map M on page 163. In summary, TTC is designated for an area appropriate for high density housing, major employment centers, and a mix of retail and residential developments.

Pages 184–186 provide policies pertaining to the downtown area; the following are relevant to the project:

SUBAREA POLICIES: MAP ‘M’ POLICIES

POLICY 10. PROMOTE MIXED USES DOWNTOWN. ENCOURAGE SMALL-SCALE NEIGHBORHOOD-SERVING RETAIL AND PERSONAL SERVICE BUSINESSES AND INCREASED MULTIFAMILY DEVELOPMENT WITHIN THE URBAN CENTER. ENCOURAGE HOUSING OVER GROUND-FLOOR RETAIL SPACE, SINGLE-ROOM-OCCUPANCY (SRO) DWELLINGS AND/OR LOFT-STYLE HOUSING IN DOWNTOWN. [PAGE 185]

POLICY 19. WHEN CONSIDERING APPLICATIONS FOR BUILDING PERMITS FOR COMMERCIAL USES WITHIN THE DOWNTOWN JUNEAU AREA, CONSIDER THE POTENTIAL NOISE IMPACTS OF MECHANICAL EQUIPMENT OR PATRONS ON ADJACENT RESIDENTIAL USES. IT MAY BE APPROPRIATE TO ESTABLISH A NOISE ORDINANCE FOR THE DOWNTOWN JUNEAU SUBAREA WHERE CASE-BY-CASE ANALYSIS, CONDITIONS OF PERMITS AND ENFORCEMENT ACTIVITIES ARE NOT PRACTICAL TO SOLVE NOISE PROBLEMS. [PAGE 187]

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

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POLICY 5.1 TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS. [PAGE 44]

POLICY 5.18 TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA. [PAGE 64]

POLICY 5.20 TO ENCOURAGE RESIDENTS AND BUSINESSES TO "LOOK LOCAL FIRST" FOR PURCHASES OF GOODS AND SERVICES. [PAGE 66]

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

Economic Development Plan

The goal of this Plan is to ensure Juneau's future continues increased economic resiliency and prosperity. Of the Plan's seven initiatives, 'Revitalizing Downtown' is most germane to the proposal. Although this priority does not speak specifically to retail or marijuana businesses, the proposal results in continued economic use of downtown store space, continued property and sale tax growth, and activity in the downtown. This furthers efforts towards downtown revitalization.

Staff finds the proposed marijuana retail use is consistent with relevant adopted plans.

FINDINGS

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

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

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

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

1. Materially endanger the public health or safety;

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

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

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

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The use is listed at CBJ 49.25.300, Section 2.300 for the Mixed Use zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the March 2, 2018, and March 12, 2018 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. With staff's recommended conditions and the subsequent building permit review process the public health and safety will not be materially endangered.

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

No. With staff's recommended conditions, the approval of the subject permit will not be out of harmony with property in the neighboring area.

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

Yes. The proposal is consistent with the policies and land use designation of the Comprehensive Plan, and the Juneau Economic Development Plan, and complies with the Land Use Code, Title 49.

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

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

N/A. No elements of the project are affected by the Juneau Coastal Management Program.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use permit. The permit would allow the development and operation of a marijuana retail business in downtown Juneau for a period of 5 years from the date of approval.

The approval is subject to the following conditions:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD a state of Alaska license that permits the use of marijuana retail at the subject site that matches subject plans and operations described in the subject Conditional Use permit.
2. Prior to issuing a CBJ marijuana license the applicant shall demonstrate that all windows are equipped with a security alarm to ensure all building openings are secure.
3. Prior to issuance of a CBJ marijuana license, a lock shall be installed on the bathroom that ensures access by employees only.
4. Prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevent marijuana products being visible by the general public from the right-of-way.
5. Prior to issuance of a Marijuana License the parking lot shall be stripped and signed according to a parking plan submitted with the required building permit and as approved by the Community Development Department.
6. The applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.
7. Direct access from the required ADA space to the public retail space entrances, around the perimeter of building, shall be provided during business opening hours.



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 263 Marine Way, Juneau, Alaska (255, 259 also)		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Lot 3, Block 82, Tidelands Addition to the City of Juneau		
	Parcel Number(s) 1C070 K82 0022		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Ken Williamson	Contact Person Ken Williamson	Phone Number(s) 789-0301
	Mailing Address PO Box 32801, Juneau, AK 99803		789-0301
	E-mail Address deltaak@ptialaska.net		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Ken Williamson</u> Landowner/Lessee Signature		Jan 4, 2018 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 Elizabeth Romanoski		Contact Person Elizabeth Romanoski	
Mailing Address 2375 Jordan Ave. #10, Juneau, AK 99801		Phone Number(s) (520) 548-4668	
E-mail Address elizabethromanoski28@yahoo.com			
X _____ Applicant's Signature		_____ Date of Application	

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Attachment A

Intake Initials ANE
Date Received 1/8/18

Case Number
USE 20180001



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

Juneau's Green Market, Marijuana retail store

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

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

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____ ☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 6,815 square feet Total Area of Existing Structure(s) 7,200 square feet

Total Area of Proposed Structure(s) 1,200 within building 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>500.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>100</u>			
Pub. Not. Sign Deposit	\$ <u>50</u>			
Total Fee	\$ <u>650.00</u>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number <u>USE20180001</u>	Date Received <u>1/8/18</u>
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Attachment A

Juneau's Green Market
Conditional Use Application Narrative
January 2018

Business Structure

Juneau's Green Market is a marijuana retail store. It is licensed by the State of Alaska as a corporation, license number 105003. The owner of the company is ISG Inc. doing business as Juneau's Green Market. The marijuana retail store received approval from the Alaska Marijuana Control Board (AMCO), license number 12313. Form MJ-02: Premises Diagram and Form MJ-03 Retail Supplemental Operating Plan are attached to this application.

ISG also owns Juneau's Green Garden a marijuana cultivation facility in Lemon Creek permitted by CBJ under USE2016-0030 and approved by the AMCO, license number 12311. Juneau's Green Garden will provide the products for the retail store.

Retail Store Location

The proposed store will be located at 263 Marine Way. The store area will be approximately 1,230 square foot on the ground floor of the 2-story building. The building is owned by Ken Williamson, leased to ISG, Inc. and subleased to BellaLuna, represented by Elizabeth Romanoski.

The property is zoned Mixed Use MU. The existing and proposed Building Code occupancy classification is Mercantile Group M.

Miner remodeling of the space as indicated on the attached floor plans will include construction of a partition separating the retail sales area from the office and storage area. Display and sales counters will be installed. The glass in the windows and doors will be coated to eye level to prevent view into the store from the exterior.

Signage to identify the business will be installed on the exterior in conformance with CBJ ordinance.

Business Operation

Hours of operation will typically be from 10AM to 7PM daily, except for special events and seasonal demand. Products will be prepackaged in the cultivation facility. The products will be displayed in and behind the restricted access counters. Products will be placed in the safes located in the locked office/storage area during non-business hours.

All employees will be licensed marijuana handlers. Initially 4-5 employees are anticipated to be on-site. Eventually this could increase to 6-8 employees. Employees will enter through the restricted access door in the back of the business. One employee will be stationed at the customer entry on Marine Way to monitor the number and flow of customers and the check identification to make sure that everyone entering is at least 21 years of age and that they are not impaired. The greeter will also monitor customers lining up outside the entry to prevent restriction of the public right-of-way from being obstructed. Other employees will assist customers at the sales counters.

Since cannabis products will be in prepackaged form there will be limited cannabis waste generated at the store. Waste that is generated will be taken to the cultivation facility for disposal.

Traffic

The products will be delivered from the cultivation facility either through the back door off the courtyard or through the front door during normal business hours.

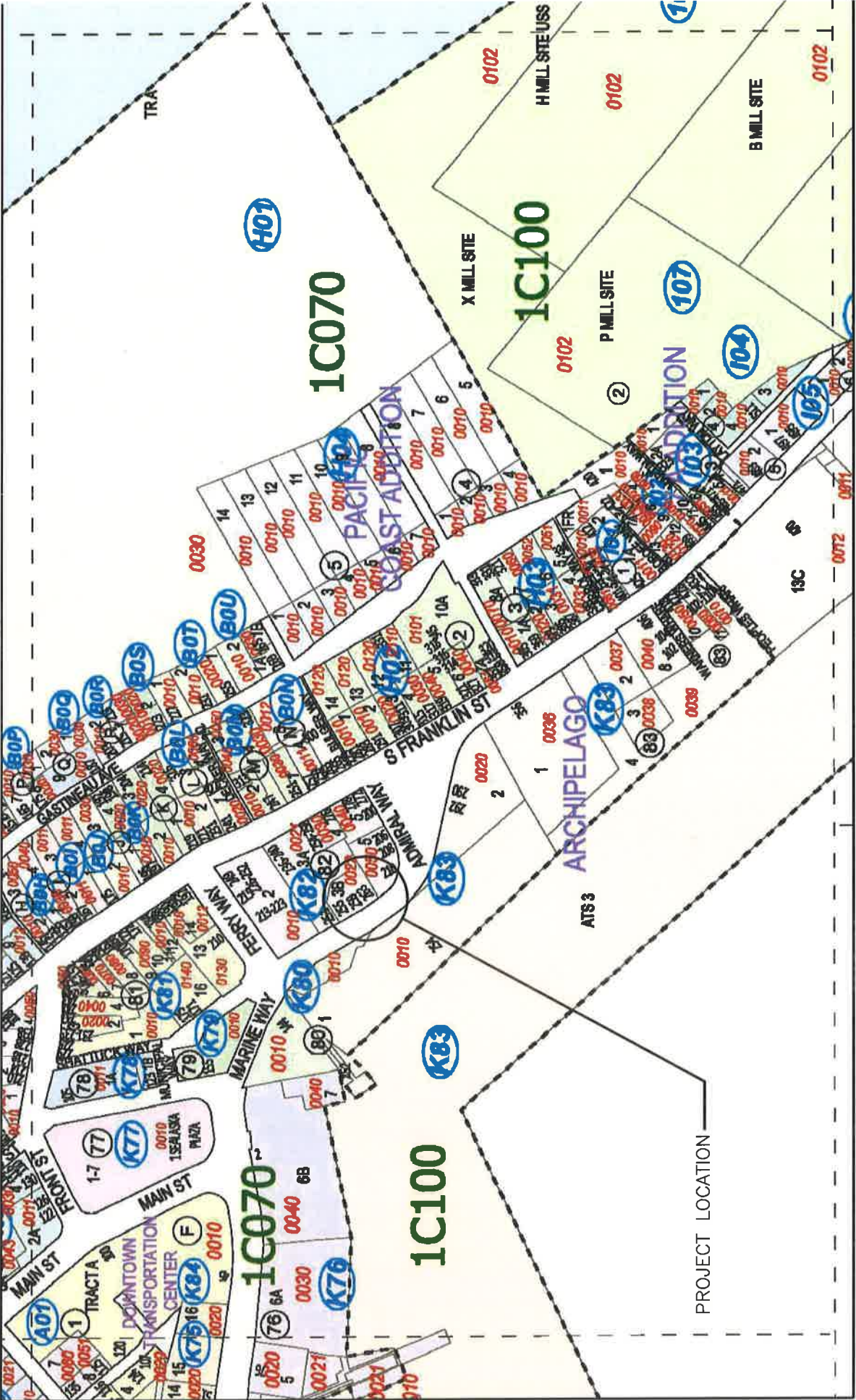
Pedestrian traffic will enter the business through the front door on Marine Way. Since the number of customers entering the business will be restricted, a line could form at the entry. The sidewalk is approximately 12 feet wide adjacent to the building, with approximately half of the width on the building property and the remainder in the public street right-of-way. The property line on the south side of the building is approximately 4-6 feet from the building. If a line forms at the entry customers can line up along the front and south side of the building without disrupting the pedestrian traffic on the portion of the sidewalk within the ROW along Marine Way or access to the adjacent businesses.

Safety and Security

Security cameras will be located to cover the exterior and interior of the building. Exterior cameras will be located under the canopies on the front and back of the business. The canopy in front of the business is approximately 5 feet wide and contains 6 existing light fixtures to illuminate the front of the business and provide light for the cameras. The back canopy is also approximately 5 feet wide and contains 2 existing light fixtures. Interior cameras will be located to cover the entries and the operation they will be located to avoid conflicts with the existing lighting. Cameras will be outfitted with vandal resistant enclosures. Cameras will record 24 hours a day and have a battery back-up system.

Doors are equipped with heavy duty commercial hardware, including deadbolts and the openings will have alarms.

The security system equipment will be located in the restricted access office/storage area.



Assessor Tax Code

6D090	102	0030
L Parcel Origin	Block Number	Lot Number

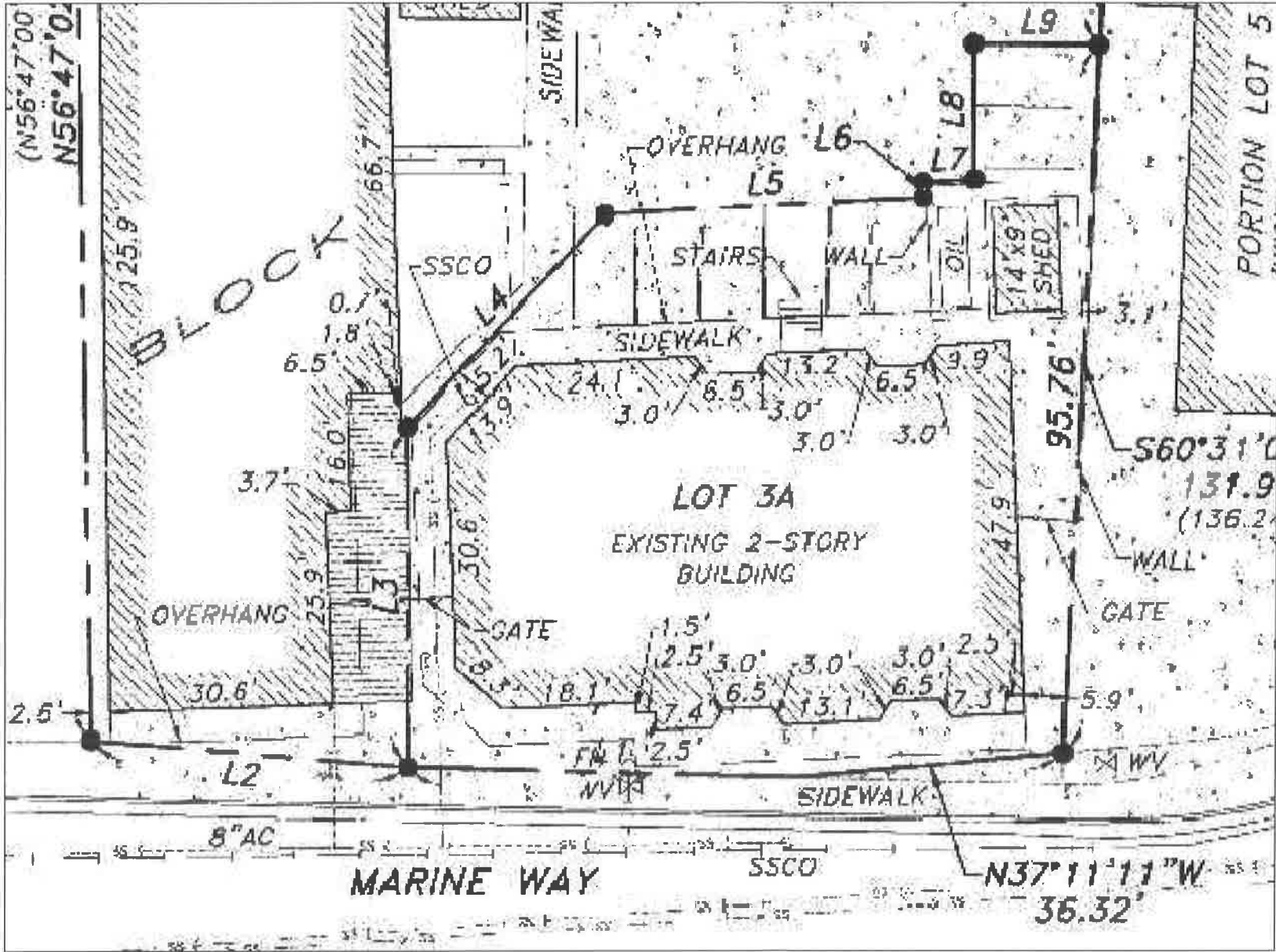
Property Information

135	B	7	EAST VALLEY
Address Number	Block	Lot	Subdivision

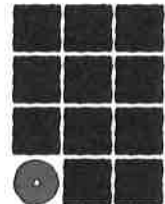
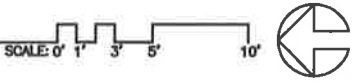




Attachment A



1 SITE PLAN



**Jensen
Yorba
Lott**
Inc.

522 West 10th Street
Juneau, Alaska 99801
phone 907-586-1070
fax 907-586-3959
jensenyorbalott.com

JUNEAU'S GREEN MARKET
MARIJUANA RETAIL SPACE
263 MARINE WAY
JUNEAU, ALASKA

REVISIONS
1

△
△
△

SHEET TITLE
SITE PLAN

DATE: JANUARY, 2018
FILE: 16049-RETAIL

A101

522 West 10th Street
 Juneau, Alaska 99801
 phone 907-586-1070
 fax 907-586-3959
 jensenyorbaltt.com

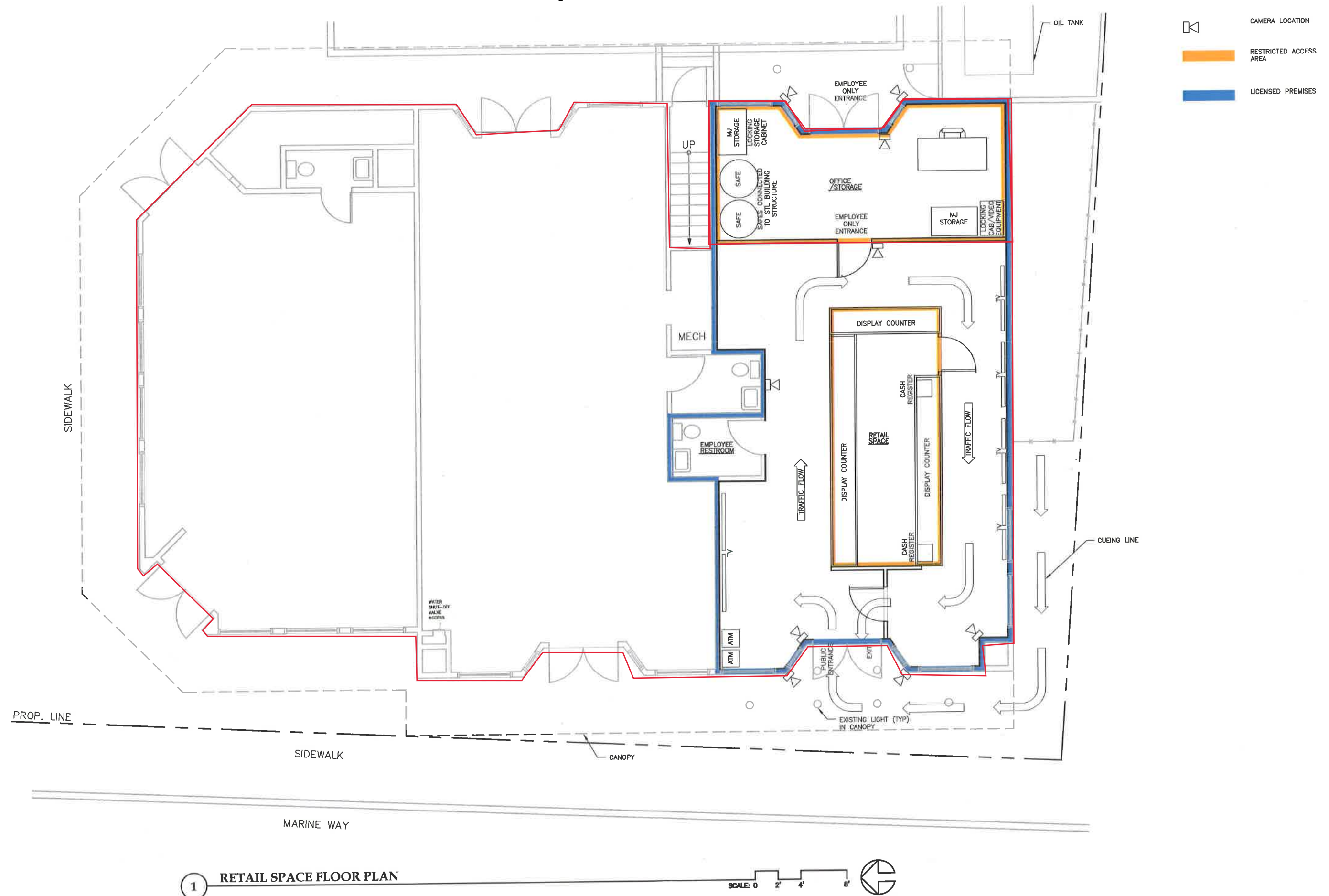
JUNEAU'S GREEN MARKET
MARIJUANA RETAIL SPACE
263 MARINE WAY
JUNEAU, ALASKA



SHEET TITLE
RETAIL SPACE
FLOOR PLAN

DATE: JANUARY, 2018
FILE: 16049-RETAIL

A201



1 RETAIL SPACE FLOOR PLAN

SCALE: 0 2' 4' 8'



Tim Felstead

From: Ken <deltaak@ptialaska.net>
Sent: Thursday, February 22, 2018 8:13 PM
To: Tim Felstead
Subject: RE: USE20180001 Building information

Tim:

Thanks for calling me back today. Beth asked me to forward you information about the building and its occupants:

1) Odor- CBJ 49.65.1260.

All marijuana products sold at this location are dry, prepackaged or stored in closed containers. Operation of the store will not create any noxious odor at the exterior of the building or in other tenant areas.

The adjacent commercial tenant, Port Electronics and Luggage will provide public comment in support of this application. The other commercial tenant, Lola's, relocated from 263 Marine Way to 255 Marine Way to help accommodate the proposed use.

All existing tenants support marijuana sales at this location. In fact, this is the most benign use of the area since it was first built. For most on the building's life, the ground floor was occupied by a Harley Davidson dealership. Motorcycles were serviced and test run inside this end of the building.

2) Tenant Area – CBJ 49.65.1245(a)(1).

Total floor area to exterior wall framing is 1,248 square feet. Of that area, 906 square feet is open to the public, 297 square feet is restricted to employees and the restroom occupies 45 square feet.

3) Parking – CBJ 49.40.210(d)(1).

The clientele at this location is primarily pedestrian. Existing on-street parking and hourly spaces in the City parking garage will be more than adequate for the number of vehicles expected. Also, since this building is located in the PD-1 Parking District, no dedicated parking is required.

4) There are four apartments on the second floor. Three are one bedroom units and one is a two bedroom unit. The apartments are separated from the commercial area by a floor/ceiling assembly with integral sound control and two inches of concrete. The apartments are served by separate entrances at the rear of the building. No interior openings connect the commercial area to the apartments.

All second floor tenants are either owners or operators of stores located in this building or the adjacent building. Each occupant supports the proposed use.

Please let me know if you need any other information.

Sincerely
 Ken Williamson

From: Tim Felstead [<mailto:Tim.Felstead@juneau.org>]
Sent: Tuesday, February 20, 2018 11:41 PM
To: 'elizabethromanowski28@yahoo.com'; 'deltaak@ptialaska.net'
Subject: RE: USE20180001: Application received and under review

Elizabeth/Ken,

I am just finishing the draft of my staff report for the retail store.

I need more information on a couple of things:

- Odor – there is nothing in the narrative that discusses how odor will be dealt with or whether it is even an issue. There is a requirement for any odor not to be objectionable to anyone outside the retail store. This includes the apartments above the store. Is a filtration system necessary have you spoken with a HVAC Engineer or do you intend to submit the necessary HVAC design with the Building permit for the interior remodel?
- Room square footage – I need the square footage of the rooms in the store since this a requirement of the application; it is not shown on your site plan.
- Parking requirements - I also need the total square footage of the retail space (all three units in the building) to ensure that sufficient parking is provided for the overall site. A parking plan will be required for the building permit or prior to issuance of the license that shows the stripping of the parking lot; an ADA van accessible space is required (it was also required when the building was first constructed). It seems there is plenty of room to accommodate the necessary parking.
- Number of apartments – Can you confirm that there are 3 x 1 bedroom apartments and 1 x 2 bedroom apartment in the 2nd story?

Thanks for the help.

Tim

Tim Felstead
Community Planner
Community Development Department
City and Borough of Juneau
155 S. Seward
Juneau, AK 99801

Tel: (907) 586 0466
<http://www.juneau.org/cddftp/>



September MCB Meeting – SERCC Issue

License number 12313 – Juneau’s Green Market

Speakers:

- Jana Weltzin: Attorney representing Juneau’s Green Market
- Paull Burrows over the phone
- MCB Board Members: LJ,

Loren Jones: MJ-01 5.19- Loitering: Given one side is a Filipino store and the other is a Taqueria, how are you going to deal with loiterers?

Paul Burrows: Security Guard will be at front door and only customers with ID showing they are over 21 will be allowed inside. We don’t want to disrupt the flow of the customers of the stores.

Jana Weltzin: We’re really only concerned with people that seem to be “Casing the Joint”. The back door will be the main place of concern for loitering and will be checked often.

Mark Springer: Premises diagram doesn’t really show where exactly in town it is.

Jana Weltzin: *Jana shows them a picture*

Paul Burrows: It’s downtown by the Filipino store and Taqueria like mentioned earlier.

Loren Jones: There’s been an objection from SERCC. They provide GEDs, Health classes, English as a Second Language, etc. The protest is defining them as a school and since they are within the 500 feet boundary this could be an issue. There has been no filing for a CUP yet and no determination by City Borough.

Jana Weltzin: There hasn’t been a CUP filing yet but there will be. We did a tour of the facility and asked if any tutoring was done on site for K-12 ages and there is not. Didn’t see any teaching on the facility. Planning committee is the right to body to make decision and do analysis for this. Have no doubt SERCC will participate in that.

Brandon Emmett: Are there any other Marijuana stores or bars nearby?

Jana Weltzin: There are bars close by. Fireweed factory is one and they are within the 450 feet boundary from SERCC location.

Loren Jones: *inaudible on our recording but something about Fireweed location*

Director Erika McConnell =: The issue here really is whether or not SERCC is a school or a training center. In the past when we’ve had these issues with drivers-ed schools, they haven’t been deemed a school because they offer on-site classes to ages under and over 21. SERCC’s website shows they offer classes to over and under 21 as well so I’m not sure if they will be deemed a school.

Vote: Approved (4-1)

September MCB Meeting – SERCC Issue

License number 12313 – Juneau’s Green Market

Speakers:

- Jana Weltzin: Attorney representing Juneau’s Green Market
- Paul Burrows over the phone
- MCB Board Members: LJ, MS, BE

Regarding SERCC protest issue:

Loren Jones: The other Elephant in the closet here is that one of the objections is from the Regional Resource Center. For many of you who may not be familiar, the Regional Resource Center was established as part of the dept of education to do GED, they also provide content specialist to small schools who cannot afford such as a health teacher so they can teach health curriculum. In Juneau they do GED for persons of any age, they do English as a second language they do folk ed teaching, they have a lot of people around that facility all the time. Their protest is about defining them as a school, they are easily within the 500 foot boundary, I know Mr. Burrows is aware of that, he has not filed for a conditional use permit for the retail facility, so the borough has not made any determination on school and I am not sure whether they will... but the previous conversation with Ms Milks about we not having a definition of a school. I know in anchorage we have dealt with some that have dealt with some that have done driving training, we have determined and gotten a letter from the school district that it was not a school, i don’t think we would get the same determination for SERRC that it is not a school, so I’m not exactly sure how to deal with it because that since there isn’t a CUP, that the City and borough hasn’t made any determination that it would affect the boundaries and I’m not sure how we would deal with that. I know Mr. Burrows is familiar with that and I am just bringing it up, that I know there isnt a CUP.

Jana Weltzin: Right, here hasn’t been a CUP filing yet but there will be and I think that they do do that analysis and SERC is going to get notified. I actually went into SERCC and asked if they did any tutoring was done on site for K-12 and I was told that they do not do any tutoring on site. I checked out the facility and I didn’t see any teaching, but I think the proper body to make that decision for the community is the planning commission, to make that analysis and I have no doubt SERCC will participate in that.

....

Director Erika McConnell: Mr. Chair, I would like to respectfully suggest that the issue may not be whether SERC is a school but rather its a training center. It seems more that they themselves said they provide training courses for minor students, so I think they themselves are identifying themselves as a training center. We... I do defer to Mr. Jones’ expertise as he lives in the community and knows much more about them as an organization. Um, they do claim here to provide onsite training courses for minor students, but we looked very very closely at their website, granted its just their website, but that indicated that they provide training courses both for people under 21 and over 21. I do look forward to hearing what the planning commission does say about this – I do hope they will examine this issue, but it does seem, at least in the driving training situation, the board did determine because they offered

training to persons under and over 21 it did not qualify as a youth training center. To me, that's really more the issue rather than whether this is a school.

Vote: Approved (4-1)

No public comments were made at the hearing.

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

marijuana.licensing@alaska.gov

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

Phone: 907.269.0350



Alaska Marijuana Control Board

Form MJ-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(8). Your diagram must show all entrances and boundaries of the premises, restricted access areas, and storage areas, and dimensions. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex. For those applying for a limited marijuana cultivation license, the proposed area(s) for cultivation must be clearly delineated.

The **second page of this form is not required**. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.



Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	ISG, Inc.	License Number:	12313		
License Type:	Retail Marijuana Store				
Doing Business As:	Juneau's Green Market				
Premises Address:	263 Marine Way				
City:	Juneau	State:	AK	ZIP:	99801

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

marijuana.licensing@alaska.gov

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

Phone: 907.269.0350

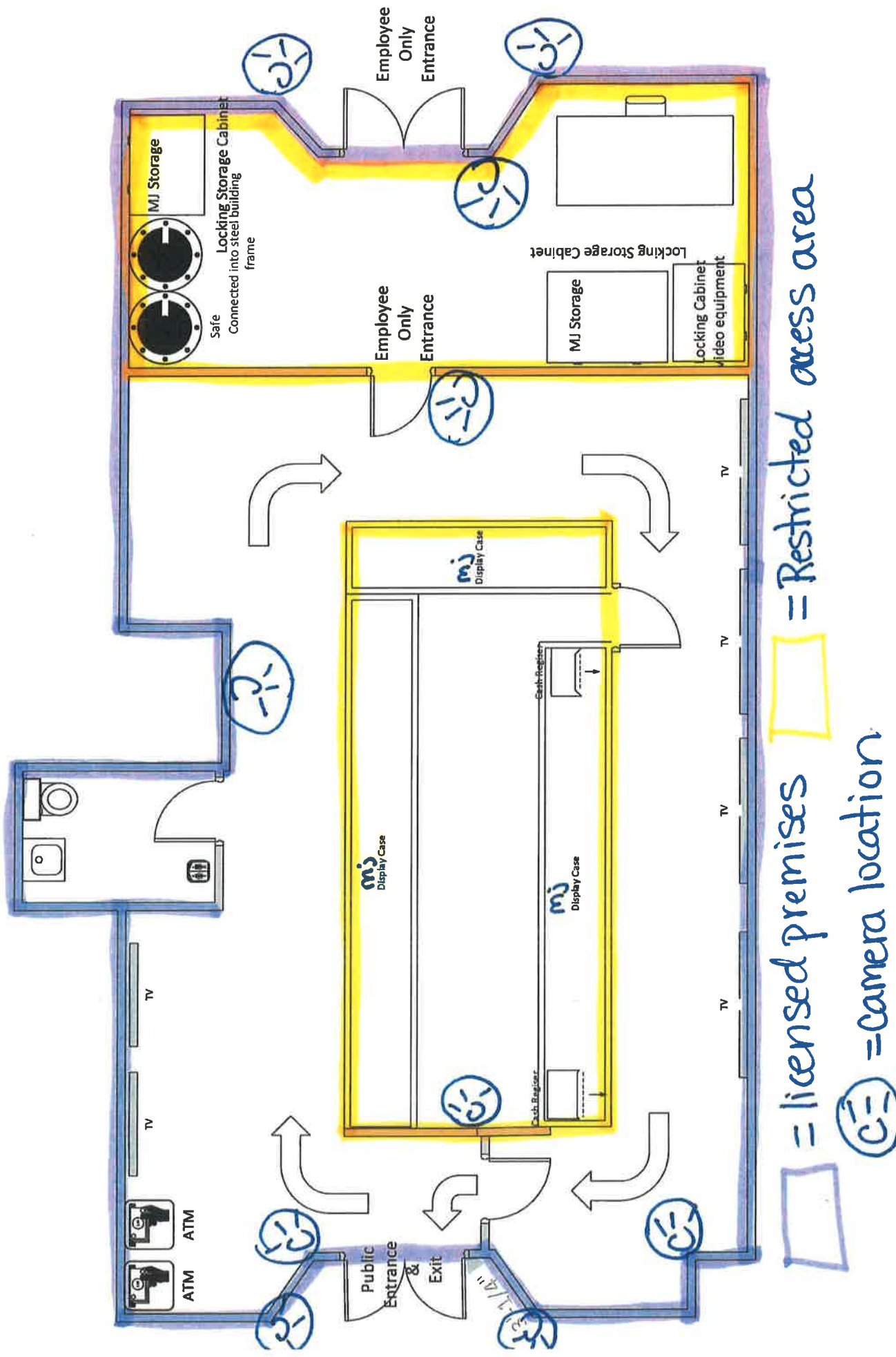


Alaska Marijuana Control Board

Form MJ-02: Premises Diagram

Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances, walls, partitions, counters, windows, areas of ingress and egress, restricted access areas, and storage areas. Include dimensions in your drawing. Use additional copies of this form or attached additional documents as needed.



Attachment A

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Anchorage, AK 99501

marijuana.licensing@alaska.gov

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

Phone: 907.269.0350



Alaska Marijuana Control Board

Operating Plan Supplemental Form MJ-03: Retail Marijuana Store

What is this form?

This operating plan supplemental form is required for all applicants seeking a retail marijuana store license and must accompany the **Marijuana Establishment Operating Plan (Form MJ-01)**, per 3 AAC 306.020(b)(11). Applicants should review **Chapter 306: Article 3** of the **Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of those regulations. If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020 and 3 AAC 306.315(2).

What additional information is required for retail stores?

Applicants must identify how the proposed establishment will comply with applicable regulations regarding the following:

- Prohibitions
- On-site consumption
- Displays and sales
- Exit packaging and labeling
- Security

This form must be submitted to AMCO's main office before any retail marijuana store license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	ISG, Inc.	License Number:	12313
License Type:	Retail Marijuana Store		
Doing Business As:	Juneau's Green Market		
Premises Address:	263 Marine Way		
City:	Juneau	State:	ALASKA
		ZIP:	99801

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Anchorage, AK 99501

marijuana.licensing@alaska.gov

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

Phone: 907.269.0350



Alaska Marijuana Control Board

Operating Plan Supplemental Form MJ-03: Retail Marijuana Store

Section 2 – Prohibitions

Applicants should review 3 AAC 306.310 and be able to answer “Agree” to all items below.

The retail marijuana store will not:

Agree Disagree

Sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or marijuana product in a quantity exceeding the limit set out in 3 AAC 306.355



Sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or marijuana product over the internet



Offer or deliver to a consumer, as a marketing promotion or for any other reason, free marijuana or marijuana product, including a sample



Offer or deliver to a consumer, as a marketing promotion or for any other reason, alcoholic beverages, free or for compensation



Allow a person to consume marijuana or a marijuana product on the licensed premises, except as provided in 3 AAC 306.305(a)(4)



Describe how you will ensure that the retail marijuana store will not sell, give, distribute, or deliver marijuana or marijuana product to a person who is under the influence of an alcoholic beverage, inhalant, or controlled substance:

All employees will be trained to watch for and recognize the signs of impairment and to refuse service to that individual. Employees will escort the impaired person off of the licensed premises and will contact local law enforcement when necessary. The employee checking ID's at the entrance to the retail store will not allow entrance to anyone suspected of being intoxicated by any substance. Additionally, employees will be trained to strictly adhere to the limit on quantity sold and all employees will have a current marijuana handler permit issued by AMCO.

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Alaska Marijuana Control Board

Operating Plan Supplemental Form MJ-03: Retail Marijuana Store

Section 3 – On-site Consumption

Yes No

Do you plan to request approval of the board with your initial application to permit consumption of marijuana or marijuana product in a designated area on the proposed premises?

☐
☒

If "Yes", describe how you ensure that only marijuana or marijuana products that were purchased at your proposed premises are being consumed, per 3 AAC 306.305(a)(4):

Section 4 – Displays and Sales

Describe how marijuana and marijuana products at the retail marijuana store will be displayed and sold:

Areas of the retail store where marijuana or marijuana product is stocked for sale or dispensed for sale will be a restricted access area. Signs stating "Restricted access area. Visitors must be escorted" will be posted at the entrance to all restricted access areas.

Marijuana and marijuana products will be displayed in locked display cabinets for customers to view. The area behind the cabinets will be a restricted access area and signage will be displayed accordingly. Employees will open the cabinet from within the restricted access area and place product into exit packaging at the cash register before handing it to the customer. Once a customer's transaction is complete, they will be instructed by an employee to exit the store as shown in the premises diagram.

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Alaska Marijuana Control Board

Operating Plan Supplemental Form MJ-03: Retail Marijuana Store

Section 5 – Exit Packaging and Labeling

Review the requirements under 3 AAC 306.345, and identify how the proposed establishment will meet the listed requirements.

Describe how the retail marijuana store will ensure that marijuana and marijuana products sold on its licensed premises will meet the packaging and labeling requirements set forth in 3 AAC 306.345(a):

A designated employee from Juneau's Green Market will inspect all marijuana products for proper packaging and labeling prior to accepting any shipments or displaying or selling any product. The designated employee will check that the shipment matches the transport manifest and will maintain a copy of all transport manifests received as official business records. When the delivery is approved and accepted, the new inventory will be entered into METRC.

Any marijuana or marijuana product sold at the retail store will be packaged in opaque, resealable, child-resistant exit packaging before the customer exits the point of sale area.

Provide a sample label that the retail marijuana store will use to meet the labeling requirements under 3 AAC 306.645(b):

Juneau's Green Market will secure a label to every package that includes; (1) the retail store's business name and license # (2) the total estimated amount of THC (3) each of the statements listed in 3 AAC 306.345(b) word for word.

Business Name:

License Number:

Strain:

Batch / Lot Number:

Gross Weight:

Net MJ Weight:

Packaging Date:

Expiration Date:

THC Amount (mg or % based on product type) :

Alaska Safety Warning: Marijuana has intoxicating effects and may be habit forming and addictive. Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence. There are health risks associated with consumption of marijuana. For use by adults twenty-one and older. Keep out of the reach of children. Marijuana should not be used by women who are pregnant or breast feeding.



Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-03: Retail Marijuana Store

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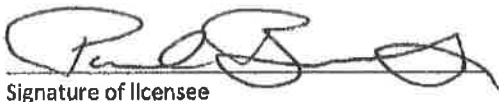
Section 6 – Security

Identification Requirement to Prevent Sale to Person Under 21 (3 AAC 306.350):

Describe the retail marijuana store's procedures for ensuring a form of valid photographic identification has been produced before selling marijuana or marijuana product to a person, per 3 AAC 306.350(a):

A designated employee will check the ID of every person attempting to enter the retail store. Anyone under the age of 21 or who does not produce a valid form of photo ID such as; a current passport, current driver's license, state ID, territory of the US ID the District of Columbia or of Canada ID or ID issued by a federal or state agency authorized to issue ID cards. Any employee checking ID's will have a valid marijuana handler permit and be trained to recognize altered/forged photo ID's.

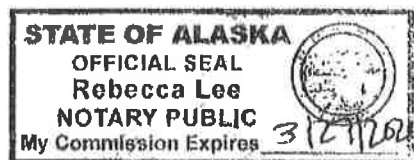
I declare under penalty of perjury that I have examined this form, including all accompanying schedules and statements, and to the best of my knowledge and belief find it to be true, correct, and complete.

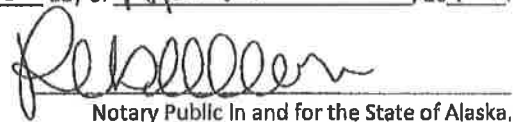

 Signature of licensee

Paul Burrows

Printed name

Subscribed and sworn to before me this 12 day of April, 2017.




 Notary Public In and for the State of Alaska.

My commission expires: 3/27/2020



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

Juneau Green Gardens Retail

Case Number: PAC20170062

Project Description: Marijuana retail

Applicant: Juneau Green Gardens

Property Owner: Ken Williamson

Property Address: 255, 259, 263 Marine Way

Parcel Code Number: 1C070K820022

Site Size: 6815 Sq Ft

Zoning: MU

Existing Land Use: Retail with apartments above

Conference Date: 1/3/2018

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.

Wayne Jensen	Architect	Wayne@jensenyorbalott.com
Elizabeth Romanoski	Applicant	Elizabethromanoski28@yahoo.com
John Young	Plans reviewer	John.Young@juneau.org
Allison Eddins	Planner	Allison.Eddins@Juneau.org
Amy Liu	Planner	Amy.Liu@juneau.org
Eddie Quinto	Permit Specialist	Edward.quinto@juneau.org

Conference Summary

Questions/issues/agreements identified at the conference that were not already 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.

1. Zoning – Per applicant, the State has decided that SERRC is NOT a school, and therefore the 500 foot buffer does not apply. Applicant must submit a site plan that shows the location of all exterior doors and windows, the location of all exterior cameras and exterior lighting, and where customers will line up if necessary. The applicant must also submit a floor plan that labels the use of each interior room, the location of all cameras, lights and the location of the safe, and which rooms will have restricted access. Application should also discuss odor control, plan for deliveries, number of employees, and which areas will be public or employees only.
2. Parking – Property is in PD-1 parking district, and has no parking requirements
3. Lighting – A lighting plan will be required, with details allowing staff to determine if site lighting impacts camera views or spills onto neighboring properties
4. The project narrative that must be submitted with the application should address the following topics:
 - a. How visitors and employees will be logged and tracked while in the building.
 - b. How the product will be tracked based on State requirements
 - c. Limited access areas must be clearly marked.
 - d. A brief description of the alarm and surveillance system. The surveillance system must have back-up capabilities.
 - e. All entry and exit points must be video monitored.
 - f. No product can be visible from the right of way. This includes when the door of the retail facility is open.
 - g. All doors and locks must be commercial grade.
 - h. All exterior windows and doors must be alarmed.
 - i. The safe must be in a secure room.
 - j. The ventilation system must meet State odor control requirements.
 - k. All marijuana waste products must be stored in a secure location while on-site.
 - l. Delivery traffic – frequency of delivers, the type of vehicle that will be used to make deliveries and where the vehicle will park.
 - m. Pedestrian traffic – how will long lines be managed. Be sure customers are not blocking the sidewalk.
 - n. Number of employees expected
 - o. Hours of operation

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.

Pre-Application Conference Final Report

1. Allowable/ Conditional use application
2. Development Permit Application

Additional submittal requirements:

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

1. A copy of this pre-application conference report.
2. Development Permit Application
3. Conditional Use Permit Application
4. Project Narrative
5. Site Plan
6. Floor Plan

Fee estimates

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

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

1. Conditional Use Permit fee for a commercial operation less than 10,000 square feet is \$500.00
2. Public Notice sign fee is \$50 and the deposit for the sign is \$100. Once the sign is returned the deposit fee will be refunded.
3. Total cost will be \$650.00

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

Submit your completed application

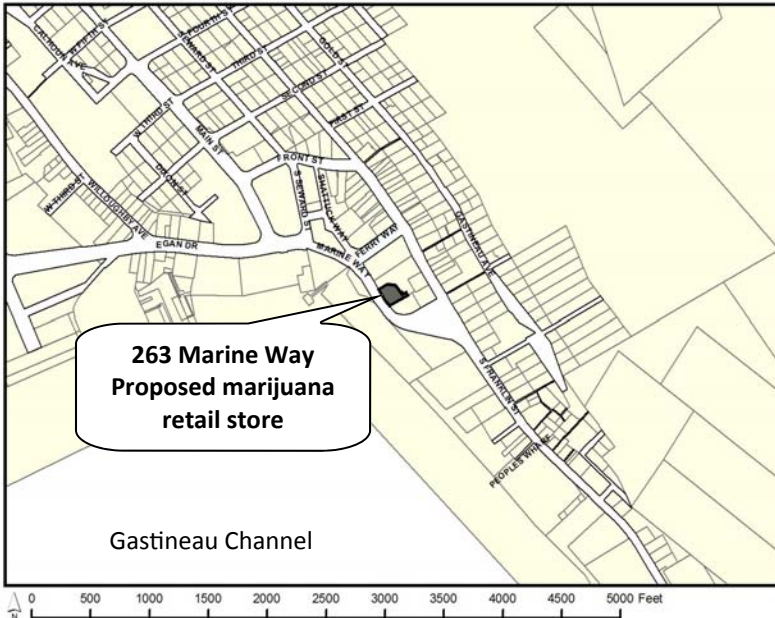
You must submit your application(s) in person with payment to:

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

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

Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **Marijuana retail store** located at **263 Marine Way** in a **Mixed Use zone**.

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

Now through March 5, 2018

Your comments to the Planner, **Tim Felstead**, will be included in the staff report.

March 5 through 12 noon, March 9

Your comments will be sent to Commissioners to read along with the staff report in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, March 13, 2018

You may testify at the hearing in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

March 14

The results of the hearing will be posted online.

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

Case No.: USE2018 0001
Parcel No.: 1C070K820022
CBJ Parcel Viewer: <http://epv.juneau.org>
Date notice was printed: February 5, 2018

Attachment B



SERRC

ALASKA'S EDUCATIONAL RESOURCE CENTER

CITY CLERK
OCT 13 2016
RECEIVED

Peter Mlynarik, Chair
State of Alaska, Marijuana Control Board
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

October 5, 2016

Dear Chair Mlynarik and Members of the Marijuana Control Board,

Ken Williamson contacted me recently about his plan to apply for a license to open a retail marijuana business at his facility at 263 Marine Way, Juneau, Alaska. This location is closer than 500' from SERRC, Alaska's Educational Resource Center. SERRC operates an educational learning and youth center where we periodically provide training courses for minor students in grades 6 -12. SERRC's Board of Directors, consisting of twenty-one school superintendents from eighteen districts in Southeast Alaska and three Advisory members from other regions of the state, oppose licensing *any* marijuana retail business within 500' of our center (see attached resolution).

Please notify me if Mr. Williamson or any other individual or organization apply for a marijuana establishment license within proximity to SERRC, located at 210 Ferry Way, Juneau, AK 99801, so that we may "object to specific application".

Please do not hesitate to contact me with questions or requests for additional information.

Thank you all for your service!

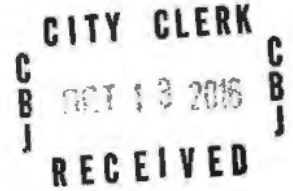
Sincerely,

Sheryl Weinberg
Sheryl Weinberg
Executive Director

SERRC, Alaska's Educational Resource Center

C: CBJ Community Development Department Director, Rob Steedle
Juneau Planning Commission
City and Borough of Juneau Assembly
Ken Williamson

Attachment C



Resolution No: 2016 – 01

WHEREAS Southeast Regional Resource Center, DBA as SERRC, Alaska's Educational Resource Center, a private non-profit organization at 210 Ferry Way, Juneau, Alaska, operates an educational learning center; and

WHEREAS Southeast Regional Resource Center, DBA as SERRC, Alaska's Educational Resource Center, periodically provides courses for minor students in grades 6 – 12; and

WHEREAS the intent of the ordinance is to distance marijuana / cannabis dispensaries from educational facilities designed for youth and placing one within close proximity of SERRC would not be in the best interest of the public or students; and

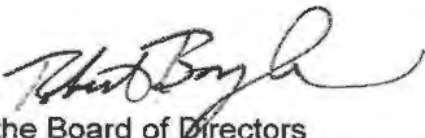
WHEREAS the Alaska Marijuana Control Board may deny a license application that is not in the best interest of the public; and

WHEREAS the Board of Directors recognizes SERRC as a youth center licensed to provide training to minors;

NOW, THEREFORE BE IT RESOLVED:

1. That the SERRC Executive Director is hereby requested to testify that a license approval within 500 feet of the SERRC Learning Center would not be in the best interest of the public or students; and
2. That the SERRC Board opposes a license for a facility within 500 feet of the SERRC building located at 210 Ferry Way; and
3. That the SERRC Executive Director may execute any agreement or other documents to effectuate the intent of this resolution.

Adopted September 20, 2016. This resolution is effective upon signing.

Robert Boyle 
 Chairman of the Board of Directors
 SERRC, Alaska's Educational Resource Center



SERRC

ALASKA'S EDUCATIONAL RESOURCE CENTER

City and Borough of Juneau Assembly
155 S. Seward Street
Juneau, AK 99801

CITY CLERK
CBJ MAR 20 2017 **CBJ**
RECEIVED

March 16, 2017

Dear CBJ Assembly Members,

This letter and attached resolution object to granting license #12313, Juneau's Green Market, with a proposed location at 263 Marine Way, Juneau, Alaska. This location is closer than 500' from SERRC, Alaska's Educational Resource Center, 210 Ferry Way, Juneau, AK 99801. SERRC operates an educational learning center where we provide training courses for minor students in grades 6 -12 throughout the year. Additionally, we provide learning opportunities for students, ages 16 and older, year-round Monday – Friday. SERRC's Board of Directors, consisting of twenty-one school superintendents from eighteen districts in Southeast Alaska, including Juneau, and three Advisory members from other regions of the state, oppose licensing *any* marijuana retail business within 500' of our center (see attached resolution) Please do not hesitate to contact me with questions or requests for additional information.

Thank you all for your service!

Sincerely,

Sheryl Weinberg
Executive Director
SERRC, Alaska's Educational Resource Center

C: Juneau Planning Commission
City and Borough of Juneau Assembly
Ken Williamson

Attachment C



CITY CLERK
MAR 20 2017
RECEIVED

ALASKA'S EDUCATIONAL RESOURCE CENTER

Resolution No: 2016 – 01

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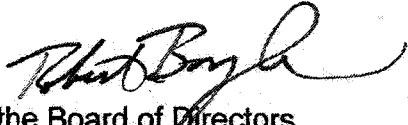
WHEREAS the Alaska Marijuana Control Board may deny a license application that is not in the best interest of the public; and

WHEREAS the Board of Directors recognizes SERRC as a youth center licensed to provide training to minors;

NOW, THEREFORE BE IT RESOLVED:

1. That the SERRC Executive Director is hereby requested to testify that a license approval within 500 feet of the SERRC Learning Center would not be in the best interest of the public or students; and
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3. That the SERRC Executive Director may execute any agreement or other documents to effectuate the intent of this resolution.

Adopted September 20, 2016. This resolution is effective upon signing.

Robert Boyle 
 Chairman of the Board of Directors
 SERRC, Alaska's Educational Resource Center

C. License #12313:	Juneau's Green Market	<u>TAB 47</u>
Licensee:	ISG, Inc.	
Premises Address:	263 Marine Way Juneau, AK 99801	
Local Government:	City and Borough of Juneau	
<i>Springer moves to approve.</i>		
<i>Emmett seconds.</i>		
<i>Weltzin, counsel and Paul Burrows, applicant.</i>		
<i>Jones: can you explain what kind of zone you are going to deal with loitering?</i>		
<i>Burrows: Will have security guard onsite. Premises is located downtown.</i>		
<i>Jones: One of the objections is from SE Regional Resource Center, which provides GED and provides health curriculum. Burrows has not filed for a conditional use permit.</i>		
<i>Weltzin: I was told they do not do any tutoring onsite. I think the proper body to make that decision is the Juneau planning commission. There are bars nearby, which are not subject to the same restriction.</i>		
<i>McConnell: SERRC identifies themselves not as a school but as a training center. We looked at their website, which indicated they provide training for people both over and under 21. I hope the Juneau Planning Commission will examine this issue.</i>		
<i>Motion carries 4-1. Mlynarik votes no.</i>		

Extract from September 14, 2017, Marijuana Control Board minutes regarding subject retail license application.



OFFICE OF THE MUNICIPAL CLERK

Ph: (907)586-5278 Fax: (907)586-4552

e-mail: City.Clerk@juneau.org

September 20, 2017

Sent via e-mail & USPS

State of AK Alcohol & Marijuana Control Office (AMCO)
The Atwood Building
550 West 7th Ave., Suite 1600
Anchorage, AK 99501

Re: CBJ Assembly Action on Marijuana License Applications

Greetings AMCO Staff,

At its meeting on Monday, September 18, 2017 the City and Borough of Juneau Assembly waived its right to protest the following Marijuana license applications:

- **Renewal of Marijuana License 10266 – Standard Marijuana Cultivation Facility, Licensee: The Fireweed Factory, LLC d/b/a The Fireweed Factory, LLC at 8415 Airport Blvd, Space B, Juneau, AK 99801**
- **Renewal of Marijuana License 10800 – Retail Marijuana Store, Licensee: The Fireweed Factory, LLC d/b/a The Fireweed Factory, LLC at 237 Front Street, Juneau, AK 99801**
- **New Marijuana License 12311 – Standard Marijuana Cultivation Facility, Licensee: ISG, Inc. d/b/a Juneau's Green Garden, 5011 Short Street, Suite 1, Juneau, AK 99801**
- **New Marijuana License 12315 – Marijuana Product Manufacturing Facility, Licensee: ISG, Inc. d/b/a Evergreen Extracts, 5011 Short Street, Suite 2, Juneau, AK 99801**

- **New Marijuana License 12313 – Retail Marijuana Store, Licensee: ISG, Inc. d/b/a Juneau's Green Market, 263 Marine Way, Juneau, AK 99801**

With respect to the three new licenses for licensee ISG, Inc., the Assembly agreed to allow them to move forward to obtain their state licenses, however, they will not be allowed to operate in the borough until they are approved for and receive the requisite Conditional Use Permits (C.U.P.s) and the CBJ marijuana licenses are issued.

CBJ Letter to ABC re: Assembly Action on Marijuana Licenses
September 20, 2017

Page 2 of 2

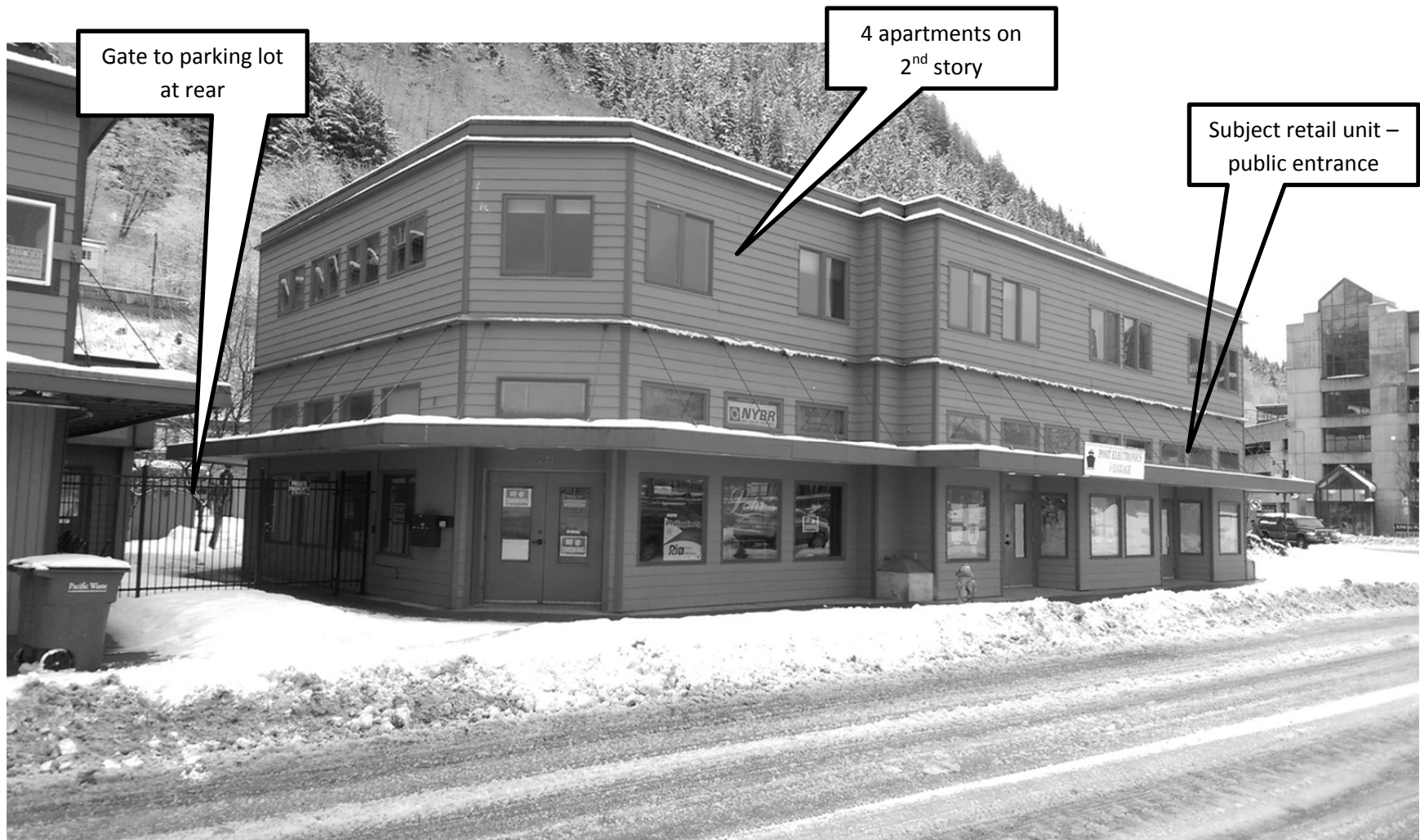
Thank you for the opportunity to comment. If you have any questions, please send an e-mail or call the Municipal Clerk's Office at 907-586-5278.

Sincerely,

A handwritten signature in black ink that reads "Beth McEwen". The signature is written in a cursive, flowing style.

Beth McEwen, MMC
Deputy Clerk

cc: Licensees via email



Gate to parking lot
at rear

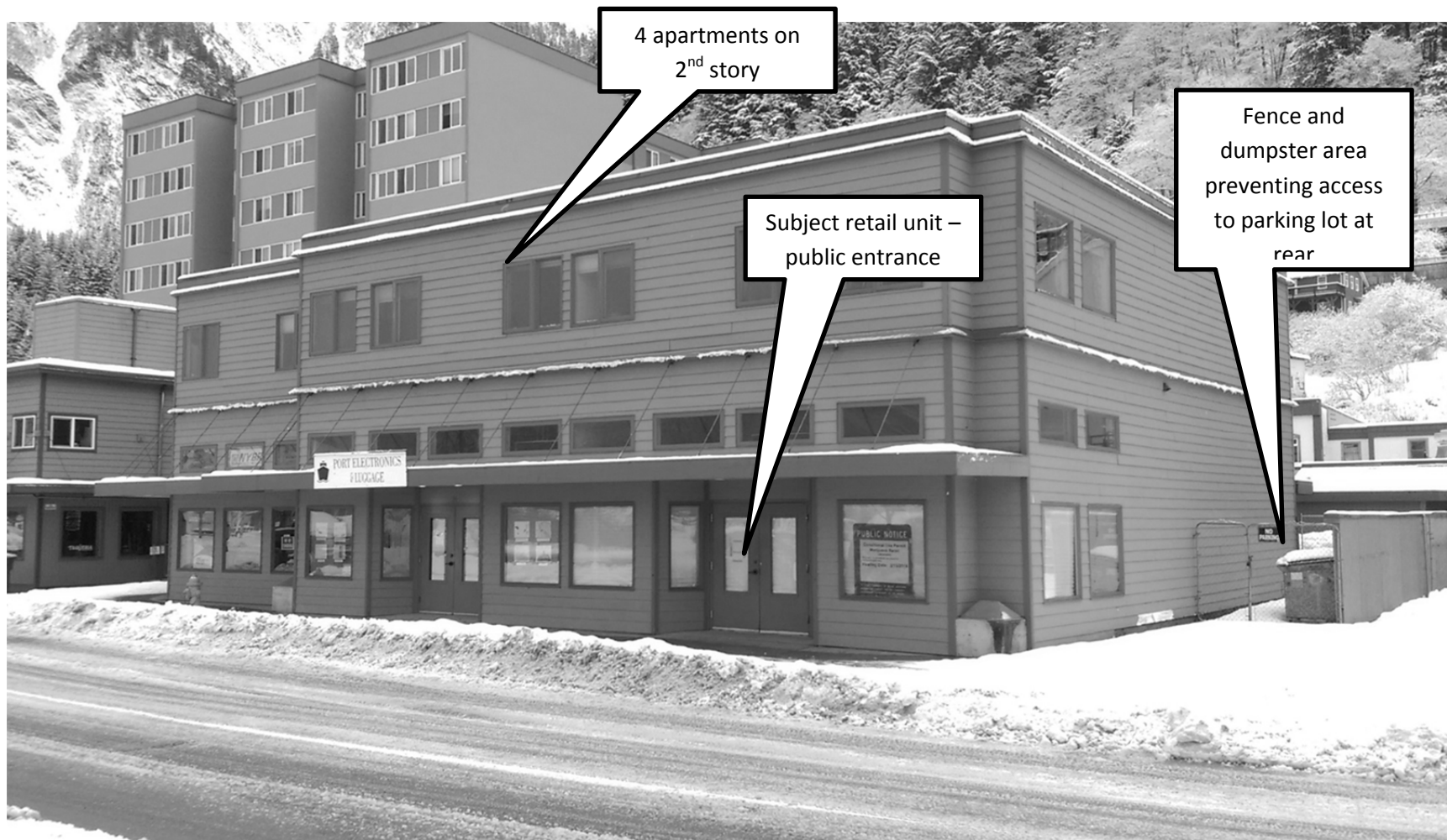
4 apartments on
2nd story

Subject retail unit –
public entrance

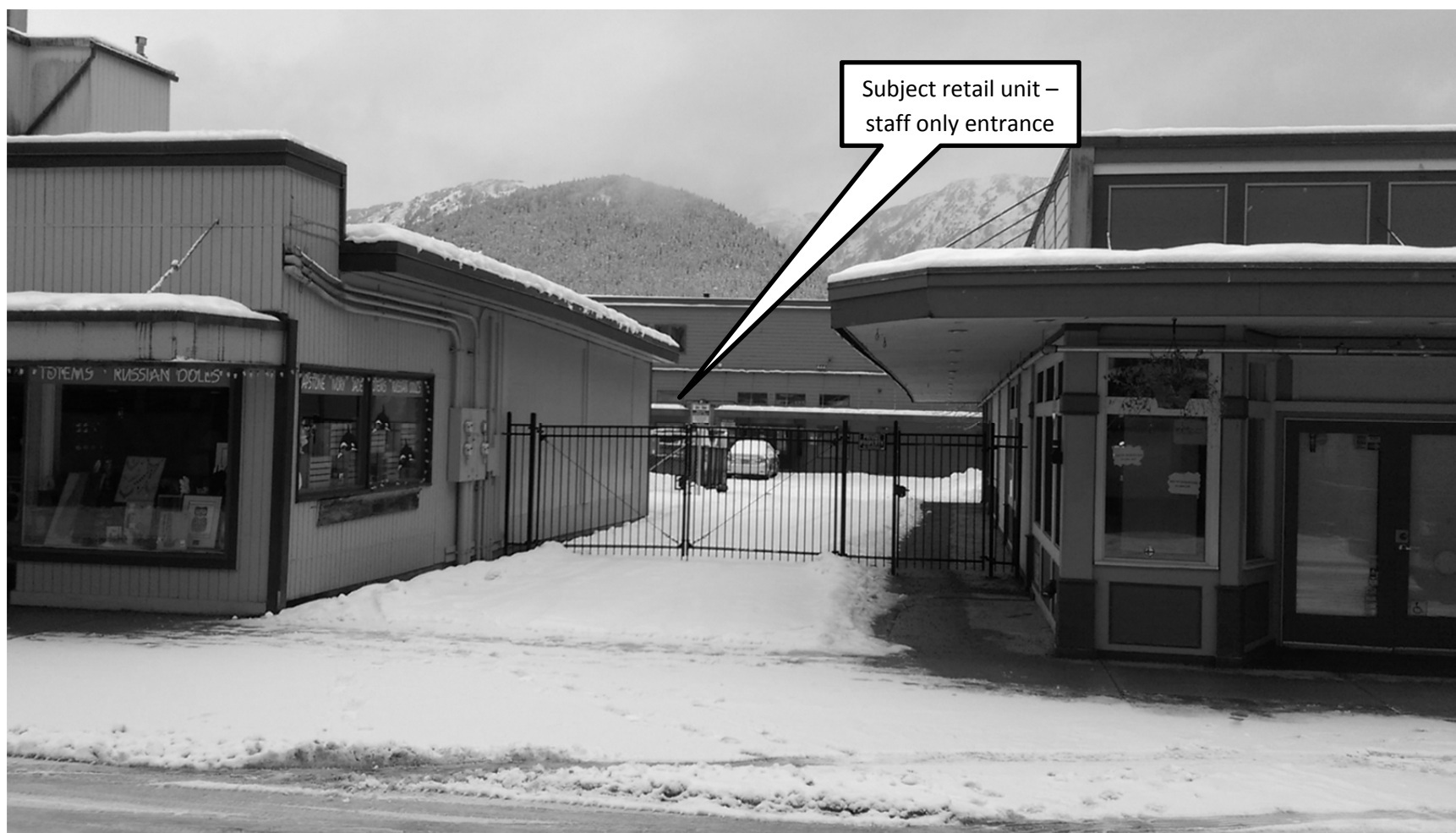
Attachment F: View from Marine Way



Attachment F: View from Marine Way



Attachment F: View from Marine Way



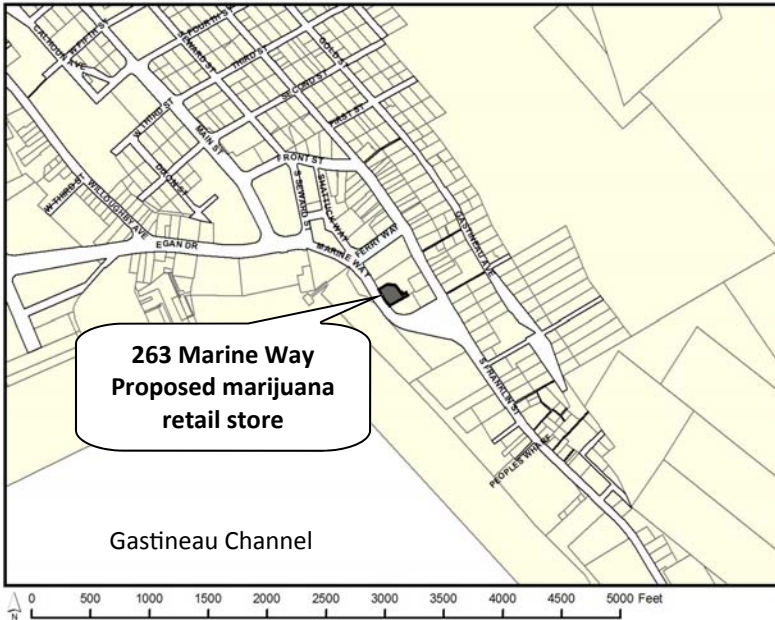
Attachment F: View of parking lot
entrance on South Franklin Street



Attachment F: View of parking lot at rear

Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **Marijuana retail store** located at **263 Marine Way** in a **Mixed Use zone**.

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

Now through March 5, 2018

Your comments to the Planner, **Tim Felstead**, will be included in the staff report.

March 5 through 12 noon, March 9

Your comments will be sent to Commissioners to read along with the staff report in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, March 13, 2018

You may testify at the hearing in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

March 14

The results of the hearing will be posted online.

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

Case No.: USE2018 0001
Parcel No.: 1C070K820022
CBJ Parcel Viewer: <http://epv.juneau.org>
Date notice was printed: February 5, 2018

USE2018 0001
**Conditional Use Permit for a mobile home
as a second dwelling on lot.**



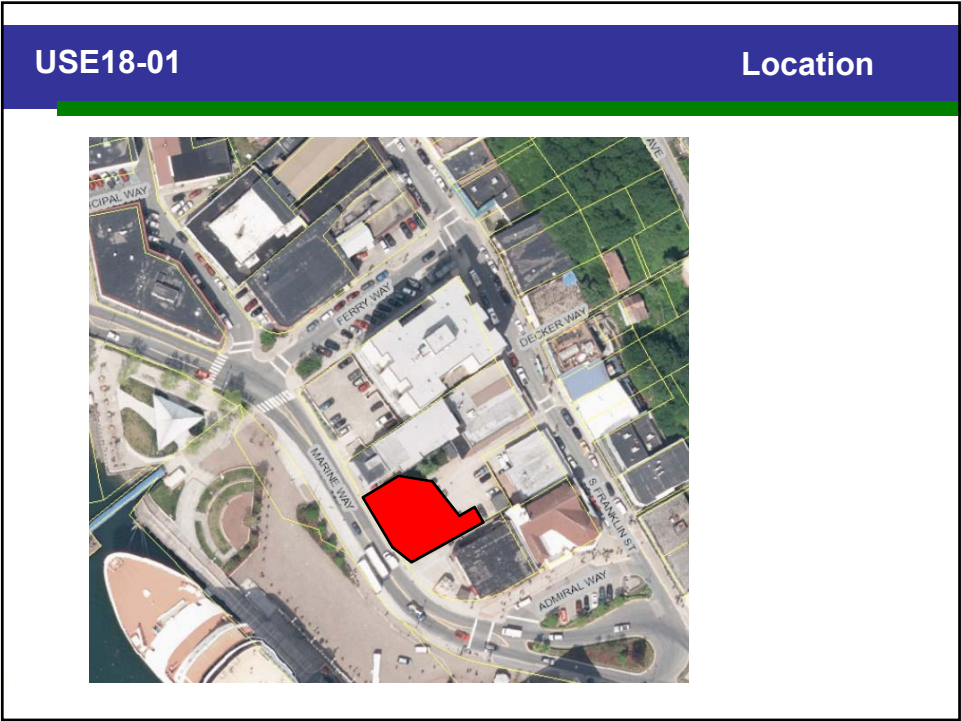
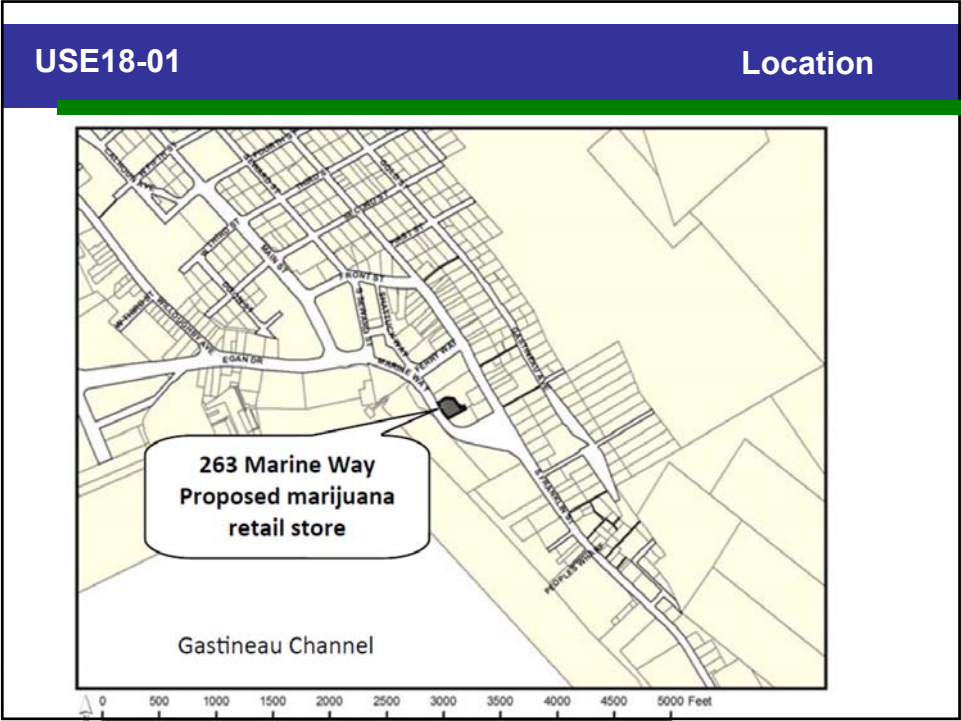
USE18-01

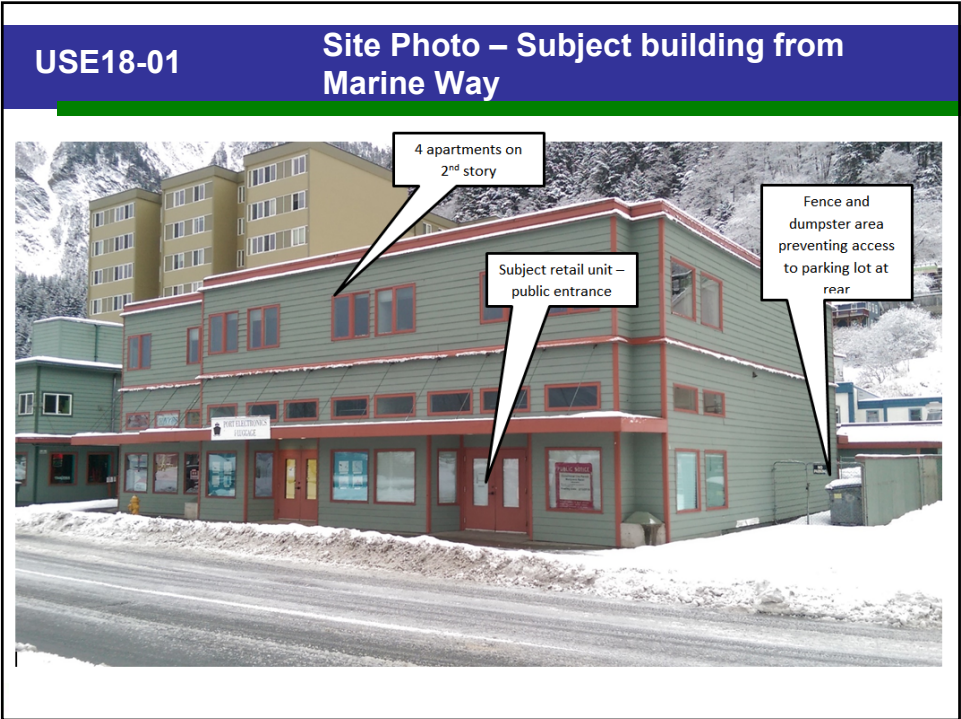
Project Proposal

- The applicant requests a Conditional Use Permit for the development of a marijuana retail establishment in downtown Juneau in a Mixed Use zoning district.
- Subject building already exists

USE18-01	Conditional Use Permit purpose
<i>49.15.330 Conditional Use Permit</i> <i>(a) 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 of surrounding uses. ...</i>	

USE18-01	Conditional Use Permit purpose
• Conditions may be required as per standard Conditional Use permit procedures • Marijuana Conditional use permits also allow additional conditions: <i>49.65.1245 Marijuana establishment conditional use permits</i> <i>(c) In addition to any conditions imposed under CBJ 49.15.330(g), the commission may impose any conditions necessary to ensure compliance with this chapter or state law or designed to mitigate impacts of the development on surrounding residences.</i>	







USE18-01

Parking (2)

Use	Use parking space requirement	Size of use	Parking spaces required
Retail or office	1 per 300 sf	3,245 sf	10.82
Residential –multifamily (Juneau)	1 per 1 bedroom	3 x 1 bed units	3
Residential - multifamily (Juneau)	1.5 per 2 bedroom	1 x 2 bed unit	1.5
Total			15.32 spaces
After 60% PD 1 reduction		6.13 rounded to 6 spaces	

PD-1 exception (CBJ 49.40.210(d)(1)) states:

'...The requirements shall not apply in the PD-1 parking district except in the case of the expansion of an existing building or the construction of a new building , in which case they maybe reduced by 60%'

USE18-01

Parking (3)



USE18-01	Objection to State license by Southeast Regional Resource Center (SERRC)
• October 2016 – SERCC object to State Marijuana Control Board (MCB) regarding upcoming application at subject location. Copy of letter sent to CBJ • March 2017 – Objection letter sent to CBJ regarding State license application. • September 2017 – State license approved by MCB with delegated status. Delegation is not related to SERRC objection or outcome of the Conditional Use permit	

USE18-01	Areas under which the Planning Commission can deny a permit
<i>CBJ 49.15.330 Conditional use permit</i> ... <i>(f) Commission determinations; standards. Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:</i> <i>(1) Materially endanger the public health or safety;</i> <i>(2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or</i> <i>(3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.</i>	

USE18-01	Property value or Neighborhood harmony
	• Subject building is outside of the Downtown Historic District. The site is located in the core of downtown where diverse uses exist such as bars, restaurants, apartments, retail, and various public services. Operating under the restrictions of the CBJ and State, the proposed marijuana retail use is not expected to decrease property value or negatively affect neighborhood harmony. • The CBJ Assessor has stated that there is no evidence there will be harm to surrounding property values as a result of the proposed retail

USE18-01	Findings (1)
	1. <i>Is the application for the requested conditional use permit complete?</i> Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15. 2. <i>Is the proposed use appropriate according to the Table of Permissible Uses?</i> Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 2.300 for the MU zoning district. 3. <i>Will the proposed development comply with the other requirements of this chapter?</i> Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the March 2, 2018, and March 12, 2018 issues of the Juneau Empire's "Your Municipality" section, and a public hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, public Right of Way.

USE18-01	Findings (1)
	4. Will the proposed development materially endanger the public health or safety? No. With staff's recommended conditions and the subsequent building permit review process the public health and safety will not be materially endangered. 5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area? No. With staff's recommended conditions, the approval of the subject permit will not be out of harmony with property in the neighboring area. 6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans? Yes. he proposal is consistent with the policies and land use designation of the Comprehensive Plan, and the Juneau Economic Development Plan, and complies with the Land Use Code, Title 49. 7. Will the proposed development comply with the Juneau Coastal Management Program? N/A. No elements of the project are affected by the Juneau Coastal Management

USE18-01	Staff Recommendation (1)
	•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 and operation of a marijuana retail business in downtown Juneau for a period of 5 years from the date of approval. •The approval is subject to the following conditions:

USE18-01	Staff Recommendation (2)
	•1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD a state of Alaska license that permits the use of marijuana retail at the subject site that matches subject plans and operations described in the subject Conditional Use permit. •2. Prior to issuing a CBJ marijuana license the applicant shall demonstrate that all windows are equipped with a security alarm to ensure all building openings are secure. •3. Prior to issuance of a CBJ marijuana license, a lock shall be installed on the bathroom that ensures employees only.

USE18-01	Staff Recommendation
	4. Prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevent marijuana products being visible by the general public from the right-of-way. 5. Prior to issuance of a Marijuana License the parking lot shall be stripped and signed according to a parking plan submitted with the required building permit and as approved by the Community Development Department. 6. The applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.

USE18-01	Staff Recommendation
	7. Direct access from the required ADA space to the public retail space entrances, around the perimeter of building, shall be provided during business opening hours.

USE18-01	Staff Recommendation
	•Prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevent marijuana products being visible by the general public from the right-of-way. •Prior to issuance of a Marijuana License the parking lot shall be stripped and signed according to a parking plan submitted with the required building permit and as approved by the Community Development Department. •The applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.

USE18-01	Staff 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 and operation of a marijuana retail business in downtown Juneau for a period of 5 years from the date of approval. •The approval is subject to the following conditions:	

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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: March 15, 2018
Case No.: USE2018 0001

Elizabeth Romanoski
2375 Jordan Avenue, # 10
Juneau, AK 99801

Proposal: A Conditional Use Permit for a marijuana retail store
Property Address: 263 Marine Way
Legal Description: Tidelands Addition, Block 82, Lot 3B
Parcel Code No.: 1-C07-0-K82-002-2
Hearing Date: March 13, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 2, 2018 and **APPROVED** the development and operation of a marijuana retail business in downtown Juneau for a period of 5 years from the date of approval to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD a state of Alaska license that permits the use of marijuana retail at the subject site that matches subject plans and operations described in the subject Conditional Use permit.
2. Prior to issuing a CBJ marijuana license the applicant shall demonstrate that all windows are equipped with a security alarm to ensure all building openings are secure.
3. Prior to issuance of a CBJ marijuana license, a lock shall be installed on the bathroom that ensures access by employees only.
4. Prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevent marijuana products being visible by the general public from the right-of-way.

Ken Williamson
Case No.: USE2018 0001
March 15, 2018
Page 2 of 2

5. Prior to issuance of a CBJ marijuana License, a parking plan shall be submitted and implemented with the required building permit and as approved by the Community Development Department.
6. The applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.

Attachments: March 2, 2018 memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2018 0001.

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.

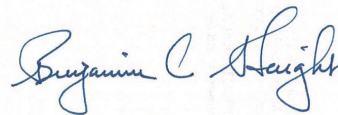
Expiration Date: The permit will expire 18 months after the effective date, or September 13, 2019, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized, or a CBJ marijuana license has not been issued. Application for permit extension must be submitted thirty days prior to the expiration date.

This permit must be reviewed by the CBJ Planning Commission every 5 years to remain valid. This must next be reviewed by March 13, 2023.

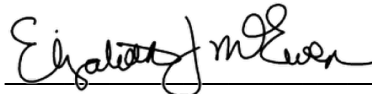
Project Planner:



Tim Felstead, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

3/15/2018

Date

cc: Plan Review

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



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

DATE: March 2, 2018
TO: Planning Commission
FROM: Amy Liu, Planner
Community Development Department
CASE NO.: USE2017 0030
PROPOSAL: A Conditional Use Permit to establish a Bed-and-Breakfast in a Single Family Residence

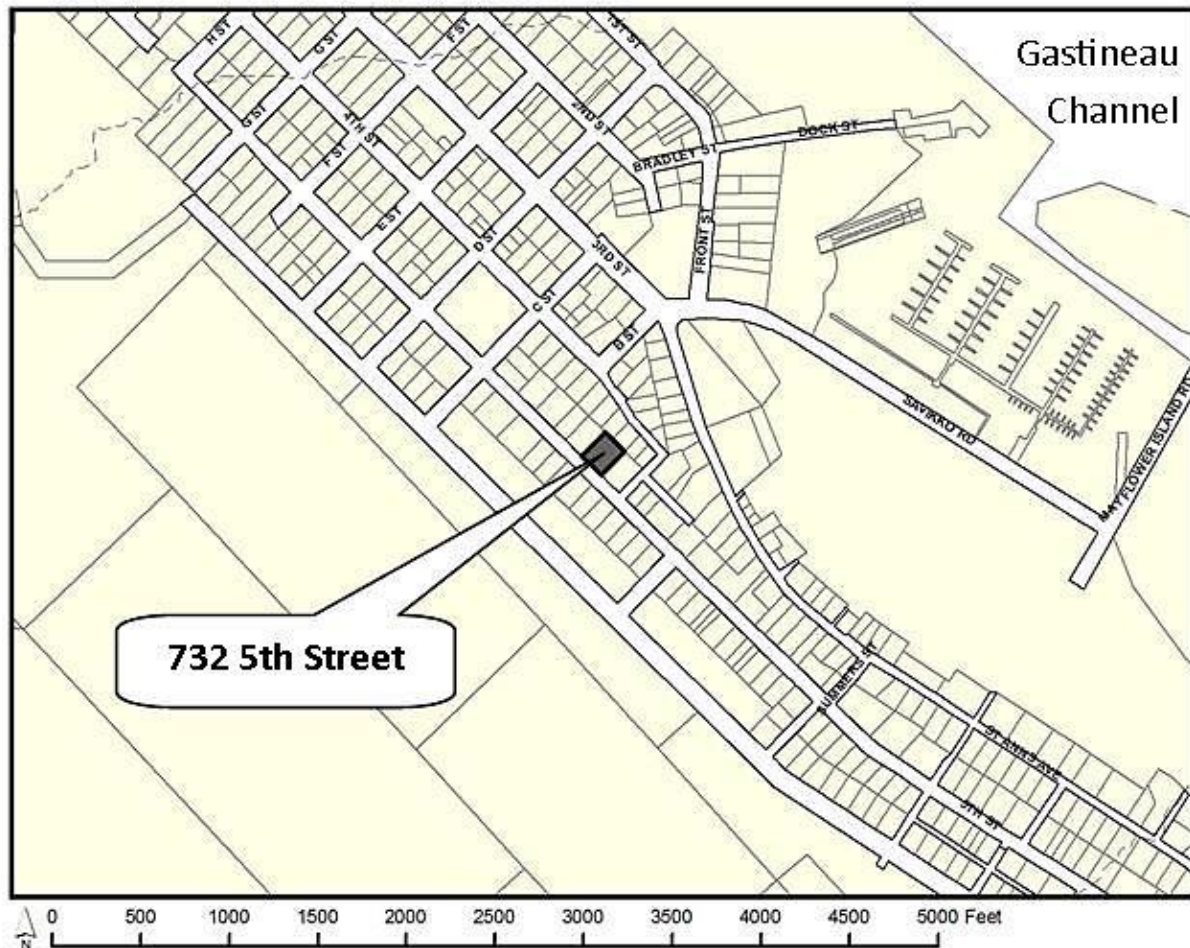
A handwritten signature in black ink, appearing to read 'Amy Liu', is positioned to the right of the 'FROM:' field.

GENERAL INFORMATION

Applicant: Jamie Isaak & John Isaak Jr.
Property Owner: Jamie Isaak & John Isaak Jr.
Property Address: 732 5th Street
Legal Description: Tract B, Block 31, Douglas Townsite
Parcel Code Number: 2D040T310090
Site Size: 8,000 square feet
Comprehensive Plan Future Land Use Designation: Urban Low Density Residential
Zoning: D5
Utilities: Public
Access: 5th Street
Existing Land Use: Residential
Surrounding Land Use: Northeast - D5, residential
Northwest - D5, residential
Southeast - D5, residential
Southwest - D5, residential

Planning Commission
Case No.: USE 2017 0030
March 2, 2018
Page 2 of 7

VICINITY MAP



ATTACHMENTS

Attachment A: Application
Attachment B: Public Comment
Attachment C: Public Notice
Attachment D: Assessor's Comment

PROJECT DESCRIPTION

The applicant seeks a Conditional Use Permit to operate a three bedroom bed-and-breakfast in an existing single family home. The applicant plans to live upstairs year-round. Three bedrooms downstairs would be available for rent year-round. The applicant anticipates peak bed-and-breakfast type business May through September. The applicant will make the rooms available for rent to temporary and seasonal workers during other months.

Planning Commission
Case No.: USE 2017 0030
March 2, 2018
Page 3 of 7

BACKGROUND

According to the assessor's data base, the home was constructed in 1973. The lot was platted in 2014. It is zoned D5. An accessory apartment was permitted on the site with Permit 2015-0714.

PUBLIC COMMENT

Multiple residents within 500 feet of the applicant's property have expressed in writing their support for the proposed bed-and-breakfast. One resident voiced support of the bed-and-breakfast but also concern for the increased possibility of loud noises associated with parties. Staff informed the resident that the applicants intend to live onsite to manage the bed-and-breakfast. The resident was satisfied by this aspect of the proposal (Attachment B).

ANALYSIS

The Table of Permissible Uses categorizes a bed-and-breakfast and a boarding house as the same use. While the applicant has described two different types of rental activities in the application, Title 49 considers and treats them the same.

CBJ 49.25.300.1.600 Miscellaneous rooms for rent situations, 1.610 Rooming, boarding houses, bed-and-breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site.

CBJ 49.80.120 Bed-and-breakfast means a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site. The term "bed-and-breakfast" includes boardinghouses and rooming houses.

CBJ 49.80.120 Boardinghouse and rooming house mean a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site. The term "boardinghouse and rooming house" includes houses offering bed-and-breakfast.

Therefore according to the Table of Permissible Uses, bed-and-breakfasts are allowed in a D5 zoning district with an approved Conditional Use Permit.

Project Site

The subject lot is accessed by 5th Street. The single story, single family home includes a basement and an attached garage. The structure conforms to the zoning district's setback and height requirements. The lot conforms to the zoning district's lot coverage and vegetative cover requirements. No changes are planned for the structure and lot. There is no sidewalk. Abutting

Planning Commission
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properties are single family homes. Downtown Douglas is approximately 700 feet in walking distance from the site.

Project Design

The proposed bed-and-breakfast will use 1,196 square feet of existing space in the basement. This space will be accessed through a private exterior entrance with a key code lock. The bed-and-breakfast will consist of three bedrooms, one shared common area, full laundry facilities, one full bathroom, and one wet bar. The wet bar was established through Building Permit 2017-0682 and is comprised of cabinets, countertops, a sink, and a refrigerator. The bed-and-breakfast will not have a full kitchen.

A portion of the basement directly beneath the garage is rented as an accessory apartment and has its own private entrance. The accessory apartment will remain and will not be included in the operation of the bed-and-breakfast (Attachment A).

Traffic

The bed-and-breakfast is in a residential neighborhood with most traffic consisting of residents driving to and from home. CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 average trips in a day. According to the 9th Edition of the ITE Trip Generation Manual, a single-family home is estimated to generate 10 average daily trips (ADT), and a single apartment will generate 6.59 ADT. The Manual does not include estimates for bed-and-breakfasts. However, staff estimates that the three bedroom bed-and-breakfast will generate approximately 2.25 ADT. The combined total is 18.84 ADT. A traffic impact analysis is not required.

Parking and Circulation

CBJ 49.40.210 –Table of Minimum Parking Standards requires two spaces per single family dwelling, one per accessory apartment, and one space per two bedrooms in a bed-and-breakfast/boarding house/SRO with shared facilities. This equates to 1.5 spaces. Per code, this value is rounded to two. A total of 5 parking spaces are required for the single family home, accessory apartment and the requested three bedroom bed-and-breakfast.

The applicant has provided a parking plan showing the area that will be dedicated to five parking spaces. The attached garage may store up to one vehicle. The driveway is able to hold two vehicles. The front yard allows for two vehicles, which will have enough space to be parallel parked without encroaching into the travel way. CBJ 49.40.230(b)(7) prohibits back out parking onto a right of way (Attachment A).

The vegetative cover requirement will be met via the backyard lawn and shrubbery, regardless of front yard parking. Snow storage will continue to be on the lot.

Planning Commission
Case No.: USE 2017 0030
March 2, 2018
Page 5 of 7

Noise

Noise generated by guests is anticipated to be minimal. Vegetative buffers at the northeast, northwest, and southeast sides of the lot will mitigate noise disturbance. Property owners will live upstairs and directly manage the rental space. There is no evidence to suggest that the rental of three bedrooms as a bed-and-breakfast would create noise that would disturb the neighboring property owners. Noise is not expected to be more than other uses allowed in the district.

Public Health or Safety

The structure meets zoning requirements for height and setbacks and will meet all applicable building standards. Fire vehicle access to the property will be on 5th Street. The owners will live on site. There is no evidence to suggest that the proposed operation would endanger public health or safety.

Property Value and Neighborhood Harmony

Property value and neighborhood harmony will not be adversely affected by the proposed bed-and-breakfast. Vegetative buffers and onsite management of the bed-and-breakfast will minimize noise. A downward shade will diminish glare from the light above the outside entrance. Additionally, the CBJ Assessor has affirmed that the bed-and-breakfast will not have a negative impact to property values as long as parking is provided (Attachment D).

Conformity with Adopted Plans

The project is consistent with the CBJ 2013 Comprehensive Plan's assessment of tourism. The Plan describes tourism as "the largest private sector industry in Juneau... requiring partnerships and collaboration between tour operators, suppliers, retailers, service providers, and residents in order to thrive." Furthermore, the document states,

Policy 5.4 IT IS THE POLICY OF THE CBJ TO ENCOURAGE TOURISM, CONVENTION AND OTHER VISITOR-RELATED SERVICES, WHILE PROTECTING JUNEAU'S NATURAL, CULTURAL AND ECONOMIC ATTRACTIONS FOR LOCAL RESIDENTS AND VISITORS ALIKE, AND TO PARTICIPATE IN THE ACCOMMODATION OF THE FUTURE GROWTH OF TOURISM IN A MANNER THAT ADDRESSES BOTH COMMUNITY AND INDUSTRY CONCERNS.

A small, locally owned and operated bed-and-breakfast is an example of a mutually beneficial relationship between the community and the tourism industry.

Planning Commission
Case No.: USE 2017 0030
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FINDINGS

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

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

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

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

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

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

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

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.610 for the D5 zoning district.

Planning Commission
Case No.: USE 2017 0030
March 2, 2018
Page 7 of 7

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the March 2, 2018, and March 12, 2018, issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right of way.

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

No. Based on the preceding staff analysis, no evidence is found to indicate that the proposed use 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?*

No. Based on the preceding staff analysis, no evidence is found to indicate that the proposed use of 732 5th Street as a three bedroom bed-and-breakfast will substantially decrease the value of or be out of harmony with property in the neighboring area.

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

Yes. Based on the preceding staff analysis, it is found that the proposed development is in general conformity with the Comprehensive Plan of the City and Borough of Juneau.

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

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

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a three bedroom bed-and-breakfast in a single family residence located in the D5 zoning district.



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 732 5th Street, Douglas, AK 99824		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) DOUGLAS TOWNSITE BL 31 TR B		
	Parcel Number(s) 2D040T310090		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Jaime Isaak and John Isaak Jr	Contact Person Jaime Isaak	Phone Number(s) 907-209-7564
	Mailing Address PO Box 240275, Douglas, AK 99824		
	E-mail Address jaime.isaak@alaska.gov		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits <i>Tim - 209-3755</i>		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <i>Jaime Isaak</i> Landowner/Lessee Signature		<i>12-19-17</i> Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant Same	Contact Person	Phone Number(s)	
Mailing Address			
E-mail Address			
X _____ Applicant's Signature		_____ Date of Application	

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Attachment A: Application

Intake Initials <i>AL</i>
Case Number <i>USE 17-30</i>
Date Received <i>01/23/18</i>



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

PROJECT SUMMARY

Use of three bedrooms in single family dwelling as single room occupancy with shared facilities.

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: 1.810

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____

☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 8000 square feet Total Area of Existing Structure(s) 3153 square feet

Total Area of Proposed Structure(s) 3153 square feet

EXTERNAL LIGHTING

Existing to remain

☐ No

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

Proposed

☐ No

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

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

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

If this is a modification or extension include:

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

☒ Plans including:

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number

Date Received

USE-2017-0030

12/29/17

Attachment A: Application

To be completed by Applicant

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>USE 2017003</u>	Date Received <u>12/29/17</u>
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TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)

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

Please list the Table of Permissible Uses Category: 1610

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

Installing AN AIR BNB downstairs in our residence

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES – Case # _____

CURRENT USE OF LAND OR BUILDING(S): Residential

PROPOSED USE OF LAND OR BUILDING(S): AIR BNB

UTILITIES PROPOSED:

WATER: ☒ Public ☐ On Site **SEWER:** ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 8,000 square feet Total Area of Existing Structure(s) _____ square feet
 Total Area of Proposed Structure(s) N/A square feet

EXTERNAL LIGHTING:

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

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☐ Site Plan
☐ Floor Plan of proposed buildings
☐ Elevation view of existing and proposed buildings
☐ Proposed Vegetative Cover

☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation
☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)

ALLOWABLE/CONDITIONAL USE FEES	Check No.	Receipt	Date
Application Fees \$ <u>350</u>			
Admin. of Guarantee \$ _____			
Adjustment \$ _____			
Pub. Not. Sign Fee \$ <u>80</u>			
Pub. Not. Sign Deposit \$ <u>100</u>			
Total Fee \$ <u>500</u>			

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

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

INFORMATION	Project Description <u>AIR BNB IN THE DOWNSTAIRS OF OUR HOUSE. MOVING ELECTRICAL + PLUMBING</u>		
	PROPERTY LOCATION		
	Street Address <u>732 5th Street</u>	City/Zip <u>DOUGLAS AK 99824</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>TRACT B3 LOTS 14, 15+16 BLOCK 31 DOUGLAS TOWNSITE</u>		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>Jaime M. Isaak John Isaak</u>	Contact Person: <u>Jaime Isaak</u>	Work Phone: <u>465-4371</u>
	Mailing Address <u>P.O. BOX 240275 Douglas Ak. 99824</u>	Home Phone:	Fax Number:
	E-mail Address <u>jaimeisaak@hotmail.com</u>	Other Contact Phone Number(s): <u>CELL 907-207-7564</u>	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X		<u>John F. Isaak Jr.</u> Landowner/Lessee Signature	<u>11-14-17</u> Date
X		_____ Landowner/Lessee Signature	_____ Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name <u>SAME</u>		Contact Person:	
Mailing Address		Home Phone:	
E-mail Address		Other Contact Phone Number(s):	
X		_____ Applicant's Signature	_____ Date of Application

OFFICE USE ONLY BELOW THIS LINE

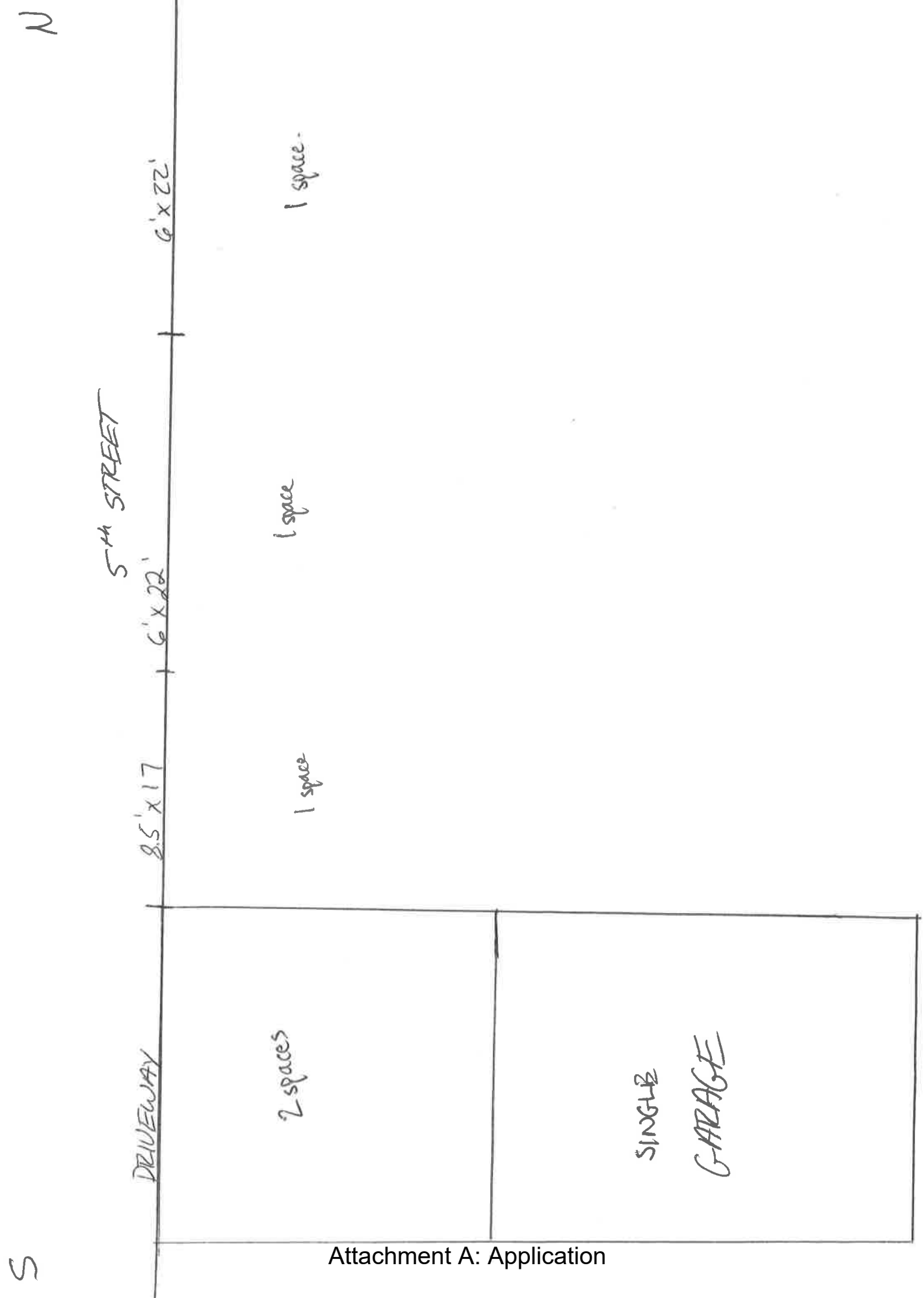
STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If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

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

I:\FORMS\2010 Applications

Attachment A: Application

Revised November 2009



October 13, 2017

Rob Steedle
155 S. Seward St.
Juneau, AK 99801

I am writing in regard to John and Jaime Isaak's, (732 5th St., Douglas), request to have an AIRBNB in their home.

My husband and I have no issue with such an enterprise located in the neighborhood.

My contact information is (907) 957-1137, or email wefish@gci.net if you have any questions.

Thank you,



Heidi Carlson

December 21, 2017

To Whom It May Concern:

As a resident on 5th Street in Douglas, and a close neighbor of John and Jaime Isaak, I have no issues with the lower portion of their home being used as an airbnb.

Sincerely,



Richard Bielefeld
811 5th Street

December 21, 2017

To Whom It May Concern:

As a resident on 5th Street in Douglas, and a close neighbor of John and Jaime Isaak, I have no issues with the lower portion of their home being used as an airbnb.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Koerperich', with a stylized flourish at the end.

Robert Koerperich
705 5th Street

Subject: RE: Proposed Air B&B Isaak Family
From: Rob Steedle (Rob.Steedle@juneau.org)
To: teratee@yahoo.com; jaimeisaak@hotmail.com;
Date: Saturday, October 14, 2017 1:56 PM

Thank you for your message, it will be part of the public comment record.

From: tera thompson [mailto:teratee@yahoo.com]
Sent: Friday, October 13, 2017 1:00 PM
To: Rob Steedle; jaimeisaak@hotmail.com
Subject: Proposed Air B&B Isaak Family

October 13, 2017

Rob Steedle
155 S. Seward St.
Juneau, AK 99801

My neighbors John and Jaime Isaac are considering using a portion of their home at 732 5th St. Douglas AK for Air B&B.

I have no objection to this enterprise and wish them success.

I reside several houses away at 804 5th St. and may be contacted at (907) 723-7251.

Thank You,

Tera Sanders

Attachment A: Application

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that were not already identified in the attached reports.

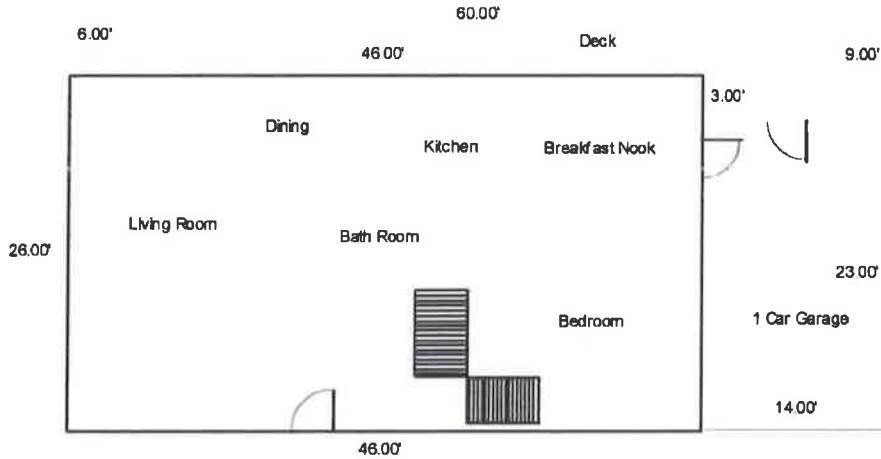
The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

1. Zoning – Zoned D5. Proposal would be Use 1.610. This requires a Conditional Use permit in D5 zoning districts. There is already a single family dwelling with an accessory apartment on the lot. A third kitchen would not be allowed as this would then mean it is a 2nd single family dwelling. A sink etc would be allowed (e.g. wet bar) but a stove would mean there is a third kitchen. This lot is too small for a 2nd single family dwelling. CDD may require a deed restriction on the property to make it clear that the permitted space is not to be treated as a legal single family dwelling. Single room occupancies with shared facilities do not count towards density – the assumption is they share one kitchen for the dwelling unit. **Describe mention the lack of kitchen and use of wet bar in the narrative.**
2. Setbacks – The proposal uses the existing building space. **Mention this in the narrative.**
3. Height – The proposal would use existing building.
4. Parking – There is a requirement for three spaces at the moment (2 for single family dwelling and 1 for the accessory apartment). These can be accommodated at the moment. The additional parking requirement for a single room occupancy with shared facilities is for two spaces (1 space per two bedrooms means 0.5 X 3 bedrooms = 1.5 spaces. Land Use Code says to round to the nearest whole number so 2 spaces). **Provide parking plan that shows how the two additional spaces will not use back out parking.** Parallel parking is fine for the two additional spaces required for the shared rooms. Back put parking will be allowed for the accessory apartment and house spaces. The garage counts as one space and a second car can sit in front of the garage in the driveway. Parallel spaces should be 6 x 22ft in size. Other spaces should be 8.5 x 17 ft in size.
5. Landscaping – Site must have 20% of lot landscaped. It appears that this is met at the moment. **Confirm if this is the case in the narrative.**
6. Lighting – The lighting above the door way should not shed light onto the neighbors property. **Comment on how light will be shielded from the neighbors.**
7. Building – No requirement for fire doors on connecting stairwell with main house. Door choice is up to owners. Building permit required for the plumbing work and change of use inspection. The building permit can be submitted and reviewed in parallel with the Conditional Use permit application but cannot be approved until the Conditional Use permit approved.
8. Fire District – No issues. Standard smoke detector and egress window requirements would apply.
9. Engineering – NA
10. Noise – Comment on previous use of space as part of single family dwelling.
11. Drainage – N/A
12. Utilities – (water, power, sewer, etc.). Additional fixtures would have to be reviewed. The existing utility sink will be relocated. **Make sure you mention this in the narrative.** *Permit just approved for interior work TSP 12/29/17*
13. Wetlands – N/A
14. Habitat – (Eagle, Riparian, etc.) –
15. Hazard/Mass Wasting/Avalanche/Hillside Endorsement – N/A
16. Flood – N/A

Henricksen Appraisal Company
SKETCH ADDENDUM

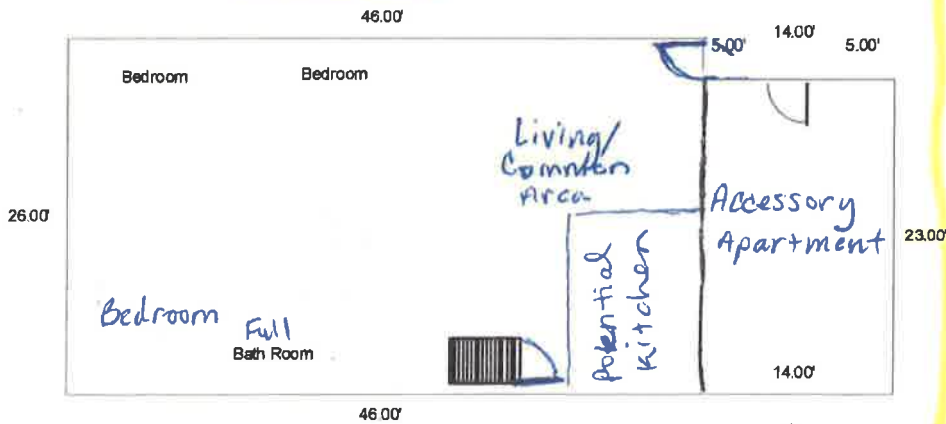
File No. 5988
111-1432565-703

Borrower	Isaak, Jaime & John					
Property Address	732 5th Street					
City	Douglas (*)	County	Juneau Borough	State	AK	Zip Code 99824
Lender/Client	Residential Mortgage		Address 8800 Glacier Hwy, STE 232, Juneau, Alaska 99801			



Upper Level

Lower Level



The area shown above is delineated as Basement on Page 1
but is adjusted in the Sales Comparison Grid as GLA

The area above is shown
as basement on the
Sales Comparison grid
and Page 1

To Whom It May Concern:

We would like to use 1,196 square feet of existing space in the downstairs portion of our home, to operate an Airbnb. This space consists of three bedrooms, a shared living area, one full bathroom, full laundry facilities, and a wet bar, as well as its own outside entrance with a key code lock.

The wet bar will consist of cabinets, countertops, a sink and a refrigerator. We have also installed a privacy door between our living quarters and theirs, at the bottom of our interior stairs.

There is sufficient parking for five vehicles on our lot, as indicated in the sketch provided; as well as vegetation throughout, which exceeds the minimum requirement.

We anticipate that we will see a majority of our business throughout the summer months from May through September, with the exception of some community events that are held during other times of the year, which may also boost business for us.

We have provided a floor plan, parking plan, the required applications, this narrative, and signed letters from four of our close neighbors, within 500 feet of our home, in support of our plan.

Please let me know if there is anything else you'd like for us to provide, as we'd like to get this moving as soon as possible, so that we may start taking summer reservations in this competitive market.

Thank you for your Consideration.

Sincerely,

Jaime Isaak

(907) 209-7564



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

Use of three bedrooms in single family dwelling as single room occupancy with shared facilities

Case Number: PAC 20170048
 Project Description:
 Applicant: **Jamie Isaak**
 Property Owner: **Jamie Isaak**
 Property Address: 732 5th Street Douglas
 Parcel Code Number: 2D040T310090
 Site Size: 8000 SQ. FT
 Zoning: D5
 Existing Land Use: Single family dwelling with accessory apartment

Conference Date: 9/27/17

Report Issued: (Date)

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
John Isaak	Applicant	
Jamie Isaak	Applicant	jamieisaak@hotmail.com
Eddie Quinto	Permit Specialist	Edward.quinto@juneau.org
John Young	Plan Reviewer	John.young@juneau.org
Tim Felstead	Planner	Tim.felstead@juneau.org

Eddie
I don't have
a file of it
looks like never
went too because
Assum is no folder
these is no folder
case in the T
drive. TW

USE 2017 0030 bed and breakfast on Douglas

Window Help

2019 1/23/2018

JAMIE ISAAC JOHN ISAAC JR PO BOX 240275 DOUGLAS AK 99824 (Name na_id:4409)

JAMIE ISAAC Since Aug 2009 (Owner:4409) 732 5TH ST Current Zoning: D5

Approval Application # USE20170030 (pm 1/23/2018) Case Status: Received

DOUGLAS TOWNSITE BL 31 TR B Parcel Code # 200401310090 (p_id:2918)

(1) Permit Center Activities

USE Permit

Step	Activity	Date Started	Completed On	Status	Reference #	Used
(100) Application Received	Application Received	12/29/2017	12/29/2017	Yes	3150	Kyle
(110) Public Notice Sign Lease	Public Notice Sign Lease Completed	12/29/2017	12/29/2017	Yes	5520	Kyle
(120) Public Notice Sign Fee	Assess Public Notice Sign Fee	12/29/2017	12/29/2017	Yes	5500	Kyle
(130) Public Notice Sign Deposit	Assess Public Notice Sign Deposit	12/29/2017	12/29/2017	Yes	5510	Kyle
(140) Collect Fees	Collect Fees	12/29/2017	12/29/2017	Yes	2300	Kyle
(200) Application Complete?	Application Complete?	12/29/2017	12/29/2017	Yes	3270	Kyle
(300) Assign Planner	Assign Planner	12/29/2017			3110	Kyle
(500) Additional Info Required?	Additional Info Required?				3240	
(600) Sent for External Agency Review	Sent for External Agency Review				3450	
(700)	Internal Review - Planning				3950	
(700)	Internal Review - Docks and Harbors				3960	
(700)	Internal Review - General Engineering				4050	
(700)	Internal Review - Building Official				4100	
(700)	Internal Review - Fire Department				4190	
(700)	Internal Review - Parks and Recreation				4220	
(700)	Internal Review - Pw Streets				4290	
(700)	Internal Review - Pw Waste				4330	
(700)	Internal Review - Pw Waste Water				4380	
(700)	Internal Review - Pw Capital Transit				4400	
(700)	Internal Review - Airport				4420	
(700)	Internal Review - Lands				4440	
(700)	Internal Review - Law				4460	
(700)	Internal Review - Emergency Programs				4480	
(700)	Internal Review - Police Department				4490	

Comments

Multimedia Link Code

Private Remove

Complete Browse

Save E2R

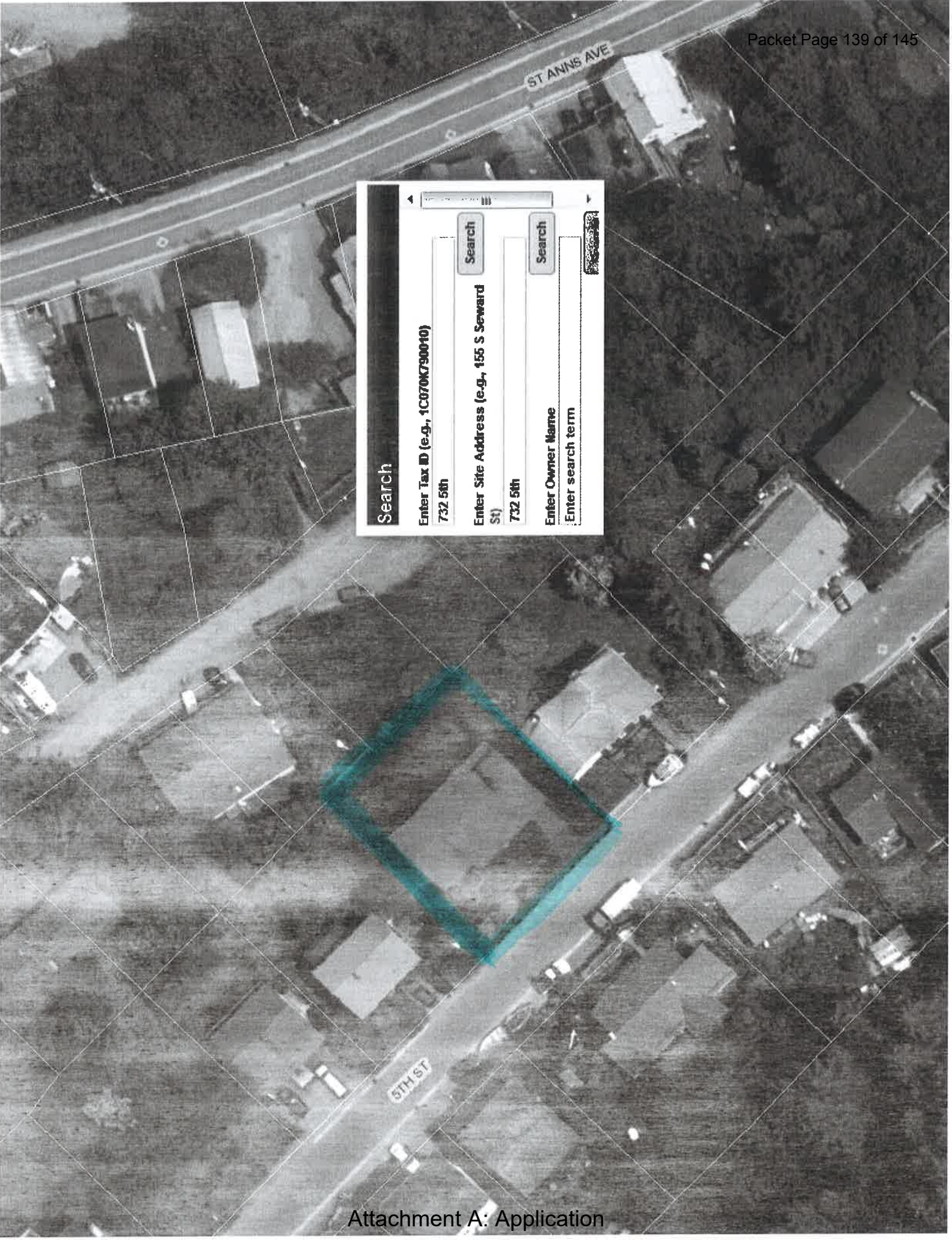
Editing Existing Record (1/13)

JAMIE ISAAC

907-209-7564

would like to know if
public hearing is
scheduled and when
can she pick up the
sign?

Attachment A: Application



Search

Enter Tax ID (e.g., 1C070K790010)
732 5th

Search

Enter Site Address (e.g., 155 S Seward St)
732 5th

Search

Enter Owner Name
Enter search term

Search

Subject: FW: Bed and Breakfast Douglas

From: Carol Coyle [<mailto:treadwellhouse@gmail.com>]

Sent: Tuesday, February 20, 2018 10:27 AM

To: PC_Comments

Subject: re: Bed and Breakfast Douglas

Hello - I am a neighbor of the proposed b&b at 732 5th St in Douglas. I will be unable attend the public hearing as I must be away for a medical procedure in Seattle that day.

I am in support of mom and pop businesses in Douglas. I would look forward to interacting with visitors out walking in our park and beach as I am assuming the impact in terms of numbers of people would be self-limiting. I think another positive impact would be that the house will continue to be well maintained and attractive to our neighborhood. Also these visitors would be likely to use our restaurants in Douglas and help to keep them in business.

My only concern is the large back deck on the house which overlooks Saint Ann's. I am worried about party-type noise. I own a home below and to the south of the proposed bed and breakfast. On non-rainy days I really enjoy using my deck and yard. Some acoustic noise from conversations is unavoidable. My expectation is that they will not be permitted to blast music out into the neighborhood. From my conversations with the planner on this case, that does not appear likely as the owners will continue to reside in the home.

As long as deck noise is taken into consideration, I welcome a small bed and breakfast to our neighborhood.

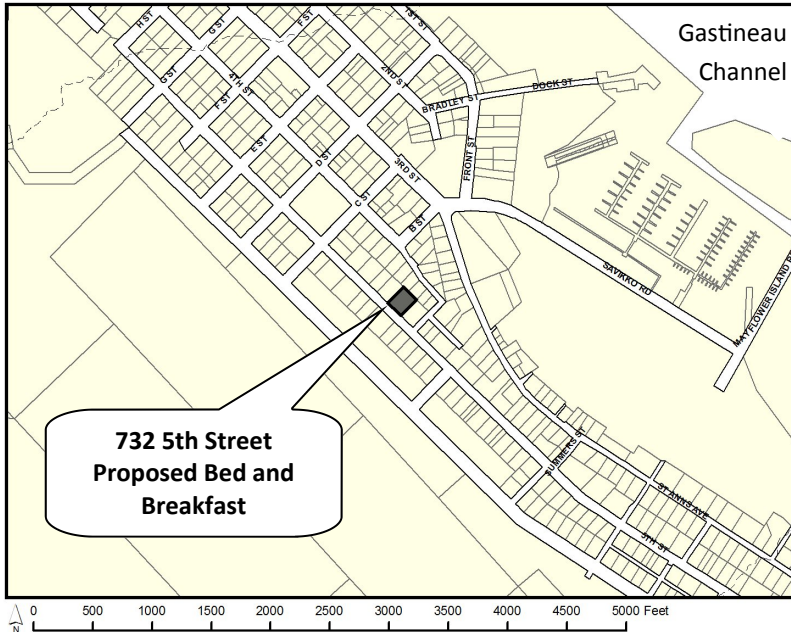
Carol Coyle, 715 St Anns Ave, Douglas, Alaska

--

What if the mightiest word is love? - Elizabeth Alexander

Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** to establish a **Bed and Breakfast** in a single-family residence located on **732 5th Street, Douglas** in a **D5 zone**.

TIMELINE

Staff Report expected to be posted March 5th at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through Feb 19, 2018

Your comments to the Planner, **Amy Liu**, will be included in the staff report.

February 20 through 12 noon, March 9

Your comments will be sent to Commissioners to read along with the staff report in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, March 13, 2018

You may testify at the hearing in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

March 14

The results of the hearing will be posted online.

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

Attachment C: Public Notice

Case No.: USE2017 0030
Parcel No.: 2D040T310090
CBJ Parcel Viewer: <http://epv.juneau.org>
Date notice was printed: February 12, 2018

From: Robin Potter
Sent: Monday, February 12, 2018 12:53 PM
To: Amy Liu
Subject: RE: Comments on Proposed Bed and Breakfast, USE2017030

Amy,

I took a look at this proposal and found nothing of concern regarding the bed and breakfast application. As long as there is parking and the neighbors have no objections, neither do I.

Thanks,
Robin

Robin Potter ACAA III

Assessor, Finance Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
907.586.0333

http://www.juneau.org/financeftp/assessor_main.php



From: Amy Liu
Sent: Monday, February 12, 2018 12:25 PM
To: Robin Potter
Subject: Comments on Proposed Bed and Breakfast, USE2017030

Robin,

The application for a three bedroom bed and breakfast at 732 5th Street in Douglas is attached for your review. The narrative is on page 17.

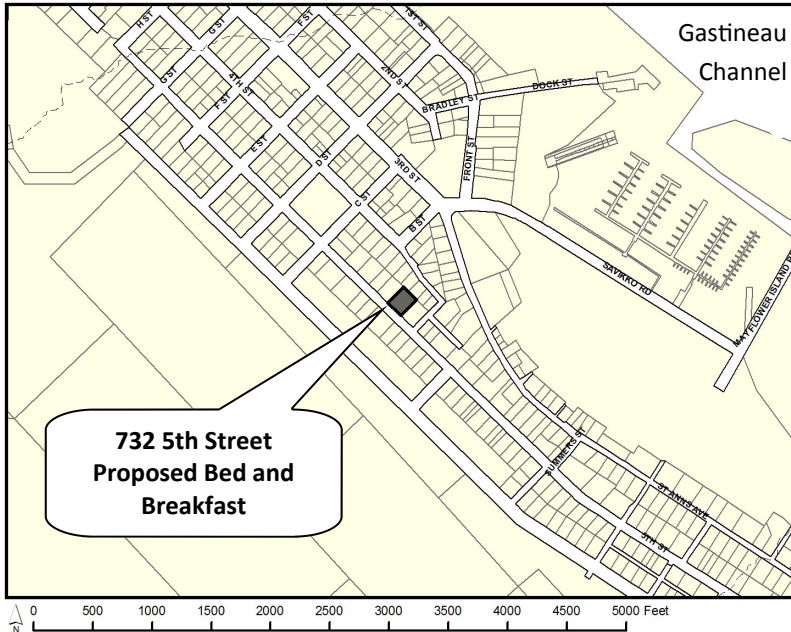
This was given to me for expedited processing, so please share any comments before this Friday if possible. Let me know if you have questions.

Thanks!

Amy Liu, Planner
(907) 586-0764
155 S. Seward St. Juneau, AK 99801

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

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Case No.: USE2017 0030
Parcel No.: 2D040T310090
CBJ Parcel Viewer: <http://epv.juneau.org>
Date notice was printed: February 12, 2018



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: March 15, 2018
Case No.: USE2017 0030

Jaime Issak
PO Box 240275
Douglas, AK 99824

Proposal: A Conditional Use Permit to establish a Bed-and-Breakfast in a Single Family Residence

Property Address: 732 5th Street

Legal Description: Tract B, Block 31, Douglas Townsite

Parcel Code No.: 2-D04-0-T31-009-0

Hearing Date: March 13, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 2, 2018, and approved the establishment of a bed-and-breakfast according to the project description and project drawings submitted with the application.

Attachments: March 2, 2018 memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding USE2017 0030.

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).

Jamie Isaak
Case No.: USE2017 0030
March 15, 2018
Page 2 of 2

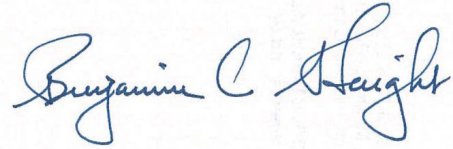
Effective Date: The permit is effective upon approval by the Commission, March 13, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or September 13, 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.

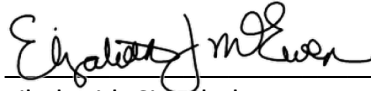
Project Planner:



Amy Liu, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

3/15/2018

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.